2304. By Mr. ROY G. FITZGERALD: Petition of the Holy Name Society of Miamisburg, representing 500 American citizens, protesting against unjust expulsion from Mexico of Archbishop Caruana, an American citizen, and asking immediate and thorough investigation; to the Committee on Foreign Affairs.

2305. By Mr. O'CONNELL of New York: Petition of the International Longshoremen's Association of Buffalo, N. Y., favoring the passage of House bill 12063, which provides compensation for employees injured and dependents of employees killed in certain maritime employments; to the Committee on the Judiciary.

2306. Also, petition of the Association of National Advertisers (Inc.) of New York, favoring the provisions for a reduction in the postal rates; to the Committee on the Post Office and Post Roads.

2307. By Mr. RANSLEY: Memorial adopted by the Philadelphia Board of Trade, protesting against the enactment as law of House bill 11618, to establish a Federal farm advisory council, and for other purposes; to the Committee on Agriculture.

2308. Also, a preamble and resolution adopted by the Philadelphia Board of Trade, favoring the enactment of Senate bill 1883, for the establishment of a national police bureau, and for other purposes; to the Committee on the Judiciary.

2309. By Mr. SINCLAIR: Petition of Mr. Charles Bicek and nine others, of Ross, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

SENATE

FRIDAY, *May 28, 1926*

(Legislative day of Wednesday, May 26, 1926)

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

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Ernst	Keyes	Robinson, Ark.
Bayard	Fernald	King	Robinson, Ind.
Bingham	Ferris	La Follette	Sackett
Blease	Fess	McKellar	Schall
Borah	Frazier	McLean	Sheppard
Bratton	George	McMaster	Shipstead
Broussard	Gerry	McNary	Simmons
Bruce	Gillett	Mayfield	Smoot
Butler	Glass	Means	Stanfield
Cameron	Goff	Metcalf	Steck
Capper	Gooding	Norbeck	Stephens
Caraway	Hale	Norris	Swanson
Couzens	Harreld	Oddie	Trammell
Cummins	Harris	Overman	Tyson
Curtis	Heflin	Phipps	Underwood
Deneen	Johnson	Pine	Wadsworth
Dill	Jones, N. Mex.	Pittman	Warren
Edge	Jones, Wash.	Ransdell	Williams
Edwards	Kendrick	Reed, Pa.	Willis

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

ELISHA K. HENSON

Mr. WARREN. Mr. President, I am compelled in a few moments to leave the Chamber for the day. I desire to call up a short bill, which I think will lead to no debate. I ask unanimous consent to take up for present consideration Calendar No. 891, Senate bill 2302, for the relief of Elisha K. Henson.

The VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. Just a moment, Mr. President. The Senate ought to be afforded an opportunity to ascertain what the bill is. If required to do so, I shall object until that opportunity is given.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

A bill (S. 2302) for the relief of Elisha K. Henson

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 $2,479.67 to Elisha K. Henson, first lieutenant, Quartermaster Corps, United States Army, in reimbursement for losses sustained by him on account of payment for labor and materials incidental to the alteration of Government buildings at Fitzsimons General Hospital, Denver, Colo., in the year 1924.

Mr. WARREN. May I say that the money involved was expended without further advertising on the finishing up of two buildings for the quartering of officers and troops at Denver during the war or following it. The Quartermaster General stated that Henson by his action saved $9,200 of expenditure, but in auditing the accounts, of course, the reimbursement was held up.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to 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, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. UPSHAW were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. UPSHAW were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 9387) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

H. R. 2237. An act for the relief of Leslie Warnick Brennan;

H. R. 3837. An act authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

H. R. 3842. An act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease;

H. R. 8186. An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor;

H. R. 8513. An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson in the county of Allegheny, Pa.;

H. R. 9558. An act to provide for allotting in severalty agricultural lands within the Northern Cheyenne Indian Reservation in Montana, and for other purposes;

H. R. 9724. An act 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;

H. R. 10089. An act granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington;

H. R. 11084. An act to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters;

H. R. 11607. An act granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River, at or near the town of Coushatta, in the parish of Red River, in the State of Louisiana; and

H. R. 11841. An act to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

Mr. TYSON presented the following resolutions, which were referred to the Committee on Military Affairs and ordered to be printed in the RECORD:

Resolution adopted by the national executive committee of the American Legion in regular session at Indianapolis, Ind., May 13, 1926

Whereas the Tyson and Fitzgerald bills for the retirement of the disabled emergency Army officers have been favorably reported by the

Senate and House committees which considered them and are now on the calendars of the Senate and the House awaiting action on the part of the leaders to bring them up for consideration; and

Whereas of the nine classes of officers who fought in the World War the disabled emergency Army officers constitute the only class discriminated against by the Congress, that body having enacted legislation providing retirement for the other eight classes of officers; and

Whereas the American Legion has held seven national conventions in addition to the St. Louis caucus of 1919, and at each of these seven conventions and at the St. Louis caucus adopted resolutions calling upon Congress to enact this retirement legislation so that the existing discrimination might be ended; and

Whereas an attempt was made last October at the Omaha convention to divide the legion on this question, and after full and free discussion on the floor of the convention the 1,000 delegates voted overwhelmingly to continue the legion's fight for the disabled emergency Army officers; and

Whereas in spite of this affirmative action, opponents of the measure are erroneously stating that the legion is divided on the question: Now, therefore, be it

Resolved, That the national executive committee of the American Legion hereby takes this means of informing the Members of the Senate and House of Representatives that the legion is not divided in its continued advocacy of this measure; that the legion believes that Congress should enact this just legislation; and that such action will not discriminate against the enlisted men, but, on the contrary, will rectify the discrimination now existing against the emergency Army officers. These disabled officers received their wounds and mutilations fighting in the open for their country. We call upon the opponents of this measure to follow the example set them by these gallant officers and conduct their fight against the bill out in the open upon the floor of the House and Senate. We grant the opponents their right to oppose and speak against this legislation, but we do not concede them the right to prevent the Congress from voting upon the bill, which they have now done for six years. The American Legion believes in fair play, and we regard as unfair the continued efforts to defeat this measure through parliamentary procedure; and be it further

Resolved, That copies of this resolution be immediately forwarded to the President of the Senate, the Speaker of the House, the chairmen of the steering committees of the Senate and the House, and to the chairman of the Rules Committee of the House, who are officially informed in this manner that the American Legion desires the enactment of the Tyson and Fitzgerald bills by the Congress prior to the adjournment of the present session.

REPORTS OF COMMITTEES

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11118) to authorize the widening of Harvard Street in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 959) thereon.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (S. 863) providing that the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army or Navy whose death results from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917, reported it without amendment and submitted a report (No. 960) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army, reported it without amendment and submitted a report (No. 961) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3099) to cede certain lands in the State of Oregon, including Diamond Lake, to the State of Oregon for fish cultural purposes, and for other purposes, reported it without amendment and submitted a report (No. 962) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 108. An act for the relief of the Commercial Union Assurance Co. (Ltd.); the Automobile Insurance Co., of Hartford, Conn.; American & Foreign Insurance Co.; Queen Insurance Co. of America; Fireman's Fund Insurance Co.; St. Paul Fire & Marine Insurance Co.; and the United States Merchants & Shippers Insurance Co.;

S. 511. An act for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon;*

S. 554. An act for the relief of Frank Grygla;

S. 588. An act for the relief of A. T. Whitworth;

S. 726. An act for the relief of Hilbert Edison and Ralph R. Walton;

S. 1208. An act providing reimbursement to J. M. LaCalle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914;

S. 1223. An act for the relief of J. L. Flynn;

S. 1224. An act for the relief of John P. McLaughlin;

S. 1361. An act for the relief of the Maryland Casualty Co.; the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Fidelity & Deposit Co., of Maryland;

S. 1415. An act authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., and Sarah A. Murray, his wife, of De Funiak Springs, Fla., the title to lots 820, 821, and 822, in the town of De Funiak Springs, Fla., according to the map of Lake De Funiak drawn by W. J. Vankirk;

S. 1651. An act for the relief of the widow and minor children of Ed Estes, deceased;

S. 1792. An act for the relief of William Alexander; Frank M. Clark; George V. Welch; Grant W. Newton; William T. Hughes; Lucy V. Nelson; Frank A. Gummer; Charles E. Mulliken; Leo M. Rusk; Fred Falkenburg; Meary E. Kelly; William C. Hall; Rufus L. Stewart; Hugo H. Ahlff; Paul J. Linster; Ruida Daniel; Faye F. Mitchell; Dollie Miller; Alfred Anderson; Gustavus M. Rhoden; Marie L. Dumbauld; estate of Fred Moody, deceased;

S. 1920. An act for the relief of the devisees of William Rusch, deceased;

S. 2533. An act for the relief of R. P. Rueth, of Chamita, N. Mex.;

S. 2674. An act for the relief of Kate T. Riley;

S. 2702. An act to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation;

S. 2898. An act for the relief of all owners of cargo laden aboard the steamship *Oconee;*

S. 3077. An act for the relief of John T. Wilson;

S. 3330. An act for the relief of Thomas G. Peyton;

S. 3555. An act for the relief of the Rochester Merchandise Co.;

S. 3879. An act for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased;

S. 3880. An act for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased; and

S. 3997. An act to amend section 301 of the World War veterans' act, 1924.

BILLS INTRODUCED

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

By Mr. PINE:

A bill (S. 4366) granting a pension to Virginia McMaster (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4367) to pay for human blood for transfusion purposes; to the Committee on Appropriations.

By Mr. PITTMAN:

A bill (S. 4368) for the relief of U. R. Webb; to the Committee on Naval Affairs.

By Mr. BRATTON:

A bill (S. 4369) granting a pension to John Mack; and

A bill (S. 4370) granting an increase of pension to Martha Kortz (with accompanying papers); to the Committee on Pensions.

HOUSE BILL REFERRED

The bill (H. R. 9387) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park was read twice by its title and referred to the Committee on Public Lands and Surveys.

LANDS IN ROCKY MOUNTAIN NATIONAL PARK

Mr. PHIPPS submitted an amendment intended to be proposed by him to 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., which was ordered to lie on the table and to be printed.

SENATOR FROM NEW MEXICO—EXPENSES OF MR. BRATTON

Mr. ERNST submitted the following resolution (S. Res. 234), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay to Hon. SAM G. BRATTON the sum of $5,000 out of the appropriation for expenses of inquiries and investigations, fiscal year

1926, in full settlement of all expenses incurred, including attorneys' fees, in defending his right and title to the office of Senator from the State of New Mexico resulting from the election held in said State November 4, 1924.

COST OF PRODUCING ONIONS

Mr. GOODING submitted the following resolution (S. Res. 235), which was ordered to lie on the table:

Whereas the large, rapidly increasing importations of onions have resulted in a decline in the prices of onions in many portions of the United States, so that now these prices are at times below the cost of production: Therefore be it

Resolved, That the United States Tariff Commission is hereby requested to investigate, under the provisions of section 315 of the tariff act of 1922, the cost of production of onions in the United States and the principal competing foreign countries, and to report its findings to the President of the United States.

EXCHANGE OF LANDS IN NEW MEXICO

Mr. JONES of New Mexico. I ask unanimous consent to submit a conference report on the disagreeing votes of the two Houses on House bill 4007 and ask for its immediate consideration. I may state that the House concurred in the amendment that was put on the bill by the Senate.

Mr. KING. What is the bill?

Mr. JONES of New Mexico. It provides for the exchange of lands in New Mexico.

Mr. NORBECK. I reserve the right to object. I do not object if it is something that will go through without any discussion.

Mr. JONES of New Mexico. There will be no discussion, I am sure.

The report was read, considered, and agreed to 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. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

ROBT. N. STANFIELD,
REED SMOOT,
A. A. JONES,
Managers on the part of the Senate.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN MORROW,
Managers on the part of the House.

UNITED STATES MILITARY ACADEMY

Mr. CAMERON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: At the end of the Senate amendment, strike out the period, insert a colon and the following: "*Provided*, That one-half shall be appointed from among the sons of officers and one-half from among the sons of warrant officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps"; and the Senate agree to the same.

RALPH H. CAMERON,
FREDERICK HALE,
DANIEL F. STECK,
Managers on the part of the Senate.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. Does the report represent a full agreement?

Mr. CAMERON. A full agreement.

Mr. ROBINSON of Arkansas. What does it allow?

Mr. CAMERON. It allows 40 additional cadets for appointment to West Point.

Mr. CARAWAY. Ten every year for four years.

Mr. CAMERON. For four years; 10 every year.

Mr. CARAWAY. And they must be sons of men who lost their lives in the war.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS

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. 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

He also laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORBECK. The action of the House refers to two of the three omnibus pension bills that were passed by the Senate last night. I move that the Senate insist on its amendments to the two bills, accede 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. NORBECK, Mr. FERNALD, and Mr. WHEELER conferees on the part of the Senate.

MATERNITY AND INFANCY ACT (S. DOC. 120)

Mr. SHEPPARD. Mr. President, I have here a number of letters and extracts from letters commending the maternity act from mothers receiving its benefits, from physicians and others observing its operations. I have assorted and classified the more typical of these letters and extracts and believe they will be helpful to the Senate in reaching a decision on the question of extending the maternity act. I shall not ask that they be printed in the RECORD, but that they be published as a Senate document.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Without objection, it is so ordered.

Mr. SHEPPARD. I desire to add that in many instances I have not given the signatures of the writers on account of the intimate personal nature of the subject. I want to take this opportunity to express the earnest hope that we may reach a vote on the maternity bill at an early date.

MIGRATORY BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of 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.

Mr. CURTIS. Mr. President, I desire to submit a unanimous-consent request. I ask unanimous consent that debate be limited on the unfinished business as to each Senator to 30 minutes on the bill and 10 minutes on amendments.

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

Mr. BLEASE. Mr. President, the Senator from Washington [Mr. DILL] informed me that he had to be absent from the Chamber for about 30 minutes, and I wish the Senator from Kansas would not present the request until he returns.

Mr. CURTIS. Very well; I will withhold the request and renew it after the Senator from Washington returns to the Chamber.

Mr. PHIPPS. Mr. President, I believe the question pending is the amendment of the committee to section 9, to which I have offered an amendment. I desire to perfect my amendment to the amendment by changing the age provided for from 18 years to 15 years.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado as modified to the amendment of the committee.

Mr. TRAMMELL. Mr. President, I desire to ask the Senator from Colorado if the proposed age limit conforms, generally speaking, to the laws of the different States? Has the Senator looked into the question as to whether or not there is an inhibition in most of the States against shooting licenses being issued to boys under 15 years of age?

Mr. PHIPPS. I have not definitely been informed as to the laws in all the 48 States. I do know that licenses are not required for youths under 18 years of age in some States, and to this exception in the Federal law, with which alone we are now dealing, I think there should be no objection. It does seem to me that a license should not be required of persons under 15 years of age.

Mr. TRAMMELL. Under the bill, if we adopt the Senator's amendment and it shall be enacted into law, will youths under 15 years of age be permitted to hunt during the open season?

Mr. PHIPPS. In the open season. They can not hunt during the closed season, of course.

Mr. TRAMMELL. I was under the impression that the bill provides that no one could hunt for migratory birds without a license.

Mr. PHIPPS. That is correct.

Mr. TRAMMELL. If that is true, and we adopt an amendment of this character, a boy 15 years of age who is hunting and who happens to kill a migratory bird would be subjected to a penalty because he had no permit, and yet the bill would not authorize him to obtain a permit. In other words, it would be a total inhibition against hunting by boys under 15 years of age.

Mr. PHIPPS. Oh, no; I think the Senator misunderstands the purpose of the amendment. Under the provisions of the bill no one may hunt migratory birds during the open season without the Federal license provided for in the bill. My amendment proposes that no one except persons under 15 years of age may shoot without a license, so that those under 15 years of age would not be required to have a Federal hunting license.

Mr. SMOOT. Mr. President——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to a question.

Mr. PHIPPS. The Senator from Utah rose first. I will yield to him and then I shall be glad to yield to the Senator from Arkansas.

Mr. SMOOT. In some States licenses are prohibited to be issued to any person under the age of 16. They are not only not permissible, but are absolutely prohibited. If the Senator's amendment were agreed to, I think it would be taken as allowing persons under 15 years of age to hunt migratory birds. Will not there be a conflict between the laws of the States prohibiting the licensing of persons under 15 years of age, and the provisions of the bill virtually giving a person under that age the right to hunt for migratory birds without a license? It seems to me there would be a serious conflict there.

Mr. PHIPPS. As I stated, I am not fully informed with reference to the regulations in all the 48 States. The statement of the Senator may be correct, but I do not know of any State where persons under 15 years of age are prohibited from shooting in the open season in any event. I think the amendment is a proper one, and I ask for a vote on it.

Mr. ROBINSON of Arkansas. Mr. President, yesterday the Senator from Colorado [Mr. PHIPPS] offered an amendment providing that licenses shall not be required of any person under 18 years of age. The merits of the amendment were discussed at some length in the Senate. He now proposes to reduce the age limit to 15 years.

Some objections have been urged to certain features of the bill which apparently have merit underlying them. It would be easy to load the bill down with amendments which would justify the friends of the bill in rejecting it on its final passage. This, in my judgment, is an amendment of that character. There is no justification for making any discrimination if a Federal license is to be imposed for hunting migratory birds during the hunting season. The adoption of an amendment of this character, whatever age limit may be fixed, will embarrass the enforcement of the law and result in the destruction of game.

If the real purpose of the bill is to conserve wild life, this amendment is in serious conflict with that purpose. I said yesterday that there were thousands of boys in the United States under 18 years of age who are expert shots, and it is probably true that the youths of the land take more game than do mature persons. The Senator from Colorado now proposes to reduce the age limit to 15, on the theory, in all probability, that boys of 15 years of age or under will not do considerable hunting and will be afforded an opportunity to engage in the sport of shooting without serious detriment to wild life. Endless confusion will result if the amendment shall be adopted; disputes of fact will arise over the age of boys, and controversies will ensue that will result in breaking down the enforcement of the law.

For that matter, there is no basis, in my opinion, in sound reason, for the adoption of the amendment. There is a question which may be urged very forcefully as to whether the Federal Government should impose a Federal license for shooting; that question may be argued on either side with considerable force; but there is no reason for giving to one class a right which is denied to another class. The Senator from Colorado manifestly has forgotten the experiences of his youth. Manifestly he is out of touch with the trend of the times and the habits of boys; manifestly he does not grasp the significance of this amendment. Boys of 15 years of age are further advanced now in many respects, and particularly in those that pertain to outdoor sports, than were boys of the age of 19 and 20 at the time when the Senator from Colorado and I grew up.

Mr. PHIPPS. That was a long time ago.

Mr. ROBINSON of Arkansas. It was a long, long time ago. I will lay a wager with the Senator from Colorado that his boy is a better shot at 15 years of age than is the Senator from Colorado at 75. [Laughter.]

Mr. PHIPPS. I do not take one-sided bets. I know I should lose.

Mr. ROBINSON of Arkansas. Mr. President, the friends of this bill ought not to embarrass it with amendments of this nature. I hope that the amendment will be rejected. If the bill is to become a law, it ought not to carry an invitation such as is implied in the proposal of the Senator from Colorado. Upon what theory does the Senator from Colorado proceed? Upon the theory that the boy 15 years old will not cause any destruction of game; that he will not be a successful hunter; that he has some peculiar right to the enjoyment of sport which can not be claimed by others? Inevitably if this amendment shall be agreed to, it will prevent the accomplishment of the purpose underlying the bill—the conservation of wild life. I hope the Senator's amendment as modified will be rejected.

Mr. PHIPPS. Mr. President, I do not care to repeat what I said yesterday in explaining the amendment. I will say, however, that I am anticipating a great deal of pleasure in taking my two younger sons, one now 11 and the other about 14 years of age, with me to teach them the proper use of the gun and its care.

Mr. ROBINSON of Arkansas. But when the Senator goes out he will find that his sons are taking him and not he taking them.

Mr. PHIPPS. That will probably be correct. However, just one word further with reference to the statement made by the Senator from Utah [Mr. SMOOT]. I should say that the State regulations prohibiting the issuance of a State license to anyone under 16 years of age would take care of this matter, because even under a Federal license held by a boy under 16 years of age, in a State where a prohibition is imposed up to that age limit, the youth would not be permitted to shoot.

Mr. President, I do not intend to ask for a yea-and-nay vote on the amendment to the amendment, but I should be glad to have a division on it.

The question being put, on a division Mr. PHIPPS's amendment to the committee amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. MCKELLAR. Mr. President, may we not have the committee amendment stated?

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

The CHIEF CLERK. On page 6, after line 11, it is proposed to insert a new section, as follows:

SEC. 9. That, except as hereinafter provided, no person shall take any wild ducks, geese, brant, swans, rails, coots, gallinules, curlews, black-bellied or golden plovers, snipe, willet, greater or lesser yellowlegs, mourning doves, band-tailed pigeons, or other migratory game birds, except woodcock (or nest or egg thereof), included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, the taking of which is now or may hereafter be permitted by the Secretary of Agriculture pursuant to the migratory bird treaty act, nor shall any person take for scientific or propagating purposes any migratory bird mentioned in said convention, or nest or egg thereof, unless and until he

has a license issued as provided by this act, and then may take any such migratory bird, or nest or egg thereof, only in accordance with regulations adopted and approved pursuant to such migratory bird treaty act (act of July 3, 1918, 40 Stat. L. p. 755); such license, however, shall not be required of any person or any member of his immediate family resident with him to take in accordance with such regulations any such migratory bird on any land owned or leased by such person and occupied by him as his place of permanent abode, nor shall such license be required of any employee of the Federal Government or of any State to take in accordance with such regulations any migratory birds which have become seriously injurious to agricultural or other interests, and nothing in this act shall be construed to exempt any person from complying with the game laws of the several States.

Mr. KING. Mr. President, I invite the attention of the friends of this bill to the provision found in lines 9, 10, 11, 12, and 13 on page 7. I do not know that there can be serious objection to it, yet it seems to me that the provision is rather ambiguous and allows to Federal employees an advantage which would be denied to the owners of the ground upon which the birds which are injurious to crops might be feeding. The clause to which I refer reads:

Nor shall such license be required of any employee of the Federal Government or of any State to take in accordance with such regulations any migratory birds which have become seriously injurious to agricultural or other interests.

The subject was briefly referred to by one of the Senators the other day and the question was suggested how it would be determined and who was to determine the question whether migratory birds would seriously injure agricultural crops. The question also was suggested, Was it right to permit Federal employees to do the shooting instead of private individuals? Might not Federal employees take advantage of the authority given them and determine that birds were injurious to agriculture merely for the purpose of exercising the right to shoot? I should be very glad to obtain the views of those who have considered that question. I have no set views upon the matter, but it occurred to me in the light of the discussion the other day that there might be some defect in this provision which ought to be remedied.

Mr. PHIPPS. Mr. President, I wish to say to the Senator that one purpose of the clause to which he has referred is to make it unnecessary for game wardens, whether Federal or State employees, who are engaged in the work of helping to preserve game life to obtain a Federal license.

As to the question of the occasion arriving when it is necessary or proper for Federal or State officials to kill birds which are damaging the crops, we have had in my State, I know—and I believe the statement will apply to Utah—several such cases. I referred yesterday to the English pheasant, known as the Mongolian or ring-necked pheasant, becoming destructive to crops to the extent that permission has been given to shoot them. There was a case in Colorado in the last year when, after the close of the open season, it was reported that ducks in great numbers had settled down upon the pea fields of the San Luis Valley, and the statement was made that the farmers there were being damaged and permission was requested to shoot the ducks. The matter was even brought to our attention in Washington, and the State and Federal authorities agreed that shooting might be permitted in order to prevent the destruction of the crops. So permission was granted.

I do not think that any serious trouble may be anticipated in connection with the provision, and I believe it is a proper one to be carried in the bill.

Mr. CARAWAY. Mr. President, will the Senator yield to me for a moment?

Mr. PHIPPS. Yes.

Mr. CARAWAY. The question of the Senator from Utah was, Why should Federal employees be permitted to hunt without licenses when the birds are declared to be harmful to agricultural crops while other people are not permitted to hunt without a license? It will be observed that the clause referred to is in connection with another provision in the bill which says that no man shall be required to have a license to hunt on his own land or land which he has under lease and on which he actually resides. Therefore the question of the Senator answers itself, it appears to me, because whenever the regulation shall declare that certain birds are harmful to agriculture then every man will have a right to hunt them on his own land whether he has a license or not, just as the employees of the States and Federal Government will have a right to hunt them without a license wherever they are found when they are declared to be harmful. So any man, whenever such birds are declared to be harmful, will be permitted to hunt them on his own land whether he buys a license or not.

Mr. PHIPPS. I do not desire to hold the floor. I was simply attempting to answer the Senator from Utah.

Mr. KING. There is one other question that I had in my mind which the Senator from Arkansas did not quite touch. That is the discretion permitted somebody—the bill does not state whom—to determine when the birds are injurious to agricultural crops. The point I had in mind was, Who is to determine that? Obviously, a general regulation can not be made that would be applicable to all sections of the United States. Birds might be injurious to agriculture in Utah or in Kansas because of a certain situation arising, and not be injurious in some other parts of the country, so that a general regulation would be impossible; and the point I had in mind was, Who is to determine whether the birds are injurious to agriculture? Where is that discretion to be lodged? How is it to be exercised? I suggested the possibility that the Federal employees might take advantage of a situation and declare that a condition had arisen justifying the shooting merely to obtain themselves an opportunity to shoot.

Mr. CARAWAY. Mr. President, will the Senator pardon me?

Mr. KING. Yes.

Mr. CARAWAY. The Federal employees have no power to make regulations. The Secretary of Agriculture must make them. If the people in Kansas or in Utah were to complain that certain birds were becoming destructive to agriculture, that information would be transmitted to the Secretary of Agriculture; and if he thought it correct, then by a regulation he would declare that those birds might be hunted and might be killed without any reference to the general provision against hunting migratory game birds.

Mr. PHIPPS. Mr. President, I will say that the Senator is absolutely correct. That course was resorted to in the instance I speak of last fall, after the close of the open season, and the question was referred here, and permission was given by the Secretary of Agriculture.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator to what birds that action applied?

Mr. PHIPPS. Wild ducks.

Mr. ROBINSON of Arkansas. Destroying rice or other grain?

Mr. PHIPPS. Destroying field peas, known as Mexican peas. That was after all the wheat had been disposed of, but the peas had not all been threshed. They were in shocks in the fields.

Mr. ROBINSON of Arkansas. I have heard that there have been some instances in the rice fields of the South, as well as in the wheat fields in other parts of the country, where ducks have come into the fields in such numbers as to destroy entire crops after they have been harvested.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, in section 12, page 9, line 14, after the word "it," to strike out "such license, however, shall not be required of any person or any member of his immediate family resident with him to take in accordance with such regulations any such migratory bird on any land owned or leased by such person and occupied by him as his place of permanent abode," so as to make the section read:

SEC. 12. That each applicant for a license shall pay $1 therefor, and shall sign his name in ink on the face thereof, and each license shall expire and be void after the 30th day of June next succeeding its issuance. Any person who shall take any such migratory bird or nest or egg thereof shall not only possess such license but shall also have it on his person at the time of such taking, and he shall exhibit such license for inspection to any person who requests to see it.

The amendment was agreed to.

The next amendment was, on page 11, line 4, to strike out:

SEC. 17. That any person, association, partnership, or corporation who shall violate any of the provisions of this act, or who shall violate or fail to comply with any regulation made pursuant thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both.

Any person brought before a competent United States commissioner for a hearing on a complaint charging a violation of this act or of the migratory bird treaty act, or any regulation made pursuant thereto, or of the Lacey Act (secs. 241, 242, 243, and 244 of the Criminal Code, or any amendment thereof), and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not

less than $10 nor more than $500, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force; and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

And to insert:

SEC. 17. That any person, association, partnership, or corporation who shall violate any of the provisions of sections 8, 13, or 14 of this act, or who shall violate or fail to comply with any regulation made pursuant to section 8 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both; and any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of $10 for the first violation and in the sum of $25 for each subsequent violation, to be collected in a civil action in the name of the United States: *Provided, however,* That any person desiring to relieve himself from such action may pay such sum to the Secretary of Agriculture under such regulations as he may prescribe, and said Secretary is authorized to mitigate or remit the liability hereby created, and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden, to be held until said liability is discharged, whereupon it shall be forthwith returned to such person.

Any person brought before a competent United States commissioner for a hearing on a complaint charging a violation of sections 8, 13, or 14 of this act, or any regulation made pursuant to section 8 hereof, or of the migratory bird treaty act, or any regulation made pursuant thereto, or of sections 241, 242, 243, and 244 of the Criminal Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not less than $10 nor more than $500, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

Mr. CARAWAY. Mr. President, I desire to direct the attention of those in charge of the bill to two things in this amendment which I hardly believe they want to do.

In line 17, on page 12, reference is had to sections 8, 13, or 14. Section 8, as you will see if you will turn back to it, is the section that prohibits anybody from taking migratory birds, or the nests, or eggs, and doing a great many other things—in fact, it is the heart of the bill—and the violation of it subjects one to payment of a fine of not less than $10 or more than $500, or imprisonment for not to exceed six months, or both. Then, beginning on line 22, on page 12, there is inflicted upon that person the further penalty of being sued in a Federal court for a forfeiture of not less than $10 nor more than $25.

I am sure it was not the intention to make that provision of the bill apply to violations of section 8 of the bill, because, if so, the intention is to make an offense punishable by fine or imprisonment, or both, and then subject the same person to a civil suit. I feel certain that the remainder of that language is intended to apply to sections 13 or 14 and not to section 8; and I therefore suggest that we strike out the figure "8" where it is referred to in that connection.

Mr. NORBECK. Strike out just the reference to it?

Mr. CARAWAY. Yes, sir; making it read "sections 13 or 14."

I am going to offer that amendment, if the Senator concurs in it—that we strike out the figure "8" after the word "sections" on line 17, page 12.

Mr. NORBECK. I wish to ask the Senator from Arkansas whether there would be any other penalty to protect that section?

Mr. CARAWAY. Oh, yes, sir; the penalties are the fine and imprisonment.

Mr. PHIPPS. Mr. President, I think that language is not intended to be construed as it has been construed by the Senator from Arkansas, because, as I take it, the second form of penalty proposed there is to apply to other provisions of the bill than sections 8, 13, and 14. I say that because after the semicolon on line 22, following the word "both," it says:

and any person who shall violate or fail to comply with any other provision of this act—

And so forth; that is, any provision other than those contained in sections 8, 13, and 14, as I read it.

Mr. CARAWAY. I understand; but the violation of any provision of section 8 is punishable by fine or imprisonment, or both; and then you say, in addition to that, that you are going to sue this man in the Federal court and collect a penalty of not less than $10 nor more than $25, or he may offer a compromise to the Secretary of Agriculture.

Let me pass that, then, for a minute, until the Senator looks at it, because I do not think that is his intention.

On page 13, line 6, after the word "created," I desire to move, and gave notice the other day that I intended to do so, to strike out the provision which permits the summary seizing of the firearm that the citizen is hunting with and holding it until every provision of this act shall be complied with, or until the courts shall determine that he is not guilty. I hardly think you want to add that unnecessarily harsh provision. It will lead to endless irritation if you enforce it. It does not strengthen the bill at all, and leads, at least here on the floor of the Senate, to a feeling that we are unnecessarily authorizing Federal game wardens to interfere with the rights of the citizen. I want to move to strike out that language, commencing after the word "created," on line 6, down to and including the words "such person" on line 11.

Mr. BRUCE. Mr. President, I can not bring my mind to the support of those amendments. It is a common thing for a statute to provide that any physical or mechanical instrument employed in the perpetration of a crime shall be subjected to forfeiture. Nothing is commoner than that. That is a feature of the laws against gambling. The whole paraphernalia of gambling, where a gambling establishment is raided, is usually forfeited. It is true of an automobile employed for the purpose of violating the Volstead Act. That idea of the forfeiture of an offending implement, instrument, or agency used in the commission of crime is one that runs through the whole body of our criminal jurisprudence. So I ask, why should not a gun used in violating the provisions of this proposed legislation be even forfeited?

If the bill followed precedent at all strictly it would provide that where a violator of its provisions was convicted, his title to the gun with which the offense was committed should be forfeited—in other words, should pass from himself to the Commonwealth—but it is noteworthy that the provisions of this bill do not go that far. They do not say that the offending gun shall be forfeited to the State whose law has been violated. They merely say that it shall be held as a pledge for the payment of the fine; that is all.

Why should it not be held as a pledge? In the case of the vagabond hunter, often the pecuniary value of the gun is the only thing on which the commonwealth can rely for the collection of its fine. That might just as well be true of the Federal Government if the Federal Government proceeded to enforce the provisions of this law.

So, personally I can not see why the Senator from Arkansas should feel such peculiar tenderness for an offender under this bill. If a man has broken the law by the illegal use of his gun and is utterly impecunious and irresponsible and therefore unable to respond to the Federal Government in the terms of any pecuniary penalty, why should it not lay its hand on the only security in sight; that is to say, the gun of the offender, and hold it until the pecuniary penalty is paid, and in case the penalty is not paid, sell the gun and collect the amount that is justly due it because of the offense of the owner?

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

Mr. BRUCE. I am through.

Mr. KING. Would the Senator favor a proposition under which, if liquor were manufactured or sold in a house in violation of the law, the Federal Government should forfeit the house of the owner?

Mr. BRUCE. I think that is a case where the penalty would be disproportionate to the offense; but I must say that it does seem to me that in the case of the violation of some of the provisions of the Volstead Act, forfeiture might well be provided for. If that act is to be enforced, all appropriate means for its enforcement should be adopted, and, as I have taken occasion to say so often upon the floor of the Senate, because I am opposed to the Volstead Act is no reason why I should not desire to see its provisions enforced when infringed, for every thinking man has a contempt for any official, high or low, who fails to do his duty in case of violations of the Volstead Act. I forget at this moment to what extent exactly forfeiture may be worked under the provisions of that act, but, as the Senator knows, its provisions are extremely drastic. Certainly an automobile engaged in the illegal transportation of liquor may be forfeited, and it should be. If the law is to be maintained and upheld, that should be so. I repeat, if some one who is unable to pay the pecuniary fine has used his gun illegally, it might at least be properly held as a pledge by the Government until the pecuniary fine is met.

Mr. KING. Mr. President, forfeitures have always been odious under Anglo-Saxon jurisprudence. I am in favor of the amendment offered by the Senator from Arkansas. Where we have prescribed, as this bill does prescribe, rather severe criminal penalties for shooting out of season or for violating regulations which may be promulgated, it does seem to me that we have gone as far as we should go. Moreover, I think the effort to seize a gun in the hands of a man or boy who may have violated the law would have a tendency to a breach of the peace, and greater harm than good would result from the attempt to enforce that provision.

Of course, there are statutes which provide for forfeitures, but, as I stated a moment ago, they are to me odious.

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

Mr. KING. I yield.

Mr. BRUCE. The Senator would not say that with reference to the paraphernalia seized in a gambling establishment, would he? He knows that criminal laws almost universally provide for the forfeiture of gambling paraphernalia.

Mr. KING. The announcement of an exception is always regarded as strong evidence in support of the rule, and the exception which the Senator has indicated would fortify the position I am taking in contending for a general rule.

Mr. BRUCE. As far as I know, the rule in this case is made up almost exclusively of exceptions.

Mr. KING. The Senator has called attention to vagabond shooters. Of course, we can always find an extreme case to justify an exceedingly harsh law. But laws should not be made for extreme cases; that is to say, the principal purpose of the law ought to be to deal with human nature as we understand human nature, and we should not have in mind always the extreme cases, or those far beyond the average mind.

Mr. BRUCE. Mr. President, may I remind the Senator that none but a vagabond hunter would fail to pay the fine and thus prevent his gun from being held in pledge by the Government.

Mr. KING. That may be.

Mr. BRUCE. It would not apply at all to a man who had enough means with which to pay the pecuniary fine.

Mr. KING. But the idea to me of a marshal or a warden coming along and seizing the gun of a boy or a man who may have violated the law, in many instances unintentionally, is very repugnant.

There is not much more to be said upon this point. We have provided in the bill ample pains and penalties of a criminal character, and it does seem to me that to resort to the seizure of property is wholly unnecessary. I shall support the amendment.

Mr. NORBECK. Mr. President, I desire to accept the amendment offered by the Senator from Arkansas. I see no objection to it whatever.

Mr. BRUCE. Mr. President, I feel that a good deal of respect should be paid to the acceptance by the chairman of a committee of a proposed amendment, and I venture to say that no Member of this body is more in the habit of paying that deference than I; but I hope that in this case each and every individual Senator will exercise his own personal discretion. I say that it can not be contended that there is anything unduly harsh or oppressive in the idea that when some one has violated the provisions of this measure and is utterly impecunious the Government should hold his gun by way of hypothecation, the instrument with which the crime has been perpetrated, until the pecuniary penalty has been paid.

Mr. NORBECK. Mr. President, I recognize the right of the Senator from Maryland to get a vote or a division on this amendment. I am not speaking for him. I realize that there are two sides to the question. For my part, I share the views of the Senator from Arkansas that we can make game laws so harsh as to defeat the very purpose of the laws.

Mr. BRUCE. I am not finding fault with the Senator because he deems it expedient, for the purpose of safely piloting this bill over the shoals of discussion, to accept the amendment; but I say that in my humble judgment it is an unfortunate amendment. If we are to have a law, and are to create criminal offenses under it, and are to undertake to vindicate violations of its provisions, it certainly seems that all means necessary for those purposes should be incorporated in this bill. I think that the author of this bill has shown an uncommon degree of tenderness to offenders under it in his amendments.

As I have said—though I do not wish to repeat myself too much—nobody is going to allow his gun to be held in pawn by the Government except some indigent hunter from whom nothing would ever be recovered by the Government, unless it could recover something by holding his gun, and, if necessary, selling it and applying the proceeds of sale to the amount of the pecuniary penalty.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment as modified.

Mr. CARAWAY. There are two amendments. The first was to strike out the figure "8," on page 12, line 17. I understand that the Senator in charge of the bill agrees that that ought to go out.

Mr. NORBECK. There seems to be a sufficient penalty provided elsewhere, and I agree to that amendment.

Mr. BRUCE. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment, to strike out the figure "8," on line 17, page 12.

The amendment to the amendment was agreed to.

Mr. CARAWAY. I would like now to get a vote on the amendment to which the Senator from South Dakota says he has no objection; that is, striking out the language in line 6, page 13, down to and including the words "such person," on line 11.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. On page 13, line 6, strike out down to and including line 11, as follows:

> and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden to be held until said liability is discharged, whereupon it shall be forthwith returned to such person.

The amendment to the amendment was agreed to.

Mr. KING. Before the section is agreed to I want to call attention to another matter for information before I conclude whether I shall offer an amendment. Commencing on line 22, page 12, it reads:

> Any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of $10 for the first violation and in the sum of $25 for each subsequent violation, to be collected in a civil action.

First, I want to inquire what other provisions of the bill would come under the condemnation of these proceedings; and, second, whether it is deemed wise, where there has been a violation of the provisions of the bill, to make it a civil procedure and even to vest power in the Secretary of Agriculture to remit the fine. It is giving him judicial power, and I question, although I have not given the matter any thought, the advisability of saying to an executive officer, "This man has violated the law and he is subject to a fine of $10 or is subject to civil procedure, but it may be remitted by the Secretary of Agriculture."

Mr. CARAWAY. A violation of certain provisions of the proposed measure, or regulations made in pursuance thereof, is declared to be a crime punishable by fine or imprisonment or both. Then the violations of other provisions of it or any regulation made in pursuance thereof may be punished by a penalty recoverable in a civil suit, but in order to avoid the innumerable and trifling suits that might grow out of it, provision is made that a man may do as he is permitted to do

in the matter of failing to make his income-tax return. He may go in and say, "I have violated this provision," and give his reason for it, and then say, "I offer to pay you so much." If the Secretary of Agriculture thinks he has been sufficiently penalized, he may accept the payment or may remit it altogether.

Mr. KING. What other provisions are there that would come within the language of the section which I just read?

Mr. CARAWAY. Every provision of the measure that one is prohibited from violating would fall under the provision of the bill, except violations of section 8 and the regulations made thereunder.

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

The amendment as amended was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 15, line 14——

Mr. KING. Mr. President, I call attention to page 13. That amendment has not been read.

The PRESIDING OFFICER. That is a part of the committee amendment just agreed to.

Mr. KING. I did not understand that the entire amendment was agreed to.

The PRESIDING OFFICER. It is all a part of the same amendment and has been agreed to.

Mr. KING. However, I would like to have it read first. It has not been read. Then I may want to move to reconsider the vote by which it was agreed to.

The PRESIDING OFFICER. The clerk will read the language referred to by the Senator from Utah.

The Chief Clerk read as follows:

Any person brought before a competent United States commissioner for a hearing on a complaint charging a violation of sections 8, 13, or 14 of this act, or any regulation made pursuant to section 8 hereof, or of the migratory bird treaty act, or any regulation made pursuant thereto, or of sections 241, 242, 243, and 244 of the Criminal Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not less than $10 nor more than $500, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

Mr. KING. Mr. President, the provision just read undoubtedly was framed for the purpose of mitigating some of the severities of the bill and avoiding, if possible, the transporting of alleged violators of the law hundreds of miles from their residence where the alleged offense may have been committed, to some Federal court, there to be indicted and tried. Obviously, those who framed the bill had in mind the great objection which the American people would have to being haled into a court hundred of miles away from their residences for rather a small offense, such as shooting one more bird than some regulation permitted, or perhaps unintentionally violating some rule or regulation or some provision of the statute. Doubtless it is that those who framed the provision felt that it would be rather harsh to drag such a man hundreds of miles away to the place where the Federal court meets and where the grand jury meets, and there have him indicted and tried before a jury of 12 men in a Federal court. I assume that the provision was framed for the purpose of avoiding, if possible, that rather harsh procedure. In so far as it is an attempt to accomplish that result, I am in sympathy with the effort.

But I can not bring my mind to assent to the amendment. It does seem to me that to invest with judicial power a commissioner who is a mere magistrate and who has no judicial power—that is, the power of trying a man or imposing a fine or imprisonment—is rather contrary to our theory of government and certainly not in harmony with the Constitution of the United States.

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

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. KING. Certainly.

Mr. CARAWAY. I would suggest to the Senator that instead of investing the commissioner with judicial power, it gives him exactly the same power which in the preceding part of the amendment we gave to the Secretary of Agriculture in cases where some one had violated some provision of the bill or some regulation made in pursuance thereof. We say he may offer a compromise to the Secretary of Agriculture, and the Secretary may accept it or he may remit the entire penalty. Now, we give to the commissioner the power to permit the man who has been arrested to come in and offer a compromise. We do not use that language, but we say he may pay a sum not less than $10 nor more than $500, and that will acquit him of his violation; that the sum will be paid over to the Federal Government, and he will not be subjected to indictment, trial, conviction, and punishment if the jury should convict him. It is exactly under the same theory, it seems to me, that we permit the man to compromise in the other case.

Mr. KING. The statement made by the Senator from Arkansas corroborates in part the view which I announced a moment ago as to the purpose of the provision. However, I do not think there is a true analogy between the latter part of his statement and the position which I am taking. He argues that because we have already adopted a provision, of which I did not approve, may I say, authorizing a compromise of the matter by the Secretary of Agriculture that this is no different.

As I understand the provision which authorizes the Secretary of Agriculture to institute a civil suit or to compromise a matter, it involves a civil liability and not a criminal liability. In other words, certain acts or omissions referred to hereunder are not denominated crimes. They are considered in the nature of—shall I say contractual obligations? At any rate, they are considered as acts for which a civil liability arises and which may be sued for in a civil suit.

Mr. CARAWAY. Mr. President, will the Senator yield again? I do not like to interrupt the Senator so much.

Mr. KING. I am glad to yield. I am trying to get at the facts.

Mr. CARAWAY. Of course, there is no contractual relation at all between the man who violates the rule or regulation and the Government. It is all founded on tort. We have innumerable examples of it. If a man fails to file his income-tax return within a certain time he may escape penalties by offering a compromise. Why would not this plan be infinitely better? The commissioner is not designated as a judge, and he can not be one, because we would have to create him a court before he could proceed to try an alleged offender. It is not a trial. It does not partake of the nature of a trial. He could not impanel a jury or hear evidence or say the defendant is guilty or innocent. The bill simply provides that if a man comes before him and says, "I did this and I am willing to pay so much and not be prosecuted," then he may accept that compromise, just like the Secretary of Agriculture may accept an offer of compromise. It mitigates the harshness of the bill and keeps from cluttering up the Federal courts with trivial prosecutions. It is much more economical, it is much more tender of the rights of the man who has violated the law. He does not have to accept the proposal. The commissioner can not fine him. The commissioner has no judicial authority. He simply pays so much money to the commissioner, and the commissioner says, "I will turn this over to the court and you need not go there."

Mr. KING. The Senator has stated very strongly all that can be said in favor of the proposed amendment; but conceding all that the Senator said, I confess I do not think it is a good policy. I think it bad policy to denominate an act a crime which subjects the perpetrator to fine and imprisonment and, under the Federal Constitution, to trial in a Federal court, and then to say, "We shall permit a person who has no judicial function, but is a mere magistrate, to say to this man, 'Now, if you will pay $500, we will see that you are not prosecuted. The grand jury will not indict you. We will not present you to the grand jury, and you will not be tried.'" It puts too much power into the hands of wardens to say to a man, "If you will go before the commissioner and plead guilty, we will let you off with whatever he says. We will recommend $1 or $5 or $50 or $100." I think it is a bad precedent. It is playing with the law. There will be a tendency to frighten men who want to fight or who would fight because they do not think they are guilty. It will induce them, because of the expense involved, to say, "All right; I will accept what the commissioner says." I think the effect will be bad; that it will be demoralizing. I think it is a very unwise precedent to establish.

I recall that the matter was considered in the Judiciary Committee a number of years ago—I will not say this matter, but this principle—in connection with the prosecution of individuals for violation of the Volstead Act. The Senator used the expression "cluttering up the Federal courts." We know that throughout our Federal courts they are cluttered up with violations or so-called violations of the Volstead Act. Many of them are little police cases, and some of the judges and lawyers have tried to devise some means by which that situation could be avoided. I sympathize with that proposition. I was foolish enough to attempt to draw a bill, which I introduced in the Senate and had referred to the Judiciary Committee, where it was there considered, containing a provision which sought to give the clerk of the court power to receive pleas of persons charged with a violation of the law, to empanel a jury of six and try the case, with the right, of course, of appeal, just as in some States where the right of trial by a jury is preserved by the State constitution they have provided in police cases that certain misdemeanors shall be tried by the police magistrate but they have always reserved the right of appeal to the district court where the constitutional right of trial by jury is preserved. However, the measure, when taken up by the Judiciary Committee, was frowned upon, because the committee did not feel that we could pass a measure which would take away the power of the court to try and set up another judicial body or a body with quasi judicial functions to pass upon acts which were violations of positive statutes of the Federal Government.

Mr. CARAWAY. Mr. President——

Mr. KING. I yield to my friend from Arkansas.

Mr. CARAWAY. I want to say to the Senator that I introduced a similar bill, but when I investigated the matter I found, what the Senator from Utah found, that we could not empower anyone to exercise any judicial function unless we should create him a court, and when we did that we gave him a lifetime job. So we abandoned it.

Now, to avoid that and to mitigate the harshness of the bill, the only thing that could be done was to permit an offender to pay so much to the commissioner, which was in the nature of an offer of compromise, and the bill compels the Government to accept that offer of compromise. It does mitigate the harshness of the measure.

The PRESIDING OFFICER. The Secretary will state the next amendment.

Mr. KING. Mr. President, I do not want the RECORD to show that the section as amended was agreed to unanimously. I want the RECORD to show that I am opposed to the section even as amended.

Mr. NORBECK. Mr. President, I think the RECORD will show that there was a reconsideration taken on this section; therefore I ask that we vote again on the question of its adoption.

Mr. KING. I said I would make a motion to reconsider, but I did not submit the motion.

The PRESIDING OFFICER. There has been no motion to reconsider made.

Mr. NORBECK. Very well.

The PRESIDING OFFICER. The Secretary will state the next committee amendment.

The next committee amendment was, in section 21, page 15, line 14, after the words "expenditure of," to insert "$5,000," so as to make the section read:

SEC. 21. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $5,000, is hereby authorized to be appropriated out of the migratory bird refuge and marsh land conservation fund. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

Mr. BRUCE. Mr. President, let me ask a question for information of the Senator from Arkansas. I understood that the Senator from Arkansas proposed to add a proviso at the end of section 17.

Mr. CARAWAY. When we get through with the committee amendments I am going, then, to offer the amendments I have in mind.

Mr. BRUCE. I understood the Secretary to have just stated an amendment on page 15.

Mr. CARAWAY. I was merely waiting to offer my amendments until the undisposed-of committee amendments should have been acted upon.

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

Mr. KING. What was the character of the amendment which the clerk has just stated?

Mr. NORBECK. It was merely to supply an omission in the drafting of the original bill. The committee amendment merely proposes to insert the sum stated to make a correction.

Mr. KING. I ask that the amendment may be again stated.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk again stated the amendment.

Mr. KING. Mr. President, I wish to make a brief observation. It seems to me, in view of the fact that this bill provides a very large fund for its administration out of which this $5,000 could be paid or any amount that might be necessary for the administration of the act that the amendment is unnecessary.

Mr. NORBECK. I am unable to answer that, but the Senator from Utah will admit that the provision is harmless. If it is harmless, let us act on it.

Mr. KING. No; it would not be harmless, because it would be $5,000 more which the commission would get in addition to the 40 per cent of the fund realized under the provisions of the bill.

Mr. NORBECK. The commission gets no money except Congress appropriates it. The 40 per cent is merely a limitation.

Mr. KING. I understand.

Mr. NORBECK. The $5,000 is made available so that the commission may start using the money.

Mr. KING. I may move, Mr. President, after we shall have disposed of the other provisions of the bill, to strike this one out.

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

The amendment was agreed to.

Mr. CARAWAY. Mr. President, there are certain amendments which I gave notice the other day I intended to offer. The first amendment I said I intended to offer was to strike out the words "public shooting ground" wherever they appear. For the present, I desire to reserve that amendment, and to offer those amendments about which there will not be any serious contention. I understand the committee amendments have been disposed of.

Mr. NORBECK. Yes.

Mr. CARAWAY. On page 5, line 9, after the word "or" and before the word "disturb," I move to insert the word "knowingly." I do not think it is very material; it simply means that a man must have intended to do what he did or must have had knowledge that he was on a public shooting ground or a bird preserve before he can be found guilty of an offense; otherwise the very doing of the thing would make the one doing it guilty of an offense. A person might walk through a bird sanctuary or a bird preserve or public shooting ground and do something in violation of a rule or regulation without having any knowledge that he was within a reservation at all. I merely desire to have inserted the word "knowingly" so that before one can be found guilty of an offense he must have known what he was doing.

Mr. NORBECK. Mr. President, I have no objection to the amendment.

Mr. BRUCE. Mr. President, I think that would be an unfortunate amendment, and I do not see any necessity for it. It seems to me inconceivable that anyone could destroy any notice or any signboard or any fence or any building or other property of the United States without knowing it.

Mr. CARAWAY. What the Senator has mentioned does not include all of the provision.

Mr. BRUCE. It goes on in this way—

or cut, burn, or destroy any timber, grass, or other natural growth thereon.

I do not see how one could cut any timber or grass or other natural growth without knowing it. I realize that he might start a fire accidentally without realizing that he was starting a fire.

Mr. CARAWAY. I believe if the Senator will think back over his boyhood days he will realize that he might have torn a board off a fence without having any serious intention to do anybody an injustice or to do any wrong, or he might have removed a rail from the top of a fence without a criminal intention. As I have said, I do not think that the proposed amendment is especially material, but it seems to me that we do not want to make the proposed law unnecessarily harsh so as to render it offensive to some of us who want to vote for it. In that view it appears to me that there should be no serious objection to an amendment which merely proposes that a man shall be guilty of an offense only when he intends to commit a violation of the law.

Mr. BRUCE. Mr. President, if the word "knowingly" was shifted from the place where the Senator proposes to insert it,

just before the word "disturb," and placed in front of the words "burn or destroy," it seems to me my objection would be removed, provided the objection is worth talking about. It seems to me, though, that to use the word "knowingly" in the connection where it is proposed to use it would simply lead to a lot of quibbling where an offense had been committed under the act. I must say, however, that it seems to me if the point was ever raised under those provisions the defendant would not be in a position to set up any substantial defense. Suppose a person should destroy any written or printed notice or signboard or fence or building and he was brought before a commissioner charged with that offense, I hardly imagine the commissioner would bother very long over the plea that the offender had not knowingly disturbed, injured, or destroyed a notice, signboard, fence, or building. I imagine the commissioner would say to him, "You must by legal intendment to be taken to have contemplated the natural consequences of your act. How could you have destroyed a notice, signboard, a fence, or a building or other property of the United States without realizing what you were doing?"

Mr. CARAWAY. The Senator must know that is not the purpose of the amendment. It merely proposes to provide that a person charged with a violation of the act must know his act was committed on the property of the United States on a bird preserve. In that event he would know that he was proceeding contrary to the rules and regulations provided in pursuance of this act. That is all that the amendment seeks to cover.

Mr. BRUCE. I shall not enter on the domain of verbal subtlety, but I think the tendency of all the amendments of the Senator from Arkansas, taken as a whole, is to emasculate the bill.

Mr. CARAWAY. Of course, any amendment I offer is wrong; I concede that.

Mr. BRUCE. It is not fair for the Senator to say that.

Mr. CARAWAY. The Senator, without having read all the amendments, denounces them en bloc. However, I withdraw everything I have said about that.

Mr. BRUCE. The Senator will do me the justice to say——

Mr. CARAWAY. I do.

Mr. BRUCE. That he placed a copy of his amendments before me so that I could weigh them and consider them.

Mr. CARAWAY. I had forgotten that. I take it all back.

Mr. BRUCE. I know the Senator had forgotten that. Of course, there are some criminal cases and tortious cases in which the knowledge of what is being done when the offense or the tort is committed is immaterial. The law will not stop and listen to the suggestion that the party did not know what he was doing. I can conceive of circumstances under which a man might destroy a notice, or a signboard, or a fence, or a building, or other property of the United States on one of these preserves and yet be acquitted because under the peculiar circumstances it could be fairly inferred that he did not have any criminal intent, and, of course, intent is essential to a criminal offense. However, Mr. President, I do not care to press those particular objections too strongly, but it seems to me that the amendment suggested by the Senator from Arkansas does tend certainly to render more or less inefficacious the prohibitions against destroying notices and signboards and fences and buildings and the like. If we are going to have an act of this character, do not let us have a milksop act, a mollycoddle act, an act that has no real virility, no real capacity for enforcing itself. Let us have a real, genuine measure that will accomplish the object desired. An offense certainly can not be prevented unless there is a measure of punishment adequate to its gravity. So, as I look at it, with great respect for my friend the Senator from Arkansas, I think that the amendment he has offered is an unfortunate one.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, on page 5, line 12, after the word "thereon," I move to strike out the words "or enter thereon for any purpose, except in accordance with rules and regulations which the Secretary of Agriculture is hereby authorized and directed to make"; in other words, the amendment proposes to strike out down to and including the words "to make" in line 15.

I had understood from those who had the measure in charge that they had no objection to the amendment. Its purpose is simply this: Under the provisions of the bill, as now drafted, if one should walk into a bird sanctuary or paddle his boat on a stream within the boundaries of such a sanctuary, unless he should have acquainted himself with the rules and regulations of the Secretary of Agriculture he might be proceeding in violation of some rule. It is to be hoped that many of these bird refuges and sanctuaries will be places of real interest in which the citizens may take some real pride and that many nature lovers will delight to go into them to see the wild life which has its sanctuary there.

While it is not to be conceived that the Secretary of Agriculture is going to prescribe any unreasonable rules and regulations, yet somebody might, in violation of some rule or regulation, trespass upon the property. It was thought to be a provision that was rather harsh, and really would serve no useful purpose, because it leaves intact that provision of the bill that we were just discussing—that if he shall destroy any of the property, or burn any of the grass, or cut any of the trees, or violate any of the other provisions, if he shall attempt to take any bird or its nest, or in anywise disturb it, he is guilty of an offense. This would make it an offense merely to walk in the grounds if he should do it in violation of some rule or regulation; and, as I understand, the Senators in charge of the measure have no objection to the amendment.

Mr. NORBECK. I am not so certain that I understand this. If I read this section correcty, it means that the law forbids entry on the grounds, but that the Secretary of Agriculture may by regulations permit it.

Mr. CARAWAY. No; there is not any prohibition against one entering the reservation. The provisions above that prevent him from destroying any sign or fence or building, or cutting any grass or wood, or burning any grass or wood, on the reservation—doing certain acts.

Mr. NORBECK. But it also goes on and says "or enter upon."

Mr. CARAWAY. That is what I wanted to strike out—the language forbidding him merely to walk through it, without disturbing anything, without doing any harm, merely for the joy of looking at the natural beauty that may be there.

Mr. NORBECK. I want to say to the Senator that I have no objection to that if we are clear that authority for regulation is given at other places in the bill.

Mr. CARAWAY. Oh, yes, sir; that is true.

Mr. NORBECK. And I want to suggest an amendment to go in at another place, to which I am sure the Senator has no objection. I will exhibit a copy of it to him.

I have no objection to the amendment offered by the Senator from Arkansas.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas.

Mr. BRUCE. Mr. President, I simply desire to register an objection to that, too. If any rover shall be perfectly free to go on one of these preserves at any time that he chooses, and can destroy any notice or any signboard or any fence or any building or other property of the United States thereon, or cut or burn or destroy any timber, grass, or other natural growth thereon, unless he does one of those things knowingly, I should like to ask with what sort of security one of these preserves would be surrounded?

Mr. CARAWAY. Will the Senator pardon me just a minute?

Mr. BRUCE. Yes.

Mr. CARAWAY. I think the Senator and I are in perfect accord. We both would like to give security for the wild life in America, so that it may have some chance to survive with pothunters.

Mr. BRUCE. I agree to that, except that I think the Senator is paying a great deal more regard to the security of the lawless hunter, perhaps, than he is to the security of the game.

Mr. CARAWAY. This has not anything to do with the hunter. The provision that is now under discussion has absolutely nothing to do with hunting wild life or taking or disturbing it at all. It simply does not give the Secretary of Agriculture the power to say that it shall be a crime to paddle your canoe in a lake or to walk through a forest in which wild life has a sanctuary. That is all it does. After a man gets upon the preserve, if he disturbs wild life, if he destroys a sign or a fence or a building, or cuts or burns the grass or timber, or does anything at all that is forbidden by this bill, then he is guilty of an offense under that provision of the bill. It simply does not make him a criminal because he goes into a forest or upon a stream that is within the sanctuary; but he must not do those things that will destroy or disturb the wild life after he gets there; that is all.

Mr. BRUCE. Yes; but these provisions say that he must not enter except in accordance with rules and regulations which the Secretary of Agriculture is authorized and directed to make.

Mr. CARAWAY. Yes, sir.

Mr. BRUCE. We are bound to assume that the Secretary of Agriculture will promulgate reasonable rules and regulations, regulations that would enable the citizen to enter upon one of these preserves for all innocent and lawful purposes whatsoever, and at the same time would be sufficiently restrictive to prevent the citizen, when he does enter upon one of these pre-

serves, from doing the things that it is within the contemplation of this legislation that he shall not do.

Mr. CARAWAY. If the Senator will pardon me, if he does anything that is forbidden by this bill, he will be guilty of violating its provisions, because this is not the provision of the bill that has to do with protecting the nests, the lives, the habits, or the grounds where the birds may congregate. This simply gives the Secretary of Agriculture the power to say that it shall be an offense to walk upon the land. It is inconsistent with that which follows after, which says that he may not make any regulation to keep people from going on there for the purpose of fishing. It is inconsistent with that.

The Senator and I at one time were engaged in a little controversy about the Volstead Act, and the Senator told me——

Mr. BRUCE. I do not believe anybody ever had a little controversy with the Senator from Arkansas.

Mr. CARAWAY. Or with the Senator from Maryland. The Senator told me that you could make a law that was so harsh that public sentiment would not assent to it. You can make this bill bristle with so many inhibitions that the sportsmen of America will resent it, and everybody will feel that you are unnecessarily restricting the right of the citizen, without adding one single thing to the bill that will accomplish its real purpose, which was to preserve wild life. That is all I had in mind.

Mr. BRUCE. The Senator will bear in mind, of course, that at the very beginning of this section, section 8, the bill says:

> That no person shall take any migratory bird, or nest, or egg of such bird on any area of the United States which heretofore has been or which hereafter may be acquired, set apart, or reserved as a migratory-bird refuge.

Mr. CARAWAY. Yes.

Mr. BRUCE. Then it goes on and says that no person—the language is just as general in the first instance as it is in the second—shall disturb, injure, or destroy any notice, signboard, fence, building, and so forth.

Mr. CARAWAY. Yes, of course; and I want to leave all that, so that you can protect every migratory bird that flies under the provisions of this bill, and give the Secretary the right to do anything that anybody wants to do under this bill, but merely to take out of it the power to say that it shall be a crime to wander upon the banks of a stream or to walk through a forest. That is the thing I have sought to remove.

Mr. BRUCE. It does not say that.

Mr. CARAWAY. Yes, it does.

Mr. BRUCE. It says that it shall be a crime to go upon a stream in one of these preserves or to walk over a road in one of these preserves unless that is done in accordance with rules and regulations which the Secretary of Agriculture "is hereby authorized and directed to make."

Mr. CARAWAY. I know that; but you must go upon it only at his permission, and that seemed unnecessarily harsh, and those having charge of the bill have no objection to eliminating it.

Mr. BRUCE. Would not that permission be given in the form of a general regulation? This section does not contemplate the idea that a license is to issue from the Secretary of Agriculture every time an individual enters on one of these preserves.

Mr. CARAWAY. I am conscious of that.

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

Mr. BRUCE. Yes; I yield.

Mr. NORBECK. I want to say to the Senator from Maryland that I accept his suggestion that it can be done by general regulation. The Senator from Arkansas and I have agreed to such a provision, and I am going to offer such an amendment after a little.

Mr. BRUCE. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, on page 9, line 11, I move to strike out all after the word "license," on line 11, down to and including the word "it," on line 14.

Mr. BRUCE. Mr. President, may I ask the Senator from Arkansas whether he does not propose to insert a proviso at the end of section 7?

Mr. CARAWAY. Yes, I do; but I want to get rid of this.

Mr. BRUCE. The Senator wants to take this first and go back to the other matter?

Mr. CARAWAY. I want to take this first, because I think it will occasion but little discussion.

Mr. BRUCE. All right.

Mr. CARAWAY. The measure as it is drafted provides that everyone who hunts migratory birds must have a license. The language to which the amendment is directed, and which it moves to strike out, is the provision which requires him to have it on his person at all times when he hunts, and to exhibit it to anyone who may demand to see it.

There is a law that requires us to carry our permits to drive a car. I have a permit, but I have not the remotest idea where it is. If some officer were to ask me for it I might subject myself to the humiliation of being arrested for having no permit with me. My permit would be my defense. In this case, if one is hunting migratory birds and has his permit so to do, or his license, whichever you wish to call it, and some officer empowered to examine it should ask him for it, he would exhibit it, and that would end the matter. If he did not have it with him, he would be subjected to the humiliation of having to go to court to explain it. That is as much as it ought to be, and I desire to strike out the language—

> but shall also have it on his person at the time of such taking, and he shall exhibit such license for inspection to any person who requests to see it.

The Senator from South Dakota has an amendment, I think, containing language that he wanted to substitute for the stricken-out language that I thought met the views of both of us.

Mr. NORBECK. Mr. President——

Mr. BRUCE. Before the Senator offers that amendment, may I call the attention of the Senator from Arkansas to the fact that apparently—I say only apparently because I have not had a chance to examine the bill closely enough to say whether or not my first impression is correct—apparently there is no penalty for not having a license on the person. Apparently there is none at all.

Mr. CARAWAY. I think so, Mr. President, because anyone who shall violate any of the provisions of this act or any regulation made under it shall be subject to a fine of not less than $10, and one of the provisions of the act would be the provision requiring him to have his license with him all the time.

Mr. BRUCE. But there does not seem to be any reference to that particular section.

Mr. CARAWAY. I think that would be included in the general inhibition against doing anything that is forbidden by this act or failing to do anything that is required by it.

Mr. BRUCE. But if the Senator will turn to those general inhibitions I think he will find that they are prescribed only in connection with sections 8, 13, and 14, and other sections which do not include this section.

Mr. CARAWAY. The Senator will agree with me, then, if he is correct, that it is perfectly idle language.

Mr. BRUCE. I would not say "idle."

Mr. CARAWAY. It is language without any force.

Mr. BRUCE. It has no legal sanction.

Mr. CARAWAY. It is peculiarly offensive. I think that the man who approached the Senator from Maryland and said, "I demand to see your license," unless he was mighty courteous, would have an argument. It is unnecessarily harsh.

Mr. BRUCE. If he should say to me, "The law gives me the right to ask you that question," I would not have anything to say, though. I may be mistaken about this.

Mr. CARAWAY. The Senator told me at one time that laws could be so harsh that people would revolt against them.

Mr. BRATTON. Mr. President, I call the Senator's attention to this provision in section 17: After providing a penalty for violating sections 13 and 14, this general language follows, in line 22:

> And any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of $10—

And so forth.

Mr. BRUCE. I think that undoubtedly covers it.

Mr. NORBECK. Mr. President, I offer an amendment as a substitute for the one offered by the Senator from Arkansas. I think the substitute will do away with the harsh features of the other provision. The man will not have to show his license to anyone except an officer.

The PRESIDING OFFICER. The amendment, in the nature of a substitute, will be stated.

The CHIEF CLERK. The Senator from Arkansas proposes to strike out—

> but shall also have it on his person at the time of such taking, and he shall exhibit such license for inspection to any person who requests to see it.

The Senator from South Dakota proposes to insert, in lieu of that language—

but shall also have it on his person at the time of such taking, and he shall exhibit such license for inspection to any State or Federal officer authorized by the Secretary of Agriculture to enforce this act.

Mr. BLEASE obtained the floor.

Mr. DILL. Mr. President——

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

Mr. BLEASE. I yield.

Mr. DILL. I think the Senate ought to hear the Senator from South Carolina discuss the bill, and I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Ashurst	Ernst	King	Robinson, Ind.
Bayard	Ferris	La Follette	Sackett
Bingham	Fess	McKellar	Schall
Blease	Frazier	McMaster	Sheppard
Bratton	George	McNary	Shortridge
Broussard	Gillett	Mayfield	Simmons
Bruce	Glass	Means	Stanfield
Butler	Goff	Metcalf	Steck
Cameron	Gooding	Norbeck	Swanson
Capper	Hale	Norris	Trammell
Caraway	Harris	Oddie	Tyson
Couzens	Heflin	Overman	Underwood
Curtis	Howell	Phipps	Wadsworth
Dale	Johnson	Pine	Williams
Deneen	Jones, N. Mex.	Pittman	Willis
Dill	Jones, Wash.	Ransdell	
Edge	Kendrick	Reed, Pa.	
Edwards	Keyes	Robinson, Ark.	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, there is a quorum present. The Senator from South Carolina will proceed.

Mr. BLEASE. Mr. President, we hear a great deal of talk around here these days about State rights. I notice that the President went down into Virginia the other day and made a speech in which he had a good deal to say on that subject. I can not see for the life of me how he could sign this bill if he was sincere and truthful in the statements he made at Williamsburg, Va. If there ever has been proposed in this body any bill that was an open, flagrant, mean, malicious trespass upon the rights of the people of this country, this bill is.

If there is a desire that the laws of this country be enforced, and if we want peace in the enforcement of the laws of this country, I do not see why it is necessary to continue to send the people from other States into my State for the purpose of trying to humiliate my people and make them resentful of the laws of the United States. There are United States marshals in South Carolina appointed by the Republican Party. They both say they are Republicans. They are white men, and they live in South Carolina and are native South Carolinians. Of course I do not believe they are Republicans. They got their jobs, however.

Why not let those United States marshals and their deputies enforce the United States laws? They are good men. I have heard no complaint of their not performing their duties. The name of one of them who has been reappointed was sent to the Senate the other day for confirmation. Not one word has been said by anybody against that reappointment. Those marshals have good men serving under them. They do their duty, and they are faithful in the performance of their duty.

Mr. President, if the Federal Government would let the United States marshals in each State have whatever amount of money they expect to spend on these additional offices and would let them appoint deputies, we would get a more satisfactory enforcement of the law and certainly a more orderly enforcement. In my State I do not think there is a single prohibition-enforcement officer who is a native of South Carolina. The officials have sent hirelings and spies, some of the lowest element of humanity, out of other States into my State to enforce the prohibition law, and murders and attempts to ravish, besides other crimes, have marked the conduct of those Federal officers in South Carolina.

Mr. NORBECK. Will the Senator yield to a question for information?

Mr. BLEASE. I yield.

Mr. NORBECK. The statements the Senator is making are very interesting. I would like to ask the Senator what is the record of the Federal game wardens in his State.

Mr. BLEASE. We have none; and I am trying to keep from having any. That is what I am doing right now.

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

Mr. BLEASE. I yield.

Mr. DILL. If this bill shall pass, and we appropriate anywhere from a quarter to a half a million dollars, which will go into a fund that can not be spent for anything except public shooting grounds and game refuges, does the Senator think he will be able to keep from having a lot of game wardens in his State?

Mr. BLEASE. That is the reason why I do not want to have this bill passed.

Mr. DILL. That is what this bill proposes—the establishment of public shooting grounds and game refuges.

Mr. BLEASE. I am opposed to any Federal officers coming into my State and interfering with the regular officers there in the discharge of their duties.

Mr. DILL. If the Federal Government by law is authorized to purchase, and does purchase, a lot of public shooting grounds, then the Senator will have no way of preventing the Federal Government from sending game wardens into his State to take care of their own public shooting grounds.

Mr. BLEASE. I understand that.

Mr. NORBECK. Mr. President, may I interrupt the Senator once more?

Mr. BLEASE. Certainly.

Mr. NORBECK. Just to call attention to the fact that no public shooting grounds will be purchased in any State except by permission of the State legislature.

Mr. BLEASE. I received a letter just this morning from one of the district attorneys in South Carolina in which he said:

It is true that some of the Federal prohibition agents acted in a very disgraceful manner.

Yet they are kept there to harass and to worry the people of my State.

Those in authority have not the manhood or the decency to remove that class of people, but send more of a like kind of horde into my State, and this bill is for the purpose only of adding to that crowd.

Men go out on the stump and make speeches about State rights and then come right into this Chamber and actually are attempting to-day to regulate the birds that fly up in the air that God gives to the people of this country, and even the fish down in the water. I say that it is a form of government that is not democratic and not a decent republican form of government.

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

Mr. BLEASE. I yield.

Mr. BRUCE. I would like to call the attention of the Senator from South Carolina to the fact, of which he is probably not aware, that the Senator from Arkansas [Mr. CARAWAY] proposes to offer an amendment—he was on the point of offering the amendment, as I understand—which provides that if any State in the Union shall take over the administration of the system provided for by the bill, then all the appointees under the bill will be residents of the State for which the appointments are made. That might influence the views the Senator is expressing.

Mr. BLEASE. Even with that provision I am opposed to the bill. God Almighty gave the poor people of this country some rights, I think.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Louisiana?

Mr. BLEASE. I yield.

Mr. BROUSSARD. May I suggest to the Senator that, of course, if they turn over the administration to the State it would be conditional upon the execution of the law in a manner satisfactory to some department here in Washington.

Mr. BLEASE. Absolutely.

Mr. BROUSSARD. So they would retain control of the matter and the State would not be free to regulate its own affairs as is the case at the present time.

Mr. BLEASE. I think that when God created this country He certainly intended to see or at least had an idea that the people should have some rights of self-government. But about the only thing they have left in the country in the way of self-government is how many children the women shall have, and I suppose after a while they will want to regulate even that.

Mr. MAYFIELD. They are trying to do it now.

Mr. BLEASE. I am not surprised. Then they will want to take the children and try to rear them according to the way the Government thinks they ought to be reared and according to the views of somebody who does not know any-

thing about American ideals. They are trying to control and run the American Government in that way.

To save my life I can not see how men can sit in this Chamber and vote to take away from their own States and from their own people the right to enforce the laws of those States. I can not see why any man should vote to invest the Federal Government with such power, I do not care whether it be Democratic or Republican. Senators get up here and "cuss" at Mussolini and "cuss" at some other forms of government, but we are following in their footsteps every day by trying to create here in Washington bureaus to make laws, to make rules, to regulate everything and to regulate everybody. Congress, in dereliction of its duty, is conferring upon them the power to make rules and regulations, which power was intended by the Constitution of the United States to rest only in the law-making body, the Congress itself.

It is as plain to me as daylight, and it seems to me that anybody should see, that the bill is a rich man's bill, no doubt dictated and no doubt sponsored by men of wealth who want to buy up these large tracts of land like they are doing to-day down in my section of the country.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. BLEASE. Certainly.

Mr. NORBECK. As I understand the purpose of the bill, it is that the Government shall acquire some of these bird refuges. There are two purposes in the bill, and one of them is in order that the Government may secure shooting grounds before the private clubs can get hold of them. My regret is that so much of the refuges of the sort contemplated by the bill should have gotten into the hands of such clubs. It is really the intent of the bill to save some of them for the general public who are not rich enough to belong to clubs.

Mr. BLEASE. But with Government ownership of the proposition and giving out the right to hunt, we are not better off than with the private owner giving it out.

Mr. DILL. Mr. President——

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

Mr. BLEASE. Certainly.

Mr. DILL. Is it not a fact that we are setting out upon the policy of buying enough shooting grounds in each State so that each community will have a public shooting ground which will cost literally millions and millions, even hundreds of millions of dollars, or else we will have a few shooting grounds that only those who have money or automobiles to take them there will ever be able to use?

Mr. BLEASE. Absolutely. Under the bill the State will have no control, and the State officials will have no control. It is proposed absolutely to turn over the rights that the people of the State now have. Individually, as I said the other day, it does not make any difference to me. I have never hunted in my life, and I have never been fishing in my life and never expect to go. I do not want to go. But we have people in my section of the country who do not own land, both white and negroes, and they have just as much right to have the privilege to go out and catch fish or shoot game as has the richest man in my State. But they are not privileged to have that right under this bill, which is nothing more nor less than a rich man's bill for the purpose of providing for their protection and providing sport for them, to the detriment of the man who does not own property and who is not able to buy.

I repeat I do not see how the President of these United States, if he were truthful in his Williamsburg speech, can sign a bill further encroaching upon the rights of the people of the States of the Nation. Nearly everything in the world has been made a Federal proposition. They can carry a man now into the United States courts and try him on almost any charge because they call it a Federal crime. There is a big difference between trying a man in a Federal court and trying him in a State court. Federal judges are permitted to direct verdicts; and if they wish to do so, they can have the jury return a verdict of not guilty or have them return a verdict of guilty, if you please, and sentence a man, while in the State courts a man is entitled to trial by jury, and the judge can not charge upon the facts, but must submit them to the jury, who are the sole judges of the facts in the case.

Why do we want to try everybody in the Federal courts? Is it for the purpose of getting Federal judges, appointed from Washington, usually corporation lawyers, usually named by corporation heads, usually servants of corporations, and giving them the power and the right to say to the people, "You must not do these things. If you do we will carry you into a Federal court where we are supposed to give you a jury trial, but we leave in the power of the Federal judge the right to direct a verdict," and if one of the agents commits murder the judge will turn him loose under orders. The result will be that more of the little freedom that is now left to the people of the country will be taken from them. I do not see where the good lies in continually putting on the statute books laws that are obnoxious and laws that are a stench in the nostrils of any man who loves America and American institutions. If I were Governor of South Carolina and this bill were enacted into law, there would be a conflict as to the enforcement of a law of the Federal Government for one time in the country, let come what might.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. BLEASE. I yield.

Mr. NORBECK. A migratory bird act was passed some dozen years ago. It is the Federal law to-day and has been enforced during all that time. The purpose of the pending bill is to establish refuges and shooting grounds. The Federal prohibition of shooting migratory birds is covered in the existing law, as the Senator must realize.

Mr. BLEASE. Then, what is the objection to letting the United States marshal and his deputies in each State enforce the law without sending this horde of scoundrels in there to make trouble?

Mr. NORBECK. In my judgment, there will not be a single game warden provided for under the bill for a year or two, because the funds will be used for other purposes. The present wardens and marshals provided for will be able to handle the matter. The money will be used for development of the game and the building up of their refuges, to make hunting more plentiful.

Mr. BLEASE. I am a little like the fellow down in my State who was sentenced to be hanged. He asked the judge to make it just as early as possible so he could get it over with. If we are to have a bill like this enacted into law and be harassed and annoyed by this gang, let us get it over with and have them sent in and begin the agony. I do not know whether the bill will pass, though I suppose it will.

My record in South Carolina with reference to State rights is well known. If I had been on the floor of the Senate the other day I would have defended Mr. Coolidge's order. I think he was exactly right. However, I think he went a little far. If he sends men from another State into my State that is going a little too far. Down in South Carolina to-day I have a brother who is a sheriff of one of the counties. If the Federal officer, the United States marshal or his deputy, comes to his house or office, he will go with them in person and help to enforce the prohibition law. He has done so for the past 14 years and will continue to do it as long as he holds that office. The State officers in my State work in harmony with the United States marshal and his deputies. But they do not work in harmony with foreigners who are sent there from another State, and should not work with them if I had any power over the matter My record there is well known on this proposition. The prohibition law is an extraordinary law, and when the States ratified the eighteenth amendment they voluntarily surrendered their rights on the liquor question and should not now complain, for Mr. Coolidge is clearly within his rights. These are extraordinary times. I think the President of the United States should enforce the law if it does take extraordinary orders to do it. The sooner it is enforced as it should be enforced, if it is a bad law, the sooner the people of the country will rise up and wipe it off the statute books. If it is a good law, then it will be a blessing to the country and to the coming generations of the land.

Mr. President, I do not hope to change a single vote by what I have said. I simply wanted my position made clear that, so far as I am individually concerned, I do not ever expect to vote in the Senate for any bill that encroaches upon the rights of the State of South Carolina and her people to do as they please so long as they do not trample or trespass upon the rights of their fellow men; that is pure democracy, and I am a democrat.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota [Mr. NORBECK] to the amendment of the Senator from Arkansas [Mr. CARAWAY].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRUCE. The amendment just acted on was the one relating to regulations?

Mr. NORBECK. No; it related to the showing of licenses. The main difference is that under the original bill the license

had to be shown to anybody asking to see it, but under the amendment it is shown only to an officer.

Mr. BRUCE. That is all right.

Mr. KING. Mr. President, I would like to inquire, for information, how the person upon whom the demand is made would know that the person demanding was an officer?

Mr. NORBECK. It would merely keep his neighbors or enemies from annoying him by asking to see the license. The State laws in some States require the license to be shown to anyone. In some of the States they must show it only to an officer. I agree that it is a little annoying even then, but we realize that some people come from great distances to hunt and put up a bluff about having left their license at home. Therefore it is necessary to provide by statute that they must carry their licenses with them.

Mr. KING. Has the Senator some other amendment he desires to offer at this time? The Senator from Arkansas [Mr. CARAWAY] is getting a little lunch and will be back in just a few moments.

Mr. NORBECK. Yes; we can go ahead with another amendment. It will be recalled that the Senator from Arkansas and I agreed on the amendment which I am about to offer, reading as follows:

Authority is hereby given to the Secretary of Agriculture to make the necessary regulations for the administration of such area.

I offer that as an amendment.

Mr. KING. It seems to me the bill makes ample provision.

Mr. NORBECK. I can not find that it does. If it did, I would not offer this amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. NORBECK. It should be inserted on page 4, line 13, after the word "Agriculture."

The LEGISLATIVE CLERK. On page 4, line 13, after the word "Agriculture," it is proposed to insert:

Authority is hereby given the Secretary of Agriculture to make necessary regulations for the administration of such areas.

Mr. KING. I desire that the language may be read in connection with the context. I do not think it fits in.

The legislative clerk read as follows:

But such rights of way, easements, and reservations retained by the owner or lessor from whom the United States receives title shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture. Authority is hereby given the Secretary of Agriculture to make necessary regulations for the administration of such areas.

Mr. WILLIS. Mr. President, should the amendment come in at that place. That would not make sense. Evidently there is a mistake in the line.

Mr. NORBECK. If the word "and" were inserted after the words "the Secretary of Agriculture" in line 13 I think it would make it clear.

Mr. WILLIS. Would that amendment accomplish what the Senator desires if inserted at that point in the bill?

Mr. NORBECK. It is not important where the language is inserted, just so the authority shall be granted. I can see no conflict even if it be inserted at that point. In fact, the matter was very carefully considered the other day.

Mr. KING. Let me ask the Senator if this language is not sufficient—and I ask the question in utmost good faith.

But such rights of way, easements, and reservations retained by the owner or lessor from whom the United States receives title shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas.

Mr. NORBECK. If the Senator will bear with me, that refers only to the rights of way and not to the area itself. There was a provision in the bill on page 5, which was intended to cover that, but on account of some other features it was stricken out. I suggest to the Senator from Ohio [Mr. WILLIS] that the language might be placed at the end of the paragraph.

Mr. WILLIS. I think that would make better sense.

Mr. NORBECK. I offer the amendment to come in at the end of section 6.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The LEGISLATIVE CLERK. As a separate paragraph, following line 19 on page 4, section 6, it is proposed to insert:

Authority is hereby given the Secretary of Agriculture to make necessary regulations for the administration of such areas.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. WILLIS. Mr. President, as the Senator from South Dakota has concluded, I desire to make an inquiry and, perhaps, shall desire to offer an amendment. I direct the attention of the Senators in charge of the bill to the language found on page 15, lines 18, 19, and 20. That whole clause reads as follows:

Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

Mr. President, it seems to me that that is proposing to introduce an entirely new idea into our accounting system.

Mr. NORBECK. And the Senator will also notice that the creation of a commission itself is rather a new idea, which may explain the provision to which he refers.

Mr. WILLIS. If I may say so, it is a new idea of which I do not approve and which if persisted in will entirely break down our accounting system. I have here a copy of the act providing for the establishment of the General Accounting Office. Section 304 of that act, in part, reads:

The balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government.

The Senator from South Dakota will remember that when that act was under consideration much attention was given to the question of the very large power which it was proposed to repose in the head of the accounting office if we were to maintain an accounting system. I will say to the Senator from South Dakota that beginning in 1778 the idea has been regnant in the accounting system of the Government that we have got to vest somewhere in some official power that borders on the arbitrary, and we have vested it in this country in the Comptroller General. By this language and by the language which I shall now read in section 236 of the Revised Statutes as amended we vest final control and decision in such matters in the accounting office. Section 236 of the Revised Statutes as amended reads:

All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office.

In other words, the law makes the decision of the Comptroller General final upon the executive departments of the Government, final as against the President, final as against the Secretary of the Treasury, or as against the Attorney General.

Mr. NORBECK. Mr. President——

Mr. WILLIS. Let me finish the sentence. So, therefore, it seems to me that it is an exceedingly radical, and, if I may say so with proper respect, a very unwise proposal to provide that in this particular instance we shall say to the Comptroller General, "Now, whereas you may say to the President or to the Secretary of the Treasury or to the Secretary of the Interior whether this or that account is properly settled, in this paticular instance you have nothing to say about it; you have got to take the word of the chairman of this commission." I do not believe that would be wise.

Mr. NORBECK. Mr. President——

Mr. WILLIS. I yield to the Senator from South Dakota.

Mr. NORBECK. If I were sure that the Senator from Ohio were right in his construction, I would agree with him. I am not at all certain about it and am not ready to argue the question, and therefore I will accept an amendment.

Mr. WILLIS. I should be glad to have the Senator do so, and then the matter may be taken up in conference.

Mr. FESS. To what portion of the bill does my colleague refer?

Mr. WILLIS. Mr. President, the language, I will say to my colleague, to which I object especially is found beginning in line 18, on page 15, section 21. The language to which I object is the following—

which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

Mr. CARAWAY. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. WILLIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. I desire to ask the Senator a question. The provision reads:

Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

If we strike that out, will we not have to substitute something for it?

Mr. WILLIS. I do not think so, because in that event the general law would apply.

Mr. CARAWAY. I am in sympathy with the Senator's viewpoint, but if we leave in the words "said appropriation shall be paid out on the audit and order of the chairman of said commission," will there be any review of that?

Mr. PHIPPS. I think so.

Mr. CARAWAY. Do we not want to say "subject to the approval of the General Accounting Office"?

Mr. WILLIS. I should be very glad to accept such amendment, because I have exactly the same idea. I think striking out the language would accomplish the purpose, but if the Senator does not agree to that I should like to change my amendment to accomplish the object we have in view.

Mr. CARAWAY. I am merely asking the question. It strikes me that if the words suggested be stricken out and nothing substituted, the provision will not be complete. However, if the Senator is satisfied with the amendment as he has suggested it, I am.

Mr. NORBECK. If we are agreed, then, let us have a vote.

Mr. WILLIS. Very well; I am in favor of that. I move to amend by striking out lines 18, 19, and 20, following the word "commission," in line 18.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio.

Mr. CARAWAY. Was it not the intention to leave that in and add the words "subject to the approval of the General Accounting Office"?

Mr. WILLIS. I have no objection to that; I am perfectly willing that that should be done.

Mr. PHIPPS. Mr. President, I think it would be following a proper custom if we eliminate the language objected to by the Senator from Ohio, as he has just proposed, and let the remainder of the provision stand, because under the practice of the Government—and I think I am not mistaken in this—all of the expenditures referred to will be reviewed later by the General Accounting Office, and if differences are found then they will be corrected.

Mr. WILLIS. The general accounting law will be applicable if we strike out the words to which I have referred. I move to strike them out.

Mr. BRUCE. Mr. President, may I make a suggestion to the Senator from Ohio?

Mr. WILLIS. Certainly.

Mr. BRUCE. I suggest to the Senator from Ohio, if he will allow me to say so, that after the word "commission" there might be inserted the words "subject to the revision of the General Accounting Office."

Mr. WILLIS. The Senator probably did not hear the discussion on that point. I would not object to the insertion of those words at all, but it seems that the same object would be accomplished by striking out the words to which I have referred. I move to strike out the words beginning in line 18, as follows:

which order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, there are two amendments which I think we should try to dispose of. There were three suggested amendments which I took up with Senators in charge of the bill. In principle I believe there is not much difference between us as to two of the amendments, but as to the amendment which I asked to have passed over, with reference to public shooting grounds, they are not at all in accord with me. So I wish to move now that, after line 16 on page 14, a new section may be inserted, which I should like to read. It is as follows:

Provided, That when any State shall by suitable legislation make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act: *Provided further*, That this shall not include the issuance of the licenses provided for in said act, nor the manner of their collection, but the said State may and shall, so long as it shall enforce the said act and regulations made in pursuance thereof, be reimbursed from said funds for the costs of said enforcement, to that extent said services would have cost had the service been performed by the Federal Government.

I discussed that proposed amendment with the Senator from Maryland, who does not agree with me about it. I wish merely to call the attention of the Senate to the fact that the adoption of the amendment will leave to the Federal Government the power to regulate and prescribe rules and methods for preserving or conserving wild life. It will not weaken the measure at all. It will give a general supervision to the Federal Government and permit it to lay down the rules which it may think wise and necessary to accomplish the purposes of this bill, but it will also permit the States, whenever they may by suitable legislation create the necessary machinery, to take over the enforcement of these provisions and to be paid for their work out of the funds that are collected from the licenses to be issued hereunder. In other words, the amendment recognizes that it is necessary to have some uniform rule in order to preserve migratory wild life. It does no good to protect it in one State if it may be slaughtered in the other 47 jurisdictions; but the amendment gives to the States which are now exercising the right to conserve the wild life within their borders, except migratory birds, the right to take over the enforcement of the act. It robs the bill of the objection that has been made to it of the invasion of the States by the Federal Government.

It eliminates the necessity of having two jurisdictions in the same field. It sets up and creates within the State the machinery to enforce the provisions of the law. It will be followed by two other amendments. The next one will be:

No one shall be appointed as an agent to enforce any of the provisions of this act, or the regulations made in pursuance thereof, except a resident of the State where he is to serve, and has been commissioned or designated by said State as a game warden or agent of said State for the protection of game.

Then on page 5, after line 2, if the amendment should be adopted, it strikes out the provision that gives to the Federal court any power to punish for violation of the law or the regulations made in pursuance thereof.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Edge	La Follette	Schall
Bayard	Edwards	McKellar	Sheppard
Bingham	Ernst	McMaster	Shipstead
Blease	Ferris	McNary	Shortridge
Borah	Fess	Mayfield	Simmons
Bratton	Frazier	Metcalf	Stanfield
Broussard	George	Norbeck	Steck
Bruce	Glass	Norris	Swanson
Butler	Goff	Oddie	Trammell
Cameron	Hale	Overman	Tyson
Capper	Harris	Phipps	Underwood
Caraway	Heflin	Pine	Wadsworth
Couzens	Johnson	Pittman	Wheeler
Cummins	Jones, N. Mex.	Ransdell	Williams
Curtis	Jones, Wash.	Reed, Pa.	Willis
Dale	Kendrick	Robinson, Ark.	
Deneen	Keyes	Robinson, Ind.	
Dill	King	Sackett	

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Arkansas [Mr. CARAWAY].

Mr. BRUCE. Mr. President, my objection to the pending amendment, which I shall endeavor to state briefly, is fundamental.

I think that the line of partition between Federal and State authority should always be kept, as far as possible, absolutely intact. I do not think that the Federal and State jurisdictions ought ever, if the result can be averted, be blended.

Unquestionably this bill deals with a matter that falls within the natural scope of the Federal jurisdiction. In connection with a cognate bill, the Supreme Court of the United States has held that to be the case. Legislative measures for the protection of migratory birds, for the establishment of sanctuaries or refuges for the propagation of migratory birds, or for the establishment of shooting grounds over which migratory birds may be shot, are matters of national concern, just as much as the many other matters that arise under the clause of the Federal Constitution relating to the regulation of interstate commerce.

I am as much opposed to any invasion of the Federal domain by State authority as I am to any invasion of the State domain by Federal authority. Indeed, the only hope of preventing

undue encroachment by the Federal Government upon the province of State authority is for the States themselves never to claim the right to encroach upon the national authority in any doubtful case.

For the enforcement of the provisions of a bill like this we should rely either upon State authority or upon Federal authority. The draftsman of this bill was in a position either to leave the subject matter of the bill entirely to State supervision and care or to draw over it the protection of the Federal Government. Of course, originally the bill contemplated the enforcement of its provisions by the Federal Government; but the effect, as I see it, of the amendments offered by the Senator from Arkansas would be, if I may use such an expression, to hybridize it, to convert the jurisdiction under it into a composite jurisdiction compounded partly of Federal power and partly of State power.

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

Mr. BRUCE. Yes.

Mr. CARAWAY. I merely want to call the Senator's attention to the fact that Maryland, and I presume every other State in the Union, has machinery for conserving wild life. Embraced in that machinery is the protection of migratory birds in some form.

Mr. BRUCE. That is true as to Maryland. We have, for the time being, an efficient State game warden.

Mr. CARAWAY. This amendment would avoid duplication of effort and expense. It would simply say that whenever Maryland was in a position, by reason of its legislative enactment, properly to enforce all of the provisions of this act, it might take it over. It is already doing that. The same machinery could do every bit of it without another dollar's expense. What is the object to be accomplished by setting up in Maryland a duplicate law-enforcement organization to do what Maryland could do and is doing?

If the Senator will pardon me——

Mr. BRUCE. Yes; I do.

Mr. CARAWAY. All that the Congress ought to want to do, and I think it ought to do that much, is to lay down a general rule that shall run through the 48 States, so that we may be assured that while wild life is protected in Maryland it will not be destroyed in Virginia, for instance; that the same rule shall protect it in every State in the Union. When it has laid down that rule, and has the machinery to see that it is enforced, then what is the objection to allowing Maryland and Virginia and all the other States to enforce that, along with the other enforcement provisions for the care and preservation of wild life?

That is all that the amendment does. It does not take from the Secretary of Agriculture the supervision that he may have over the laws of the States. It leaves that untouched. It simply does not permit the two jurisdictions to function side by side to accomplish the same result.

Mr. BRUCE. I lay the State of Maryland entirely aside. At the present time, as I have said, we have an active, alert, and efficient game warden, though it is conceivable that in the future we may have State game wardens who will not answer that description.

In reply to the Senator from Arkansas, I say that the first objection to his suggestion is that the functions to be exercised under the provisions of this bill are intrinsically Federal functions, as distinguished from State functions. The subject matter of the bill is confessedly—and if not confessedly, then indisputably—a subject matter of Federal cognizance.

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

Mr. BRUCE. In a moment I will gladly yield to the Senator, but I want to run out what I am saying with respect to the observations of the Senator from Arkansas.

That is the first objection to what the Senator from Arkansas said. The next is the State authorities simply can not reasonably be expected to discharge the functions exercisable under this bill with the same degree of efficiency as that with which the officials of the Federal Government would discharge them. We all know that, except when the Federal Government undertakes to run absolutely against the grain of human nature and to convert man into some other creature from what he really is, the Federal Government is more competent to enforce its will than any State Government ever is.

We all know that before the Volstead Act was adopted it was a matter of universal observation throughout the land that, no matter how imperfectly a State or a city might enforce its laws, the Federal Government always efficiently enforced its laws. I mean to say so far as laws under any circumstances are susceptible of complete enforcement.

Until recent years I never heard the idea suggested in the State in which I live that the Federal Government ever laid down on the enforcement of any Federal law. It was almost a proverb that it always enforced its will.

The Federal Government in dealing with as many different communities as States had all the prestige, dignity, and vigor that usually go along with a highly centralized government. Federal grand jurors, as a rule, were men of higher standing than the ordinary run of State jurors. The Federal Government had an unlimited amount of pecuniary resource at its back. Its morale, its efficiency in many respects, for the purposes of law enforcement were for the reason that I have given superior to those of the States.

These are my answers to the suggestions of the Senator from Arkansas, though, so far as he is concerned, he has vanished from sight so completely that it was hardly worth my while to make the answer.

Now I gladly yield to the Senator from South Dakota, if he desires to ask me a question.

Mr. NORBECK. Mr. President, I was going to say to the Senator from Maryland that I have worked out a substitute which I want to offer in lieu of the amendment suggested by the Senator from Arkansas. It reads as follows:

> The administration of the game laws on all bird refuges and all such areas as shall serve originally for public shooting grounds established under this act shall be through cooperation between the Department of Agriculture and the State game service of the State in which such areas are located.

Mr. BRUCE. It seems to me that every time the Senator from Arkansas offers an amendment and the Senator from South Dakota offers an alternative amendment the difference between the two amendments is about the difference between a cup of strong tea and a cup of weak tea. That is natural enough. The Senator wants to get his bill through, and he has been keeping his head very close to the head of the Senator from Arkansas, and they have been endeavoring to work out between themselves a modus operandi by which the bill can be finally pushed to success.

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

Mr. BRUCE. I yield.

Mr. DILL. I might suggest that probably either amendment would be satisfactory to the ammunition makers, who are the primary movers back of this bill.

Mr. BRUCE. I do not know how far the ammunition makers are back of this bill, but I entirely agree with Theodore Roosevelt in what he said in that letter from him which has been read to the Senate, when he declared that the general merits of the proposition which was pending at that time to protect migratory bird life were so great that it was a matter of absolute indifference to him from what quarter the support of its provisions came.

If the amendments of the Senator from Arkansas are to prevail, for the life of me I do not see why we do not leave this subject of sanctuaries, propagating centers for migratory birds, and public shooting grounds exactly as it is at present. We have a migratory bird treaty.

Mr. DILL. Mr. President, may I interrupt the Senator again?

Mr. BRUCE. I yield.

Mr. DILL. Does the Senator know of any of the States, with the exception of Utah, that have established public shooting grounds with public funds? The State of Utah, as I understand, has several hundred square miles set apart for public shooting grounds, where 800 people shoot.

Mr. BRUCE. No, I do not; but I can not claim to be particularly conversant with that matter.

Mr. DILL. I wondered what the reason was for establishing the new policy of the Federal Government, having public shooting grounds, when the States that have been most efficient in the conservation of the wild life and in assisting their hunters in having game have not established them as a general thing.

Mr. BRUCE. Within proper limits, I favor the idea of having public shooting grounds, just as I favor the idea of having public parks, or public commons within proper limits.

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

Mr. BRUCE. I yield.

Mr. TYSON. As I understand it, the State of Pennsylvania has public shooting grounds.

Mr. DILL. How many?

Mr. TYSON. At every place where they have a game preserve.

Mr. BRUCE. We all know that the rich men of the country—and there are some enormously wealthy men in the United States—have from time to time been purchasing great game demesnes, and that those demesnes have been sources

of a great deal of delightful pleasure and recreation to their owners. Indeed, wealthy men in the United States and clubs and associations composed of wealthy men have acquired no small part of all the best shooting and hunting grounds in the United States.

The purpose of this bill, so far as it contemplates public shooting grounds, is to create commons, so to speak, over which the mass of the people who are not rich but who love shooting or hunting can, under proper regulations, find some measure of recreation, too. There is no question that many of the waste spaces of the United States in the heart of a great and beautiful region like Maine or along the slopes of the Alleghenies could under proper regulations by the Government be made sources of health and pleasure for the citizens of the United States generally as respects shooting and hunting. As the Senator from Tennessee had in mind, it is perfectly amazing to what extent game can be conserved if the proper methods are adopted for conserving it.

I am quite familiar with the State of Maine, a State which, with its seabound shores, its mountain walls, its glistening lakes, and its evergreen forests, is, to my eye, one of the loveliest and most interesting States in the Union. I am told that in that State, under the fostering, protecting care of governmental supervision, deer are as abundant to-day, probably, as they were during the colonial period. I am told, too, that the State of Pennsylvania has been extraordinarily successful in conserving game within its borders. So I do not see why the Carnegies, the Rockefellers, the Dukes, and what not, if any of them care for hunting, should have a monopoly of the public shooting grounds of the United States, and the common, ordinary individual or citizen be shut out from what I can speak of from my own experience as the most delightful, the most captivating of all human pastimes, the pastime of shooting and hunting, one of the few pastimes which aboriginal man and man at the highest point of his development in civilized life share with each other.

But why pass this bill at all, if the amendments of the Senator from Arkansas are to prevail? Those amendments provide that at any time, if the Secretary of Agriculture shall be satisfied that in any State the conditions are such as to justify the belief that game would be adequately protected in that State, the jurisdiction conferred upon the Federal Government by the provisions of this bill shall be transferred to that State. When that is done, anyone who, under the terms of those amendments may violate the provisions of this measure, could not be punished in the Federal courts, but could only be punished in the State courts.

Moreover, these amendments provide that whether the Federal Government retains jurisdiction under this bill or transfers it to the States, any persons who are appointed under its provision are to be residents of the particular States where the appointments are to be made, and are to be duly commissioned by the executive authorities of those States. In other words, this bill sows the seeds of its own destruction. It is felo-de-se. It makes a sort of testamentary provision for its own death, so far as Federal authority is concerned.

Mr. DILL. Mr. President, I want to remind the Senator that as long as the dollar licenses come in it will not come to its death, because the Federal game wardens will see that it does not.

Mr. BRUCE. There will no longer be Federal game wardens if these amendments shall become effective. For all purposes they would be State appointees, except that they would receive their compensation from this Federal fund, disbursed by the Federal postmasters of the land.

Mr. DILL. Of course the Senator knows that the power that holds the purse is the power that really controls.

Mr. BRUCE. I will perhaps admit that that is not very remote from the truth, even if it is not the whole truth.

What would be the practical effect of the bill if the amendments suggested by the Senator from Arkansas were to operate? We would have a perfect patchwork of jurisdiction, a sort of crazy quilt of authority. The power to enforce the provisions of the bill might be transferred in one State from the Federal Government to the State government, or that transfer might take place in the case of more than one State, and yet at the same time in other States of the Union we might have the Federal Government retaining its authority under the bill. That is what I mean when I say that the effect of the amendments is to hybridize the bill. It is neither fish, flesh, nor fowl, nor good red herring, so why adopt the amendments at all?

Let the States retain jurisdiction over the matter of conserving game in every respect. Let them have their own game wardens and deputy game wardens, and let them go on in the same more or less perfunctory, haphazard, ineffective manner in which they have been going on heretofore in the attempt to conserve game over the country as a whole.

We all know that in some States of the Union, such as Maine and Pennsylvania, and perhaps some others, the State game laws are enforced; but I venture to say that in the great majority of them the game laws are but feebly and unsatisfactorily enforced. I hope, therefore, that the amendments will be voted down and that the bill will be left what it was intended to be, a truly Federal bill, with the capacity to make vigorous, effective provision for its own enforcement. Let the proper Cabinet officer of the Federal Government maintain the general supervision that is necessary to be maintained under the bill, and then let us have flowing from his loins, so to speak, a steady, constant, truly coercive stream of influence and authority. Then there would be just a single uniform system of supervision and enforcement spreading itself like a blanket over the whole face of the land, from the South to the North and from the East to the West, and again the Federal Government would exhibit another illustration of its salutary power to execute its own peculiar objects and to exercise its own peculiar authority, except when for some special reason or other it allows itself to be pushed beyond the domain of practicable and enforceable law.

By the amendments of the Senator from Arkansas it is provided that:

> When any State shall by suitable provision make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act.

The amendments then provide further:

> No one shall be appointed as an agent to enforce any of the provisions of this act, or the regulations made in pursuance thereof, except a resident of the State where he is to serve, and has been commissioned or designated by said State as a game warden or agent of said State for the protection of game.

In other words, under the provisions of the amendments, for all practical purposes the power of the Federal Government is a mere unsubstantial shadow; and in all human probability by the transfer of jurisdiction from the Federal Government to the States all real power, all true authority, under the bill will become vested in the States, without any sort of assurance that, even if in the first instance they shall be qualified to make adequate provision for the enforcement of the law, they might not later on enforce it in a half-hearted and nerveless way.

Mr. DILL obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. Certainly.

Mr. HEFLIN. I want to ask the Senator from South Dakota if he was able to get an agreement to limit debate on the pending measure?

Mr. NORBECK. No; we have not yet.

Mr. BRUCE. Mr. President, I will state to the Senator from Alabama that we are almost through with the question now, I should say.

Mr. DILL. Oh, no; not at all.

Mr. BRUCE. Unless the Senator from Washington has something further to say.

Mr. DILL. Yes; I have.

Mr. HEFLIN. The Senator from South Carolina [Mr. BLEASE] suggested that we might postpone action on the unanimous-consent request of the Senator from Kansas [Mr. CURTIS] until the Senator from Washington came into the Chamber.

Mr. DILL. I may say that as discussion goes on there seem to be more reasons for further discussion developing, so I think we had better continue.

Mr. NORBECK. Would not the Senator be willing to let us go ahead and vote on the pending amendments?

Mr. DILL. I want to say a word about the pending amendments.

Mr. NORBECK. Very well.

Mr. DILL. Mr. President, the Senator from Maryland [Mr. BRUCE] in opposing the amendment submitted by the Senator from Arkansas [Mr. CARAWAY], in my judgment, is opposing the one amendment that will sugar coat this bitter pill we evidently are going to have to swallow. The amendment of the Senator from Arkansas would at least prevent the Federal game wardens coming from anywhere in the country into the various States, and would require that they be appointed from the citizenship of the State in which they are to serve.

I have been reading the hearings on the bill before the House committee. The committee of the Senate did not have any

hearings. I do not know why they did not have hearings. The developments in the hearings before the House committee, although rather short, are very illuminating.

Mr. GEORGE. Mr. President——

Mr. DILL. I yield to the Senator from Georgia.

Mr. GEORGE. This is not a House bill, is it?

Mr. DILL. A companion bill was introduced in the House and considered by the House committee. It has not been considered by the House.

Mr. GEORGE. Was it favorably reported by the House committee?

Mr. DILL. I do not know. The Senator from South Dakota may know about that.

Mr. NORBECK. Not this year. It passed the House at the last session.

Mr. DILL. It has not been reported this year in the House?

Mr. NORBECK. No.

Mr. GEORGE. It strikes me we are taking up a great deal of time on a bill that has not even had a favorable report in the other branch of Congress.

Mr. DILL. Of course the longer we talk on this bill the more legislation will not be enacted that it may be desired not to enact before we adjourn. I realize that that is perhaps the purpose in keeping the measure before the Senate.

I desire to read a letter written by the chairman of the game and fish committee of the House of Representatives of the State of Texas, dated Austin, Tex., January 25, 1926. It is signed by Mr. A. P. C. Petsch and addressed to Congressman MARVIN JONES:

MY DEAR CONGRESSMAN JONES: I have noticed in the press that a bill has been or will be offered calling for the creation of one or several national public shooting grounds—a game refuge bill. At first blush this measure would naturally appeal to every sportsman and lover of wild life. All these people, naturally wanting to do everything they can to protect wild life, are apt to fall for this bill, just like I did myself.

That expresses my own experience so well that I call particular attention to it. When the bill was first called to my attention I said I was for it, because I am in favor of bird sanctuaries and the protection of wild life. It was not until I came to examine the bill that I found that it proposes to provide a fund in the Treasury of the United States to be received from Federal game licenses, which the proponents of the bill maintain will grow larger year by year, this fund to be spent only in connection with game sanctuaries and public shooting grounds and game wardens. When we stop to consider that we are starting a thing that will grow bigger year by year, the objections to it multiply.

So I believe if the Members of the Senate, many of whom have pledged themselves to this bill for the same reason that I agreed to vote for it and the gentleman who wrote this letter says he agreed to vote for it, really understood what the bill will lead to there would not be any chance to pass it; but being in favor of conservation of wild life, and having said they would support it, being anxious to pass other legislation and to have this bill disposed of, Senators are perfectly willing to let the bill be voted on as soon as possible and get it out of the way in order that other measures may be considered.

I wish also to say that if the House of Representatives had passed this bill by an overwhelming vote and it were here for action, there would be something to that contention; but when that body has not even reported the bill, as I understand from the chairman of the Senate committee, and there are so many other pieces of legislation here pressing for action, I think this bill ought to be very fully considered. However, I want to continue reading from this letter:

But upon second thought I find that the bill is most obnoxious from every standpoint.

This letter is from the chairman of the game and fish committee of the House of Representatives of the State of Texas.

It means, first of all, Federal regulation of a matter which should be exclusively a State affair; and in this instance the Federal power will become most obnoxious. The tax feature of this bill will place several hundred irresponsible, big-stick, blue-coated, overbearing, and authority loving Federal officers among our people prying into their affairs and property but furnishing very little protection to wild life. The bill is an obnoxious measure.

The most dangerous feature of the Federal license provision is that it provides for the payment of only $1. It reminds me of the manner in which monopolies add to their profits. Take the Standard Oil Corporation with its subsidiaries. Raising the price of gasoline 1 cent a gallon means but little to the ordinary automobile driver and the protest is very feeble, but the millions of dollars that pour into the coffers of the great oil monopoly as a result mean a tremendous total tax upon the people.

Take the case of sugar. The Sugar Trust raising sugar 1 cent a pound imposes a very small tax upon the individual householder, but when the toll is all collected in one set of coffers it means millions of dollars of extra profits to the sugar barons. I continue reading from the letter:

National game preserves are all right. But they ought to be paid for by means of a lump appropriation and not by means of a puny tax on the hunter. Let the powder interest and the oil interest—don't smile at this insinuation, a little investigation will convince you that these are the people furthering the unpleasant bill—pay for the national game preserve. If they object, then let the general appropriation pay the bill. It will be worth the price to the people as a whole.

I was interested in another portion of the hearings to learn that the representative of the Department of Agriculture, in discussing the bill, estimates that only about $150,000 a year—that is his estimate—will be obtained for the purchasing of game refuges, the employment of game wardens, and so forth. He is very modest, for Doctor Nelson estimates the income to be derived will be from $1,000,000 or $1,250,000. The explanation of the representative of the Agriculture Department, Mr. Denmead, as to why the revenue derived will not be more than $200,000 a year, is that only a few hunters will buy licenses.

They will have to be trained to it. I suppose they will be trained by arresting them from time to time and teaching them that they must pay a dollar in order to hire Federal game wardens from whatever sections of country that may be selected. The amendment of the Senator from Arkansas [Mr. CARAWAY], in my judgment, is the one saving amendment which has been offered to the bill. If the bill must be passed, that amendment will at least save the people of the States from having politicians sent in from other States to enforce the national game law. I want to continue reading the letter.

But, above all, don't permit them—

Meaning the Federal Government—

to tax the Texas hunter in order to enable the centralization gang to send us a Massachusetts warden to spy on them.

If the amendment of the Senator from Arkansas shall not be adopted, then the department can pick the game wardens from Massachusetts, or anywhere in New England, and send them down to Texas. It can pick them from Florida and send them out to the State of Washington, in which I live. In fact, it would be a very fine thing, in the estimation of those who want these game laws enforced free from all other considerations, to have the game wardens come from long distances rather than to have them selected from among the people of the community in which the law is to be enforced. The letter continues:

Let Texas pass the dollar license bill and employ her own wardens.

If it were proposed by this bill that the States might charge a dollar for a license and use the money, that would be another proposition; but this bill proposes that everybody who goes out to hunt migratory birds must pay a dollar for a license from the Federal Government, and then the money is to be paid into the Treasury and is not to be used—in fact, it can not be used—except as appropriated by Congress under the terms of the bill.

Let Texas pass the dollar license bill and employ her own wardens. We made a hard fight to pass this bill the past session, but failed. The next time we will succeed. Give the States a chance. The game will be protected. The people are demanding it more every day.

Excuse the length of this letter; but if you are not already convinced you will upon reflection agree with me that the matter is serious and merits your closest attention.

That is a letter from a man who was in the business of enforcing game laws, a man of practical experience. I happen to have information this morning from the game commission of the State of Missouri saying that they are opposed to a Federal license; that the game commission of the State of Michigan is opposed to a Federal license; and that the game commission of the State of Pennsylvania is opposed to it; and the State of Pennsylvania has done more to protect wild life and make provision for the hunting of wild game than any other State in the Union. The bird refuges and refuges for game in general which have been provided in the State of Pennsylvania are simply amazing.

I say again that I am not opposed to providing bird sanctuaries, but I am opposed to setting up a system by which every man or boy in the country who is going out to shoot birds must procure a dollar license. That is bad enough, but that is not the worst of it; to my mind, the worst of it is the

unnecessary establishment of a system of Federal control under Federal game wardens. I find from the hearings that the representatives of the Department of Agriculture complain that they have only 25 game wardens now and only $149,000 with which to enforce the present migratory bird act.

I wish to read from page 12 of the hearings, where Mr. ADKINS and Mr. Burnham proceeded to discuss the bill. I do not wish to refer to the personality of anybody, but I am not so sure that Mr. Burnham's interest in this measure is entirely one of saving wild life and developing hunting areas in this country. Mr. ADKINS was complaining of the way the game law was enforced in the States and of the way the appropriation had been used by the Department of Agriculture. Mr. Burnham said:

Mr. ADKINS, if I may say a word in answer to that, of course, Mr. Demead is just representing the official views of the department. We do not believe that with the receipts from this bill there would be a great deal more money than necessary to provide the necessary wardens to control these refuges. You have to have them protected. There are two different classes of areas under this bill. There are free shooting grounds where the public can shoot, and then there are areas for the protection of birds, where no shooting can be done. Experience has proved that that is the only 100 per cent insurance to keep your game from being entirely killed out of a section of the country.

To what did he have reference? To the provision for Federal game wardens, so that every time a new sanctuary or a new public shooting ground may be established it will be necessary to keep them up under a continuous process, so that the bigger the fund the more it will be possible to buy and the more game wardens we must have. It is like the farmer raising oats. What did he do with them? He planted more oats. What for? To grow more oats. What did he want to grow more oats for? To plant more oats to grow more oats. So it is proposed to raise a fund to buy more shooting grounds and sell more licenses to pay for more game wardens and then to sell more licenses to buy more shooting grounds to pay for more game wardens, and keep it up until at some time public sentiment will rise up against such a proposition to the extent that the practice will have to be stopped. I want to stop it before it starts. As I have said, the only saving amendment to this whole bill, so far as I am aware, is the amendment offered by the Senator from Arkansas [Mr. CARAWAY], and the Senator from Maryland [Mr. BRUCE] is opposed to that.

I continue reading from the hearings:

Mr. ADKINS. The refuge part is all right. I am speaking of licenses.

Mr. BURNHAM. You were asking about these Federal wardens. I was just going to say that it will require men to watch those refuges. Where the State will take control of that and do it the Government will be saved the expense. A certain amount of expense must be provided for the essential object of the bill, and that is to protect the refuges and to see that they are not shot on.

Mr. ADKINS. I am speaking especially about the licenses, and this feeling that is so strong that, for instance, one State senator voted for this State license for a man to take a hook and line to go fishing, and his opponent made that an issue in the campaign.

It is very significant that whenever one begins to talk about the license question or about the game wardens the proponents of the bill begin to talk about the game refuges, because the only good feature of this bill is the provision for game refuges. As I said the other day, if this were a bill to raise a fund to hire game wardens there could not be obtained four votes for it in the Senate, but under the guise of providing game refuges and saving wild life a little innocent provision for a license fee of $1 from each hunter is inserted, and it is hoped to get the bill through, and those of us who oppose it are charged with filibustering.

I was impressed here this afternoon by an incident which happened. The Senator from South Carolina [Mr. BLEASE] was about to make an address against the bill; I called for a quorum, and some of my colleagues remarked that I was filibustering. A little later my good friend from Maryland [Mr. BRUCE] wanted to make a speech, and he made a point of no quorum, and that was perfectly legitimate, because he is on the side of the bill. So I say it makes a great deal of difference on which side a Senator is. If he is for the bill and talks about it and makes points of no quorum, that is fine, that is legitimate discussion of the bill, but if he is against the bill and makes the point of no quorum or discusses it, then he is filibustering.

Mr. BRUCE. Mr. President——

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

Mr. DILL. I yield.

Mr. BRUCE. Mr. President——

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

Mr. DILL. I do.

Mr. BRUCE. Is the Senator certain that I am for this bill?

Mr. DILL. Well, the Senator has been for it, and he was arguing against the only provision that in my judgment would make the bill at all palatable.

We were told here yesterday that this bill had been before the Senate for a long period of time, and that there was a filibuster on; that there was all sorts of discussion going on here to keep this bill from being disposed of. I looked through the RECORD from the time this bill was brought before the Senate until yesterday evening, when that discussion went on, and according to my best estimate the friends and the opponents of the bill combined did not have a chance to talk about it three hours. The reason why this bill has not been discussed, and the reason why it has been laid aside so often, is because there is not enough interest in the bill for Members to get up here and really fight for it.

The arguments against the bill have not been answered, and they can not be answered; but, because of pledges that were made before the bill was understood, the bill is to go through. We are to start upon this system, and when it gets over on the other side of the Capitol they have a system there by which a rule from a committee will make it impossible to have it fully discussed. When the bill goes through this body all the advocates of the bill need to do is to convince a small number of men on the rules committee of the other body, and they can then bring it up, and there will be no chance to discuss the bill fully and thoroughly.

I did not finish, however, this statement about what the State senator did about voting on the license question and the issue that was made against him:

It was one of the things that contributed to his defeat—the fact that he made each fellow who wanted to fish take out a license. That was one of the features that entered into his defeat, because that fellow resented the idea that when he went out with a hook and line to do a little fishing he had to have a license.

Mr. ANTHONY. Would it not be a good idea to bring out at this time the fact that nothing in this bill proposes to interfere in the slightest with fishing in streams or lakes?

Mr. ADKINS. I am speaking especially about the licenses.

Mr. Adkins was trying to keep on the subject of the bill that was objectionable. Mr. ANTHONY and Mr. Burnham and these other men were trying to get away from that and talk about the refuges.

That is the point you want to be careful about and not overdo, because it is the license feature that the poor fellow is interested in. He can not own stock in a game preserve and go off there and hunt to his own satisfaction. He gets a little recreation by going out and fishing for an hour or so. He is the fellow that is resenting this license business. That is the feature I am calling attention to. You have to be careful not to overburden him or you will have an overwhelming sentiment against you.

If we are going to charge everybody a license fee for hunting migratory birds in order to buy public shooting grounds and hire Federal game wardens to induce people to buy more licenses to buy more shooting grounds to hire more game wardens, and so on ad infinitum, on the same theory why should we not charge everybody a fee for a fishing license? We know that the Fisheries Bureau will supply any citizen of a State who wants a lake stocked with fish plenty of fine fish to put in that lake. We are told by those who are supporting this bill that the reason why we must embark upon the policy of Federal licenses is because the migratory bird flies across the country, and we can not get an appropriation. If we can not get an appropriation to maintain bird life, will it be very long before this system of economy will hit the fish question? Then they will come in here and point out the great success of this dollar game license, how this dollar fee has brought in all this money, and therefore we must extend that system to the fishing industry. Then we will have the fishing license, and we will have some fish game wardens in this country along with these fellows who are taking care of the other game. This, I say, is the opening wedge of a policy that threatens to centralize here in Washington control of the taking of all kinds of wild game in this country.

There is a lot of interesting discussion at this hearing; and in the light of the fact that there are no Senate hearings, I think some of these facts ought to be in the RECORD, because some Senators who do not come here to listen to these discussions do sometimes read the RECORD, and some one of these facts might catch their attention and make them realize

the seriousness of allowing this bill to go through without further consideration.

I find, on page 39, that Congressman RUBEY put into the record of the House hearings a statement of—

the position of the Izaak Walton League of America on the game refuge bill before Congress, as to what it should not provide, and the reasons why.

Some days ago, when this bill came before the Senate for discussion, there was some question as to the position of the Izaak Walton League, and some of us had telegrams which we called attention to, and which were put into the RECORD, stating that the Izaak Walton League by unanimous vote of 1,400 members at its third annual convention voted against a Federal license. Then we were told that the executive committee of the Izaak Walton League, headed by Mr. Selover, was in favor of this Federal license, and that the Izaak Walton League had reversed itself; but when we pinned the Senator from South Dakota down to a clear and definite statement, he refused to say that the Izaak Walton League itself had ever reversed its action of a year ago. The fact of the matter is that they did not dare submit the question again at the last convention, or they would have had even stronger language condemning the proposal of a license in this bill than they did have.

I was impressed, in reading that part of the hearings here presented by the representative of the Izaak Walton League, by the fact that they did not claim that the league had reversed itself. All they said was that the executive committee had taken this position. All they said was that the executive committee had decided these things.

Mr. NORBECK. Mr. President——

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

Mr. DILL. Yes; I yield.

Mr. NORBECK. I want to clear that up.

Mr. DILL. I think it is clear already, but I shall be glad to hear the Senator's statement.

Mr. NORBECK. The sure thing is that Mr. Dilg, the president, is the man who reversed himself. I have already put in the RECORD his editorials strongly indorsing the bill.

Mr. DILL. Yes. That was an old editorial.

Mr. NORBECK. It was just before he was let out; was it not?

Mr. DILL. That was an old editorial. He was not a candidate for reelection. I do not hold any brief for Mr. Dilg, but the fact as to the league the Senator can not dispute; namely, that when the members of the league voted they voted unanimously against this license fee, and they did not dare bring up the question at the last annual convention.

Mr. NORBECK. I challenged Mr. Dilg on the floor of the Senate to produce those resolutions, and I repeat that challenge. The best evidence of what the league did at that session is to put the resolutions in the RECORD; and the opposition to the bill are not willing to have the resolutions put in the RECORD.

Mr. DILL. The Senator ought to be able to get them and put them in.

Mr. NORBECK. I have asked Mr. Dilg for them.

Mr. TYSON. Mr. President—— .

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

Mr. DILL. I yield.

Mr. TYSON. I should like to read a telegram that was received from Mr. Jack R. Cunningham.

Mr. DILL. Yes; he is another one of the executive committee, or the president, or has some other official position.

Mr. TYSON. The telegram reads as follows:

Regarding Dilg's circular telegram as founder game refuge bill, suggest same be repudiated with facts, namely:

Second annual convention indorsed original game refuge bill, Dilg himself seconding the motion before the convention. Dilg at time passing upper Mississippi bill promised support of old game refuge bill. Dilg misstates facts regarding third national convention. Resolution says nothing about dollar Federal tax, but requests HARRY HAWES form committee to draft new game refuge bill to overcome opposition to old bill. Present bill result of Dilg's own actions and agreements, Denver meeting, August 20. Congressmen should be advised Dilg without authority to represent league in any way.

JACK R. CUNNINGHAM.

Mr. DILL. What was the opposition to the bill? Was it not due to the license part of it? Was not that why they opposed the bill? Was not that the only reason why they opposed the bill?

Mr. NORBECK. May I enlighten the Senator on that point?

Mr. DILL. Yes; I shall be glad to have enlightenment from the Senator from South Dakota.

Mr. NORBECK. The Izaak Walton League has at two sessions championed the bill with the license feature.

Mr. DILL. What about the vote a year ago?

Mr. NORBECK. All right; I will get to that now. Then they reported to the national convention that they could not get it through that way, so the national convention took another attitude and suggested another method. The Izaak Walton League has been both for and against this measure. Mr. Dilg has been both for it and against it.

Mr. DILL. Why did they not reverse themselves at the last meeting, this year?

Mr. NORBECK. They did, very much. They voted in a new outfit this year, and they are for the bill, too.

Mr. DILL. Oh, that is no answer. The former President was not a candidate for reelection. He is not like Mr. Roosevelt, who wanted to run and run and run even after he had been elected the normal number of times. Dilg was willing to quit, and he withdrew. I come back to the fact that the last expression of the delegates of the Izaak Walton League was against the license feature of this bill.

Mr. NORBECK. I wish the Senator would read that expression into the RECORD. Then we will know what it is.

Mr. DILL. Nobody has challenged the fact that they did it.

Mr. NORBECK. I challenge it now.

Mr. DILL. The Senator can challenge it, but he does not produce any proof. The proof was put in here by the statement that it had been done, and it never has been denied.

Mr. NORBECK. It has been denied by every one connected with the league.

Mr. DILL. Oh, they now take that position because the executive committee——

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. NORBECK. The point is well taken.

Mr. DILL. I am not annoyed. The Chair may be, but I am perfectly willing to continue the running debate.

Mr. HEFLIN. Mr. President——

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

Mr. DILL. I yield.

Mr. HEFLIN. I want to know what the ruling of the Senator from South Dakota was. I understood him to say the point was well taken.

Mr. NORBECK. That Senators should address the Chair.

Mr. DILL. I want to say that this Izaak Walton League is an organization of real sportsmen. It is the largest organization of sportsmen in the United States. I understand that there are about 200,000 members in it, and that about 80 per cent of them pay an annual fee of $3, and the remaining 20 per cent pay an annual fee of $5 or $6. It is a real sportsmen's organization. Before I finish I want to read some expressions from the Izaak Walton League on this question of a Federal license.

The organization that is really championing this bill is not the Izaak Walton League, but it is an organization that has taken a very fine-sounding name—the American Game Protective Association, I think it is an organization of about 3,300 members, who pay $1 each. That is the organization that is fathering this bill. That is the organization that wants the dollar license from everybody. That is the organization that wants to build up the public shooting grounds to give the ammunition makers a field for selling their guns and their ammunition. That is the real kind of sportsmen they are, but they are not sportsmen for wild game. They are sportsmen in a business way, to sell their own products. I am referring to the men who are at the head of it.

Mr. NORBECK. Mr. President——

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

Mr. DILL. I yield to the Senator.

Mr. NORBECK. I just want to remind the Senator that I put into the RECORD an indorsement of about 50 organizations throughout the United States, including the Audubon Society.

Mr. DILL. Yes; and those organizations are indorsing it, as I said when the Senator was out a few moments ago, because they were told, as most of us were told, that it was a bill to protect wild life. They are not indorsing this principle of compelling the purchase of Federal game licenses and appointing Federal game wardens.

Mr. NORBECK. The bill, as referred to in the public press, has always been the bird refuge and shooting ground bill.

Mr. DILL. If they called it a Federal license bill the result would be different; but in stead of that they call it a bird refuge bill. Call it a Federal license and a Federal game warden bill, and then you will not get so many organizations indorsing it. I want to read some editorials stating the posi-

tion of the Izaak Walton League on the game refuge bill before Congress.

These were inserted in the hearings before the House committee, and appear on page 39 of the report of the hearings. They were offered by Representative Rubey, of Missouri. I want to say that the opposition to this bill in Missouri is growing continually. I am getting letters from all parts of the State, and the people down there really understand what this bill means.

The bill must, however, be so drawn that all objections will be removed. It must not provide for Federal policing of the proposed refuges, and neither must it provide for a new Government bureau. It must be administered by the States.

When the Senator from Arkansas submits an amendment that would provide for some little administration by the States providing that whatever game wardens were appointed under this bill should be citizens of the States, then the Senator from Maryland, who has been championing the bill, rises and says he wants to kill the whole bill if that goes in.

I do not know a finer illustration of the real purpose underlying this bill, namely, to set up a system of Federal game wardens, to be sent out into the various States at the will and behest of the Department of Agriculture here. If the purpose is simply to protect the wild life and have these game refuges, then there is nobody who can object to the amendment of the Senator from Arkansas, because that amendment proposes that the Federal Government shall appoint citizens from the States in which these game wardens are to be placed.

This article from the Outdoor American Magazine, the official publication of the Izaak Walton League, states:

It should not provide for a Federal tax on sportsmen.

A Federal tax on sportsmen to hunt game in their local fields and forests is a philosophy which will never pass Congress.

Ah, they did not know how well Congress had been propagandized on this subject. They did not know how Representatives and Senators, before the session opened, had been invited to game dinners and had been solicited to support a game refuge bill in Congress; how these Congressmen, in the hour of conviviality, not conceiving that under such a pledge they would be called upon to vote for a Federal licensing system, got up and made speeches and said, "Of course I will vote for it." Most of those Representatives and Senators having made the pledge, would hesitate to go back on it, because they would not want to explain it. When they got down to Washington the bill came up and they found certain provisions in it and they said, "I do not like those provisions." Even my good friend, the Senator from South Dakota, says he does not like the Federal licensing feature, but he is going to swallow it.

We can not even get $150,000 to buy game refuges, with all the sportsmen of the country wanting game refuges. This administration, which is spending $90,000,000 more this year than it spent last year, must make a record before the American people, and therefore we can not spend any money for game refuges. But we must set up this system of Federal licenses, at a dollar apiece, and start a fund that will grow like a snowball, to buy more public shooting grounds, and make people pay for licenses and hire more game wardens and buy more public shooting grounds and hire more game wardens, and so on.

Senators, that is what this bill means. The men who are advocating it in the Department of Agriculture say that it will take two or three or four or five years to educate the people to buying the licenses, and then we may get a million or two million dollars. Then when we get them educated, and when we get a million or two million dollars, we will keep right on buying game refuges and public shooting grounds, and when we get them we will have to have more Federal game wardens, and if this amendment of the Senator from Arkansas shall not be adopted, they will be appointed from any part of the country and sent around to any other part of the country, and in Congress we will be told, "Here is this money. Under the law you can not spend it for anything else. If you do not appropriate it for game wardens or wild life, you can not appropriate it for anything." The bill takes care of itself.

The Senator from Maryland, speaking a while ago, said that if the amendment of the Senator from Arkansas were adopted, the bill would spell its own death. This bill is made to spell its own everlasting development and continuation. It is made so that it will continue to grow, and it will continue to build itself up through the years, because it will bring in money, and when the money comes in, there will be a reason for continuing to hire men, and when we hire men, there will be found reasons to bring in more money.

I remember reading when I was a boy that the great wisdom of the fathers when they wrote the Constitution was shown in the fact that although they provided for a President as the head of the Government and gave him control of the Army and the Navy, he could not tax the people a single dollar for that Army and Navy; that Congress retained to itself the purse strings, the right to tax the people and to appropriate the money, and that bills providing for the raising of money must originate in the House of Representatives. That principle has been maintained down through the years. So this bill maintains within its own provisions the power to raise its own funds, those funds to be used only for the purpose of perpetuating the conditions which will bring in more funds, and it will thus enlarge itself as the years go by.

I continue reading from this editorial:

There are so many Senators and Congressmen who believe that there is too much Federal interference and policing now, and too much invasion of the rights of the States not given by the Constitution of the United States, and we believe that a Federal tax for this purpose is unconstitutional and un-American.

I have not talked about it being unconstitutional and un-American, because that is the common argument made against anything, to say that it is unconstitutional and un-American. I do not know, in this day of lawyers who can be hired to prove anything, that there is very much to the talk about constitutionality. I must confess that if it is constitutional to spend Federal money for some of the purposes we are now spending it for, it probably will be constitutional to spend the money that would be raised from these licenses to hire game wardens.

As to the purchase of public shooting grounds, I have very grave doubts; but I am not going to discuss that. The fact that Representatives and Senators are opposed to Federal interference, I fear, has not very much weight. It is too much like the President, who makes a speech down at Williamsburg, Va., one week, in which he dilates upon the danger of the invasion of the rights of the States, and then the next week issues an order that opens the door for the prohibition department to practice a policy that will do more to override the States, possibly, than anything that has been done in a generation, if not since the days of the Civil War.

So I say that this opposition to Federal interference does not seem to have very much weight, when there are a lot of sportsmen at home, who do not know what is in this bill, who are saying, "Let us have game refuges and let us have public shooting grounds. It will cost us only a dollar anyhow."

I read further:

There is yet another reason why the sportsmen should not be taxed. If the sportsmen pay for the refuges it is inferred that they are entirely for the use of the sportsmen. The refuges must be bought by the people of the United States for the use of the people of the United States. Preservation of marshlands, for instance, is of more vital importance to agriculture than to the sportsmen. The destruction of a river hits the general public harder than it hits the anglers.

I now see why it was appropriate that we should discuss farm relief in connection with this bill, although nobody gave that as a reason; because this will preserve the marshes, and that will preserve the moisture in the country and make farming more profitable. I did not know that connection existed before.

The game refuge bill to be drawn up by the Izaak Walton League must be a national not a class measure. Marshlands are a national asset and of great value to the Nation. Tax plan fundamentally wrong.

Exception of four Congressmen, every Member of the Sixty-eighth Congress favors such legislation as our upper Mississippi wild life and fish refuge act. Our bill carried a straight appropriation. It did not require that the sportsmen of the Nation pay a dollar tax each to fish or hunt.

Of course not; and if this bill provided a reasonable appropriation we would not find anybody seriously objecting to it or fighting about it here, because that appropriation would be made and would be expended, and that would be the end of it, and Congress would consider the subject anew when the next Congress came along. But when we pass a bill we provide for its own plan of taxation, and make the money available to be appropriated by Congress for no other purpose than the purpose of these game refuges and public shooting grounds and the hiring of these Federal game wardens. I read further:

The distribution of the funds provided by the license fees would create a feeling between States which would make the passage of such enabling acts impossible and which would go far toward creating a feeling of jealousy and misunderstanding between the States, which

would render impossible the development of legislation in the individual States which is so necessary to the protection of our wild life.

So it is suggested in this article that we are going to continue, by this bill, a policy that has been objected to by our eastern friends, namely, the raising of money in the populous centers and spending it out in the open spaces. You are going to raise it from the people who live in these eastern centers, because that is where the great masses of the people are, and you are going to spend it out in the open spaces where there are few people. But the bill takes care of that, because that will not be a question that will be raised in the future particularly. This bill provides the money for its own purpose, and all that can be done with it is to appropriate it for this one purpose. I read further:

Already a number of the States have passed legislation for the acquisition of game refuges. Under the old game refuge bill money may be collected in Texas or Oklahoma for game refuges and used to purchase game refuges in New York State. Also under the old game refuge bill, States which have already provided their own game refuges and bird sanctuaries will be taxed just the same without direct benefit.

Another Federal tax. Take the old game refuge bill as written, strip it down, and you find that the only thing that it assures sportsmen in each State is a Federal-license tax.

That is the bill that was here, which we are told the Izaak Walton League favored. Yet here is the Izaak Walton League discussing a new bill, and they say that the one thing about this bill, which they were supporting previously, is that it provided for such a Federal tax. They are putting forth these arguments against the Federal tax.

Even in spite of the fact that the bill is named the game refuge and public shooting grounds bill.

There is no illusion in the minds of these men, who want a game refuge bill, as to what the meaning of this provision is. They know that it is setting up a system of Federal taxes in the form of licenses. They know that once it is set up it will continue. But having indorsed a game refuge bill so long, the executive committee continues to indorse it, even though these features are in the new bill.

Then the closing part of the editorial calls it an empty dream.

The old so-called game refuge and public shooting grounds bill is an attempt to carry water on both shoulders. But you will find most of the water is now in the bucket on the shoulder labeled "Federal license tax."

That is about all there is in the bill that really concerns the Senator from South Dakota. He is willing to agree to almost any amendment that is proposed to get the bill through, he says, except an amendment that would take out the Federal license tax. That is the Ark of the Covenant with him. This dollar tax is the one thing you must not touch, this Federal license that is to bring in a fund that is to grow as the years go on, that is to grow as the public shooting grounds increase and Federal licenses increase, and make possible more Federal game wardens in the country.

Most of the States, in the event that the old bill should pass, when they go to look for the contents of the bucket on the other shoulder labeled "Game refuge and public shooting grounds," so far as their State is concerned, will find there is a big hole in the bottom of the bucket—that it is an empty dream.

The empty dream that is talked about here is not an empty dream from the standpoint of securing money for the purpose of hiring these game wardens. I do not want to seem to hammer a subject until I hammer it into the ground, but I do not know of any way by which the bill can be made to appear in its true light more clearly than to continually remind the Senate of the fact that it is nothing less than a bill to provide public shooting grounds and to provide Federal game wardens.

On page 46 of the hearings I find another statement issued by the East Side Call, a paper published in Illinois. The article appeared on February 12, 1926, and is entitled "Migratory bird refuge bill—Senate bill No. 2607, House bill No. 7479, now pending in the Congress of the United States of America." I read briefly from the article:

Few, if any, have forgotten the migratory bird act passed in 1913 and later held unconstitutional by the courts. No one wanted it except a few affiliated groups interested in the arms and ammunition companies of the country, and as soon as the courts refused to uphold it, in their greed, they immediately set to work to create manufactured sentiment that the people of the different States were united in having protection for migratory birds under Federal control. The result was that a treaty was entered into between the United States and England in 1916, and later a bill was enacted by the Congress of the United States in 1918 to carry the terms of the treaty into effect within the territory of the United States.

No one had ever dreamed, let alone considered for a moment, but that the question of the subject of game and game birds was that they belonged to that immense mass of internal things that belonged to and was under control of the several States, in trust for its people in common; the fight started upon the migratory bird treaty act, with the affiliated Washington lobby representing the great arms and ammunition companies supporting the bill and the individual and sportsmen's organizations against it; the result was an appeal to the courts of the United States.

Then it was that the treaty and the act of Congress to carry the same into effect was sustained by the Supreme Court of the United States. We do not find fault with our courts, for we believe them to be the protectors of our liberty, but we do desire to state briefly the position of the court in upholding the act.

Thus we find the same forces that are backing the bill, that are now trying to force upon the country a Federal license tax, were the forces that previous to this time have appeared here purely in the guise of protecting wild life. Having succeeded first in getting an international treaty on the subject and then succeeded in having a law passed which was declared constitutional because in support of the treaty, they now come forward with the real purpose that has been back of it all the time, namely, to build up such a system in this country as will develop the sale of the munitions which they manufacture, and in order to allay opposition of the administration, an administration that is economical when it comes to appropriating $150,000 or $200,000 for bird refuges, but forgets all about economy when Mussolini wants 75 cents of each dollar his Government owes this country canceled, or when the French want 50 cents of every dollar they owe this country canceled in order that they may continue to subjugate the peoples of northern Africa—I say whenever that kind of economy is up for consideration it is all right to give away the money that is owed to this country by cancellation of the debts to the extent of millions and even billions of dollars, but when it is proposed to take a little money out of the Treasury for bird refuges or public shooting grounds, which I do not think are necessary at all, then we are told that economy demands that we shall not spend the money, and we must set up a system of Federal licenses not for one year but for a continuation of years, to go on until they have built up a fund so big and an army of wardens so big that the people will no longer stand for it and Congressmen and Senators who succeed us will be compelled to repeal such legislation.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Washington yield to the Senator from South Dakota?

Mr. DILL. I yield.

Mr. NORBECK. The Senator will agree with me that the amount of money to be expended for certain purposes will depend entirely on the Congress which has to make the appropriations.

Mr. DILL. But the Senator knows that under the terms of the bill all the money collected for Federal licenses goes into a special fund in the Treasury, to be expended by appropriations made by Congress in connection with the game refuges and public shooting grounds.

Mr. NORBECK. Yes; in connection with them, but not simply for game wardens.

Mr. DILL. But the money comes in, and it does not cost the Government anything.

Mr. NORBECK. If the Senator complains about having a large number of bird refuges, I remind him that although the funds which come in come from the public, nevertheless, Congress will use them for that purpose.

Mr. DILL. The men proposing the bill before the House committee—they did not come before the Senate committee, and that is why I want to read some of this material into the record—said that the more shooting grounds and more refuges they get, the more game wardens they would have to have.

Mr. NORBECK. The more sheep and cattle we have, the more herdsmen we must have. We do not kill off the sheep just to get away from the sheep herder.

Mr. DILL. Oh, do not compare the great stock business of the country to a system like this which is self-perpetuating. If the Senator from South Dakota will give me his attention a moment before he leaves the Chamber—because he raised the question and then walked away before I could reply to him—I want to discuss for a moment the proposition which

he made. The more bird refuges and the more public shooting grounds we have, the more game wardens we must have, and then the more reasons there will be for the people to buy licenses; and the more licenses that are sold the more money comes in available only for the purpose of game refuges and public shooting grounds, and Congress will appropriate that money for those purposes to make necessary the appointment of more game wardens to bring in more licensees to buy more refuges to hire more game wardens.

Mr. NORBECK. If the bill will create an unlimited amount of game over the country, the bill will certainly serve its purpose.

Mr. DILL. It will not do that. It will create an unlimited number of game wardens, however.

Mr. NORBECK. May I ask the Senator how many game wardens his State has?

Mr. DILL. I do not know, because I do not know the number of country game wardens.

Mr. NORBECK. Possibly 50?

Mr. DILL. Oh, my own county has a considerable number alone.

Mr. NORBECK. This bill will provide an additional one for each State.

Mr. DILL. This bill will provide an additional one for each State merely to start with. This is like a snowball when the snow is melting; it grows and grows and there is no means of stopping it. It must be stopped by Congress alone.

Mr. BRUCE. Mr. President——

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

Mr. DILL. I yield.

Mr. BRUCE. That will be especially true, of course, in those States which have the appointments, while the Federal Government provides the funds to pay the salaries.

Mr. DILL. The Senator from Maryland has been out of the Chamber while I have been discussing in his absence some of the comments he made, much as I regretted to do it. I recognize that the Senator had other important business to call him from the Chamber, but I said, probably during his absence, that the only saving grace I have seen in the bill at all is the proposal made by the Senator from Arkansas, because under that, at least, no State will be in the position that this man from Texas feared his State would be in, having a number of game wardens from Massachusetts sent down to enforce the Federal law in the State of Texas. At least the citizens of the State would be chosen to enforce the law in the State, and to my mind that is the only sugar-coating that is offered for this pill if I must swallow it, though I do not mean to swallow it until I have to do so. If the amendment of the Senator from Arkansas is adopted I still am just as much opposed to the bill as ever, because it still contains what I consider the vice that ought to beat it and destroy it, namely, the Federal license provision. But if we must take it, then I think the amendment of the Senator from Arkansas is highly desirable. I have great regard for the judgment and views of the Senator from Maryland, but, unfortunately, sometimes I think he is wrong.

Mr. BRUCE. At least my friend is not like the French lady to whom Benjamin Franklin referred as having said that the more she thought about it the more satisfied she was that he alone was always right.

Mr. DILL. I would not say always right or always wrong, but in this case especially wrong.

I was about to read the language of the decision of the court when they supported the law as being constitutional:

> Here a national interest of very nearly the first magnitude is involved. It can be protected only by national action in concert with that of another power. But for the treaty and the statute there soon might be no birds for any power to deal with. We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and of our crops are destroyed.

There is nothing in the Constitution which prevents Congress from protecting the cutting off of the food supply, but there is also nothing in the Constitution which calls upon Congress to set up a system of Federal licenses to interfere with the privileges of everybody who wants to hunt in this country. Whatever regulations are made, whatever provisions of law are made regarding Federal bird refuges, they can be enforced by the State game wardens in cooperation with the Federal wardens. That is what is happening now. We have not as many Federal game wardens as we have States, and yet there has been no showing here that the wild migratory bird life of the country is being annihilated. In fact the showing is that the wild migratory bird life of the country is increasing and will no doubt continue to increase.

Then I read further from the editorial in the East Side Call, and this is a sportsman's paper. It is not a paper edited, owned, or backed by the ammunition makers or the advocates of Federal licenses:

> Immediately after the Supreme Court sustained the migratory bird treaty act it was found that there were not sufficient funds to police the different States to enforce the provisions of the act, and Congress was appealed to, but Congress refused to heed the appeal for funds to be appropriated from the Public Treasury. The powerful lobby then set to work to find means to provide revenues to enforce the provisions of the act. A bill was introduced in the Sixty-seventh Congress, which was defeated. Then another bill was introduced in the Sixty-eighth Congress, and it died a lingering death. Each of these bills provided for a discriminatory tax upon the hunter.

I glory in the fortitude of the Senators and Congressmen who have preceded us in that they have done their part in killing one bill and causing another bill to die a lingering death. I wish we could strangle this bill and do the job so completely that never again would we be faced here with a proposal to set up a Federal licensing system for everybody who wants to go out and hunt a few birds in the various parts of the country, even though they be two or three thousand miles removed from the seat of the Federal Government.

> Later at a conference at Denver, Colo., it was arranged to have another bill prepared, and the revenue was to be created by the retention of the 10 per cent war tax on guns and ammunition, which bill was to be presented to the Sixty-ninth Congress, which is now in session. About this time, for some reason which has not yet been explained, the arms and ammunition companies increased the cost of ammunition 15 per cent—

They did not wait for the tax to be put on. They were going to get theirs whether the Government got its increase or not—

> and shortly thereafter the report came out that the Sixty-ninth Congress was to repeal the 10 per cent war tax on guns and ammunition. Yet it will be seen that the 15 per cent increase in the cost of ammunition had already gone into effect.

So, under the guise of caring for an ammunition tax for the Government, there was an increase made in the cost of arms and ammunition, and that extra money certainly would provide a fine fund for lobbying purposes behind a bill like this. It provides a fine fund to support an organization of 3,300 members under the name of the Game Protective Association.

Under the guise of a game refuge bill, the smoke of which completely obliterates any sight of the arms and ammunition companies, we are to set up a Federal licensing system that will build up the game-refuge-public-shooting-ground and game-warden-Federal-controlled areas in the United States.

> The repeal of the 10 per cent war tax left the preparation and introduction of the contemplated bill then being considered in such shape that there could be no revenue reached from this tax. Not to be beaten in their determination to inflict a tax on the sportsmen (after the 15 per cent increase in the cost of ammunition and the repeal of the 10 per cent war tax) it was then determined to introduce in the Sixty-ninth Congress the present bill, which it set out in full, and is to be known under the short title of "Migratory bird refuge and marsh land conservation act," as follows:

Then a copy of the bill is inserted.

> Having read the proposed bill, now introduced in Congress, you will observe that you must obtain a license from the Post Office Department, paying $1 therefor.

Yesterday in discussing the referendum on prohibition proposed by the Senator from New Jersey [Mr. EDGE], I mentioned the fact that the Post Office Department was to be used to conduct a referendum election in those States where it was not intended to hold such a referendum under the State law. Now we have a bill that proposes that the postmasters shall become a collection agency for the Federal license system, and the fund so collected is to be turned into the Treasury by the postmasters. I do not know but what if 50 per cent of this fund were given to the fourth-class postmasters, it would have one virtue, that the poor fellows in the fourth-class post offices might get enough at least to pay their board and the expense of lighting their offices during the year for which they now get practically nothing in the way of salary.

Of course, there is some propriety in having the postmasters collect this $1 license fee, because most of the licenses are going to be sold in the little post offices located in the scattered com-

munities where people go hunting. Fourth-class postmasters are naturally partisan appointees. It is true we have a civil-service system. My friend, the Senator from Maryland [Mr. BRUCE], is always in favor of civil service, and we have a civil-service system for fourth-class postmasters. It is a very interesting system. The Civil Service Commission hold an examination and report three names. Then the Post Office Department writes to the Representative from the particular district and asks, "Do you know any reason why the man first on the list should not be appointed? If so, we should be glad to hear it." Then the Representative picks out one who is a good Republican and states why he ought to be chosen, and he generally is chosen.

I am not condemning the Republicans under this administration for doing that, for the Democrats also did it under Democratic administrations. I was a Member of the House of Representatives at that time, and I used to manage to get Democratic postmasters in those little post offices throughout my State. If the Federal postmasters in the little towns are going to be called upon to collect the $1 license fee, that will give them something to do, and that, of course, will be praiseworthy. Then, we are going to have a lot of Federal appointees under civil service; but it is evident that the appointee does not forget the person who appointed him, so we are going to have a nice political machine here to add to the present political machine as conducted by the appointees of the administration.

Mr. TRAMMELL. Mr. President——

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

Mr. DILL. I yield.

Mr. TRAMMELL. The Senator from Washington did not mean to convey the idea, I presume, that under a Republican administration a Democratic Representative would be called upon to designate who should be appointed as a postmaster?

Mr. DILL. Oh, no. In such cases, of course, I suppose the national committeeman has control of the appointments.

Mr. TRAMMELL. That is the practice.

Mr. DILL. I understand that there is an investigation now going on of the charge that they have been selling post offices in the South.

Mr. TRAMMELL. In the Democratic districts in the South the names of the three eligibles are submitted to the national committeeman, and, as a rule, whoever he desires appointed gets the post office.

Mr. DILL. There is no doubt about that, and yet that is called civil service.

Mr. TRAMMELL. And neither the Representatives nor the Senators from my State have a thing to do with such appointments.

Mr. DILL. I was speaking, of course, of administration Representatives and Senators. The administration will work out a similar system as to the appointment of game wardens; we need not worry about that.

Mr. FESS. Mr. President, will the Senator from Washington yield to a question that has to do with the suggestion of the Senator from Florida [Mr. TRAMMELL]?

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

Mr. DILL. I yield.

Mr. FESS. That practice was inaugurated long ago.

Mr. DILL. I so stated.

Mr. FESS. When it was inaugurated there was a conference to ascertain whether giving no leeway whatever to anyone and limiting the President's power of appointment to some one specified in the civil service report would really be constitutional; there was a question whether the President's power could be limited in that way. Personally I would very much prefer, if we are going to live up to civil service, always to give the appointment to the highest man, but the question was raised by high authority whether that would not interfere with the appointing power of the President and whether or not it would be constitutional.

Mr. DILL. I recognize that. The point, however, I am making is that that kind of civil service becomes a farce. If postmasters are to be appointed through political influence, as they were before so-called civil service was inaugurated, they ought to be considered simply as political appointees and let everybody so understand. For my part I would eliminate absolutely any political influence.

Mr. FESS. I wholly agree with the Senator. If it is going to be civil service, let it be civil service; if it is not going to be that, let it be the other; but I do not want to take any responsibility for the charge, as the Senator from Florida has charged, that we have the form of civil service but that, after all, the appointments are made by some one who submits a recommendation. There is too much truth in that, I will say to the Senator from Florida, but I do not want to rest under that sort of a limitation.

Mr. DILL. But the Senator admits that that is what does happen, does he not?

Mr. FESS. I do; but I deplore it.

Mr. DILL. I disapprove it also.

Mr. TRAMMELL. Mr. President——

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

Mr. DILL. I yield.

Mr. TRAMMELL. I merely desired that the RECORD should be clear as to the controlling practice in making appointments in the States represented by members of the minority party. I did not mean to make any charge; I think the same custom has prevailed regardless of the party which has been in power; but the Senator from Washington, in speaking of it, related that the Representative from the district in which a post office was located would be asked to make a recommendation. I knew that he was familiar with the system, but he omitted to say that that applied only where the majority party was in control and was not the custom and practice in States where the minority party prevails.

Mr. DILL. Now, Mr. President, I wish to continue reading from this editorial—

> then, if you have been able to obtain the license under whatever regulations may have been made by the Postmaster General, you must next ascertain what other regulations may have been made regarding several other statutes, including the migratory bird treaty act, as well as such other regulations that may be made under this act and other acts, and then, having taken your dollar for a license under regulations yet to be made under this act, it is proposed to raise a fund to police the country by taking 40 per cent of the dollar and use it in enforcing not only this act and whatever regulations may be made under it but also to enforce the migratory bird treaty act and the Lacy Act under such regulations already existing under them, as well as such further regulations that may be made from time to time under them.

So that we are going to police these game refuges from Washington. There is a bill now pending before the Senate known as the national police bill. It is proposed to have a centralized system of national police. I do not know whether the members of that police force will constitute a national constabulary or what they are going to be, but, nevertheless, we have such a proposal here, and, if we are going to have a national system of game wardens to police bird refuges and national public shooting grounds, we might just as well establish a national constabulary and have it centered here in Washington, as proposed by the bill to which I have referred.

The editorial continues:

> We have no objection to game and wild-bird refuges.

I do not think anybody has. So far as I know, there is not any opposition to this bill because of its provisions with regard to game refuges, although there is opposition to it because of the provisions with reference to shooting grounds. I do not believe the Government ought to go into the business of buying up tracts of land in various sections of the country and then policing them to provide shooting grounds.

> We have no objection to game and wild-bird refuges. In fact, we have made a determined and successful effort to have our own State create refuges. We believe the subject should be left to the individual States to create refuges, yet if it is determined by the powerful lobby to have the refuges created and controlled by and under Federal control, without regard to the wishes of the sportsmen of the country, and distribute upon them a discriminatory tax, we feel that we have a just cause of complaint.
>
> It is again said, as was the case in the passage of the migratory bird treaty act, that practically all the people of the different States are demanding the passage of this bill, and if this be true, and if, as said by the Supreme Court of the United States, the migratory bird treaty act was upheld on the ground of the national importance of the subject matter as a valuable food supply to all the people of the Nation, as well as the forests and crops of the Nation, then it becomes the solemn duty of our Government to protect that subject, which has been declared "national" and raise the revenue necessary for its protection and the creating of refuges out of the general funds of the National Treasury by appropriation, and not attempt to get from under its responsibility to the whole people by saddling the expense upon a few of the people by providing for a Federal tax upon the sportsmen.

As I said a moment ago, the most dangerous feature of this bill is that it proposes to make the Federal tax $1. Of course, the payment of a license fee of $1 does not mean anything as a general proposition. The poor man who wants to hunt will pay it, of course, as well as anyone else, and it is not the dollar

license fee of itself which is so serious, but the results that grow out of imposing even that small charge, namely, the concentration of a fund in the Treasury constituting an invitation to Congress to make appropriations for the purpose of buying public shooting grounds and establishing a system of Federal game wardens.

It has been determined that less than 3 per cent of the people hunt migratory birds.

And yet it is proposed that out of this 3 per cent is to come the money to buy the refuges and the shooting grounds.

It has been determined that less than 3 per cent of the people hunt migratory birds, and less than 5 per cent hunt at all under license, and no one can say it would be fair and just to tax that 3 per cent of the people when the whole people receive the benefit as a national asset.

The National Government has taken control of the subject of migratory birds upon the ground of its great food value; its great value to forests and crops as a national asset. Now it is up to the National Government to provide, by general appropriation, funds for its protection.

The Senator from South Dakota says that the reason he can not agree to an amendment to this bill which will provide appropriations from the Federal Treasury is because such appropriations could not be obtained. I do not know whether the Senator means by that that the President would veto the bill or whether such a bill could not be passed by the Senate, but I do know if the Senator would agree to strike out the provision in regard to the Federal license fee and provide for bird refuges and provide a small appropriation, if one-tenth of the benefit should result that it is urged here by the Senator will result, there would be a public sentiment sufficiently strong to force a future appropriation great enough to take care of all the needs of the migratory-bird treaty.

If the National Government is unwilling to assume the responsibility of preserving the subject so taken over by it, then in all fairness to the people of the respective States it is the duty of that Government to repeal the migratory bird treaty act; abrogate the treaty and return the subject matter back to the people of the respective States where it belongs and they will assume the responsibility of protecting it. Our President, Mr. Coolidge, has said that "It is the duty of the people to get back to local self-government." The people are willing if given the opportunity.

Yes, if given the opportunity; but the opportunity they are given here is the opportunity of paying a dollar every time they want to go out and hunt migratory birds, the opportunity to have a Federal game warden, first, my friend from South Dakota says, one from each State, and then, when you get one he will need assistants, and then those assistants will need assistants, and then assistants upon assistants will be needed, and there is no provision in this bill by which it ever would be stopped.

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

Mr. DILL. I yield.

Mr. MAYFIELD. In view of the wonderful address delivered by President Coolidge at Williamsburg, Va., the Senator does not think for one moment that he would sign this bill, does he?

Mr. DILL. After the President delivered that address one week and the next week proceeded to authorize his national prohibition service to use all the State officials, when a reversal of viewpoint such as that indicates has taken place I would not predict anything as to what the President would do about this bill. I want to say to the Senator, however, that I believe if the Federal license tax were stricken out of this bill and a reasonable appropriation put in it the President would not veto it. I do not believe he would defy to that extent the sentiment in this country for the development of the wild life of the country and the establishment of bird refuges.

We feel that the sportsmen have done more for the protection of our wild life than any lobby which has ever affiliated for that purpose.

I commend that to those who talk here about setting up by law a Federal system of control of wild life. The sportsmen of this country have been the ones in the various States who have brought about the legislation that has established these bird refuges. I have here on my desk a compilation that is simply amazing of the bird refuges and the various game refuges of the United States.

On the part of some States it is almost beyond my own belief that it could be done; and yet it is proposed, in the light of the sentiment that has been developed in the country in favor of developing State control of this game question, to set up this Federal system of control from Washington.

They are still willing to give that protection.

Speaking again of the sportsmen:

They feel that they should not be discriminated against and compelled to pay the full bill under a Federal tax upon them as a class, when the great benefit accrues to all the people of the Nation as a natural source of food supply—the protection of the forests and the crops.

We submit to you, is it fair or just?

If you believe that it is unfair and unjust, see that your Congressman and Senator from your district are informed of your position on this bill.

That is the statement signed by the Southern Illinois Sportsmen's League and published in the East Side Call, St. Louis, Mo.

Mr. President, I am not going to discuss further at this time the amendment of the Senator from Arkansas; but before it is voted on I think there ought to be a quorum of the Senate present, and therefore I make the point of no quorum.

The PRESIDING OFFICER. The point of no quorum having been made, the Secretary will call the roll.

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

Ashurst	Frazier	King	Sackett
Bingham	George	La Follette	Sheppard
Bratton	Gerry	McKellar	Simmons
Broussard	Glass	McMaster	Stanfield
Bruce	Gooding	McNary	Swanson
Butler	Hale	Mayfield	Trammell
Cameron	Harris	Metcalf	Tyson
Capper	Heflin	Norbeck	Wadsworth
Caraway	Howell	Oddie	Wheeler
Curtis	Johnson	Overman	Williams
Dill	Jones, N. Mex.	Phipps	Willis
Edwards	Jones, Wash.	Pine	
Ferris	Kendrick	Pittman	
Fess	Keyes	Reed, Pa.	

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

Mr. CURTIS Mr. President, I desire to submit a request for unanimous consent. I ask unanimous consent that from now on debate on this measure by each Senator be limited to 30 minutes on the bill and 10 minutes on amendments.

Mr. DILL. Mr. President, the Senator knows that the Senator from South Carolina [Mr. BLEASE] said this afternoon that he would object to that, and the Senator from South Carolina is not here.

Mr. CURTIS. I talked to the Senator from South Carolina, and he said he had no objection to a limitation of debate.

Mr. DILL. When did he say that?

Mr. CURTIS. Just about an hour ago.

Mr. DILL. I have not talked to him in the last 10 minutes, but I know that has been his attitude.

Mr. CURTIS. He said he had no objection to a limitation of debate.

Mr. DILL. The debate has been on the bill. I do not see any need for such a limitation. The Senator may not know it, but I did talk about the bill this afternoon.

Mr. CURTIS. The Senator did. I heard his speech. I have been here all the time, and I want to congratulate the Senator on talking on the bill. Some other Senators have not done so.

Mr. DILL. I have put in the RECORD some information on this bill, and I have some more information that I want to put in the RECORD; and I do not see any need of limiting debate at this time.

Mr. CURTIS. If the Senator objects to the agreement I have suggested, could we not agree to vote on this measure on next Tuesday? I will state to the Senator that if he will agree to a vote on this bill and amendments on Tuesday at 4 o'clock, I will ask the Senate to-night to adjourn until Tuesday. That will give the Senator all of to-morrow.

Mr. DILL. The Senator knows that the Senator from South Carolina was going to object to that. The Senator protected me this morning on that, and for my part I think this bill will probably come to a vote to-morrow. I have one more address on the bill as such.

Mr. CURTIS. I have not submitted a request of this kind before, because I knew the Senator had a speech that he wanted to deliver. He has delivered one, and I did not know that he had another.

Mr. BRUCE. Mr. President——

Mr. CURTIS. I yield to the Senator from Maryland.

Mr. BRUCE. I simply wish to call the attention of the Senator from Kansas to the fact that the District mothers' aid bill has already been set down for consideration on Tuesday.

Mr. CURTIS. That is immediately after the conclusion of the routine morning business, and ought not to take over an hour and a half or two hours.

Mr. BRUCE. That is true.

Mr. CURTIS. If there is objection, of course, that settles it.

Mr. HEFLIN. I suggest to the Senator from Kansas that if he would make that Wednesday afternoon I do not think anyone would object to it.

Mr. DILL. I think we can get a vote sooner than that. I am not going to take time on any other subject; I am not going to filibuster, but I am going to talk about this bill when I want to do so.

Mr. CURTIS. I would consent to Wednesday if the Senator would consent.

Mr. DILL. I may say if that were done there would be no more interest in the bill, there would be no more consideration of the bill. Everybody would say, "We will vote on Wednesday."

Mr. CURTIS. There has not been much interest in the bill this afternoon. The Senator was making a splendid speech, and only about half a dozen were here to listen to him. Does the Senator object?

Mr. DILL. I think so.

Mr. HEFLIN. Mr. President, this migratory bird bill has been before the Senate for about eight or nine days. It seems to me that it is about time we were agreeing as to when we will vote upon it. A very important measure is now pending in this body, the bill providing for cooperative road building in the States, the bill known as the Federal aid bill for the construction of public highways or post roads in the various States of this Union, a measure in which practically all the States are vitally interested. There is another bill pending which if passed its sponsors tell us will be of some value to the farmers of the country.

I do not think the Senate should spend any more time on this migratory bird bill until we have disposed of these other two very important measures. I just want to make this suggestion to Senators now, that if Congress finally adjourns with no farm relief legislation enacted farmers everywhere will ask you what you did to relieve the anxiety, distress, and suffering so universally experienced among the farmers of America? If you answer that you did nothing there is going to be trouble in the Republican camp.

Mr. NORBECK. Mr. President, we may tell them we passed the Mellon tax reduction plan.

Mr. HEFLIN. That would not be a very satisfactory answer to them. They would say, "It is true that you voted to permit the Secretary of the Treasury to return $300,000,000 annually to the big taxpayers of the country. You had ample time for that. But you did not have time to do anything for the farmers of the country."

The representatives of millions of American farmers have been here since the 1st of December, asking you to do something to relieve them of the unjust and intolerable conditions that are now upon them. This Republican Congress has not found time to do anything for them, but the able and distinguished Senator from South Dakota [Mr. NORBECK] is here day after day pleading for legislation in behalf of the migratory bird. He is discussing the rights and welfare of the wood duck, the teal duck, and nearly every other kind of duck, but the duck that he and others are exhibiting here daily is the duck that is trying to duck farm legislation at this session. [Laughter.] If they keep it up, there will be more lame ducks around here after the next election than we have seen in a long time. [Laughter.]

Mr. NORBECK. If the Senator will pardon me, I suggest that there should be some more lame ducks.

Mr. HEFLIN. I agree with the Senator about that, but I hope that he has no reference to himself in that connection. [Laughter.]

Mr. President, I am in favor of a sane law that will protect migratory birds. We already have a very good law of that kind now on the statute books. I would favor a sanctuary in each State for these birds, but I am not going to vote for this bill as it now stands. Day by day more and more restrictions are being thrown around the common, everyday rights and liberties of the average citizen in the country, and it has been suggested here by some Senator that the powers pressing most earnestly for the passage of this bird bill are the big gun clubs and the powder concerns of the country. I think we might lay this bill aside until we can pass some farm-relief legislation.

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

Mr. HEFLIN. I yield.

Mr. KENDRICK. I would like to ask the Senator from Alabama what advantage he thinks we would gain by laying this bill aside and taking up another one? If the Senate is impotent to register its will and vote on this bill, why will it not be in the same position with any other bill we take up?

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I yield.

Mr. McKELLAR. The Senate is not impotent to act in this matter. We have a well-known rule. I understand that probably 80 per cent of the Senators, maybe 90 per cent, are going to vote for this bill, whether they favor it or not, and there is no reason in the world why the Senator in charge of this bill can not invoke the rule, and I think he ought to do it. I think the Senator from Alabama is absolutely right. Here are two measures that are pressing, and they are in the minds of all the American people. One is the farm relief bill, the other is the good roads bill, and the country is expecting Congress to pass both those bills before we adjourn. We have been dilly-dallying and shilly-shallying here for 10 days on a bird bill. The bird bill is important, and I think probably it ought to pass, but I want to suggest to the Senator having the bill in charge that he invoke the rule. We adopted that rule for the purpose of acting in just such a matter.

Mr. DILL. Mr. President——

Mr. McKELLAR. In just a moment. I think it is the duty of the Senator having the bill in charge to invoke the rule, and let us vote and put an end to further discussion of this bill. It has been discussed in season and out of season, and even at that has not been discussed a great deal. We ought to have an end of it. We are putting ourselves in a ridiculous position day after day in keeping the bill before the Senate and keeping out all other business.

Mr. DILL. This bill has not been discussed six hours in the Senate since it has been the unfinished business.

Mr. KENDRICK. Mr. President, I desire to ask the Senator from Tennessee if he believes we would gain anything by displacing this bill?

Mr. McKELLAR. I did not suggest that it be displaced. What I am urging in this emergency is that the Senator from South Dakota ask for cloture, and I have no doubt that he can have the rule applied, and it ought to be applied.

Mr. NORBECK. I want to ask the Senator from Tennessee whether he will head the petition for that?

Mr. McKELLAR. I will head the petition. I am tired of the bird bill. Let us vote on it.

Mr. TRAMMELL. Mr. President——

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

Mr. HEFLIN. I yield.

Mr. TRAMMELL. Mr. President, I have not occupied 20 minutes since this bill has been pending, but I think in fairness that if those who have made an hour or two or three hour speeches on farm relief bills and those who have spoken an hour or two or three hours on the good-roads subject and various other subjects, even those who were favorable to this bill, had not occupied so much time on other subjects we would already have had a vote.

Mr. DILL. I want to say this: That six hours' time has not been devoted to this bill in all the time it has been before the Senate. When Senators talk about cloture on a measure that has not been discussed or considered by the Senate, I say they are in a pretty big hurry to pass a bill without consideration.

Mr. HEFLIN. Mr. President, the fact is that the bill is still before the Senate and it is here every day. When the Senator from Nevada [Mr. ODDIE] called up the road bill the other day it was sidetracked. We considered it for only a little while, and the migratory bird bill was again pressed to the front.

We are consuming hours and days here discussing some desirable and comfortable resting place for a migratory bird, a sanctuary where these wood ducks and teal ducks and canvasback ducks and sandhill cranes may have a pleasant place to sojourn for a season. You have time to provide a temporary habitat or resting place for ducks and geese and cranes, but you do not seem disposed to take the time to lend a helping hand to the farmer and his family who are having a hard time to provide a home and obtain the common necessities of life.

Senators, a serious situation now confronts the farmers of this country. They are far from being prosperous. In fact, they are despondent and discontented. They are in a deplorable condition. Many of them are hard pressed to provide for those dependent upon them. The truth is that many of them under present conditions are eking out a miserable existence. Hundreds and thousands of them have already lost their homes and farms and hundreds of thousands more are trembling with fear lest they lose theirs. They are expecting you at least to show your friendly interest and keen concern in the farm-relief measures that they have asked you to consider, but instead of doing that you are consuming time urging legislation for the

benefit of migratory birds and big hunting clubs. The migratory bird has his rights, and I am in favor of giving him the protection that he is entitled to, but I am of the opinion that our first duty is to our fellow man, and if I had my way I would lay the bird bill aside and set the whole Senate to the task of working out a genuine farm-relief measure. The farmer has a right to be impatient and indignant at the way he and his interests are being ignored or neglected by this Republican Congress.

Mr. CURTIS obtained the floor.

SEVERAL SENATORS. Vote! Vote!

Mr. CURTIS. If Senators want to vote on the pending amendment——

Mr. ASHURST. Let us vote on the bill.

Mr. CURTIS. The Senator from Washington has already said he has another speech to make, and there is an executive matter to be taken up this evening that will take some little time. The Senator from Idaho [Mr. BORAH] has a matter he desires to have considered, and I would like to move an executive session.

THE POSTAL SERVICE

Mr. McKELLAR. Mr. President, recently Dr. W. S. McKinstry, of the Nashville post office, has prepared, and Postmaster W. J. O'Callaghan, of that city, has sent out, six letters on the "History of the Post."

They are sent out in the interest of the present-day service largely as advertisements for the Postal Service in having letters mailed early and often during the day and arranging mail in an orderly manner. These letters are intensely interesting from a historical standpoint.

They are very informing, they are ingenious, they are clever, and they ought to be preserved. They are a great credit to the officers of the post office at Nashville, and especially to Postmaster O'Callaghan, who directed their distribution. I ask unanimous consent that they may be inserted in the RECORD as part of my remarks.

The VICE PRESIDENT. Is there objection?

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

HISTORY OF THE POST

(Letter No. 41)

UNITED STATES POST OFFICE,
Nashville, Tenn., February 15, 1926.

THE POSTAL SERVICE OF HOLY WRIT

Mr. NASHVILLE BUSINESS MAN: Before man was, or fish or birds or living things were, the postal service existed. In the collection of the Holy Scriptures (the Bible taken from the Greek word "biblio," books, from "biblos," the inner bark of the papyrus, on which the ancients wrote) we trace a development of communication. Before there was a mode of writing, before there were nations or kings or governments, there were messengers bearing news.

"LET THERE BE LIGHT"

was the first message to sweep across the face of the earth, according to the Book of Genesis, and God Himself was the delivering Postman, and for six days God created and delivered messages to the earth, and He, on the seventh day, rested.

All was well in Eden until the serpent came with the false message to the woman, and in his subtle manner induced Eve to eat of the tree of knowledge of good and evil.

"AND THE DOVE CAME IN TO HIM IN THE EVENING

and, lo, in her mouth was an olive leaf plucked off, and Noah knew that the waters were abated off the earth."

Throughout the pages of Holy Writ we find God, either directly or through His angels, communicating with Abram, Moses, and other prophets of old. And we find man communicating with man, through messengers, by word or by sign.

MESSENGERS CONVEYING WORD MESSAGES

"And Jacob sent messengers before him to Esau, his brother. And the messengers returned to Jacob saying, 'We came to thy brother Esau, and also he cometh to meet thee, and 400 men with him.'"

"And Gideon sent messengers throughout all Ephraim, saying: 'Come down against the Midianites and take before them the waters unto Bethborah and Jordan.'"

MESSENGERS CONVEYING LETTERS

"So she"—Jezebel, King Ahab's wife—"wrote letters in Ahab's name and sealed them with his seal, and sent the letters unto the elders and to the nobles that were in his city, dwelling in Naboth."

MESSENGERS ON HORSES AND CAMELS CONVEYING LETTERS

(The Persian post)

"And he wrote in the King Ahasuerus's name, and sealed it with the king's ring, and sent letters by posts on horseback, and riders on mules, camels, and young dromedaries."

"So the posts that rode upon mules and camels went out, being hastened and pressed on by the king's commandment. And the decree was given at Shushan the palace."

Here we change from sacred to profane history, and our next letter deals with Cyrus the Great, who put periodicity into the postal service, which continued to Darius, who was the first postmaster general of record and the last of the Persian kings.

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

(Copies on request. "Mail your letters early and often during the day." "Tie your mail in orderly bundles.")

(Letter No. 42)

UNITED STATES POST OFFICE,
Nashville, Tenn.

MANNER OF COMMUNICATION BY THE ANCIENTS

Mr. NASHVILLE BUSINESS MAN: Asia was probably the birthplace of mankind. The oldest people noted historically is the ancient Aryan Nation. History begins on the banks of the Nile, the Tigris, and the Euphrates Rivers, and out of the obscurity of antiquity come the cities of Memphis, Thebes, Ninevah, and Babylon. The chroniclers of ancient history record passable roads, extending from Egypt into Babylonia, Assyria, Media, and Persia.

THE FIRST POST ROADS

Over these roads the ancient kings and rulers sent their messengers, on foot, on horse, ass, or camel. The urge to communicate is inherent in human society. From 2000 B. C. to 500 B. C., when a king desired to send a message he selected a messenger for that sole duty, who went alone or in company, executed the ruler's wish, and returned. There was no system of periodical post, relays, or exchange.

CYRUS, THE GREAT

Cyrus was the founder of the ancient Persian Empire, about 560 B. C., a monarchy, perhaps the most wealthy and magnificent which the world has ever seen. Two great historians—Herodotus, philosopher and scholar, and Xenophon, a great general—have given us a narrative of these events. The writings of the Persians were in cuneiform characters, in all about 40, written from left to right. Public documents were cut in rock by chisels. Edicts and general communications were written on prepared skins by pen.

CYRUS, THE FATHER OF THE SYSTEM OF "POST"

Cyrus soon conquered many of the near-by nations. Crœsus, of mighty wealth, and "Great Babylon" surrendered to him. His was a mighty empire. A system of regular communication was necessary to govern it successfully. Great as he was as warrior and prince, he was the greater because of his establishment of a system of "post," which proclaimed him a victor in peace as well as in war. He built royal roads throughout his empire. Large and pretentious structures, or "post offices," were erected a day's journey apart. Fast horses, camels, and mules were housed therein, as were the men employed as couriers. The master of the post received the letters and sent them by a fresh courier and mount on the way to the next post, and so on throughout the system. It was a network of highways and byways, like our railroads. Government packets were also handled. So, it may be said that Cyrus conceived the idea of parcel post.

These "posts" served purposes of government, and Rawlinson says, "They were also open to the use of the private traders." Rollins says, "Cyrus required that the governors of his provinces and his chief commanders of troops write to him regularly, giving an exact account of everything that passed in their several districts and armies. To enable himself to receive speedy intelligence of all affairs, he required his post to operate night and day, with extraordinary speed; nor did either rain or snow, heat or cold, or any inclemency of the season interrupt the progress."

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

P. S.: Cyrus had a snappy mail service. Moral: Mail early and often. Hand to a boy. Copies on request.

Next: Greece.

(Letter No. 43)

UNITED STATES POST OFFICE,
Nashville, Tenn., March 16, 1926.

GREECE, OR ANCIENT HELLAS

MR. NASHVILLE BUSINESS MAN: Although the Greek civilization started as early as 2000 B. C., according to Mr. Paul Anton, the author of this narrative, the early records of the country are traditional up to 776 B. C. Then the first Olympian games started, and the Greeks began to write the events and affairs of their lives. Solon was the great law giver; Demosthenes the excellent orator; Æsop wrote the animal fables; Plato was a wonderful philosopher; and Herodotus was the first historian of rank.

MERCURY OF GREEK MYTHOLOGY

Mars was the God of war; Neptune was god of the sea; Hercules was god of physical energy; and Mercury, in whom the Postal Service is particularly interested, was god of flight, the swift traveler of the clouds, sometimes called Hermes, the flying angel. He was the means by which the gods of Greek mythology were supposed to express and transfer their decisions.

MESSENGERS OF ANCIENT GREECE

The ancient Greeks, to express their thoughts from distance to distance, used men who were very fast runners. They were considered next to the gods, because of their speed. In their time they took the place of our letter carriers of to-day. They were used to carry messages of government import, and at critical moments of the country, as in time of war. When the Persians, 490 B. C., invaded Greece to capture Athens, because Athens and Sparta were two of the most formidable cities of ancient Greece, Athens refused to give to the messenger of the King of Persia ground or water, the usual sign of submission. Then Athens dispatched Fedippides, their fastest letter carrier, to Sparta to ask for help, and he made the distance in a very short time.

When Leonidas, with 300 Spartans, defended the pass of Thermopylae, the attacking Persian general sent a messenger with a message to Leonidas, stating that it was useless for him (Leonidas) to fight, as there were so many Persian soldiers that their arrows would darken the sun. Leonidas sent the messenger back with the information that such conditions suited him, as his soldiers could fight the better in the shade.

THE FIRST MARATHON RACE

When the Greeks defeated the Persians at the Battle of Marathon the Greek general selected a man who was both soldier and letter carrier, who had been fighting several days, to run with the news of victory to Athens. He ran 26½ miles in 2 hours and 40 minutes, from Marathon to Athens, and all he was able to say to the official on arriving was, "Rejoice; we defeated them!" and then he expired. It was a wonderful example of service—service unto death.

GREEK MAILS IN TIME OF PEACE

In time of peace the Athenians used to furnish the mailman with a splinted round stick (sketall), made after the fashion of the scepter of Mercury. A leather strap, on which the message was written lengthwise, was wrapped obliquely around this stick. To read this message it was necessary to have a similar stick on which to rewind the leather strap. Such sticks were furnished to the army officers in the field, who would read the message written lengthwise on the leather letter, while he unwound the message from one stick and simultaneously wound it on the other as the message was unfolded between the winding sticks. The "sketall" is mentioned by Aristotle, Xenophon, and Plutarch.

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

Hand to a youth.

P. S.: The letter carrier at Marathon died for service. Moral: Don't rush us to death by late mailing.

Next: Rome.

(Letter No. 44)

UNITED STATES POST OFFICE,
Nashville, Tenn., March 30, 1926.

ANCIENT ROME

MR. NASHVILLE BUSINESS MAN: In these studies we are not interested in men and nations of ancient times nearly so much as we are in the manner in which their arts and sciences were invented, cultivated, and improved.

THE ROMAN ALPHABET

Written characters are of two sorts: First, signs of things, such as hieroglyphics, pictures, and symbols; and, second, signs of words, such as alphabetical characters. Rollins says the alphabet is due to the genius of the Jews, who taught the Phœnicians, and that Cadmus of that country carried their 16 letters into Greece. These, in time, modified to express the sounds of the Latin language, became the Roman alphabet, and, just as the Moors introduced Arabic figures of Hindu origin (1 to 0) into Spain, the Romans carried their aphabet into Britain, and it eventually, with some change, became ours.

ROMAN ROADS

At one time the fine roads of the Roman Empire extended from Egypt into Scotland and around the Mediterranean Sea. All the cities and provinces were connected with splendid roads that tunneled mountains and arched valleys and streams. These roads were intended for the march of the legions, but they also made possible the postal system of the ancient empire.

ROMAN POSTAL SERVICE

The Romans, Persians, and some later nations used, as a means of quick conveyance of news, before the establishment of the periodical mounted letter carriers, a method of vocal telegraph, by which audible sounds were shouted from hilltop to hilltop, so that they traversed in one day the length of a 30-day march.

Morey says that Augustus, who reigned at time of the birth of our Lord and Savior, Jesus Christ, established the periodical mounted letter-carrier post of Rome, and Gibbons relates the following interesting narrative on the subject:

"The advantage of receiving the earliest intelligence and of conveying their orders induced the emperors to establish throughout their extensive dominions the regular institution of post. Houses were erected at a distance of only 5 or 6 miles. Each of the posts was constantly provided with 40 horses, and by the help of these relays it was easy to travel 100 miles a day, or more, along the excellent Roman roads. A magistrate of high rank, who on one occasion went 'post' on the route from Antioch to Constantinople, a distance of 665 English miles, made the distance at noon on the sixth day. Letter couriers went on horses at great speed. There were also drivers of chariots, or post wagons, that were supposed to carry 1,500 pounds weight and did not travel as fast as the letter carriers on horse. Nor was the communication of the Roman Empire less free and open by sea than by land. The provinces surrounded and inclosed the Mediterranean, and Italy advanced into the midst of the great lake. Favorable freezes frequently carried the mail-bearing vessels from the post nearest Rome to Alexander in Egypt in 9 or 10 days."

The use of the posts, while for government purposes only, was sometimes suborned, through imperial mandate, to the business or convenience of private citizens. Slaves were used as private letter carriers, of whom the rich had many.

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

Hand to a youth. Copies on request.

P. S.: The Romans believed in order. Moral: Tie your letters in bundles.

Next: China.

(Letter No. 45)

UNITED STATES POST OFFICE,
Nashville, Tenn., April 13, 1926.

CHINA

MR. NASHVILLE BUSINESS MAN: The Chinese is unquestionably the oldest nation in the world. Their language and social and political customs are the same as they were 2000 B. C. They are the only living representatives of a people and government which were contemporary with the Babylonians, the Assyrians, and the Romans. The ancient nations have been stripped of their power and splendor, while the Chinese are as fresh and vigorous as they ever were.

CHINESE WRITING

Their first method of keeping records was by a system of knots tied on strings. Their first written language was in ideographics—so called because in their first and simplest form they were drawings of various objects, as birds, animals, mountains, rivers, the sun, and the like. This was enlarged and developed into a very difficult character writing.

CIVIL SERVICE AND ROADS

About 200 B. C. Hwangti became emperor and restored the ancient power and splendor of the throne. He centralized the power in his own hands, and he drew up an organization for the civil service of the State, which virtually exists at the present day. He issued a special decree that "roads shall be made in all directions throughout the empire." Later an emperor named Kaotsou built a great highroad from the center of China to the western frontier. It crossed great mountain chains and broad rivers, and the building engineers were the first to construct flying or suspension bridges.

THE CHINESE POSTAL SYSTEM

There is no doubt but that the ancient rulers of China had a messenger service as far back as 1000 B. C., but it was not periodical.

Marco Polo, the Venetian traveler, visited China about 1275 A. D. and wrote enthusiastically of the postal service he found in regular operation in the empire. "A most wonderful system," he wrote, "and so effective in operation that it is scarcely possible to describe." Posthouses, many of which housed 200 horses, with furnished rooms for couriers and traveling guests, were built 25 or 30 miles apart along the great roads of the highways. Nearly 200,000 horses were reserved for the riding couriers, who carried letters, news, and packets to and from the Grand Khan, or emperor, and the governors of his different Provinces. Under great urgency the letter bearers rode night and day, relaying at each posthouse, with such speed as to make 250 miles a day. There were clerks at each station to record the day and hour of arrival and departure of each courier. Army officers examined the post monthly and punished dilatory letter carriers. In addition to this, there were other routes, probably on the by-ways, that had smaller posthouses built 3 miles apart. Soldier couriers carried the letters as fast as they could run on foot between these stations, a fresh courier taking the letters at every station.

There were 10,000 post offices all told. The service was limited to governmental business, but citizens used it under imperial grant. At that time the Chinese post was the only periodical letter-carrier system

in operation in the world, excepting the much less pretentious one operated by the University of Paris. Polo, in his enthusiasm over the project, said: "It proved the Grand Khan to be a superior over every other ruler or human being of his time."

Hand to a youth or teacher.

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

P. S.: Confucius said: "The cautious seldom err." Moral: Give us the street and number.

Next Aztecs.

(Letter No. 46)

UNITED STATES POST OFFICE,
Nashville, Tenn., May 18, 1926.

MEXICO

MR. NASHVILLE BUSINESS MAN: The historian, Clavigero, states that the first people, of whom there is a record, to live and flourish in Mexico were the Toltecs, from 650 A. D. to 1050 A. D. It is to the ancient Toltecs that the Mexicans, or Aztecs, ascribe their first ideas of civilization. The Mexicans, in whom we are herein interested, came from the remote regions of the north, and arrived on the borders of Anahuac (Mexico) about 1200 A. D., but they did not begin to develop an orderly form of government until 100 years later. Eventually, there were several nations of these people, but it remained for two, the Aztecs and Texcucans, both monarchies with a feudal system, "to leave their footprints on the sands of time." Hernando Cortez conquered them about 1500 A. D.

MEXICAN HIEROGLYPHICS, OR PICTURE WRITING

Considering that life of the Aztecs was only 200 years from barbarian to Spanish conqueror, their picture writing must be considered as a monument of human ingenuity and learning, even though it was the lowest of the hieroglyphic scale. Their writings were imitations of objects, outlined to suggest the whole. As an example, to write "man," they would draw an outline of the whole body, such as a school boy would draw on his tablet. To write the word "travel" they would outline a foot. A sword would mean war. The writings were made on cotton cloth, skins, or on the leaf of the aloe, which grows luxuriantly in the country. They used colors, and some of the specimens still exist, retaining their brilliancy. Their hieroglyphical paintings were made up in rolls and crude book form.

ROADS

The chief, or governor, of every province was charged with the building and care of the roads and bridges in his own province. These roads were not of the excellent paved order of the old Roman roads, but they were suitable to the purposes of the courier on foot.

THE AZTEC POSTAL SERVICE

Communication was maintained with the remotest parts of the country by means of couriers. Post houses were established on the roads, about 2 leagues distant from each other. The couriers, bearing the dispatches in the form of hieroglyphical paintings, ran with them to the first station, where they were taken by another messenger and carried forward to the next, and so on until they reached the capital. The couriers, who traveled on foot, trained from childhood, traveled with such incredible swiftness that dispatches were carried from one to two hundred miles a day.

This story is of due interest to the subject of postal history in the making, because the Aztecs were the only people among the aborigines of North America to develop a semblance of civilization and maintain a regular postal service.

The interest in the subject becomes keener when we realize that it was nearly 200 years after the discovery of America until Governor Lovelace, of New York, decreed that a post should "go monthly between New York and Boston."

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

P. S.: Emperor Montezuma insisted on cooperation. Moral: Give us a complete address.

Hand to a boy or teacher. Copies on request.

Next: Peru.

MINNESOTA RIVER BRIDGE AT MINNEAPOLIS

Mr. BINGHAM. I have been asked by the Senator from Minnesota [Mr. SHIPSTEAD], who is not here, to submit a report from the Committee on Commerce. I report back favorably from that committee with amendments the bill (H. R. 11357) extending the time for the construction of a bridge across the Mississippi River in the county of Hennepin, Minn., by the city of Minneapolis. I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 8, after the word "hereof," to insert a comma and "and subject to the conditions and limitations contained in this act"; on the same page, after line 8, to insert a new section, as follows:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

And on the same page, in line 9, to change the section number from 2 to 3.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

WHITE RIVER BRIDGE, ARKANSAS

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 10942) to extend the time for commencing and completing the construction of a bridge across the White River near Augusta, Ark.

Mr. CARAWAY. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 7, after the word "his," to strike out the word "successors" and insert "his heirs, legal representatives"; on the same page, in line 9, after the word "hereof," to insert a comma and "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act"; and beginning with line 10, page 1, to strike out section 2 and in lieu thereof to insert:

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Arkansas, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Arkansas under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The said R. L. Gaster, his heirs, legal representatives, and assigns shall within 90 days after the completion of such bridge file

with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said R. L. Gaster, his heirs, legal representatives, and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said R. L. Gaster, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

CURRENT RIVER BRIDGES

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10975) granting the consent of Congress to Missouri State highway commission to construct a bridge across Current River.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11175) granting the consent of Congress to Missouri State highway commission to maintain a bridge across Current River.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill 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.

PROPOSED TARIFF DUTY ON COPPER

Mr. CAMERON. Mr. President, I ask unanimous consent to have inserted in the RECORD a speech delivered before the Kiwanis Club at Douglas, Ariz., May 27, 1926, by Hon. Hoval A. Smith, dealing with the copper situation. Mr. Smith is one of the best known mining engineers in the United States and this is a most interesting survey of the situation.

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

The speech is as follows:

COPPER TARIFF

It is a source of inspiration to be accorded the honor to address the Kiwanis Club in this city—one that bears the name of a pioneer that initiated and founded one of the greatest industrial empires in the history of not alone Arizona and the Southwest but likewise in all the West. The economic phases generated, developed, and solidified by Doctor Douglas are the ones enjoyed by us to-day. We are the beneficiaries of his wisdom and economic courage. We are the custodians of the present, and the policies we formulate to-day are the ones that will influence these inherited resources hereafter. Each passing generation must needs solve its own problems. The generations gone passed on to us their equities and experience. Yet, if these are not properly utilized and conserved, we are confronted with economic ruin.

When we give detailed consideration to what our industrial forbears have done for us in discovering, developing, and equipping our mineral areas; building smelters, railroads, and refineries; applying their mentality toward mechanicalization of the industry and developing more efficient metallurgical processes; building the splendid communities of the Southwest—we begin to realize the immense responsibility resting upon those of the present to not alone conserve but pass on this heritage enhanced in beneficial values.

What destructive forces confront us to-day within the copper areas of Arizona that were nonexistent yesterday? What economic phases are there if allowed to go unchecked will bring ruin and desolation to those of us of the present, destroy the heritage of those who follow in our footsteps?

We, locally, all know and feel that something has transpired very recently to check the past 40 years of continuously increasing prosperity within our copper areas. Until recently money flowed in uninterruptedly for our copper areas within the developed as well as the undeveloped zones. The cessation of development work and the low production value rate of our developed copper mines has brought about a feeling of despondency never before existent in our industrial history.

Compare the feverish development activity of the past within our domestic copper areas with that of the lethargic present. You will find that claim values are at a minimum and that development work is not alone at a standstill, but the present future holds no hope. This is not alone a disastrous, but also a strange and unique economic situation when consideration is given to the present colossal domestic consumption of copper, its aggregate exceeding the consumption of the rest of the world combined. The rate of increase per capita of copper consumed domestically not alone far exceeds that of any other country, but is likewise increasing very rapidly. Under the foregoing circumstances, and if there were no extraneous destructive forces, our domestic copper-mining industry should at present enjoy a degree of prosperity never before existent during its industrial history.

The development money of the present is denied us within our domestic copper areas. This money is seeking other channels for gain. Some of it has sought a different channel due to the fear that our domestic copper areas can not compete with foreign copper areas. Some of this money has gone into the development of foreign competitive areas.

Without continuous development of our domestic copper areas, we of the present will have but slight opportunity to gain a decent livelihood and future competency. Likewise we have a duty to the future to maintain unimpaired the domestic copper reserves of the present.

In scanning the economic horizon in search for the destructive force that has brought ruin to our areal development and curtailed to a low stage our copper production values, our gaze is fixed by the copper reserves developed the past decade in South America and Africa. These reserves were not competitive a decade ago, but they are a deadly menace to our economic welfare to-day. No amount of optimism on our part will remove this disastrous competition under a free-trade policy. Any degree of watchful waiting indulged in; any temporizing on our part to check this menace, will decrease our ability to meet it.

We should face the facts discerned, and bring a superlative degree of mental courage and patience to bear on this economic menace, with the object of eliminating it, and thereby ever after continuing on the pathway of economic prosperity which we once trod.

The menace of foreign copper competition has been analyzed and discussed in great detail by Senator Cameron in his speech before the United States Senate on April 9, 1926. Therein we find that Chile and Katanga alone have copper reserves vastly greater than our domestic reserves. Their transportation costs to our domestic market being less than our costs. Their supply and labor costs likewise being much less than our costs. In addition, the grade of their ore greatly exceeds the grade of our domestic copper reserves.

The foregoing factors of volume, grade, and costs, as stated by Senator CAMERON, denote that they can supply the markets of the world with copper at a cost about one-half what it costs us to produce our copper. This denotes positively that we can not sell export copper in competition with the foreign product whenever they desire this market for their product. Furthermore, they can control our domestic market as well whenever they are in need thereof.

A control situation of this nature jeopardizes our domestic copper-mining industry.

It is axiomatic that the lowest cost and largest volume producer always controls a market in the absence of artificial barriers.

This is not alone true in the copper market, but likewise true in all commodity markets.

The vast majority of commodities produced in this country can not meet the unrestricted competition of foreign-produced commodities.

An artificial barrier termed a protective tariff has been erected to keep out the cheap labor products of foreign lands. The tariff act now in effect discriminates against the domestic copper producer due to making him pay protective tariff prices for his supplies, yet leaving copper on the free list. This higher cost for supplies plus the higher cost for labor due to the higher standard of living of our domestic miner, makes it impossible for us to meet foreign copper competition.

It certainly is not worth our while to inaugurate a campaign to have all mining supplies placed on the free list, likewise that our freight rates be adjusted to meet foreign copper transportation rates. Furthermore, our country is unalterably opposed to unrestricted immigration. Even if we could bring about this readjustment, it would jeopardize our domestic copper consuming market. The only practicable way, and the one that is ours in equity, is to secure a tariff protecting

our product, thereby enabling us to pay the high wages and high supply, transportation, and tax costs confronting the American copper producer. In thus striving to secure a tariff for the protection of our domestic copper-mining industry, we are merely beating along the well-trodden economic pathway traveled by all the present protected industries of our country.

The American is a believer in justice and equality. When our case is thoroughly presented to Congress by Senator CAMERON—which I am confident he will and is ably equipped to do—I have no doubt but Congress will accord the protection which is so essential to maintain a basic industry so important as our domestic copper-mining industry.

Why is it essential that Arizonians should lead in this effort to secure a tariff as against foreign-produced copper?

Arizona of all the States in the Union must lead in this fight, for the reason that Arizona produces about as much copper as all the other States combined. The economic existence of Arizona is dependent upon her copper production. In fact, there is no other State in our Union so absolutely dependent on the mining of a metal product. In consequence, no other State can or will feel the necessity for protecting our domestic copper-mining industry comparable to the necessity that actuates us.

We must lead in this fight and win it if it is to be won. Our present and future economic existence is so interwoven in this issue that we can not intrust it to any other leadership than our own. Arizonians individually and collectively must bring to bear an unswerving effort and inflexible will to remove the menace of foreign copper competition.

It may be stated that of the total value of copper mined within Arizona, approximately 80 per cent thereof has been distributed for labor, supply transportation, capital costs, and tax items, while only about 20 per cent thereof has gone to the mine owner as net profits. It will also be stated that labor receives more than one-half of the total value of copper mined; hence their interest in the industry far exceeds that of any other factor. In consequence labor's interest in maintaining a production of copper is supreme and overshadows the equities of any and all other factors.

It is for the foregoing reason that the copper miner and all affiliated labor within our domestic copper areas is seeking protection from the cheap labor competition of South America and Africa. The domestic copper miner is the sponsor of and it is he who demands protection. No one else is so vitally interested.

The copper miner within the hills knows full well that he will receive the unswerving support of his brother residing within the valleys of Arizona. Our valleys are peopled to a great extent by retired miners and the progeny of those who once labored in the hills. Three-fourths of the products of the valleys deliverable by an average haul of 150 miles is consumed at maximum prices by the copper miners of Arizona. If the farmer had to ship his product East, his profits would be vastly less. In addition, if he loses the aid of the miners, his taxes would be doubled to maintain present civic details. Furthermore, most of the farm, orchard, and range products produced within Arizona are now enjoying protection; hence, in order to maintain the policy of protection, the farmer should of necessity cooperate with us in making protection applicable to our domestic copper-mining industry.

The miner and the farmer of Arizona are dependent on one another. What aids the one benefits the other. Economic harm befalling the miner will immediately be felt by the farmer.

With the miner and the farmer will be found the cattleman, sheep grower, and all those individuals whose present and future are dependent upon Arizona's economic welfare.

The equities involved have been so thoroughly discussed in Senator CAMERON'S speech that it would be repetitive to review same. A reading of the arguments advanced by Senator CAMERON in support of a 6-cent tariff denotes not alone the necessity thereof, but likewise that we should be accorded same by every tenet of equity and justice.

No champion of free-trade copper has as yet submitted an analytical answer to Senator CAMERON'S arguments, and no rebuttal thereof can be made in equity as long as the protective tariff policy remains so rigidly dominant within our country. It must be remembered that a protective tariff policy is sponsored by the present control of Congress and the Presidency. Furthermore, that an overwhelming majority of the voters of our country believe in protection and not free trade. Hence, the line of the least resistance for the copper miner is to do the practical economic thing, namely, seek protection, for there is a certainty of securing same. On the other hand, it is chimerically futile to indulge in the fantasy that our country will ever revert to free trade.

Copper must necessarily sell higher than its present price in order to bring relief. With an adequate tariff, it will sell much higher, probably in the neighborhood of 20 cents per pound. Those who claim this price will raise the price of copper products or electric current to the consumer have only to note that the price of copper to-day is below its past average 30-year price, and that copper products used by the consumer are greatly above their average price. The manufacturer absorbs this differential, and the consumer secures no benefit therefrom. This prerequisite is nothing to be amazed at. It is only repeating a practice indulged in whenever possible by the manufacturer as against the producer of so-called raw resources.

Even though this increased price of copper did raise the price of copper products to the consumer, the copper miner is entitled to same. Everything he buys is from 50 to 100 per cent higher to-day than the commodity prices he paid 20 years ago.

The benefits of economic protection to the iron, lead, zinc, and aluminum miners are easily discernible. Likewise, the consuming public to-day pays 50 per cent more for these metals than it did a little more than a decade ago. And it may be asked, who is there within our country who can in equity refute their right to this increase.

If the copper miner had a 50 per cent increase for his product, the copper districts of Arizona would enjoy unexampled prosperity. The iron miner had to fight long and unceasingly against the improving agencies of this country and the foreign producer before securing protection for his product. The lead and zinc miners had to overcome the same opposition before securing protection.

The importing and manufacturing East possesses a highly developed trading instinct. They make their living and excess profits by buying cheap and selling high. They are desirous of securing raw resources at minimum prices and obtaining the best price possible for their manufactured product. This trait is commendable commercially, yet the buyer must exercise caution; likewise, the producer of raw resources, in dealing with the manufacturer. The ideal condition for the domestic manufacturer is to secure his raw resources in the free-trade markets of the world and sell his manufactured product in a highly protected domestic market.

So, in the nature of things, we find both the manufacturer and the producer of raw resources commercially antagonistic to one another, yet both desirous of securing protection for their respective products. As examples, one notes the New England manufacturer eager for a protective tariff for his manufactured woolen product yet fighting to keep our western raw wool on the free list. The eastern shoe manufacturer desirous of a duty as against foreign-made shoes, yet wanting our western hides left unprotected.

The eastern fabricator of copper products desires and has a duty as against imported manufactured copper articles. He likewise desires to have his raw resource, namely copper, remain on the free list.

So the fight we are engaged in to secure protection for our copper-mining industry is parallel to the ones cited.

The fight is an economic one, and will be won by marshaling and presenting our data to Congress in a way denoting the necessity for maintaining a supply of domestic-produced copper, and in order to maintain same that a protective tariff is essential as against foreign-produced copper.

We will have to, and can, show that the copper miner can not meet foreign labor competition. Likewise that we can not pay protective tariff prices for our supplies when the foreign copper producer can buy his supplies in the free-trade markets of the world.

In addition to the foregoing, we will show that the transportation cost of supplies for foreign copper areas, likewise the cost of delivery of copper from their mines to New York is less for foreign-produced than domestic copper.

Likewise it will be shown that the grade and volume of the known foreign copper reserves are much greater than our known domestic reserves.

We shall also point out that the price of copper to-day is below its average 30-year selling price, while the manufactured product used by the consumer is above its average 30-year selling price. Which means that the Eastern manufacturer is getting more than he is entitled to, when compared with the present plight of the copper miner.

With all these factors in our favor there is no question but that we are entitled to and shall receive protection. Yet it will require unceasing effort on the part of Senator CAMERON and all of us to win, for the domestic manufacturer of copper products has more than $100,000,000 invested in foreign copper mines. He is not alone interested in his manufacturing profit but also a foreign mining profit as well. The average manufacturer within this country can not import his raw product free of duty, hence he has but little money invested in foreign resources. The copper manufacturer occupies a special and favored position at present compared with other manufacturers. In consequence he will fight most strenuously in order to maintain this unusual and privileged advantage. We do not begrudge the manufacturer a reasonable profit. On the other hand, he should recognize the fairness of the copper miners' demand for an American standard of living.

The copper miner is not alone in demanding protection for the domestic copper-mining industry. He is joined in this demand by the purely independent domestic producer of copper. The following letter, excerpt from the president of two of our largest Arizona producers of copper, is interestingly corroborative of the miners' demand for a protective tariff.

"First, millions of dollars of American investors during the past 10 years have been expended in the development of copper deposits in South America, and millions more are looking toward Africa for invest-

ment. The copper districts of the United States are neglected. Prospecting has ceased because the possible return on foreign investments is vastly greater than upon domestic investments, yet the greater field is unscratched except for what appears on the surface.

"Second, electrolysis cathodes are being delivered in California from Chile, although similar cathodes are produced in Arizona, and would have to be carried only from three to five hundred miles to reach the California market." (Excerpt, letter dated May 10, 1926, from Gordan R. Campbell to Hoval A. Smith.)

The writer of the foregoing is the executive head of a copper organization that has brought over $15,000,000 for development purposes into the copper areas of Arizona the past 25 years; is to-day head of an organization that produces 25 per cent of Arizona's annual production of copper. For the signal and all-embracing prosperity his organization has brought to tens of thousands of Arizona citizens in the past and the present, it behooves us to dwell thoughtfully on the facts so concisely stated and give heed to the menacing warning these facts embrace.

When an industrial friend of ours whose friendship reaches back a quarter of a century and who to-day is one of Arizona's very best industrial friends, still willing to pour millions into the unexplored copper areas of our State, we should pause, indeed, give detailed heed to the warning conveyed, with the hope and prayer that through the medium of a protective tariff on copper we shall ever henceforth retain this valued friendship of the past and present.

Attention has been directed to a certain parallelism existing between the wheat-growing and copper-mining industries of the United States, due to each possessing an exportable surplus.

There is no basic parallelism between these two industries. The wheat grower can not anywhere near approximate the volume of his annual production, due to the factors of excessive rain or drought, excessive heat or cold, likewise the absence or presence of destructive insect life. The copper producer can and always has been able to confine his production within definite and rigid limits.

The wheat produced domestically is grown by hundreds of thousands of farmers, unorganized and devoid of any semblance of collective cooperative effort toward stabilization of output. On the other hand, less than a dozen domestic corporations control 95 per cent of our domestic copper production; hence stabilization of their output is a comparatively simple matter.

Wheat is a perishable product, hence carrying charges are high, while copper metal is indestructible and the carrying charges are nominal.

Past domestic industrial history does not afford an example where the production of an agricultural product like wheat has ever been effectively stabilized, while past industrial history affords excellent examples where other metal products like steel, lead, zinc, and aluminum have been rigidly stabilized, both as to production, likewise prices.

Yet in view of the foregoing fundamental differences between wheat and the copper industries your indulgence is nevertheless requested while the following analysis is submitted as a refutation that the plight of the wheat grower approximates that of the copper miner.

The price of copper is lower to-day than its past 30-year average price.

The price of wheat to-day is higher than its past 30-year average price.

Copper is on the free list, and Senator CAMERON'S bill asking for a 6-cent duty denotes a 37.5 per cent protection based on the past 30 years' average price of 16 cents per pound for domestic-produced copper.

Wheat is protected to the extent of about 40 per cent of its past 30 years' average price, and the Haugen bill, sponsored and supported by the domestic wheat growers, aims to make the tariff 100 per cent effective. The wheat farmer is certainly not asking for free trade, even though he has an exportable surplus. He is vociferously demanding 100 per cent tariff protection, even to the extent of having Congress enter the realm of near subsidies and legislative experimentation, his plea being that he can not with any degree of certainty control wheat production within reasonable or foreseen limits, hence special congressional relief should be accorded the wheat grower to prevent any exportable surplus fixing the world price as a basis for domestic sales of his product.

Copper is selling at 14 cents per pound. The average price the last 30 years being about 16 cents, hence copper is 12.5 per cent below this average.

Wheat is selling at $1.50 per bushel. The average price the past 30 years being about $1.05 per bushel, hence wheat is selling 43 per cent above this average.

Wherein does the plight of the wheat grower begin to compare with the plight of the copper miner? The wheat grower is 55 per cent better off proportionately than the copper miner.

If the copper miner had the wheat grower's average increase the past 30 years, namely, 43 per cent above the average, the price of copper should to-day be selling at 23 cents per pound. If we had this increase of 9 cents per pound, the copper districts of Arizona would radiate a degree of prosperity throughout the State greater than any heretofore known. Our valleys as well as our hills would be vibrant with energy; our civic communities would teem with improvements, our citizens enjoying an income sufficient for a livable present and building a competency for the future.

We need not beseech protection with the humility of a mendicant. We of these Arizona hills and valleys are citizens. Our forbears fought the battles to establish and maintain this land, aided in laying the foundation of our economic realm. We as their progeny are only asking for justice equivalent to that accorded millions of our kin in all the protected industries of our homeland. Protection is ours by right of heritage as an integral part of our homeland. In addition, we are entitled to equity for the maintenance of one of the foundational basic industries of our land; for without a domestic copper production the woe besetting Arizona would be indescribable. In addition, the economic loss to our consuming citizens would be overwhelming when once in the clutches of greedy foreign copper producers.

Our copper mines and smelting centers would pass into oblivion, not through lack of copper poundages but due to the inability of our citizens to compete with the peon labor of South America and Africa. We, the sons of freemen, should not be expected to be satisfied with meeting the untrammeled competition of labor so hopelessly oppressed.

We are not desirous of wearing the breechclout of our economic African competitor, nor are we satisfied with the opportunities accorded the oppressed Andean Indian.

We are desirous of increasing our standard of living—not lowering it. We believe in bettering every phase that contacts with our present, and our ambition likewise embraces the future, for we of this generation are as vigilant for the betterment of the conditions surrounding our progeny as the generation past zealously planned and labored for our benefit.

The copper miners of Arizona are overwhelmingly for the protection of their equities. They feel they are entitled to a livelihood from the calling that they have spent the best years of their life in preparing to meet its problems. They have a sentiment for the hills midst which they labor. The love they cherish for its valleys, rugged crests, inviting slopes, and bewitchingly sinuous canyons has a depth and quality only understood by the Arizonian. Mingled with this is the pleasant warmth of our sunshine, flawless days, and beauteous nights without end—all interwoven to form a bond of devotion that ties us irresistibly now and will as long as life exists.

The miners of the hills love their surroundings with a degree of intensity equal at least to the love that the dweller amongst the plains, within our cities, or the borders of the sea possess for their surroundings. Why, then, should the miner be denied the right to follow his calling midst surroundings dear to his heart? Why are not his desires as sacred as those of millions of his brothers residing within their areas? With this yearning love for the hills is the desire to bring forth from their recesses the metal that is all essential in nearly every and all avenues of industrial activity. Surely a citizen that contributes so much to our country's industrial welfare is entitled to a living compensation, and should be permitted to live midst the surroundings he loves.

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 10 minutes spent in executive session the doors were reopened.

MIGRATORY-BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of 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.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. CARAWAY].

Mr. NORBECK. Mr. President, owing to the absence of the Senator from Arkansas, I do not feel like pressing the matter of his amendment. However, I wish at this time to offer a motion, on behalf of more than 16 Senators, for cloture on the pending bill.

The VICE PRESIDENT. The clerk will read the proposed motion.

The Chief Clerk read as follows:

UNITED STATES SENATE,
Washington, D. C.

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate upon 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, be brought to a close:

KENNETH MCKELLAR.	PETER NORBECK.
W. N. FERRIS.	L. C. PHIPPS.
HENRY W. KEYES.	JOHN B. KENDRICK.
WILLIAM M. BUTLER.	HIRAM BINGHAM.
F. R. GOODING.	W. B. PINE.
JESSE H. METCALF.	F. M. SACKETT.
WM. J. HARRIS.	H. F. ASHURST.
ARTHUR CAPPER.	R. N. STANFIELD.
FREDERICK HALE.	CHAS. L. MCNARY.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 15 minutes p. m.) took a recess until to-morrow, Saturday, May 29, 1926, at 12 o'clock meridian.

TREATY OF FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS WITH SALVADOR

In executive session this day, the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate of the United States:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a treaty of friendship, commerce, and consular rights between the United States and Salvador, signed at San Salvador on February 22, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 1, 1926.*

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of friendship, commerce, and consular rights between the United States and Salvador, signed at San Salvador on February 22, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, March 31, 1926.

TREATY OF FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS BETWEEN THE UNITED STATES OF AMERICA AND SALVADOR

PREAMBLE

The United States of America and the Republic of Salvador, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic, and commercial aspirations of the peoples thereof, have resolved to conclude a treaty of friendship, commerce, and consular rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America,

Mr. Cornelius Van H. Engert, Chargé d'Affaires ad interim of the United States of America in Salvador, and

The President of the Republic of Salvador,

Dr. Reyes Arrieta Rossi, Minister of Foreign Affairs of the Republic of Salvador,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to the immigration of aliens or the right of either of the High Contracting Parties to enact such statutes.

ARTICLE II

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and within any of the territories of the other, shall regardless of their alienage of residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

ARTICLE III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers, or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE V

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and con-

venient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

ARTICLE VI

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent Party within sixty days after a declaration of war.

ARTICLE VII

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal, or plant life, or regulations for the enforcement of police or revenue laws.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce or manufacture, of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Any advantage of whatsoever kind which either High Contracting Party may extend to any article, the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Salvadorean vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Salvador or are or may be legally exported therefrom in Salvadorean vessels may likewise be imported into these ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Salvadorean vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the High Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals and vessels.

The stipulations of this Article do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws, or to the treatment which Salvador accords or may hereafter accord to the commerce of Costa Rica, Guatemala, Honduras, Nicaragua, and/or Panama, so long as any special treatment accorded to the commerce of those countries or any of them by Salvador is not accorded to any other country.

ARTICLE VIII

The Nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawback and bounties.

ARTICLE IX

No duties or tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

ARTICLE X

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the party whose flag is flown.

ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that the vessels of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment, excepting that special treatment with respect to the coasting trade of Salvador may be granted by Salvador on condition of reciprocity to vessels of Costa Rica, Guatemala, Honduras, Nicaragua, and/or Panama, so long as such special treatment is not accorded to vessels of any other country.

ARTICLE XII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such Party as expressed in its National, State, or Provincial laws. If such consent be given on the condition of reciprocity, the condition shall be deemed to relate to the provisions of the laws, National, State, or Provincial, under which the foreign corporation or association desiring to exercise such rights is organized.

ARTICLE XIII

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associa-

tions, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no condition less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business.

The nationals of either High Contracting Party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

ARTICLE XIV

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from or going through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, and shall be given national treatment as regards charges facilities, and all other matters.

Goods in transit must be entered at the proper custom house, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

ARTICLE XV

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the state which receives them.

The Governments of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and they shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

ARTICLE XVI

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defence. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the state which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE XVII

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions shall be exempt from all taxes, National, State, Provincial, and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services of local public improvements by which the premises are benefited.

ARTICLE XVIII

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

ARTICLE XIX

Consular officers of either High Contracting Party may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting the nationals of the State by which they are appointed in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

ARTICLE XX

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XXI

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

ARTICLE XXII

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE XXIII

A consular officer of either High Contracting Party may in behalf of his non-resident countrymen receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

ARTICLE XXIV

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE XXV

Each of the High Contracting Parties agrees to permit the entry fee of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post or imported at any time during his incumbancy thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

ARTICLE XXVI

All proceedings relative to the salvage of vessels of either Hight Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry or exportation of the merchandise saved. It is understood that such merchandise, although not exempt from the usual warehouse charges for storage and expenses, is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XXVII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

ARTICLE XXVIII

Except as provided in the third paragraph of this Article the present Treaty shall remain in full force for the term of ten years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither High Contracting Party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the articles in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

The fifth and sixth paragraphs of Article VII and Articles IX and XI shall remain in force for twelve months from the date of exchange of ratifications, and if not then terminated on ninety days previous notice shall remain in force until either of the High Contracting Parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each High Contracting Party shall enjoy all the rights which it would have possessed had such paragraphs or articles not been embraced in the Treaty.

ARTICLE XXIX

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at San Salvador as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed their seals thereto.

Done in duplicate, in the English and Spanish languages at San Salvador, this twenty-second day of February, nineteen hundred and twenty-six.

[SEAL] C. VAN H. ENGERT.
[SEAL] R. ARRIETA ROSSI.

NOMINATIONS

Executive nominations received by the Senate May 28 (legislative day of May 26), 1926

FOREIGN SERVICE

The following-named persons for promotion in the Foreign Service of the United States, as follows:

FROM FOREIGN SERVICE OFFICER OF CLASS 3 TO FOREIGN SERVICE OFFICER OF CLASS 2

Alban G. Snyder, of West Virginia.

FROM FOREIGN SERVICE OFFICER OF CLASS 4 TO FOREIGN SERVICE OFFICER OF CLASS 3

James Clement Dunn, of New York.
John C. Wiley, of Indiana.

FROM FOREIGN SERVICE OFFICER OF CLASS 5 TO FOREIGN SERVICE OFFICER OF CLASS 4

Coert du Bois, of California.
Thomas M. Wilson, of Tennessee.

FROM FOREIGN SERVICE OFFICER OF CLASS 6 TO FOREIGN SERVICE OFFICER OF CLASS 5

Walter A. Adams, of South Carolina.
Thomas L. Daniels, of Minnesota.
G. Harlan Miller, of Pennsylvania.
Walter H. Sholes, of Oklahoma.

FROM FOREIGN SERVICE OFFICER OF CLASS 7 TO FOREIGN SERVICE OFFICER OF CLASS 6

Arthur B. Cooke, of South Carolina.
Maurice P. Dunlap, of Minnesota.
John H. MacVeagh, of New York.
George R. Merrell, jr., of Missouri.

FROM FOREIGN SERVICE OFFICER OF CLASS 8 TO FOREIGN SERVICE OFFICER OF CLASS 7

Stanley Hawks, of New York.
Robert F. Kelley, of Massachusetts.
Robert D. Longyear, of Massachusetts.
H. Freeman Matthews, of Maryland.

FROM FOREIGN SERVICE OFFICER, UNCLASSIFIED, AT $3,000, TO FOREIGN SERVICE OFFICER OF CLASS 8

Randolph F. Carroll, of Virginia.
Erik W. Magnuson, of Illinois.
Marcel E. Malige, of Idaho.
Nelson R. Park, of Colorado.

The following-named Foreign Service officers, now consular officers with the rank of vice consul of career, to be consular officers of the United States of America with the rank of consul:

CONSULAR OFFICERS

Randolph F. Carroll, of Virginia.
Erik W. Magnuson, of Illinois.
Marcel E. Malige, of Idaho.
Nelson R. Park, of Colorado.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Capt. James Sproule, Infantry, with rank from July 1, 1920.

COAST ARTILLERY CORPS

Capt. Harry Edmund Pendleton, Cavalry, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

TO BE CAPTAINS

First Lieut. Barlow Winston, Infantry, from March 17, 1926.
First Lieut. Maurice Rose, Infantry, from March 18, 1926.
First Lieut. Chester Morse Willingham, Infantry, from March 20, 1926.
First Lieut. Gene Russell Mauger, Cavalry, from March 21, 1926.
First Lieut. Frank L. Burns, Infantry, from April 2, 1926.
First Lieut. Harold Edwards Stow, Infantry, from April 2, 1926.
First Lieut. William Burl Johnson, Quartermaster Corps, from April 6, 1926.
First Lieut. Wilfred Hill Steward, Coast Artillery Corps, from April 6, 1926.
First Lieut. Merl Louis Broderick, Infantry, from April 10, 1926.
First Lieut. Winfield Rose McKay, Infantry, from April 11, 1926.
First Lieut. Lester Austin Webb, Infantry, from April 16, 1926.
First Lieut. Samuel Lewis Buracker, Infantry, from April 16, 1926.
First Lieut. Arthur Edwin Burnap, Infantry, from April 22, 1926.
First Lieut. James Harrison Donahue, Infantry, from April 27, 1926.
First Lieut. David Almedus Bissett, Infantry, from May 1, 1926.
First Lieut. Thomas Patrick Walsh, Coast Artillery Corps, from May 2, 1926.
First Lieut. Warren Benedict Scanlon, Infantry, from May 2, 1926.
First Lieut. William Robert Hamby, Cavalry, from May 2, 1926.
First Lieut. Buckner Miller Creel, Cavalry, from May 4, 1926.
First Lieut. Henry Winter Borntraeger, Infantry, from May 6, 1926.
First Lieut. Edwin Rudolph Petzing, Signal Corps, from May 7, 1926.
First Lieut. Richard Carvel Mallonee, Field Artillery, from May 13, 1926.
First Lieut. Theodore Ernest Voigt, Cavalry, from May 15, 1926.
First Lieut. Douglas Johnston, Air Service, from May 16, 1926.
First Lieut. Lawrence Pradere Hickey, Air Service, from May 16, 1926.
First Lieut. Severn Teackle Wallis, jr., Field Artillery, from May 18, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. Percy Earle LeStourgeon, Infantry, from March 17, 1926.
Second Lieut. Caryl Rawson Hazeltine, Infantry, from March 18, 1926.
Second Lieut. Irvin Albert Robinson, Infantry, from March 20, 1926.
Second Lieut. William Hypes Obenour, Field Artillery, from March 21, 1926.
Second Lieut. Michael Henry Zwicker, Coast Artillery Corps, from March 28, 1926.
Second Lieut. James Thorburn Cumberpatch, Air Service, from April 1, 1926.
Second Lieut. Ralph Roth Wentz, Ordnance Department, from April 2, 1926.
Second Lieut. Leon Valentine Chaplin, Field Artillery, from April 2, 1926.
Second Lieut. Daniel Webster Kent, Infantry's, from April 2, 1926.
Second Lieut. Harold Goodspeede Laub, Coast Artillery Corps, from April 2, 1926.
Second Lieut. Harry Lynch, Signal Corps, from April 4, 1926.
Second Lieut. George Marion Davis, Infantry, from April 6, 1926.
Second Lieut. Fay Warren Lee, Field Artillery, from April 6, 1926.
Second Lieut. Charles Emmett Cheever, Quartermaster Corps, from April 15, 1926.
Second Lieut. Harry Meyer, Corps of Engineers, from April 16, 1926.
Second Lieut. Peter Anthony Feringa, Corps of Engineers, from April 16, 1926.
Second Lieut. Edward Barber, Coast Artillery Corps, from April 22, 1926.
Second Lieut. Edward Hall Walter, Corps of Engineers, from April 27, 1926.
Second Lieut. David Albert Morris, Corps of Engineers, from May 1, 1926.
Second Lieut. Paul Cone Parshley, Corps of Engineers, from May 2, 1926.
Second Lieut. Lewis Wellington Call, jr., Coast Artillery Corps, from May 2, 1926.
Second Lieut. Richardson Selee, Corps of Engineers, from May 2, 1926.
Second Lieut. Don Waters Mayhue, Field Artillery, from May 5, 1926.
Second Lieut. Charles Harold Crim, Coast Artillery Corps, from May 6, 1926.

Second Lieut. John Harry, Coast Artillery Corps, from May 7, 1926.
Second Lieut. Harold Oakes Bixby, Coast Artillery Corps, from May 13, 1926.
Second Lieut. John Bruce Medaris, Infantry, from May 15, 1926.
Second Lieut. George Randall Scithers, Field Artillery, from May 16, 1926.
Second Lieut. John Henry Featherston, Coast Artillery Corps, from May 16, 1926.
Second Lieut. Charles Andrews Jones, jr., Chemical Warfare Service, from May 16, 1926.
Second Lieut. William Conrad Jones, Infantry, from May 18, 1926.
Second Lieut. Hubert Stauffer Miller, Corps of Engineers, from May 23, 1926.
Second Lieut. Edward Harold Coe, Corps of Engineers, from May 25, 1926.

PROMOTIONS IN THE PHILIPPINE SCOUTS

TO BE FIRST LIEUTENANTS

Second Lieut. Melecio Manuel Santos, Philippine Scouts, from April 10, 1926.
Second Lieut. Narciso Lopez Manzano, Philippine Scouts, from April 11, 1926.
Second Lieut. Juan Segundo Moran, Philippine Scouts, from May 1, 1926.
Second Lieut. Luis Mobo Alba, Philippine Scouts, from May 4, 1926.

POSTMASTERS

ALABAMA

Knox McEwen to be postmaster at Rockford, Ala., in place of W. P. Shurett. Incumbent's commission expired February 14, 1926.

ARKANSAS

Roy L. Goad to be postmaster at Cabot, Ark., in place of J. C. Wish, resigned.

CALIFORNIA

Lloyd E. Smith to be postmaster at Anderson, Calif., in place of A. H. Johnston. Incumbent's commission expired November 8, 1925.
Almond L. Pearson to be postmaster at Coachella, Calif., in place of F. E. Hastings. Incumbent's commission expired August 5, 1925.
Edward D. Mahood to be postmaster at Corte Madera, Calif., in place of E. D. Mahood. Incumbent's commission expires May 29, 1926.
Robert G. Isaacs to be postmaster at Montague, Calif., in place of W. A. Murphy, deceased.
Frank C. Pollard to be postmaster at Yreka, Calif., in place of A. C. Howard, removed.

FLORIDA

Fred A. Carnell to be postmaster at Ormond, Fla., in place of C. D. Simrall, deceased.

GEORGIA

Richard E. Lee to be postmaster at Concord, Ga., in place of R. E. Lee. Incumbent's commission expired March 9, 1926.
John W. Berryhill to be postmaster at Lakeland, Ga., in place of J. W. Berryhill. Incumbent's commission expired March 10, 1926.
Christine P. Hankinson to be postmaster at McDonough, Ga., in place of C. P. Hankinson. Incumbent's commission expired January 23, 1926.
Sallie J. Purvis to be postmaster at Pembroke, Ga., in place of S. G. Purvis. Incumbent's commission expired February 13, 1926.
Bernie C. Chapman to be postmaster at Porterdale, Ga., in place of B. C. Chapman. Incumbent's commission expired March 9, 1926.

ILLINOIS

Menno Vandervliet to be postmaster at Danforth, Ill., in place of Menno Vandervliet. Incumbent's commission expires May 31, 1926.
Susan Gilman to be postmaster at La Harpe, Ill., in place of Susan Gilman. Incumbent's commission expires June 10, 1926.
Glenn O. Connor to be postmaster at Ohio, Ill., in place of J. H. Faley, jr., resigned.

IOWA

Mae C. Liebbe to be postmaster at Letts, Iowa, in place of L. D. McCormick. Incumbent's commission expired August 24, 1925.

KANSAS

Anna L. January to be postmaster at Osawatomie, Kans., in place of A. L. January. Incumbent's commission expires May 31, 1926.

KENTUCKY

Robert L. Jones to be postmaster at Morganfield, Ky., in place of R. L. Jones. Incumbent's commission expires May 29, 1926.
John S. Marksbury to be postmaster at Williamstown, Ky., in place of J. S. Marksbury. Incumbent's commission expired February 22, 1926.

MAINE

Lillian L. Guptill to be postmaster at Newcastle, Me., in place of W. D. Murphy, removed.

MASSACHUSETTS

Charles W. Hardie to be postmaster at Harwich Port, Mass., in place of B. C. Kelley, deceased.

MICHIGAN

William H. Florian to be postmaster at Grand Junction, Mich., in place of W. H. Florian. Incumbent's commission expires May 31, 1926.
Minnie E. Allen to be postmaster at Leslie, Mich., in place of F. R. Allen, deceased.

MINNESOTA

Edward J. Bahe to be postmaster at Hancock, Minn., in place of E. J. Bahe. Incumbent's commission expired May 2, 1926.
Edgar A. Enders to be postmaster at Winnebago, Minn., in place of Charles Canfield. Incumbent's commission expired December 22, 1925.
Louis E. Davis to be postmaster at Cleveland, Minn. Office became presidential July 1, 1925.

MISSOURI

William P. Rowland to be postmaster at Bevier, Mo., in place of D. M. Williams. Incumbent's commission expired February 28, 1926.
May Carpenter to be postmaster at Burlington Junction, Mo., in place of S. A. Jones, resigned.

NEBRASKA

Maurice J. Meseraull to be postmaster at Doniphan, Nebr., in place of L. E. Smith. Incumbent's commission expired January 16, 1926.
Andrew E. Stanley to be postmaster at Loomis, Nebr., in place of A. E. Stanley. Incumbent's commission expires May 31, 1926.

NEVADA

Anne M. Holcomb to be postmaster at Battle Mountain, Nev., in place of E. B. Lemaire, removed.

NEW HAMPSHIRE

Ervin W. Hodsdon to be postmaster at Center Ossipee, N. H., in place of E. W. Hodsdon. Incumbent's commission expires May 31, 1926.
Harriet A. Reynolds to be postmaster at Kingston, N. H. Office became presidential July 1, 1925.

NEW JERSEY

Charles H. Mingin to be postmaster at Mays Landing, N. J., in place of Stephen Bartha, resigned.

NEW MEXICO

Lydia C. Harris to be postmaster at Messilla Park, N. Mex., in place of L. C. Harris. Incumbent's commission expired December 21, 1925.

NEW YORK

Emma P. Shutts to be postmaster at Mexico, N. Y., in place of W. L. Buck. Incumbent's commission expired March 16, 1926.

NORTH DAKOTA

Fred Fercho to be postmaster at Lehr, N. Dak., in place of Fred Fercho. Incumbent's commission expires May 31, 1926.

OHIO

Reno H. Critchfield to be postmaster at Shreve, Ohio, in place of R. H. Critchfield. Incumbent's commission expired April 7, 1926.

OKLAHOMA

Ben F. Ridge to be postmaster at Duncan, Okla., in place of J. E. Elliott. Incumbent's commission expired March 27, 1926.

PENNSYLVANIA

Enoch A. Raush to be postmaster at Auburn, Pa., in place of E. A. Raush. Incumbent's commission expires May 29, 1926.

Charles E. Ehrhart to be postmaster at Dallastown, Pa., in place of C. E. Ehrhart. Incumbent's commission expired April 17, 1926.

Arthur B. Winter to be postmaster at Jermyn, Pa., in place of A. B. Winter. Incumbent's commission expires May 31, 1926.

George F. Klinefelter to be postmaster at Shrewsbury, Pa., in place of G. F. Klinefelter. Incumbent's commission expired April 17, 1926.

Zola K. Rodkey to be postmaster at Spangler, Pa., in place of Z. K. Rodkey. Incumbent's commission expires May 29, 1926.

John E. Showalter to be postmaster at Terre Hill, Pa., in place of J. E. Showalter. Incumbent's commission expired May 19, 1926.

James A. Stickel to be postmaster at Vandergrift, Pa., in place of J. A. Stickel. Incumbent's commission expired April 20, 1926.

Charles H. Myers to be postmaster at Wrightsville, Pa., in place of C. H. Myers. Incumbent's commission expired May 26, 1926.

Emma Zanders to be postmaster at Mauch Chunk, Pa., in place of Harry Zanders, deceased.

Ina H. Woodard to be postmaster at Shinglehouse, Pa., in place of J. A. Woodard, resigned.

RHODE ISLAND

William L. Simonini to be postmaster at Conimicut, R. I., in place of C. D. Carlin, resigned.

SOUTH CAROLINA

Richard F. Smith to be postmaster at Clio, S. C., in place of K. L. McIntyre. Incumbent's commission expired January 27, 1926.

John E. Folger to be postmaster at Easley, S. C., in place of J. E. Folger. Incumbent's commission expires May 29, 1926.

SOUTH DAKOTA

Florence M. Jones to be postmaster at Chester, S. Dak., in place of R. T. Peterson. Incumbent's commission expired January 17, 1926.

Clarence J. Curtin to be postmaster at Emery, S. Dak., in place of C. J. Curtin. Incumbent's commission expired February 2, 1926.

James T. Leahy to be postmaster at Fedora, S. Dak., in place of J. T. Leahy. Incumbent's commission expires May 29, 1926.

Charles P. Decker to be postmaster at Roscoe, S. Dak., in place of C. P. Decker. Incumbent's commission expired March 4, 1926.

TENNESSEE

Columbus L. Parrish to be postmaster at Henderson, Tenn., in place of C. L. Parrish. Incumbent's commission expired May 5, 1926.

TEXAS

Carl W. Smith to be postmaster at Kress, Tex., in place of C. W. Smith. Incumbent's commission expired April 10, 1926.

VIRGINIA

William R. Kindig to be postmaster at Stuarts Draft, Va., in place of W. R. Kindig. Incumbent's commission expired May 18, 1926.

Emma B. Snow to be postmaster at Clover, Va., in place of C. E. Canada, resigned.

WISCONSIN

Emma V. Clark to be postmaster at Black Earth, Wis., in place of E. V. Clark. Incumbent's commission expired February 15, 1926.

Bert B. Powers to be postmaster at Fennimore, Wis., in place of B. B. Powers. Incumbent's commission expired March 14, 1926.

Stephen M. Peeters to be postmaster at Little Chute, Wis., in place of S. M. Peeters. Incumbent's commission expired November 8, 1925.

WYOMING

Ralph R. Long to be postmaster at Gillette, Wyo., in place of R. R. Long. Incumbent's commission expires May 31, 1926.

Norman D. Sherman to be postmaster at Edgerton, Wyo. Office became presidential April 1, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 28 (legislative day of May 26), 1926

FOREIGN SERVICE

VICE CONSULS OF CAREER

Eugene M. Hinkle.
Edward P. Lawton.

UNCLASSIFIED

Lawrence Higgins.
Gordon P. Merriam.
Samuel Reber, jr.
William M. Gwynn.
John B. Faust.
Cabot Coville.
Henry A. W. Beck.
Thomas F. Sherman.
S. Walter Washington.
Walton C. Ferris.
J. Ernest Black.
John B. Ketcham.

UNITED STATES ATTORNEY

Peyton Gordon, to be United States Attorney, District of Columbia.

POSTMASTERS

ALABAMA

John H. McEniry, Bessemer.

CALIFORNIA

Stella L. Vincent, Carmel.
John B. Horner, Fullerton.
Jessie McGregor, Merced Falls.
James E. Power, San Francisco.

COLORADO

Fred J. Dyer, Crested Butte.

GEORGIA

Olivia F. Anderson, Chipley.
John S. Lunsford, Elberton.
Kate Harris, Leesburg.
James F. Morgan, Waycross.

ILLINOIS

Roger Walwark, Ava.
Bernard A. Dorries, Bresse.
Frank W. Squire, Godfrey.
Arno R. Mebold, Marine.
Frank E. Whitfield, Medora.
Anna M. Peters, Sandoval.

INDIANA

Fred McNutt, Waveland.
Fred Dunn, Windfall.

IOWA

Oswell Z. Wellman, Arlington.
Homer G. Games, Clamus.
Raymond W. Ellis, Norwalk.
William W. Sturdivant, Wesley.

KANSAS

William E. Ferguson, Latham.
Benson L. Mickel, Soldier.

LOUISIANA

Levi P. Carter, Bunkie.
Victor E. Green, De Ridder.

MAINE

George H. Rounds, Naples.

MASSACHUSETTS

Emma E. Murphy, Minot.
Ephrem J. Dion, Northbridge.
William F. O'Toole, South Barre.
Cleon F. Fobes, Stoughton.
Myrtice S. King, Upton.
James H. Jenks, jr., West Dennis.

MICHIGAN

Benton H. Miller, Cement City.
Selma O'Neill, Rockford.
Walter H. Nesbitt, Schoolcraft.
George K. Hoyt, Suttons Bay.

NEW YORK

May L. McLaughlin, Blue Mountain Lake.
C. Blaine Persons, Delevan.
Frank D. Gardner, De Ruyter.
Denton D. Lake, Gloversville.
Joseph A. Colin, Johnstown.
John C. Jubin, Lake Placid Club.
Vernon E. Bowler, Savannah.
Louise E. Wells, Stony Brook.

OHIO

Edgar L. Taylor, Crooksville.
Leo Mutach, Marblehead.

PENNSYLVANIA

Christian D. Doerr, Colver.

TEXAS

James L. Hunter, Austin.
Edmund W. Tarrence, Llano.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 28, 1926*

The House met at 11 o'clock a. m.

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

We praise Thee, O God; we acknowledge Thee to be the Lord. We thank Thee for splendid privileges and may we arise to their opportunities and to their call. Anything but genuine fidelity to them is failure and sullies the page of honor with forbidding fingers. So help us that our zeal may never slacken, our faith never weaken, and our devotion never grow cold. Take our moral natures, blessed Lord, and broaden and deepen the range of their understanding. Take our pride and chasten it. Take our hearts and cleanse them from all impurity. We ask Thee to abide with the royal guests within our midst. Preserve them in safety and mercifully bestow upon them blessings, happiness, and health. Give great peace and prosperity to their dominion and bless our relationships while many years pass by. Through Jesus Christ our Lord. Amen.

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

IMMIGRATION

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the immigration question.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, reserving the right to object—I shall not object—but the express understanding was when the time for debate on the river and harbor bill was limited that nothing should interfere with the time to be devoted to that debate. This was understood. I shall not object, but the time for this debate should not be unnecessarily encroached upon.

Mr. MADDEN. Mr. Speaker, I think the gentleman ought not to submit his request now.

Mr. GRIFFIN. Mr. Speaker, I will say to the gentlemen who have interposed reservations of objection, if that continues it is likely to take up more than the five minutes which I should take in addressing myself to a special phase of the immigration question which has developed within the last few days. I am not a frequent offender in this regard and have taken up very little time of the House. I trust the gentlemen will not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRIFFIN. Immigration without regulation may easily produce national conditions worse than an armed invasion. I recognize, as a native American, as a descendent maternally of Revolutionary ancestors, how essential it is to preserve the traditions of the American people and to maintain the heritage which has been handed down to us. I recognize that self-defense is as indispensable to a nation as to an individual and that it is essential that we should protect ourselves against an unreasonable influx of immigration. Nevertheless, in the enactment of immigration laws we have become panicky, and we have fallen into many indiscretions.

For instance, we prohibit the wives, husbands, and children of aliens to enter the United States except within the quota. Now, what is the effect of this? It separates families; and that is immoral, inhumane, and against good public policy. It has always been considered wholesome to keep families united. You can not make good citizens out of aliens resident here so long as you keep them in constant turmoil and anxiety trying to bring their families to this country.

AMERICANIZATION

We hear much talk of Americanization. It is futile to try to make men loyal to an adopted country until you make them contented. You can not hope to make much headway with real Americanization in the congested centers of population until you show them by humane laws that you do not resent their intrusion. So long as you treat them as "foreigners" they are going to be foreigners. There will be no love lost between you. So long as you insist on keeping families divided you are going to have divided allegiance.

Mr. KNUTSON. Will the gentleman yield?

Mr. GRIFFIN. At the conclusion of my remarks I will be glad to yield.

THE ECONOMIC SIDE

But, aside from that, our illiberal attitude toward the alien spites ourselves and entails an economic loss of great magnitude to the Nation. We admit the wage earner and exclude his wife and children until he becomes a citizen. We allow the wage earner to come in, compete with home labor, earn the high wages now prevailing—$12 to $15 a day—and then deny him the right to spend his wages where they are earned. The money earned here, and which ought to be spent here, is spent abroad. Millions of dollars go annually from the United States to foreign countries to support the poor, miserable fragments of humanity waiting in foreign lands for the consul's long-deferred visa which will enable them to join their husbands or fathers. Besides being inhumane, the law responsible for these conditions is an example of stupendous economic folly.

THE QUOTA SYSTEM

The whole quota system of regulating immigration is fundamentally wrong. I would do away entirely with the percentage basis. The only humane, philosophic, and economic basis of limitation is by recognizing the family as a unit. The quota system is simply a blind approximation to what we are trying to do. What are we trying to do? I take it we are trying to build up a homogeneous population, assimilating the alien immigrant as quickly as possible so as to make him a good American. I submit that you can not succeed in this by admitting isolated fragments of families in mere mathematical sequence in the order in which they happen to fall within an arbitrary quota. That, if I may be permitted to say, is about the very worst way of accomplishing our object. Where mathematical sequence in the order of filing applications for visas is followed new heads of families, without relatives in the United States, are given preference over members of families whose heads are already here. This is ethically unfair and, so far as our ultimate objects are concerned, politically unwise.

THE FAMILY AS A UNIT

The real solution is to treat the family as the unit. If we are striving to keep immigration within bounds, no new family heads should be admitted until the families of those already admitted are taken care of.

In the hearings of our Subcommittee on Appropriations we had a most interesting discussion of this question. Assistant Secretary of State Wilbur J. Carr stated:

> One thing in particular I have noticed that has troubled me a good bit is that at the present time each alien has to have a quota number to enable him to come over. (Page 29, hearings.)

Then a little further down, he continues:

> Those cases appeal to one very strongly. I think that condition might be remedied to the advantage of the aliens and also to the advantage of the United States, if in some way the family might be treated as a unit, so that if part of a family could not come none could come, and all of them would have to stay abroad until all could come over. By defining the family it might be treated as a unit. I think a good deal of hardship could be avoided in that way.

I then suggested that the rule ought to work both ways, and the following colloquy occurred:

> Mr. OLIVER of Georgia. Your proposition is if any one of them can come in, then let the whole family come in?
>
> Mr. GRIFFIN. Assuming that they fulfill all the conditions as to health; assuming that they are able to pass the physical examination as to health.
>
> Mr. CARR. That is what I am talking about. The cases I had in mind are cases where the members of the family meet the requirements both as to the immigration law and as to the condition of their health, with one exception. If there is a child, a wife, or even a husband who is unable to meet the conditions, that one member of the family is unfit to come in. What is done now——
>
> Mr. GRIFFIN (interposing). You mean physically unfit?
>
> Mr. CARR. Physically unfit to come in. What happens now is, that the rest of the family come and then a very distressing condition is created by the other member of the family being over there, perhaps without adequate care. Then they come to the department and their friends come to the department and try in some way or other to have that other member allowed to come in. They even speak about getting legislation to enable that individual to come over, in spite of the requirements of the immigration law.
>
> Mr. GRIFFIN. Let me give you a concrete instance as to what I referred to in saying that it ought to work both ways. There is a woman in Poland to-day who is entitled to her passport. She is entitled to that passport or to a visa of her passport upon the ground that she is the mother of a citizen of the United States. The American consul in Warsaw is willing to give her a visa, but he is unable under the law to give that visa to the two children of that woman, aged, respectively, 12 and 15 years.
>
> Mr. CARR. Because they are——
>
> Mr. GRIFFIN (interposing). What I mean is that where a woman is entitled to come into the country, either within the quota or because of preference, that ought to be extended to the members of her family, because it is not good public policy to divide families.
>
> Mr. CARR. I understand these children are physically fit?
>
> Mr. GRIFFIN. They are physically fit to enter.

Mr. CARR. I would be disposed to agree with you if the mother is entitled to come in.

Mr. GRIFFIN. As the mother of a citizen.

Mr. CARR. As the mother of a citizen; yes.

Mr. GRIFFIN. And as the mother of a man who fought during the war in our Army and has an honorable discharge. That is an example of one of the cases.

Mr. CARR. She is in the preference class.

Mr. GRIFFIN. She is in the preference class, but the children are not, under the existing law.

Mr. CARR. They are not, under the existing law.

Mr. GRIFFIN. I want to see that unit theory of yours carried out, but I would like to see it work both ways.

Mr. OLIVER of Georgia. All of that is a matter of legislation?

Mr. CARR. Yes.

Mr. SHREVE. Has the American consul any discretion in just such cases as Mr. Griffin has referred to?

Mr. CARR. He has none whatever.

Mr. GRIFFIN. No; he has no discretion whatever.

Mr. CARR. The mother of a citizen of the United States is entitled to come in in the preference class, to be preferred over other aliens because she is the mother of a citizen, and the law specifically gives her that right. But the others would be her minor children who are doubtless brothers or sisters of the naturalized American.

Mr. GRIFFIN. Yes.

Mr. CARR. The law does not grant preference to brother or sister.

Mr. OLIVER of Georgia. The American consul is absolutely helpless.

Mr. CARR. The consul has to treat them as quota aliens and they have to take their places in the line in the order of application. So the difficulty there is that the mother can come to-day, but the children have to wait until their turn arrives, which, in the case of Poland, may be some time.

Mr. GRIFFIN. Not only that, but if this woman does not accept her visa now when it is offered to her she will lose her place in the line of those waiting for visas; at least, that is what I am assured.

Mr. CARR. I think that is not quite accurate.

Mr. GRIFFIN. I hope it is not.

Mr. CARR. Her visa can be held for her until she is ready to come over. But the granting of visas can not be expedited as far as the children are concerned, because that would give them a preferred place over other applicants which the law does not permit.

Mr. SHREVE. We are very much pleased to have that statement. (Hearings, pp. 30–31.)

CONSTRUCTION OF TERM "VISITORS"

Another feature of the immigration law I want to bring to your attention, which is really the reason for my rising to-day, is that the Labor Department has undertaken to give a construction to the law as to visitors which in my opinion is heartless, unjust, and unwarranted.

I have in mind a certain Professor B, a man of education and refinement, a native of Poland, who married in Cuba a girl from Russia. She can not join him in the United States because of the limitation in the number of visa allotments. Convinced of the hopelessness of her quest, she is about to return to her native land, in the hope that if she is on the spot where the allotments are made she will stand a better chance of securing a visa than in Cuba. Being about to take this long journey, she has made an application to enter the United States for a brief period to greet her husband and relatives and to see some of the wonders of the land of the free.

The American consul in Cuba refuses a visa for this laudable purpose, not harshly or arbitrarily, but solely because he is under orders to refuse visas in such cases where the applicant has marital or other ties in the United States which, in the opinion of the Departments of Labor and of State, raise the presumption of an intent to circumvent the law. In reaching this conclusion they themselves circumvent the law and furnish an example to Congress of the impropriety of giving the executive departments of the Government the power of making "regulations" without coupling the grant with proper limitations.

The term "visitor" has a precise and specific definition. It is one whose stay is temporary. The will, the inclination, or the temptation to stay longer than the fixed period can not be enlarged by presumptions or inferences.

In the case of Mrs. B her intent to depart is guaranteed by the offer of a bond, in any sum fixed by the Labor Department, to be furnished by her husband, who is a musician of such standing that there is not the remotest chance of his trying to secrete her or prevent her departure at the end of the visit. To secrete her he would have to secrete himself, and that would be fatal to his livelihood.

I have written a protest in the form of a letter to the State Department and in order that my colleagues may understand the merits of the matter I am taking the liberty of appending herewith a copy thereof as a part of my remarks, as follows:

MAY 27, 1926.

Hon. FRANK B. KELLOGG,
Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: Prof. M—— B——, of Bronx, New York City, was duly admitted to the United States on August 1, 1923, and has declared his intention to become a citizen of the United States. He is a native of Poland, a professor of music and band leader, a man of intelligence, education, and refinement, qualified in every respect to become a useful citizen.

In 1925 he married a Russian girl while on a visit to Cuba. Since that time he has been trying to have her join him here; but owing to the drastic provisions of our immigration laws that comfort is denied him. He now realizes that he is up against an insurmountable obstacle and must send her back to her native land, where the chances of obtaining a quota visa seem to be better than they are while she remains in Cuba. Before that final step is taken, however, he desires to have her permitted to enter the United States for a brief period as a visitor, and also informs me that he has sent a personal appeal to you to grant this indulgence.

There is nothing in the law to warrant the denial of a visitor's passport and visas—the only obstacle being a department order, issued by you or your predecessor, advising American consuls abroad to be wary of issuing visas to aliens whose ties to lawfully admitted aliens in this country raise the presumption, or rather a suspicion, that their purpose in obtaining a visitor's visa is to circumvent the law and effect, by chicanery, a permanent residential status.

While there may be some ground for this suspicion in some cases, I beg to assure you that in Professor B's case it has no basis. Furthermore, he informs me he has stated to you in his letter that he will put up any bond required to guarantee her voluntary return to Russia at the end of her visit.

It is needless for me to emphasize to you the fairness of this request and the humanity of granting it. The matter rests entirely in your discretion and I earnestly hope you will humanely exercise your authority to grant this reasonable request.

While we are on the subject, I trust you will pardon my calling your attention to the evils of this particular phase of the immigration law and the policy of the department founded on, but not altogether warranted by, that law.

Those evils are of two kinds:

First. Against economic law: Millions of dollars annually leave our shores for the support of wives, children, and dependents of aliens who are lawfully here and who are earning money here to be largely spent abroad. That is bad political economy.

Second. Against public morals: In that families are broken up—wives separated from husbands—husbands from wives—children from parents, and all prey to temptations and immoral influences.

Such laws do not tend to make a better nation or a better world. They are narrow, provincial, and prejudicial (economically, politically, and ethically) to the nation that enacts them and hurtful to our prestige among the nations of the world.

Of course you will say "What is the use of complaining about the law to a Cabinet officer—the head of a department?" and that question is natural. But I, as a Member of Congress, am in an impotent minority. The attitude of Congress as at present constituted is such as to render hopeless any immediate relief. My justification in writing to you is that it is within your power to soften the rigor of the law by a humane and tolerant enforcement of it. It is not necessary for your department to add to its hardships by denying visitors' visas in meritorious cases.

Another reason for writing to you is founded on the fact that in the hearings before our subcommittee I was encouraged to believe that your department was tending toward the attitude of favoring an amendment to the law which would recognize the family as a unit and permit families to be united. (See pp. 29, 30, and 31 of the hearings on appropriations of State Department for 1927.)

If your department would make a recommendation to the Immigration Committee of the Senate and the House coupled with a statement of your experience of the hardships incident to the law, as it now stands, I am sure it would have considerable weight in securing an alleviation of existing conditions. It would, at any rate, have more influence than a protest of a Member of Congress from New York, where the foreign population is so great as to provoke the suspicion that his advocacy of humanity in the law is colored by political expediency.

While I have many cases falling within this class of immigration hardships I take this —— matter as an example where the character of the man, and the sincerity and justice of his request accentuate the inhumanity of the law and the method of its enforcement to such an extent as to make an appeal for the law's amendment obviously necessary, or at least generosity in the construction of the law in this particular case, a humane and solemn obligation.

Sincerely yours,

ANTHONY J. GRIFFIN.

The SPEAKER. The time of the gentleman from New York has expired.

THE CONGRESS AND THE PEOPLE

Mr. WASON. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from New Hampshire [Mr. HALE] may have permission to extend in the RECORD remarks which he delivered last Wednesday over the radio.

The SPEAKER. Is there objection?

There was no objection.

Mr. HALE. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

RADIO ADDRESS OF HON. FLETCHER HALE, OF NEW HAMPSHIRE, WEDNESDAY, MAY 26, 1926

On March 4, 1789, 137 years ago, the first session of the Congress of the United States convened. The marvelous growth of this Republic may be illustrated by a brief comparison of that body with this, the Sixty-ninth Congress. The membership in the Senate was confined then, as now, to two Senators from each State. There were then 26 men representing the thirteen original States, while to-day the Senate of the United States comprises a membership of 96, representing 48 States. The House of Representatives of the First Congress was composed of 65 Members, apportioned among the States according to population, and representing, each, approximately 30,000 American people. The present House of Representatives comprises 435 Members, or nearly sevenfold the original membership, while each Representative now has a constituency on the average of approximately 225,000 people, or more than seven times the population represented by each Congressman in 1789. The Nation's business in the early days cost the people of the country about $10,000,000 a year. In this year of 1926, 150 years after our Declaration of Independence, the governmental burden which you sustain is approximately three and a half billions of dollars, an expense account three hundred and fifty times greater than that incurred in the infancy of the Nation.

Daily your country's business is being put in better order. Waste and duplication of effort are being eliminated and wiser and more productive expenditures are being made. But this vast sum, reduced from a maximum of over $6,000,000,000 in the last six years through real economy, in all probability can not further be greatly diminished, at least until our obligations of debt and interest arising from the World War have been satisfied. You will agree that the welfare of the Nation demands that it should not be substantially increased.

We are socially and materially the most resourceful Nation on the face of the globe. This is your money. This is peculiarly your Government. You are, and of right ought to be, interested in exacting of those who represent you in Washington, whether in a legislative or in an executive capacity, intelligent and honest effort to guide a free, prosperous, and happy people to the harbor our fathers sought when they declared it their purpose to institute this Government in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity.

Your obligation of citizenship is not fulfilled, however, by your simple, peremptory demand upon Congress to achieve national prosperity. Since this is a popular representative Government, there must be constructive, popular contribution to it in order that it may be truly representative. The entire membership of the House of Representatives is elected every two years in order that one branch of the Congress, at least, may, as nearly as possible, represent the immediate popular will. That will is determined fairly accurately at elections through the medium of two great political parties, whose candidates seek your suffrage upon certain declared principles or policies of government. Selection of a majority of the candidates of one party ordinarily places that party in power.

The tumult and the shouting then dies; local party organizations slumber until the next election, and many of you return to your homes, if you have troubled yourselves to exercise your privilege of voting, as only about 60 per cent of you do, confidently expecting the millennium to arrive or some great national calamity to befall, according to whether the party which received your support has succeeded or failed at the polls. You are most of you inclined, in either view, to let the affairs of the Government take their course, and attend to your home, your business, or your pleasure, when, as a matter of fact, the conduct of your Government affects, or may affect, those vital interests of yours quite as much as any individual influence you may exert upon them.

There is no more essential principle on which to base congressional action than that it should contribute always to the national welfare as distinguished from the welfare of any particular group or groups of people, or of any particular section or sections of the country. It is true that there may be legislation, sectional or special in its character, yet necessary to the general welfare. The difficulty with us, most of us hundreds of miles away from companionable communion with those whom we represent, is to be able always to detect this distinction. There are here in Washington hundreds of agents of special groups of people who are in rather constant communication with Members of Congress, many of them paid, many of them voluntary, most of them sincere, some of them otherwise, but all intensely interested in effecting legislation for some particular group or some particular special interest. Similarly, from all over the country, while you are attending to your own business, comes tons of communications from all sorts of interests, much of it in stereotyped form, much of it in real personal appeal.

The voice speaking, whether personally or by mail or by wire, too often is that of selfishness, clamoring for special legislation which ordinarily may benefit the few and injure the many. Much of it demands that we regulate the business of all but its own. Oftentimes it resorts to threats to exert group action against our reelection if we fail to comply with its insistent demands. Usually it is not the cry of deliberate selfishness nor of willful misrepresentation, but more often it is a result of a failure to consider problems from the national standpoint of the welfare of the 118,000,000 people of America. It is fortunate for you and for the country that it is physically impossible even to read all that comes to us, much less to digest it. Nevertheless, a large part of it makes a very considerable impression upon many Members of Congress. Much of it is good and should do so. Much of it is bad and ought not to do so. That of it which is bad and leaves its influence leads us to represent special elements rather than the great body of citizens. If it has its effect in legislation, rule by small minorities is the result, leading to governmental extravagance, and oppressive, oftentimes most injurious governmental interference with honest industry. And quite as unproductive of enduring benefit have been the results of legislation procured or atempted to be procured by arraying a section or sections of the country against others which, when weighed for the country as a whole, retard our national progress and diminish our national prosperity. So general has this tendency become in the last decade, so many are the special groups and interests desiring to be served, that Federal legislation has come to be viewed as a panacea or cure-all for social and industrial ills of every description, resulting, as inevitably it must do because of certain failure to accomplish all that was anticipated, in destroying the efficiency of the Government and in disrespect for and intolerance of its established institutions. We have been engaged in a legislative debauch from which we must emerge clear-headed, capable, and determined to substitute legislative temperance and sanity for legislative license.

This is distinctly not a party issue. If it were, political preventives could and doubtless would have been applied ere the pendulum had swung so far. Representatives of both parties have erred, and the people of the country have contributed by being accessories both before and after the fact. While the American Congress has been the mark of most critics in this respect, the same tendency has exhibited itself, even to a more marked degree in some respects, in State and municipal governments. While the national expenditures have lately been largely reduced and substantial reductions have been made in the national debt, we have witnessed a steady increase in the cost of local government to such an extent that much of the benefit that should have been derived from congressional action has been lost. High taxes constitute quite as great a drain on the pocketbooks of business or of agriculture or of labor, whether they are paid to one governmental agency or another. Combined with this apparent extravagant use of the people's money is the same tendency on the part of special interests to require our local governments to meet responsibilities which they were not designed to meet.

There are duties which belong alone in the American home which can best be performed there and not in a legislative council or in Government bureaus. So there are duties which were designed to be performed and can best be performed, each in its proper sphere, by the municipality, the county, the State, and the Nation. Through thought and experience you can help us to effect a much-desired harmonious adjustment between the Government and those it protects. That eternal vigilance is the price of liberty is quite as true to-day as it was a century or more ago. It is liberty under law which we have inherited. It is such liberty we seek to preserve.

There is no Representative in Washington who does not welcome your well-considered opinion on matters of public import. But that we may not be misled into the dark and dangerous avenues of governmental folly, let your voice when it speaks be that not of one from the North, the South, the East, or the West; not of the rich nor of the poor, not of the weak nor of the strong, but that of an American citizen, having community of interest with all other American citizens, and desiring to translate this community of interest into community of political action in order that the general welfare may be supreme.

I am convinced that in the National Capital the return to legislative sanity is well under way. Under the leadership of a President who possesses common sense and ability to perceive that which is essential for the public interest, the Congress is pursuing a course which can not fail to restore whatever measure of public confidence may have been lost. Tremendous pressure for group and sectional legislation, detrimental to the general welfare, continues to persist. That pressure the Sixty-ninth Congress thus far has had the strength in large measure to resist. More than 16,000 pieces of legislation have been introduced for our consideration, of which perhaps 6,000 relate to matters of public

concern and which, if passed, would extend the hand of the Government into practically every line of human activity, create a bureaucracy which would quite destroy our democracy, and plunge us into a sea of expenditure almost without limit. Out of this mass, after nearly six months of diligent application to duty, there have been enacted about 275 public laws. Most of such measures as have become law can not fail to improve the condition of all our people. It is your hope and mine, and my conviction also, that when we shall have adjourned it will be found that we have adhered in our legislative action to those principles upon which the security of our Nation rests—that the Government of the United States has been created by the people, that it is responsible solely to them, and that its efforts will be of little or no avail unless day by day there is brought to the hearthstones of a self-reliant and independent people a greater abundance of justice, enlightenment, prosperity, and content.

WORLD COURT, NATIONAL DEFENSE, AND PEACE

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address I made last night on the "World Court, national defense, and peace."

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, where did the gentleman make the speech?

Mr. HILL of Maryland. I made it before the Reserve Officers' Association of Maryland in Baltimore.

Mr. CONNALLY of Texas. Is it a good speech?

Mr. HILL of Maryland. I hope that the gentleman will find it an excellent speech. [Laughter and applause.]

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

ADDRESS OF REPRESENTATIVE JOHN PHILIP HILL BEFORE THE RESERVE OFFICERS' ASSOCIATION OF MARYLAND, AT ITS ANNUAL DINNER AT THE ELKS CLUB, BALTIMORE, MD., 6.30 P. M., THURSDAY, MAY 27, 1926

Mr. HILL of Maryland. The policy of the United States is peace. President Roosevelt, to me one of the greatest Americans who ever lived, said, "Nobody wants war who has any sense." He also said, "Let this Nation fear God and take its own part * * *. Let it exercise patience and charity toward all other peoples and yet, at whatever cost, unflinchingly stand for the right when the right is menaced by the might which backs wrong. Let it, furthermore, remember that the only way in which successfully to oppose wrong which is backed by might is to put over against it right which is backed by might."

The policy of the United States is peace. Nobody wants peace more than the members of the Reserve Officers' Association. Nobody wants peace more than we who are part of the organized reserve system of this Nation, which provides six field Armies, 2,000,000 men, to defend our national ideals should the occasion ever arise. We want peace, and we who knew the gas-filled areas of the battle fields of France, we who knew the wet and cold and shrapnel and machine-gun fire and the other terrors of modern warfare, want peace more than any other section of the American people.

There exists a queer theory among certain minority elements of this Nation, that because a man or woman served in the past war, or because a man or woman is now enrolled in the national defense system of this country as ready to serve should another war arise, that such man or woman is a "militarist," eager to wade into the muddy trenches and the bloody ditches of combat. Such a theory is absurd and untenable. Nobody who has ever known real war wants to come near its horrors again, but, as President Roosevelt said, had it not been for those, "from the hammer of Charles Martel to the sword of Sobieski," who, in the Middle Ages, were willing to undergo the horrors of war to drive back from Europe the onslaught of the Asiatic hordes, nobody would be to-day in a position in this country to discuss "social values" or to discuss, as an academic question, how the peace of our civilization might be maintained.

The policy of the United States is peace. It is the policy of the Reserve Officers' Association just as much as it is the policy of various peace societies. Certain "peace societies" advocate the abolition of national defense, and look to "international conciliation" to maintain peace. They oppose our Reserve system and claim that our adherence to the World Court will do away with the possibility of war and make national defense unnecessary. I wish they were right, but they are not. I enlisted as a private in the National Guard 21 years ago. I served on the Mexican border and at Verdun. I am to-day in command of a Reserve Cavalry Regiment. If war comes, I go. I have a wife and three little children and a home I cherish. Nobody wants war less than I do. If I thought our entrance into the World Court would lessen chances of war, I should favor our adherence with all the vigor and enthusiasm I possess. To me, however, the World Court means more, not less, chance of our getting into war, because the Senate voted down the following, the Moses reservation, to our entry into the World Court:

"6. That the adherence of the United States to the statute of the World Court is conditioned upon the understanding and agreement that the judgments, decrees, and/or advisory opinions of the court shall not be enforced by war under any name or in any form whatever."

Which will maintain peace, the World Court or adequate national defense? This Union was formed to "insure domestic tranquility" and "to provide for the common defense." Defense was a chief object. The total cost of the Federal Government for the year 1800 was $10,786,075. Of this sum, vast for so small a nation, more than one-half was spent for national defense—$3,448,716 for the Navy and $2,560,879 for the War Department, a total of $6,009,595.

The present session of the Sixty-ninth Congress voted as an appropriation for the Army for the fiscal year ending June 30, 1927, $263,948,856.16 and as an appropriation for the Navy for the same year, $319,650,075.64, making a total of $583,598,931.80 appropriated by this Congress for national defense for the next year. The total amount, so far, for the regular annual appropriation bills for next year is $2,528,000,000, so that the cost of current annual national defense to-day is less than one-quarter of the cost of the Federal Government instead of more than one-half as it was 126 years ago. If we add to the expenditures for next year about $1,393,000,000 for permanent appropriations (interest on public debt, sinking fund, etc.), the total annual cost of the Government next year will be $3,921,000,000. Of this sum the current annual cost of national defense is less than one-seventh to-day as compared with more than one-half 126 years ago.

The Senate of the United States in this session of the Sixty-ninth Congress voted that the United States should become a member of the court of the League of Nations, which court is generally known as the "World Court." The people who advocate the maintenance of an Army and a Navy for national defense, as well as the people who advocate the World Court as a panacea, both believe they are working for peace, and they are both actuated by laudable motives, but, to me, the World Court can not bring peace any more than the League of Nations, its master, has brought peace in Europe. I therefore voted against the entrance of the United States into the World Court when, on March 3, 1925, the Burton resolution, pledging the United States to entry into the league's court, was voted on in the House of Representatives. I voted for and helped in the passage of the appropriations of $583,598,931.80 for the national defense when the Army and Navy appropriation bills came before this session of Congress. When I voted against the World Court, I considered that I was voting for peace. When I voted for the national defense appropriations, I considered I was voting for peace. Let us consider the relation of our plan of national defense to peace, and the relation of our proposed entry into the World Court to peace.

Let us first consider the World Court. What is it, and what can it do to preserve peace? President Roosevelt said, "One of the besetting sins of many of our public servants (and of not a few of our professional moralists, lay and clerical) is to cloak weakness or baseness of action behind insincere oratory on behalf of impractical ideals. The true servant of the people is the man who preaches realizable ideals; and who then practices what he has preached."

The World Court is a subsidiary of the League of Nations. The avowed purpose of the League of Nations was to create a superpower.

In the campaign of 1920 I opposed the entrance of the United States into the League of Nations because of this. October 7, 1920, I said at the Active Republican Club of the second ward in Baltimore—

"In reference to the League of Nations, Mr. Wilson said (S. Doc. 389, February 15, 1919), 'Armed force is in the background in this program, but it is in the background, and if the moral force of the world will not suffice, the physical force of the world shall. But this is the last resort, because this is intended as a constitution of peace, not as a league of war.' I do not doubt that Mr. Wilson, with his lofty but impractical theories, believed that his League of Nations would be 'a constitution of peace,' but an examination of the covenant of the League of Nations, dealing so extensively with armaments and the pecuniary resources necessary for armaments, gives it more the appearance of a hard-and-fast 'league of war.'"

The people of the United States, after mature consideration, by a majority of over 7,000,000, repudiated the attempt to violate the parting injunction of President Washington and entangle the United States in foreign alliances. The World Court is the subsidiary of the League of Nations. The American people decided that the cause of world peace would not be advanced by the entrance of the United States into the League of Nations. How, therefore, can the cause of world peace be advanced by the entry of the United States into the subsidiary of the League of Nations?

The United States Government is divided into three sections, each section independent and essential—legislative, executive, and judicial. No government without a judiciary and an executive department can function. No government, municipal, county, state, or national, can function without courts; but no court of any sort can function without a marshal, sheriff, or some other officer backed by armed force to carry out the decrees of the courts. All of our courts in the United States are backed by armed force. The decree of the United States district court has behind it the United States marshal and his deputies, and behind them are the Regular Army and the National Guard of the

Nation. The decrees of the State courts have behind them the sheriffs and deputy sheriffs of the State and in certain cases the National Guard of the State. It is not often necessary to use armed force, but the power of the court is based upon the armed force behind it. The World Court has behind it the armed force of the League of Nations. If it has not this armed force behind it, it is valueless, not only to the countries that are members of the League of Nations, but even to a country which might enter the World Court as an honorary member, which is what the Senate has voted that the United States do. The World Court is either backed by the armed force of the league, or it is not so backed. If it is not so backed, it offers no more prospect of helping to bring peace to the world than does the already existing Permanent Court of Arbitration now existing at The Hague, of which the United States is a member. I have always advocated the membership of the United States in The Hague tribunal, but I have with equal persistence opposed the entrance of the United States into the World, or League, Court.

The United States appropriated for its national defense for the next fiscal year $583,598,931.80. It has, under the plan of national defense, six field armies, 2,000,000 men, in reserve. Should the need arise, you gentlemen will be the officers of that reserve defense force. God grant that the need may never arise, but the existence of this national force is one of the strongest guarantees that that need will never arise. We spend enormous sums in this Nation for maintenance of fire departments in cities and hamlets. We do this as protection against fire. We are spending enormous sums for the Army and the Navy for national defense. We do this as an insurance of peace. You and I believe that the best guarantee of peace is adequate preparedness to maintain the ideals of this Nation. Let us examine the World Court, which so many people in this Nation sincerely believe to be a panacea for all the ills of the world. The Permanent Court of Arbitration at The Hague did not prevent the last war. The World Court, a subsidiary of the League of Nations, is more likely to bring war than to prevent war.

There are fundamental differences between the Permanent Court of Arbitration at The Hague and the Permanent Court of International Justice of the League of Nations, the "World Court." The Hague tribunal is a Court of International Justice, which represents the sovereign nations directly. The World Court is a tribunal which does not represent the sovereign nations directly, but represents a superpower, which is a political and moral intermediary of the sovereign nations, and which is the League of Nations. All objections to the entry of the United States into the League of Nations apply to the entry of the United States into the World Court, if our entry means anything more than an idle gesture. If our proposed entry means only an idle gesture, it can in no possible way help to bring peace, but will serve to encourage war.

Any sort of entrance of the United States into the World Court means our entanglement in the political fields of Europe. It also means the surrender by us of the Monroe doctrine, regardless of the attempted reservations, because our theory of the Monroe doctrine and the international theories of the World Court on such matters as the Monroe doctrine are totally and absolutely irreconcilable. The United States can not adhere to the World Court without adopting the code of international law of the League of Nations. It is incontrovertible that the covenant of the League of Nations does away with present international law wherever it comes in contact with it. No reservations could possibly be adopted preventing the United States from becoming morally liable for the doings of the League of Nations through the League Court; otherwise the members of the League of Nations would not wish to have the United States become a member of the World Court.

The World Court was created by the Versailles treaty, which calls it the Permanent Court of International Justice of the League of Nations. The statute creating the World Court was adopted by the Council and Assembly of the League of Nations. The membership of the League of Nations is the same as the backers of the court. The court is elected by the Council and by the Assembly of the League of Nations. It makes its annual report to the League of Nations. According to the fundamental law of its creation, the Versailles treaty, it gives advisory opinions upon all sorts of political or other disputes. This is not a judicial function such as is executed by The Hague tribunal, the Permanent Court of Arbitration, but is entirely a political matter.

How is the World Court selected? The power that appoints is always the power that controls. The League of Nations appoints the judges of the World Court.

The protocol or treaty, which the Senate has pledged us to sign and which takes us into the World Court, states, "The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by unanimous vote of the assembly of the league on the 13th of December, 1920, at Geneva. Consequently they hereby declare that they accept the jurisdiction of the court in accordance with the terms and subject to the conditions of the above statute as passed by the assembly of the league. The said protocol shall remain open for signature by the members of the League of Nations and by the states mentioned in the annex to the covenant of the league. Each power shall send its ratification to the secretary general of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory powers. The ratification shall be deposited in the archives of the secretary of the League of Nations."

The Hague tribunal is a permanent independent court. The World or League Court is not an independent court, because it could not exist apart from the League of Nations any more than the United States District Court for Maryland could exist apart from the United States or the criminal court of Baltimore could exist without the State of Maryland. Suppose, for instance, that Europe should become socialistic or communistic, what would become of the World Court? The treaty of Versailles, article 418, provides that the World Court might apply "economic sanctions" to any country violating any international labor covenant. What does this mean? It means that the World Court has the power to order a blacklist or boycott of any country because of labor questions. If any possible power is likely to breed war, it is such a power as this. The covenant of the League of Nations, by several sections, provides that certain of the World Court's decisions may be enforced by the Council of the League of Nations. They might be enforced by any method the council adopts, and they might be enforced by resort to war. The proponents of the entry of the United States into the World Court voted down the reservation offered by Senator MOSES, which I have quoted above, preventing the resort to war. It is worth repeating:

"6. That the adherence of the United States to the statute of the World Court is conditioned upon the understanding and agreement that the judgments, decrees, and/or advisory opinions of the court shall not be enforced by war under any name or in any form whatever."

At present the French are waging war in Syria, and they recently shelled Damascus. At present the French and the Spanish are waging war against the Riffs, who are seeking their independence. Suppose the United States were a member of the World Court and the World Court rendered, as it very properly might, decisions in reference to these matters. The United States would most certainly be morally bound, no matter what reservations it had made.

We have to-day the Permanent Court of Arbitration at The Hague, which is qualified to settle any international questions submitted to it. It is not a political court. The World Court is a direct subsidiary of the League of Nations, very proper and very essential to the League of Nations, just as the Supreme Court is proper and necessary to the United States. I have no objection and nothing but praise for the World Court as the league's court; but it will not help the permanent peace of the world for the United States to become a member of this court any more than it would for the United States to become a member of the League of Nations.

I believe in The Hague tribunal. I believe in every effort for peace; but I believe in America first, no World Court, and home rule for city, county, State, and Nation. I believe in a strong system of national defense. I believe in the reserve system of six field armies with 2,000,000 men if the need arises, and I am glad that you and I are willing to be reserve officers of the United States as an integral part of its national defense. I hope, however, that none of us shall ever take the field except for peace-time maneuvers.

The mothers of America, always willing their sons should bear their part in national defense, know that the World Court is only a back door to the League of Nations.

My own views on this matter are the same as they were in 1919, when the League of Nations was the most important question before the world. I desire in closing to call to your attention an article from the Baltimore American of this morning, which is as follows:

"HILL SEES MARYLAND TEST ON WORLD COURT QUESTION

"(Definite assurance that a test of public sentiment on the World Court will be made in Maryland is contained in the declared intention of Congressman JOHN PHILIP HILL to be a candidate for Republican nomination for United States Senator. HILL is against the court. He will oppose Senator WELLER, who voted for the court. HILL tells in the following article why he is against the court and why his opposition will be the primary issue of the campaign.)

"By JOHN PHILIP HILL, Member of Congress, candidate for Republican Senatorial nomination in Maryland. Written expressly for Universal Service

"'I believe in "America first," no World Court, and home rule for the city, county, State, and Nation.

"'These have been the principles that I have followed in the House of Representatives by my votes, influence, and speeches, and these are the principles I shall continue to follow in whatever capacity I may be serving.

"'On Friday, January 15, 1926, one of the Members in debate with me referred to the World Court as "the heart of the League of Nations." I replied that I had voted against the entrance of the United States into the World Court, "the heart of the League of

Nations," as he had called it, when the matter came up in the last Congress.

"'Many people do not recall that on March 3, 1925, the House voted on the Burton resolution pledging the United States to enter the World Court. I voted against the Burton resolution. The people of Illinois recently repudiated the League of Nations Court by nominating a candidate to the Senate on an anti-World Court platform by an overwhelming majority. The voters of Indiana took a similar position in renominating Senator WATSON, who opposed the court in the Senate, and I believe that the people of Maryland are equally opposed to this country becoming entangled in this foreign organization.

"'Both Presidents Harding and Coolidge were elected by overwhelming majorities because the Republican Party platforms declared emphatically against foreign alliances. In spite of this, the Senate has voted American adherence to the World Court, but it is not too late to correct this action.

"'We should get out of the League Court as quickly as possible, and I am in favor of taking such steps as may be necessary to accomplish that. The World Court is the league's creature. Recent events in Europe have proved the inability of the League of Nations to bring about that millennium which its adherents promised. America's interests and those of Europe are not yet along similar lines.'"

I know that you reserve officers, pledged to adequate national defense as a means to maintain peace, feel as I do, that the World Court is more likely to bring war than peace.

A BRIEF REVIEW OF THE BUSINESS SIDE OF THE UNITED STATES GOVERNMENT

Mr. HARDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, the biggest business enterprise in the world is that of the United States Government. The Congress is the board of directors, so to speak, and the manager in a way. The two most important functions of the Congress are:

First. Appropriating the money for the conduct of the various enterprises of the Government.

Second. Raising the funds which are required for the conduct of this great business enterprise. This is done principally through the internal revenue and the tariff acts.

The books are balanced for the fiscal year ending June 30, 1925. The estimates are made and money mostly spent for 1926, and appropriations are now made for 1927.

Look at the figures for 1925. They are interesting, showing as they do what it costs to run this vast Government of ours for a year. In these figures I will include receipts and expenditures in the Post Office Department. They are usually left out of such comparisons:

For 1925

Total receipts	$4,379,740,162.01
Total expenditures	4,129,234,923.68
Surplus	250,505,238.33

Two big items of expenditures are the Post Office Department and the public debt. These items in 1925 were as follows:

Debt retired from ordinary receipts	$466,538,113.83
Interest on public debt	881,806,662.36
Post office service	622,808,261.17
Total	1,971,153,037.36

This leaves the sum of $2,158,081,886.32 as the cost of all other functions of Government, including that paid out for pensions, Veterans' Bureau, adjusted compensation, and so forth. This last item will be separated and apportioned to the several departments and activities of Government as we go along.

It is up to Congress to find the money and to apportion it out through the many branches of the service by appropriation acts. In doing this the Congress is aided materially by the Bureau of the Budget.

When the Congress met in December it had before it a—

Message from the President of the United States, transmitting the Budget for the service of the fiscal year ending June 30, 1927.

Here it is before me, a great book, 9 by 11 inches in size, containing 1,350 pages. It gives reports and costs of Government in greatest detail, showing expenditures and receipts for the year 1925, which has closed, making estimates of expenditures for 1926, which has been appropriated for, and recommends items for appropriations for the year beginning July 1, 1926, and ending June 30, 1927.

The Congress, beginning with the Sixty-sixth when the Republicans came into control after the war—in 1919, in fact—has taken the lead in forcing economy. The Republican Congress is responsible for the Budget system. The Republican Congress passed the act establishing the Bureau of the Budget. The Congress fully realizes the danger of dictatorial power of the Bureau of the Budget. But the Congress believes that the advantages and benefits of the Budget are unquestioned and overcome the disadvantages. And the Congress has the last word. The Congress can look over the estimates submitted by the Budget and then do as it pleases with the appropriations. So far the Congress and the Budget have worked together harmoniously to the great advantage of the country and the taxpayers. And always without fail the Congress has reduced the total amounts appropriated below those recommended by the Budget.

As I have said before, I say again that the Congress is the most economical branch of this great Government—and the Republican Congresses in the last seven years have saved the country billions of dollars—by reducing expenditures and taxes.

We might go a little farther and say that the Appropriation Committee of the House of Representatives is the real outstanding factor in forcing economies. This committee has inaugurated and stood for economies far beyond the recommendations of the Budget and has forced them through the Congress.

WHERE THE MONEY COMES FROM

Before the money can be spent it must be provided for. So we will take a look at the receipts of the Government for 1925:

Receipts for 1925

Income and profit tax		$1,760,537,823.68
Miscellaneous taxes:		
Estates	$101,421,766.20	
Gifts	7,518,129.32	
Spirits and liquors	25,904,774.72	
Tobacco	345,247,210.96	
Stamp tax	49,331,784.18	
Autos, parts, tires, etc	124,686,745.30	
Jewelry, etc	9,673,415.59	
Corporations' capital stock	90,002,594.56	
Admission to theaters, etc	30,907,809.09	
Other items	43,943,837.98	
Total miscellaneous revenue taxes		828,638,067.90
Customs under tariff act		547,561,226.11
Post-office receipts		599,591,477.59
Miscellaneous receipts		643,411,566.73
Total		4,379,740,162.01

This last item, "Miscellaneous receipts," produces a good deal of revenue from sources not known much about. Here are some of the items which make up this large sum: Interest from foreign governments, $137,898,316; other interest items, $69,952,000; sale of Government property, $26,190,551; the public domain, from sale of public lands, oil leasing, forest reserve. National park, and so forth, turns in $16,566,146. The Panama Canal tolls run up to $23,089,957. Government life-insurance fund, premiums, and interest amount to $44,069,916. Consular and passport fees, $7,448,255. Fines under prohibition act amounted to $5,359,672. Immigration head tax, $3,197,265. Patent Office fees, $2,962,653.

SPENDING THE MONEY AND WHERE IT GOES

The Congress does not spend the money—not much of it. But the Congress does have to decide where and how the money may be spent. The Congress must appropriate all of the money for all of the departments of and expenditures made by the Government, and this is not done as simply as it sounds. In fact, the average bureau chief thinks there is a good deal of red tape about getting his item in the bill, and before the bill is written, and after it is written but before it becomes a law, every item is scrutinized under a microscope, so to speak, by numerous people in the Bureau of the Budget and in the Congress.

Unquestionably the Bureau of the Budget has a great influence in bringing down expenditures, but as a matter of fact the Congress for the past seven years has been a most economical body and has never yet appropriated as much money as the Budget has recommended. The Congress has accepted the bureaus' economies and has gone the Bureau of the Budget a few millions better by cutting off a few more millions.

Appropriation bills originate in the House of Representatives and must be reported out by the Appropriations Committee before they can be considered in the House. This important committee, of which I have been a member for four years, is composed of 35 members. I can say for it that it is a hard-working committee, made up of men who take their jobs seriously, and that the committee shows no favor, plays no politics, and perhaps has justified the frequent comment that it is "hard boiled." This committee has certainly done the country a great patriotic service by holding appropriation bills down and helping to make liberal tax reductions possible.

The Appropriations Committee of the House usually meets a few weeks in advance of the meeting of Congress. It finds the recommendations of the President and the Bureau of the

Budget ready for consideration. The Budget is made up and is contained in the 1,350-page book I have referred to before.

It has required months for the Director of the Budget and his 40 aids to work out the program of Government expenditures proposed here. The President has indicated to the Director of the Budget his financial policy, intimating the total amount expenditures should be kept within. The director has had many department heads and others before him in an effort to help keep the demands of the several departments down and to spread the money available out among the numerous activities to the best possible advantage.

A SHORT HISTORY OF AN APPROPRIATION BILL

Here is a short history of an appropriation bill.

The Budget is taken up by the Appropriation Committee of the House. Skeleton bills are printed along the line recommended by the Budget for each of the several departments of the Government. These bills are referred to subcommittees. There are subcommittees for each department, the Army, Navy, Agriculture, Interior, Treasury, Post Office, and so forth.

We will follow the Navy bill through. It is referred to the subcommittee on the Navy. Committee is made up of five members, three Republicans and two Democrats.

The subcommittee has before it the estimates of the Budget in great detail. Before these estimates were finally ready to be submitted many conferences had been held between Budget officers and Navy officers. The original figures suggested by the Navy have been squeezed down considerably. The President has suggested a grand total for the year's appropriation, and the total sums asked for by the several departments often far exceed that. So a systematic squeezing and eliminating process is necessary on the part of the Budget, and all departments are pinched here more or less.

The Navy subcommittee begins daily meetings about the middle of November, and it is well into January before the bill is finally approved and ready to be reported out.

These seven or eight weeks are taken up in hearings. The Secretary of the Navy, the Assistant Secretary, the Chief of Operations, heads of bureaus and departments, admirals, captains, commanders, and experts in many lines come before the committee and discuss policies and operations and endeavor to justify the amounts of money estimated for their bureau, service, or activity. No employee of the Government can ask the Congress for more money than is suggested by the Budget. He is forbidden to do so by the President. And he has to make a pretty good showing before the committee to get as much as the Budget suggests. The amounts are frequently cut down. The totals for the department are usually cut down.

After the subcommittee has heard everybody interested a book of hearings is printed. The hearings on the Navy bill make 928 pages. It is a pretty good compendium of information relating to the Navy. Each subcommittee is working in the same way. Hearings are printed for each bill.

After the hearings are over the subcommittee takes a few days to write up the bill and arrive at the amounts it will recommend to the House. Then the bill is presented to the whole Appropriation Committee for discussion and approval. It is usually approved and reported out.

The bill then comes up in the House in its regular order. It usually requires from three to six days to pass an appropriation bill in the House. There is much debate and many speeches. Question of policy, number of men, number of ships, number and class of airplanes, pay and allowances, submarines, airplane carriers, guns, and ammunition are discussed.

Some amendments are sometimes offered on the floor, but few amendments are adopted to an appropriation bill. The Appropriation Committee has the confidence of the House and the bills go through pretty nearly as written.

After the bill passes the House it goes over to the Senate, where it must go through the same procedure as in the House. Often appropriations are raised and items are added in the Senate. There are many questions on which people differ. How many men should the Navy have? The House says 82,000. The Senate says 83,000. How much should be appropriated for fuel? The House says $13,000,000 will do. The Senate says $14,750,000 is necessary. And differences appear in many little items—perhaps 150 differences in all.

So the bill goes to conference. That is, the subcommittee of the House and the subcommittee of the Senate meet and discuss these differences. They can agree on many little items easily. The House gives up some and the Senate gives up some. On the big items there is much argument. The Senators are firm and the House Members stand pat. There are many meetings. The conference stretches out over two months, with occasional meetings. The session grows near the close. Both sides are weary with much argument. Finally a Senator says, "Let us split the difference." It is done. They agree on 82,500 men and $13,900,000 for fuel and split up some other little items and report the bill back as agreed upon. Both Houses accept the conference report without much argument, and the bill is passed.

It then goes to the President for signature and becomes the law.

This, in brief, is the history of all appropriation bills. The bill as finally adopted reflects the calm judgment of the Bureau of the Budget, two appropriation committees, the two Houses of Congress, and is approved by the President. It is a good deal harder to get items into the appropriation bills for local benefits than it used to be. The Budget system and the big Appropriation Committee of the House are saving the country a lot of money.

APPROPRIATIONS MADE FOR THE SEVERAL DEPARTMENTS AND SOME OF THE INTERESTING SERVICES RENDERED

The appropriations made by this session of Congress for the fiscal year ending June 30, 1927, will amount to about $3,960,000,000. It may interest you to know how this vast sum of money is split up among the different departments and independent establishments of the Government. In giving you these figures we will learn something about the numerous activities and services rendered by the Government and what a lot of them, some of which you may never have heard, perhaps, cost to operate.

POST OFFICE DEPARTMENT

For the Post Office Department and the Postal Service the appropriation for next year amounts to $735,038,331. Look at the figure. It is about three quarters of a billion dollars. Just about the total cost of running the Federal Government in 1914 outside of the Postal Service. The post-office service cost $697,067,449 in 1926, and $639,422,451 in 1925. But go back to 1914 again. It cost only $283,543,769 to run the Postal Service that year.

These increasing amounts do not indicate extravagance, but do indicate growing business, additional service, and increased pay for postal employees.

The Postal Service is practically self-sustaining. The people who use the Postal Service pay the bills. It lost about $24,000,000 in 1926, and will lose about the same amount in 1927.

The average stockholder in this great Government of ours knows little about many of its departments and activities. But most every man, woman, and child knows more or less about the Postal Service. It is the one branch of the Government that reaches out and comes in contact with and renders service to practically every one of its 117,000,000 inhabitants.

It is the penny side of the business that most of us come in contact with. We buy postage stamps by the few cents or a dollar or two at a time. Yet these sales of stamps mount up in the end and produce most of the revenue that pays for running this gigantic organization costing over $735,000,000 a year.

Where does the money all go? What in the world can the Postmaster and the service use; that altogether costs three-quarters of a billion dollars in a year?

Well, here are a few items that may interest you:

Wrapping twine, and so forth, costs $470,000. The department wanted $480,000 and the Budget allowed that amount, but the Congress cut it down. The post-office boys must economize in the use of string. If your postmaster is a little shy on wrapping twine next year you can blame the Congress for it.

The stationery costs $919,000, which would be a good, big yearly order for any print shop.

It costs $7,750,000 to print the postage stamps, stamped envelopes, postcards, and newspaper wrappers.

For mail bags and their repair the sum of $2,000,000 was appropriated.

The star-route service, where the mail is transported to or between post offices off the railroads, costs $13,100,000.

It costs about $113,500,000 to have the mails hauled by railroads and $1,550,000 by steamboats.

It costs $60,936,121 for the service performed by the railroad mail clerks, most of whom sort and route the mails on the trains.

You like to have your mail delivered at your front door every day, or several times a day. Well, it costs $116,600,000 to pay salaries to your letter carriers. Occasionally you send or get a letter by special delivery. The boy who delivers the special delivery letter to your door gets 8 cents for bringing it. It will require $8,600,000 to pay these boys to carry these special delivery letters next year at 8 cents per call.

In this modern day the farmer gets almost as good mail delivery service as the city man. More than 45,397 rural routes run out through farming sections covering 1,249,504 miles.

These rural route carriers will be paid approximately $105,000,000 for next year. This remarkable service was started only 29 years ago. The service and expenditures have been just about doubled in the last 10 years.

The Air Service is the latest development for rapid transportation of the mails. A line of airplanes carry the mail between New York and San Francisco. This service is more or less experimental. It costs $2,650,000 a year, and $2,000,000 is being appropriated for contract air-mail service in other sections.

In New York City mail is sent across and under the city through pneumatic tubes, similar to the pneumatic-tube cash-carrying system in some department stores. This service costs $550,373.

It costs $51,250,000 to pay the salaries of postmasters, $7,150,000 to pay the assistant postmasters, and $163,650,000 to pay clerks and employees in first and second class offices. Clerk hire in third-class offices is about $8,650,000.

One of the smallest items in the bill is that of $2,500 for rewards for inventions. It is designed to pay employees who invent some device which will save time and money in the handling of the mails. It is a deserving item and the rewards paid are probably far too low in many instances.

It costs $8,000,000 to carry the mail in ships to foreign lands and $170,000 for star-route service in Alaska.

There are many other items of expense which go to make up the total and pay for the best postal service on the globe, but these give a pretty good idea of the magnitude of the enterprise.

The postal establishment of the United States renders a wonderful service at low cost. It picks up the Christmas greeting card or a banker's business letter or a big fat love letter in Honolulu, carries it across the sea to San Francisco, across the country to New York, across the sea again to London, and it is delivered safely somewhere in the heart of old England all for the small price of 2 cents. Can you beat that for a big service at a small cost?

WAR DEPARTMENT

The appropriation for the War Department for next year is $342,609,611.16. This is divided up thus: For military activities, $263,948,856.16, and for nonmilitary activities, $78,660,755.

A good deal of money for peace times. But not half as much as some enthusiasts would have us spend. The Congress is between two fires. One class of citizens would have us cut the Army Establishment down to a minimum. Another class would enlarge it greatly. During the discussion of this bill Members of Congress received thousands of telegrams from citizens asking for enlarged activities and increased appropriations.

The Congress has endeavored to do the safe and sane thing and to keep the enormous expense of the Military Establishment from growing unduly in peace time.

The size of the Army is limited by the appropriation bill to a maximum of, and not to exceed, 12,000 commissioned officers, 125,000 enlisted men, and 8,000 Philippine Scouts. The average number in the Army will be about 11,749 officers, 118,750 men, and 7,000 Philippine Scouts.

In addition to the Regular Army there are 186,000 officers and men in the National Guard, for which $30,746,943 has been appropriated. There are about 97,000 officers commissioned in the Reserve Corps, for which department $3,721,300 is appropriated. And about 120,000 young men in schools and colleges are receiving training in the Reserve Officers' Training Corps, costing $3,911,493. In addition to all of these there are the Citizens' Military Training Camps, giving training last year to 33,681 and for which there is appropriated for next year the sum of $2,807,471. And, again, $56,700 is allowed for promoting of rifle practice in civilian circles.

There are, naturally, some large items of expense in connection with an Army of this size. The food bill is $16,109,908 and the clothing bill is $5,101,916; for the medical department $1,280,952; Air Service, $15,256,694; United States Military Academy, $2,841,439.

In the nonmilitary activities are some interesting items. The Panama Canal costs $7,656,074, but we get back about $14,000,000 a year more than we spend down there. National cemeteries cost $777,860 and national military parks $216,104. The sum of $50,200,000 will be spent on rivers and harbors and $10,400,000 for flood control. For national soldiers' homes $8,255,100 is included.

NAVY DEPARTMENT

The amount appropriated for the Navy Department for next year is $321,704,475. That is $19,000,000 more than was appropriated for the past year. But the amount the Congress gives the Navy for next year is $1,294,955 less than the Budget estimates.

The big item in the bill is pay of the Navy, which amounts to $119,863,000. This provides for about 4,837 officers and 82,500 men. Provisions cost $19,207,000. Fuel, $13,950,000. For new construction of vessels, $28,275,000. Air Service, $18,996,288. To modernize battleships, $7,500,000. Marine Corps, which includes about 1,095 officers and 18,000 men, $23,220,347.

The American Navy has a glorious history back of it. It has distinguished itself in every war in which America has been engaged, and America has never been engaged in any war except to safeguard and enlarge human liberty. The American Navy has never been used for conquest nor reprisal.

In peace times the Navy carries the American flag through all seas and to foreign lands, has served on errands of mercy in world-wide catastrophies as recently in Japan and Smyrna, and it upholds the dignity of America abroad.

The Navy costs money. But it is necessary and one of the best navies in the world. It has only one near equal. It is a protection in times of war and a comfort in peace times. It is perhaps the best insurance policy the country carries, and its cost is not to exceed one-twelfth of 1 per cent of the national wealth.

Talking about insurance. While the Army and Navy have large functions to perform in peace times and could not be dispensed with by any means even without thought of danger of future wars, still the total cost of maintaining the Military Establishments might be charged up to insurance. The annual cost of all—Army and Navy both—amounts to only about one-sixth of 1 per cent of the physical value of the Nation's wealth, not counting "life, liberty, and the pursuit of happiness." A pretty low rate as insurance rates go.

INTERIOR DEPARTMENT

The Interior Department gets $226,332,918 of the appropriation for 1927. This is about $7,800,000 less than it was for 1925. As a matter of fact, a large part of this sum goes for pensions to the veterans of wars previous to the great World War.

The Interior Department has to do largely with the Western States, since the public lands are there, and most of the Indians. The reclamation projects and the national parks are mostly in the West but they are open to and operated for the benefit of the public at large. Checks that go out from the Bureau of Pensions are cashed in every hamlet, village, and town in the land and the Bureau of Education serves the people of the Nation as a whole.

Here are some of the principal services rendered through this department, and the amounts appropriated for each service:

For pensions	$193,921,000
General Land Office	2,342,060
Bureau of Indian Affairs	11,985,660
Reclamation Service	7,481,000
Geological Survey	1,819,440
National Park Service	3,698,920
Bureau of Education	864,100
Government in Territories	1,995,708
St. Elizabeths Hospital	924,000

The item for pensions of $193,921,000 appears large but it is on the decline. Pensions have been increased for Civil and Spanish War veterans. But the numbers are decreasing. The number of pensions was at its peak in 1902, when 999,446 veterans of all wars were on the pension rolls. That number has come down to about 503,524 now, not counting the great World War. The total paid out for pensions since the Government was established up to June 30, 1924, was $6,836,351,399, of which amount the sum of $6,427,106,586 went to veterans and widows of the Civil War. The cost of war runs long after the signing of a treaty of peace.

DEPARTMENT OF JUSTICE

If you have never come in contact with this department of the Government, be happy and glad. Stay away from it as long as you can. It is important and necessary. It is high class and noble in its administration; but when you come before some branch of, or tribunal under, the Department of Justice, you will probably need the advice and assistance of a lawyer.

Under the Department of Justice are the Supreme Court, the United States district courts, the Attorney General, United States district attorneys, the United States marshals, and the penal institutions. It has to do with the enforcement of law—with crime and claims.

It will cost $14,783,982 to maintain the Department of Justice next year and $5,173,505 for penal and correctional institutions. Here are some of the items: Salaries, Attorney General's office, $993,240. For detection and prosecution of crimes, $2,154,280. This item covers a multitude of sins: Fraud cases in connection with bankruptcy laws, $300,000 be-

ing collected and fines of $20,375 imposed. Enforcement of national motor vehicle theft act, 2,039 machines recovered last year and many thieves sentenced to penitentiary and fines imposed of $56,233. Since 1919 this department has recovered 8,626 cars, valued at $7,574,000. Antitrust violators fined $234,500. Bootleggers have been slow about paying income tax. The department has convicted a number and has forced the payment of over a million dollars for unreported income tax. Cases of bribery and corruption, domestic violence and peonage, impersonation, crimes on the high seas and in Indian and Government reservations, intimidation of witnesses, oil frauds, and so forth. In white-slave cases 528 convictions were secured. Cases growing out of the laws prohibiting lotteries, granting of passes on railroads, unlawful wearing of Army and Navy uniforms, and prize-fight films. Notable among the mail-fraud cases was the conviction of Dr. Frederick Cook, the pretended discoverer of the North Pole, and others for getting large sums of money fraudulently.

A million dollars was appropriated last year for investigation and prosecution of war frauds, part of which is available for next year. In the hasty settlements of war contracts large sums were paid to contractors which should not have been paid. More than $10,000,000 has been recovered in cash. About 108 cases are pending in the courts involving claims by the Government of over $77,000,000. Several hundred other cases are resting in the department.

Salaries in the Supreme Court, $237,046; for other judges, $1,350,000; United States marshals and deputies, $3,400,000; district attorneys, $1,334,000; fees of jurors, $1,575,000; fees of witnesses, $1,400,000. The prohibition law no doubt adds to these items.

Of penal institutions we have four—United States penitentiaries at Leavenworth, Kans.; Atlanta, Ga.; McNeil Island, Wash.; and a national training school for boys at Washington, D. C. They are all for men. Women prisoners have been boarded at State and county institutions. The Federal Industrial Institution for Women is being built at Alderson, W. Va. It will care for 500 women. It costs $5,173,505 to maintain these prisons and support the prisoners. It is surprising how cheap the board is in a prison. At Leavenworth the subsistence last year cost only 18.72 cents per prisoner per day. The total cost for maintaining a prisoner, including guard hire, clothing, food, and all incidentals was 71.83 cents per day. Surely a cheap place to board. Board can be arranged for at State and county prisons at from 40 cents to $1 per day.

The Department of Justice makes a pretty good showing toward paying for itself. In 1925 the department expended a total of $23,646,000 and made a total collection for fines, judgments, war claims, and so forth, of $15,864,000. From the appropriation for 1926 it is estimated that about $8,000,000 is the proper proportion chargeable to prohibition enforcement, and that the fines collected for violations of the prohibition act will amount to about $5,000,000.

STATE DEPARTMENT

The appropriation for the State Department amounts to $16,616,932.64. This total was just $2,000 more than the amount carried in the bill when first reported out by the House Committee on Appropriations.

The State Department looks after our relations with foreign governments and through the Consular Service American commercial and manufacturing interests are aided and protected in foreign lands. The State Department has ambassadors or ministers in foreign capitals and consuls or vice consuls in all principal cities of the civilized world. People who travel in foreign lands can keep in contact with their home Government through these representatives, and commercial and manufacturing interests are promoted, protected, and aided in many ways through the Consular Service.

The State Department is one of the least expensive of the great departments of the Government and comes nearer paying its own way, next to the Post Office Department, by receipts from fees and charges for services rendered. More than $8,000,000 a year is turned into the Treasury by this department, and the benefits rendered to the Government and the commercial interests can hardly be estimated. It collects for services and fees about half what the entire department costs. More than half in fact, for out of this total appropriation $5,000,000 goes to the Republic of Colombia and $250,000 to the Republic of Panama, both on account of the Panama Canal. This leaves the net cost of the State Department standing at only $11,366,932.64. And it turns $8,000,000 back into the Treasury.

DEPARTMENT OF AGRICULTURE

This department gets $139,275,823 under the appropriation act for 1927. In 1925 it got $138,075,191. A big part of this sum goes for Federal aid to the highway system and for forest roads and trails.

The varied activities of the Agriculture Department are indicated somewhat by the different bureaus, and the amount appropriated suggests the large extent of service rendered. Here are some items in the appropriations for 1927:

Experiment stations	$3,238,546
Extension service	2,890,568
Weather Bureau	2,569,080
Bureau of Animal Industry	9,477,763
Bureau of Dairy Industry	495,094
Bureau of Plant Industry	3,908,055
Forest Service	8,285,507
Bureau of Chemistry	1,491,606
Bureau of Soils	588,480
Bureau of Entomology	2,625,168
Biological Survey	987,365
Agricultural Economics	4,740,397
Home Economics	127,244
Insecticide Board	200,795

And there are a lot of miscellaneous activities of benefit to agriculture here and there in one way and another that cost large sums. Here are several: Enforcement of plant quarantine act, $425,000; eradication of pink bollworm in cotton, $300,000; cooperative forest-fire protection, $710,000; experiments in livestock production, $85,000; packers and stockyards act enforcement, $440,000; grain futures act enforcement, $121,530.

LIBERAL FEDERAL AID FOR PUBLIC ROADS

For Federal aid to the highway systems, to be spent in connection with the States, the sum of $75,000,000 is carried in this bill. And the sum of $5,000,000 goes for roads and trails in the forests.

The Federal Government has been rather liberal in furnishing funds to be used in connection with the States for the development of public highways. It has furnished funds in as large amounts and as fast probably as can be wisely expended.

The money that is spent by the Forest Service is not all matched by local money. It is spent for development of roads and trails in and in connection with the national forests. So far the Government has appropriated $43,000,000 for these roads and trails.

The fund which is appropriated for Federal aid for the highway system is matched dollar for dollar or better by the States. For this fund the National Government has now appropriated the vast sum of $568,300,000. And the end is not yet. A large program is still ahead of us. Anybody who drives a car anywhere can see and appreciate the benefit that comes from this liberal policy on the part of the National Government.

The first Federal aid road act was passed in 1916. Since that time 58,000 miles of roads have been practically completed with Federal aid. As of June 30, 1925, the total mileage of public road constructed and under way was 61,129 miles. This mileage will have a total cost of $1,182,672,291, of which sum the United States Government contributes $517,997,101.

Colorado has had 863 miles of public roads constructed, for which the Federal Government has contributed $8,455,718.

DEPARTMENT OF COMMERCE

This is one of the growing young departments of the Government. It includes a number of interesting activities. The Patent Office and the Bureau of Mines have recently been transferred to it.

The total appropriation for the Department of Commerce for 1927 is $29,855,347.

The different activities and bureaus in this department are indicated by the chief items in the bill. Here are some of the most important and the amounts allowed:

Bureau of Foreign and Domestic Commerce	$3,263,357
Census Office	1,974,000
Steamboat Inspection Service	1,062,670
Bureau of Navigation	647,100
Bureau of Standards	1,890,385
Bureau of Lighthouses	10,104,481
Coast and Geodetic Survey	2,331,670
Bureau of Fisheries	1,769,253
Patent Office	2,722,300
Bureau of Mines	1,814,400

Anyone of these bureaus would furnish details for an interesting story of a page or two. The Bureau of Foreign and Domestic Commerce is helping to develop American commerce in foreign lands and has achieved wonderful success.

The Bureau of the Census takes the census every 10 years and in addition has important work on hand all the time. Last year it took a census of agriculture and this year is taking a census of the manufacturing industry. Statistics of various kinds are being gathered and compiled. Statistics concerning death, birth, marriage, and divorce are interesting. They tell of the important phases of life we all know something about. For instance, from them we learn that the lowest death rate is

in Idaho, where it is 7.1 to the 1,000 population, and highest in New Hampshire, where it is 15.1 to the 1,000. In Colorado it is 12.4 to the 1,000. The average in the whole country for 1923 was 12.3 deaths to 1,000 population. The highest birth rate is in North Carolina, where it was 31.3 to the 1,000 population, and lowest in Montana, where it was 17.1 to the 1,000. The average in the country was 22.4 to 1,000 population. So the births in the country exceed deaths by about 10 to the 1,000 people, indicating a natural gain in population of about 1,170,000 per year.

In the cities for every 100,000 people about 9 are murdered and 15 commit suicide in a year. In 1923 marriages reported were 1,224,373 and 165,226 divorces were granted, one divorce to about every 7½ marriages performed. The total population for continental United States is estimated for this year at 117,135,817.

The Bureau of Fisheries appeals at once to the angler, of whom there are probably about 10,000,000, people who go out once in a while with hook and line and try to catch fish, and a good many others who talk about it. This bureau contributes to their happiness by keeping lakes and streams stocked with fish. Last year the bureau filled 12,000 applications for fish to stock ponds and streams. It is estimated by the bureau that the catch by anglers alone is above 10,000,000 pounds annually.

While this bureau does contribute largely to the pleasure of anglers this is only a part of the big work done by it. The bureau was organized back in 1871, primarily to assist in and promote commercial fishing. Fisheries of the United States and Alaska to-day rank as one of our leading industries, being second only to agriculture in food-producing value. Late statistics show that 200,000 persons are employed in the industry, together with 6,000 vessels and about 77,000 boats. Nearly $200,000,000 are invested in the enterprise and more than 2,500,000,000 pounds of fish are produced annually. The Alaska division has to do also with seals and fox. On the Alaskan islands the herd of seals is said to number 700,000 animals. Last year 25,395 seals were taken with a commercial value of $713,276 and 802 fox skins worth about $90,000.

TREASURY DEPARTMENT

This is the department where all interest centers—it makes the money—mints the silver and gold and prints the bills and bonds. It collects the taxes and customs. It has to do with the foreign debt and Federal bond issues. It supervises the national banks and Federal Farm Loan Bureau. Under its direction are the Prohibition Enforcement Unit, the Coast Guard, and the Bureau of the Budget. The Treasury Department is full of good stories and big figures. But space and time forbid more than a brief mention.

For this department the sum of $129,476,198.63 is appropriated for the next fiscal year. The Congress cut the Budget figure down by $1,025,180. The Congress is suggesting a little economy to the Treasury Department, which is in fact the Budget's own department.

Next to the Post Office Department the Treasury has the most employees of any, having something like 52,000 people on the pay roll.

The Internal Revenue Service costs	$35,170,000
National prohibition enforcement	10,635,685
Customs Service	17,248,000
Federal Farm Loan Bureau	453,000
Bureau of Engraving and Printing	7,767,400
Coast Guard	24,313,140
Secret Service	485,180
Public Health Service	9,315,000
Mint and Assay Office	1,684,750
Public buildings	13,514,390

The Prohibition Unit has to do with enforcement of national prohibition and narcotic acts. In the service are about 3,800 men.

The Coast Guard has much to do with the prevention of smuggling—and much attempted smuggling is in violation of the prohibition acts. Quite a fleet is maintained by the Coast Guard. It includes 74 vessels for regular activities and 352 ships and boats for use in the antismuggling service. In addition some new boats and five airplanes are being built for this activity.

Seeing money made is always interesting. At the Denver Mint one can see gold and silver squeezed into coins, and in Washington at the Bureau of Engraving and Printing one can see the printing presses turning out dollar bills and thousand-dollar bonds by the million—bills and bonds of all denominations, in fact, just like a country print shop turns out farm-sales posters. It requires about 600,000,000 dollar bills to run the country a year, for the dollar bill wears out in about 10 months on the average. Surprising figures for us of the West, as we see few dollar bills in our section. And down here in the East a silver dollar is as rare as a horned toad on Fifth Avenue.

DEPARTMENT OF LABOR

For the Department of Labor $9,561,305 has been appropriated for next year. This is one instance where the Congress appropriated more money for a department than is recommended by the Budget. In this case the Appropriation Committee added $1,000,000 to the estimates of the Budget for regulating immigration.

Immigration and naturalization are the two big problems before the Labor Department at this time.

It seems that nearly everybody in the civilized world wants to come to America. Laws restricting immigration were found necessary. The immigration laws of 1921 and 1924 were passed, and the Congress has been liberal in providing funds for this administration. This year the Bureau of Immigration is given $6,226,705.

In 1914 the total number of people coming from foreign lands to live in America was 1,218,480. These immigration restricting laws cut that in half to begin with, and for 1925 the number of immigrants was 396,883.

The Naturalization Bureau gets $733,000, much of which is used to inquire into the qualification of those who apply for citizenship. In 1922 naturalization was granted to 170,447 new citizens; in 1923, 145,084; in 1924, 150,510; and in 1925 the number was 152,457.

The Bureau of Labor Statistics gets $294,000. The United States Employment Service, which helps to keep men and women connected with jobs, costs $205,000. The Women's Bureau, $100,000; Children's Bureau, which makes some valuable investigations and distributes some excellent literature on child care, and so forth, costs $1,294,000.

INDEPENDENT OFFICES

Under this head are carried in an appropriation bill a number of independent offices and establishments of the Government. A mere listing of them shows some interesting information about the cost of government. The figures given are the amounts appropriated for next year; that is, the year beginning July 1, 1926, and ending June 30, 1927, which is called the fiscal year of 1927.

The first item, "Executive Office," includes $75,000 for the President's salary, $25,000 for his traveling expenses, $110,000 for maintenance of the White House and grounds, and $15,000 for the Vice President's salary.

Here is the list of independent office appropriations:

Executive Office	$444,460
Alien Property Custodian	160,650
Arlington Bridge	2,500,000
Board of Tax Appeals	614,224
Bureau of Efficiency	210,350
Civil Service Commission	1,001,592
Commission of Fine Arts	5,295
Employees' Compensation Commission	2,744,540
Federal Board of Vocational Education	8,210,620
Federal Power Commission	29,400
Federal Trade Commission	997,000
General Accounting Office	3,714,400
Housing Corporation	673,398
Interstate Commerce Commission	6,153,157
National Advisory Committee for Aeronautics	513,000
Public Buildings and Parks, Washington, D. C.	2,301,850
Railroad Labor Board	285,220
Smithsonian Institution	832,801
Tariff Commission	699,000
United States Shipping Board	24,198,574
United States Veterans' Bureau	462,965,000

BIG TAX REDUCTION MADE AS USUAL BY REPUBLICAN CONGRESS

Reducing the Federal taxes has grown to be a regular habit with Republican Congresses. Three substantial reductions have been made since 1918.

The revenue act of 1921 cut $640,000,000 off the yearly collection of taxes. The revenue act of 1924 cut $472,000,000 off the yearly collections. And the revenue act of this Congress, of 1926, makes another big reduction amounting to about $300,000,000.

To appreciate what these reductions mean to the individual taxpayers let us take a few examples in sizes of income that we know something about. Take the case of a married man, without dependents, where income is earned.

If he makes $3,000 for 1918 he paid $60 income tax; for 1922, $20; for 1924, $7.50; for 1926, nothing.

If he makes $5,000 for 1918 his tax was $180; for 1922, $100; for 1924, $37.50; for 1926, $16.88.

If he makes $12,000 for 1918 his tax was $1,150; for 1922, $720; for 1924, $295; and for 1926, $168.75.

And on a $20,000 earned income the income tax would run as follows: For 1918, $2,680; for 1922, $1,720; for 1924, $975; and for 1926, $618.75.

Very substantial reductions, indeed, and certainly much appreciated by every man and woman who makes out an income-tax return.

In addition to material reductions in income tax the special tax has been taken off of several important items and greatly reduced on others by this Congress. The tax has been taken off all admission up to 75 cents, saving movie fans and theater patrons $6,000,000 a year. It has been reduced upon cigars, especially the cheaper grades, about $13,000,000. The tax upon automobiles was cut down about $42,000,000. The tax upon estates up to $100,000 in value has been removed, saving somebody about $16,000,000.

The stamps you used to have to buy to put upon deeds when you sold your property are no longer required. That tax is cut off, and it amounted to $3,000,000 last year. The tax on jewelry has been removed, amounting to $7,000,000. It was also taken off firearms and ammunition, which brought in about $2,850,000; also off cameras, lenses, and films, which netted $1,120,000. And the tax was taken off several other smaller items where it was more of a nuisance than a revenue producer.

Here is a table showing income tax on specific incomes for a married man without dependents and with an earned income, making comparisons of the tax under the new law just passed with what it would have been under former acts:

Tax on specified incomes

[Married man without dependents, $20,000 earned income]

Income	Tax under act of 1918	Tax under act of 1921	Tax under act of 1924	Tax under act of 1926
$3,000	$60.00	$20.00	$7.50	0
$4,000	120.00	60.00	22.50	$5.63
$5,000	180.00	100.00	37.50	16.88
$6,000	250.00	160.00	52.50	28.13
$7,000	390.00	250.00	75.00	39.38
$8,000	530.00	340.00	105.00	56.25
$9,000	680.00	430.00	135.00	78.75
$10,000	830.00	520.00	165.00	101.25
$12,000	1,150.00	720.00	295.00	168.75
$15,000	1,670.00	1,069.00	515.00	311.25
$20,000	2,630.00	1,720.00	975.00	618.75

As a matter of fact the income tax has been reduced so much in recent years that it is getting to be no burden at all to the average citizen of the land. And the new law will relieve a few million of people probably of even filing a return.

COMPARE YOUR TAXES WITH THOSE IN FOREIGN LANDS

Americans who still think of the income taxes they pay as being at all burdensome ought to look at the income taxes collected in foreign lands—and then be happy and thankful that they live in the United States.

An American with a wife who gets a salary of $3,000 pays no income tax at all. If he lived in Italy his tax would be $590.30; if in Belgium, $238.45; if in France, $348; if in England, $202.50.

One good reason for being satisfied with our own country. And there are plenty of other reasons, chief of which is that a working man does not get much for his labors in any of these foreign lands.

Here is a table showing what the income taxes are in some foreign countries compared with those in the United States:

Income taxes

Income	Italy	Belgium	France	England	United States
$1,000	$189.21	$29.15	$48.99	0	0
$2,000	392.18	107.70	174.55	$67.50	0
$3,000	590.30	238.45	348.00	202.50	0
$4,000	812.18	413.35	569.40	382.50	$5.63
$5,000	1,025.06	619.90	838.75	787.50	16.88

STATE AND LOCAL TAXES HAVE BEEN INCREASING WHILE FEDERAL TAXES ARE COMING DOWN

Federal taxes have been coming down. State and local taxes have been going up. The Congress has been reducing expenditures and cutting down taxes. Our States, counties, and cities have been improving, expanding, and increasing expenditures and raising taxes.

The National Industrial Conference Board of New York City furnishes some very illuminating facts and figures relating to cost of government and taxes. I take the following figures from these reports and use only round figures:

Federal taxes:	
For 1919	$5,069,000,000
For 1924	3,095,000,000
Tax reduction	1,974,000,000
All State and local taxes:	
For 1924	4,812,000,000
For 1919	2,965,000,000
Increased tax	1,847,000,000

In these five years the Congress had reduced the annual tax collections by nearly $2,000,000,000, while at the same time the States, cities, and counties had increased the tax burden upon the people by a yearly sum of $1,847,000,000.

Compare the collection of taxes by the Federal Government with those collected by the State and local governments over a period of years and note how the Federal taxes are constantly being brought down and how regularly the State and local taxes have shown an increase:

For 1919:	
Federal taxes	$5,069,000,000
State and local	2,965,000,000
For 1921:	
Federal taxes	4,430,000,000
State and local	3,933,000,000
For 1923:	
Federal taxes	3,220,000,000
State and local	4,546,000,000
For 1924:	
Federal taxes	3,095,000,000
State and local	4,812,000,000

Here is an interesting table showing the amount of taxes collected per capita, that is paid by or for every person, man, woman, and child in the United States and comparing Federal taxes with the State and local taxes:

Per capita

For 1919:	
Federal tax	$48.27
State and local	28.26
For 1921:	
Federal tax	41.05
State and local	36.47
For 1923:	
Federal tax	29.10
State and local	41.11
For 1924:	
Federal tax	27.77
State and local	43.22

A REPUBLICAN TARIFF HAS REDUCED TAXES NEARLY A BILLION DOLLARS IN THREE YEARS

One of the major sources of revenue of the United States Government is the customs collected under the tariff acts. The Democrats in Congress assert as a rule that they believe in a "tariff for revenue only." The Republicans advocate a tariff for protection of American labor and industry as well as for revenue.

The Democrats in 1913 gave us a Democratic tariff which produced little revenue and no protection.

The Republican Congress in 1922 gave the country a Republican tariff which has produced a large increase in revenues, adding materially to tax reduction; has protected American labor, agriculture, and industry from cheap European labor, and has added greatly to the prosperity of the Nation.

In my own district in Colorado the sheep and wool men were raised from bankruptcy to prosperity by the Republican tariff. The beet-sugar factories were kept open and the sugar-beet growers got more money for their crops because of it. The effect of the tariff was felt by every stock grower and wheat farmer, by the steel mills and coal miners and by labor everywhere. The tariff of 1922 has put millions of dollars in the pockets of wool growers, sugar-beet growers, and farmers of the Nation and has helped to raise the wages and standard of living of all working classes.

As a revenue producer let us compare the Democratic tariff with that enacted by the Republican Congress in 1922.

Take three years' receipts from customs under each tariff act. You can take any three years you want to anywhere along the line. Just compare any Democratic tariff any time in our history with any Republican tariff in the same decade and note the difference. You can get the figures in any library in the land.

For convenience we will take three recent years under each system—the Democratic and the Republican systems:

Receipts under Democratic tariff	
1917	$221,659,066
1918	254,517,904
1919	237,456,680
Total three years	713,633,649
Receipts under Republican tariff	
1923	566,663,978
1924	544,768,198
1925	570,829,000
Total three years	1,682,261,176

Three years' comparison

Under Republican tariff	$1,682,261,176
Under Democratic tariff	713,633,640
Gain under Republican tariff	968,627,536

There is a big idea here which every voter ought to get. The difference between the Republican tariff and a Democratic tariff has saved the taxpayers of this country nearly a billion dollars, to be exact just $968,627,536 in three years. If this sum had not been collected in customs, it would have been collected by taxes of one kind or another. The Republican tariff has reduced taxes nearly a billion dollars for three years and it has helped to build up a prosperity which has been reflected on the farm and in the factory and has raised the wages and standard of living of working men and women.

NATIONAL DEBT HAS BEEN REDUCED BY NEARLY SIX BILLIONS OF DOLLARS

A business-like administration and an economical Congress has brought down the expenditures and reduced the national debt by magnificent amounts. A few years ago the people were staggered by the amount of the public debt. Predictions were freely made that such a stupendous sum could never be paid off. This feeling was reflected in the value of Government securities and United States bonds were sold far below par—as low as 84 cents on the dollar in fact.

A Republican Congress, elected in 1918, began cutting down expenses, reducing appropriations a billion dollars below the estimates. A wise Secretary of the Treasury has applied every possible dollar raised for the purpose and saved through the yearly surpluses to reduction of the public debt. More than $7,000,000,000 of short-time paper has been refinanced for long-time paper, and much of it at reduced interest rates. The price of bonds have gone up above par, and some of them even selling as high as $108 for a $100 bond. The Secretary of the Treasury is now able to sell bonds at an interest rate of 3¾ per cent interest. The credit of the United States is the best in the world.

No nation in all the world's history has ever made such remarkable showing in debt reduction as has the United States done in the past six years.

Nearly $6,000,000,000 have been paid on the public debt since the Republican Congress came in on March 4, 1919.

Look at the figures.

The public debt reached its peak on August 31, 1919, when it stood at $26,596,701,648.01. Giving it credit for the net balance in the general fund on that date left a net debt owed by the United States of $25,478,592,113.25.

Glance at these startling comparisons showing actual debt reductions:

Total debt reduction

Aug. 31, 1919, net debt was	$25,478,592,113.25
Mar. 31, 1926, net debt was	19,595,799,144.98
Total reduction	5,882,792,968.27

Debt reduction last year

Mar. 31, 1925, net debt was	20,441,477,003.62
Mar. 31, 1926, net debt was	19,595,799,144.98
Last year's reduction	845,677,858.64

REPUBLICAN CONGRESS HAS BEEN LIBERAL WITH POSTAL EMPLOYEES

Postal employees of this country are the best-paid postal employees in the world. They ought to be. There are about 305,000 employees in the Postal Service and they run the greatest postal system in the world, better than any other is run.

In the past few years the Republican Congresses have passed two acts which have added materially to the salaries paid to postal employees.

In 1919 clerks and carriers were getting from $1,000 to $1,500 a year. That is, they went in at $1,000 and they got an annual increase in salary of $100 a year for five years, when it remained at $1,500. To-day clerks and carriers who enter the service begin at $1,700, with an annual increase up to $2,100. The average for clerks has been raised from an average in 1919 of $1,247 to $2,023, and for carriers from $1,305 to $2,053.

Rural carriers have had increases in salary and allowances from an average of $1,471 in 1919 to $2,196 for this year.

Railway mail clerks have had an average increase from $1,573 in 1919 to $2,449 for 1926.

All employees have had substantial increases in salary, but postmasters probably least of all. These increases, covering over 300,000 employees amount to large sums. Few employees as well as few Members of Congress, have any idea what these increases in salaries have amounted to to the employees in the aggregate. So I will give you some big figures to look at.

The reclassification act effective July 1, 1920, added to the employees pay in totals:

For 1921	$110,756,000
For 1922	118,221,000
For 1923	122,882,500
For 1924	129,884,576
First six months, 1925	66,057,535
Total for that act	547,801,611

Then the last Congress passed the new salary bill effective February 28, 1925. This made another general increase in all salaries and raised the pay roll another $70,000,000 a year.

The pay roll in the Postal Service for the coming year will be approximately $529,901,208. Of the total expenditures for the entire Postal Service 71.7 per cent goes to salaries of employees.

Back in 1919 the total pay roll was $262,445,618. There were not quite so many employees then as now. But if there had been exactly as many employees in 1919 as there are at the present time the total salary roll at the rates of pay then in vogue would have amounted to $339,775,446.

In other words the postal employees are receiving this year just about $190,125,762 more salary than they would be getting under the 1919 pay schedule.

The average rates of pay in the various branches of the Postal Service for 1919 as compared with the present rates are shown in this table:

	1919	1926
Regular clerks, first and second class post offices	$1,247	$2,023
Supervisors and special clerks	1,668	2,454
City letter carriers	1,305	2,053
Assistant postmasters, first and second class post offices	1,472	2,524
Village carriers	783	1,277
Motor vehicle employees	1,200	1,969
Rural carriers	1,471	2,196
Railway Mail Service clerks	1,573	2,449
Presidential postmasters' salaries	1,765	2,010
Post office inspectors	1,857	3,654
Clerks, division headquarters	1,340	2,521
Fourth-class postmasters	358	538
Watchmen, messengers, and laborers	900	1,580

The Postal Service and pay of postal employees is not a political question, and should not be. Some Democratic Congressmen, however, have done a good deal of talking for political purposes about these questions.

The fact stands out as prominently as the hump on a camel's back that since the days of Postmaster General Burleson the working conditions of postal employees have been very greatly improved, that the men and women in the Postal Service are treated more humanely and more like men and women, and that the salary roll has been increased by more than $190,000,000 a year. And that all of this improvement in conditions and in pay has been brought about under a Republican Postmaster General and by a Republican Congress.

LIBERAL PROVISION MADE FOR EX-SERVICE MEN

The United States Government has been fairly liberal with its veterans of the great World War. Certainly far more liberal than any other country in the world. It can afford to be, of course. And it wants to be. America has always taken care of the private soldier better than any other country and makes no distinction between privates and officers in pensions and war-time benefits. So far as I know, it is the only country which eliminates this distinction.

For next year the Congress has appropriated $462,965,000 for the United States Veterans' Bureau. This item is split up as follows: For compensation, $140,800,000; medical and hospital services, $39,000,000; adjusted-certificate fund, $116,000,000; military and naval insurance, $123,000,000; administration, $44,165,000.

Since the war began the Congress has appropriated something like $3,000,000,000 for benefits to ex-service men. And this does not include the adjusted compensation or bonus nor the amount of insurance that has been paid in by the men.

A statement showing actual expenditures for our ex-service men's benefits up to May 1, 1926, places the total at $2,586,876,738.66. Again, this does not include the bonus nor anything contributed by the men themselves.

Here are the items covered in detail, being the total amounts actually paid out up to May 1, 1926:

Purpose:	Disbursement
Military and naval family allowance	$282,206,653.42
Compensation	867,882,109.24
Medical and hospital services	254,306,830.60
Hospital facilities and services	19,576,712.53
Vocational rehabilitation	640,139,964.78
Military and naval insurance	306,360,442.95
Administrative and miscellaneous	216,404,025.14
Total	2,586,876,738.66

GOOD SUPPORT GIVEN TO PROHIBITION ENFORCEMENT

Activities in relation to prohibition enforcement come under the Internal Revenue, the Coast Guard, and the Department of Justice. The appropriations have been liberal for these activities. For next year the total for these several items will be about $40,000,000.

The Prohibition Unit will get $13,566,000. It is estimated that of the total appropriations for the Department of Justice about $8,000,000 is used in connection with prohibition enforcement, and the Coast Guard, which operates along the seacoast, is given $18,452,000 for helping to keep the flow of liquor from coming into our country. Of this amount, $3,900,000 will be spent for additional patrol boats and five seaplanes which will aid in the work.

AIR SERVICE GETS LIBERAL SUPPORT

A good deal of loose talk has been made by former Army officers, by those interested in getting contracts, and by some newspaper writers about the Air Service of this country and the alleged inadequate support given it by Congress.

I want to say that the Congress has been very liberal in this direction and has appropriated vast sums for support of the Air Service in the War, Navy, and Post Office Departments. General Patrick has furnished the Appropriations Committee with a detailed statement showing the expenditures for the Air Service in the three departments covering six years, 1920 to 1925, inclusive.

This table shows expenditures from appropriations made direct to the Air Service covering these six years as follows: In the Army, $116,779,398.78; in the Navy, $98,573,097.45; in the Post Office Department, $11,476,098; and to the National Advisory Committee on Aeronautics, $1,532,609.85.

In addition to these direct expenditures large quantities of supplies have been taken from war surplus stocks and large expenditures have been made from indirect appropriations. All of which run the total amount expended by and for the Air Service of the country for these six years up to $558,634,096. The expenditures for 1926 and 1927 will probably not be less than the average of these years, which will bring the total cost for Air Service for eight years up to the enormous total of $743,000,000. That does not look like a starvation figure, does it?

The fact is the Air Service of America, especially in the Army and Navy, is well supported by the Congress, is in excellent shape, and practically all of the important world flying records have been made by American flyers with American airplanes.

FARM RELIEF

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that immediately following the reception of the royal persons by the House this morning I may be permitted to address the House for 10 minutes on the subject of the need of remedial legislation in behalf of agriculture. [Applause.]

The SPEAKER. The Chair suggests to the gentleman that in all probability the House at that time will be in Committee of the Whole House on the state of the Union.

Mr. HOWARD. Not immediately after the retirement of their majesties? I shall rise before they go into the committee.

The SPEAKER. The Chair must assume that the House will resolve itself into the Committee of the Whole House on the state of the Union, and, therefore, it would be impossible to carry out the gentleman's request.

Mr. HOWARD. But my request is pending.

The SPEAKER. The gentleman's request will be considered as pending.

Mr. MOONEY and Mr. HASTINGS rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. MOONEY. Mr. Speaker, I merely wanted to reserve the right to make the point of no quorum, but I shall defer to the gentleman from Oklahoma.

WHAT IS A DEMOCRAT?

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a very brief definition of a Democrat by ex-Senator Robert L. Owen, of Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Speaker, recently there have appeared in the public press many efforts at a succinct definition of a Democrat. Of those brought to my attention is one by ex-Senator R. L. Owen, of Oklahoma, which I place in the RECORD and commend to the people of my State and the country. It is as follows:

One who believes in freedom of speech, in freedom of the press, in freedom of religion, in the equal rights of every person to life, liberty, and to the pursuit of happiness, and who believes in the principles of the Constitution of the United States properly interpreted. One who believes in the fullest protection of property rights, but who does not regard the property rights of one class of citizens as superior to the rights of life and liberty of another class of citizens.

He favors just laws bearing equally on all classes with special privileges to none. He favors a tariff for revenue, knowing that a tariff for revenue properly drawn is higher than the difference in the cost of production at home and abroad. He opposes tariff schedules which prevent importation and protect American monopolies from reasonable competition. He favors the strictest economy and the lowest taxes consistent with efficient administration. He favors a government truly responsive to public opinion. He opposes unfair trade practices and the abuses of private monopoly. He opposes all attempts of self-seeking interests to control the operations of the Government to private advantage at the expense of the public.

He opposes the Republican Party, because he believes that that party, in spite of a large, liberal membership believing in democratic principles, is really dominated by the influence of national monopolies to the disadvantage of the majority of producers and consumers.

A Democrat may be a Catholic or Protestant, Jew or Gentile, of any race whatever, and a Democrat may either favor the Volstead Act or oppose the Volstead Act. He is a liberal as opposed to ultra-conservatism.

There are many shades of democracy, but the great body of democracy is composed of the moderate liberal elements of the country whose constructive purpose was demonstrated when they had power from 1913 to 1918.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER appointed the following conferees: Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. UPSHAW.

Mr. KNUTSON. Mr. Speaker, I make a similar request in respect to the bill H. R. 9966, of similar title.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER appointed the following conferees: Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. UPSHAW.

MESSAGE FROM THE PRESIDENT—BRIDGE ACROSS THE MONONGAHELA RIVER

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of May 25, 1926, I return herewith H. R. 8513, entitled "An act to extend the time for the construction of a bridge across the Monongahela River at or near the Borough of Wilson, in the county of Allegheny, Pa."

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 27, 1926.*

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 3833. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

H. R. 7906. An act 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;

H. R. 8815. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said War; and

H. R. 9966. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers, and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1895) to correct the military record of George Patterson, deceased.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 4007. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States"; and

H. R. 4547. An act to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes."

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

S. 3053. An act to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;

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

S. 4094. An act to amend an act entitled "An act to incorporate the American Social Science Association, and for other purposes."

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. 2237. An act for the relief of Leslie Warnick Brennan;

H. R. 11841. An act to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound;

H. R. 11084. An act to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters;

H. R. 8513. An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson in the county of Allegheny, Pa.;

H. R. 9724. An act 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;

H. R. 9558. An act to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes;

H. R. 8186. An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor;

H. R. 3837. An act authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

H. R. 3842. An act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease;

H. R. 10089. An act granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington; and

H. R. 11607. An act granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River, at or near the town of Coushatta, in the Parish of Red River, in the State of Louisiana.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

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

S. 3053. An act to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2237. An act for the relief of Leslie Warnick Brennan;

H. R. 3837. An act authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

H. R. 3842. An act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease;

H. R. 8186. An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor;

H. R. 8513. An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson in the county of Allegheny, Pa.;

H. R. 9558. An act to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes;

H. R. 9724. An act 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;

H. R. 11084. An act to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters; and

H. R. 11841. An act to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

RIVER AND HARBOR BILL

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. Mr. Speaker, I have been advised that visiting royalty is going to be present in the gallery at 12 o'clock. Is it expected that the House will be in Committee of the Whole House on the state of the Union at that time, or has any arrangement been made for any ceremony?

The SPEAKER. No arrangement has been made for any ceremony so far as the House is concerned. Before putting the motion of the gentleman from New York [Mr. DEMPSEY], without objection, the bells will be rung as for a call of the House. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

Mr. LINTHICUM rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LINTHICUM. To submit a parliamentary inquiry. I rise to ask why the bells were rung when the point of no quorum was not made?

The CHAIRMAN. The Chair is unable to answer the gentleman, inasmuch as he did not ring the bells.

Mr. CHALMERS. Mr. Chairman, if the gentleman will permit, I understand that a point of no quorum was raised, that

the bells were rung, and then the gentleman who made the point withdrew his point of order.

Mr. LINTHICUM. If the gentleman withdrew the point of order, he withdrew it without making any noise, because I was listening to see whether he did withdraw it. Mr. Chairman, I am opposed to the ringing of these bells and bringing Members over here unless it means something. I do not think we should begin ringing the bells and fooling Members. I was sitting right here and heard no point of no quorum made.

Mr. MOONEY. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. BURTON]. [Applause.]

Mr. BURTON. Mr. Chairman and gentlemen of the committee, it is with an unprecedented sense of responsibility that I approach the discussion of this question. There is occasion for deep regret because there is included in this pending river and harbor bill for the first time a provision for a project which would cause very serious injury to an existing project, and that, too, when the benefits of the proposed improvement are problematical and the benefits of the existing project are beyond those of any other system of navigation in the world. It is perhaps hardly necessary for me to speak of the Great Lakes and of their traffic. The average amount carried per annum is a hundred and twenty-five million tons. The lowering of the freight rates accomplished by that traffic, according to a recent estimate, amounts to $183,000,000 per year. According to an estimate of the Corps of Engineers the total savings by reason of the traffic on the Great Lakes in the years from 1887 to 1924 amount to the enormous sum of $3,143,000,000.

What is the origin of the injury? The city of Chicago in the latter part of the last century proposed a diversion of waters from Lake Michigan into the Mississippi watershed. This diversion was not regarded as serious at the time. There was an abundance of water in the Lakes, and it was thought that diversion in a limited degree would not be a cause of any injury. At first the suggestion was that the diversion should merely be from waters emptying into Lake Michigan from the Chicago River and its tributaries, but in the year 1901, in the month of December, the Secretary of War granted a permit for the withdrawal of 4,167 cubic feet per second from Lake Michigan. If the amount of diversion had been limited to that figure from that time to this, it is entirely possible we would not be here opposing this diversion at this time; but the city of Chicago, acting upon the theory that it had the right to make that diversion, that it had the right to abstract water without the permission of the Federal Government, increased the amount so that it reached in a few years to 10,000 cubic feet per second. In the year 1907 suit was brought in which this question was raised, but a more serious question was raised for decision in the year 1913, when not the States bordering on the Lakes, not an individual, but the Federal Government by its Attorney General brought suit for an injunction in the Federal courts of Chicago to compel a reduction of that diversion to 4,167 cubic feet, according to the permit.

Decision was delayed by the court for years, when finally in 1920 Judge Landis, who was about to leave the bench, sustained the injunction and ordered that the diversion, which had been 10,000 feet and more for some 10 or 15 years, be reduced to 4,167 feet. From that decision an appeal was taken to the circuit court, which affirmed it in 1923. Then there was another appeal to the United States Supreme Court, which in the month of March, 1925, sustained the decisions of the lower courts and granted the injunction finally. But there was a clause at the end of the opinion which recognized the situation at Chicago and said the decision was without prejudice to the right of the Secretary of War under the statute of 1899, to which I shall later refer, to provide for sanitary conditions at Chicago. The Secretary of War granted a revocable permit for approximately five years authorizing in the first instance a withdrawal of 8,500 cubic feet per second, but demanding that the amount of diversion should be reduced and impressed upon the authorities of the city of Chicago, or rather the sanitary district, that they must take other means for providing for their sewage. It was contemplated that in about 10 years the amount should be diminished to perhaps 4,000 cubic feet and later to even a smaller amount. Now, I may say to this committee and to this House that it is my deliberate judgment—and I am by no means alone in that—that the plan for the discharge of sewage of a city of 3,000,000 through streams of fresh water was an economic and a sanitary crime. [Applause.] There is hardly a city in the country of any size where this problem has arisen in which steps are not now being taken by reduction works and other methods, thus doing away with discharging their sewage into streams. The question was asked yesterday what the city of Cleveland was doing. That city has already appropriated $5,000,000 for that purpose and authorized an expenditure of $10,800,000, and our situation is radically different from that of Chicago because there is a current there to the eastward from mouths of the sewers so they do not foul our water supply. To give an illustration of the necessity of reduction works, if there is a city in the world that has facilities for the disposal of its sewage, it is the city of New York, because there is a current coming from the northerly side of Long Island along through the East River and another current coming down the Hudson which would wash any discharge from sewers into the sea. Bear in mind that the final outlet is into salt water and not into fresh. But a recent report has been made that, notwithstanding that enormous volume of water and these very strong currents to carry away the sewage, they must introduce reduction works. And I may say in all fairness to the city of Chicago, they are proceeding with their reduction works, though they commenced very tardily, and are subject to criticism because they have not made the progress they should have made.

What of the present situation? What is the injury to which this magnificent system of waterways is subject?

The diversion at Chicago, which, according to the best authorities, diminishes the level of the Lake 6 inches, is coincident with a cyclical decrease of 34 inches in the level of the waters of Lakes Huron and Michigan due to a deficiency of rainfall which has continued since 1918.

Those two Lakes are practically one waterway on the same level. What of the reduction? Let us confine it to the 6 inches. It diminishes the carrying capacity of ships on the Great Lakes by 3,000,000 tons per year, and the loss to the shipping interests is practically $1 for each ton of decrease. That is $3,000,000. It was stated by a member of the Committee on Rivers and Harbors not long since that this is only a part of the injury because of the enormous volume of freight which otherwise would move by boat, but must be moved by rail on which the rail rates are ten times as great as the rates by water, meaning an aggregate loss of $30,000,000 a year. Now, the loss of navigation is by no means all, because great harbors have been established on these Lakes. My friends, three of the five largest cities of the Nation are on the Great Lakes. First, New York; next there is Chicago on the Lakes; and then there is Philadelphia; next there are Detroit and Cleveland on the Lakes, making three—a majority of the five cities—which are located there. Now, the level of these harbors, which have been improved at very great expense, more by private enterprise than by public cost, has diminished. Just day before yesterday I was visited by the representatives of a harbor who said that formerly they could load their boats with 11,000 tons, but to-day, in view of the decrease, that 8,500 tons was the maximum load.

Now, there is another injury to be mentioned in connection with that: The piling and the foundations for building beside these docks. If that piling and those foundations are submerged in the water, they will not decay, but when the water recedes and they are exposed to the air and sun, they speedily rot away.

Then there is another injury of a very serious nature. All these cities on the Lakes have intakes extending out into the water for the bringing in of a volume of fresh water for drinking and for municipal purposes. With this lowering some of them are almost at the edge of the water or outside, and if this abstraction, this lowering increases, it will be necessary to reconstruct this system of intakes in order to have a proper water supply.

Still further, there is an injury in that the moisture in the soil in the orchards and the fields adjacent to the lakes furnishes nutriment for plants and for crops on the basis of a certain distance below the soil level. The abstraction of this water lowers the level of the moisture and threatens the production in those orchards and grain fields.

Then there is still another injury of a very serious nature, perhaps more manifest in the State of Michigan than anywhere else. Millions of dollars have been invested in pleasure and health resorts bordering on the lake. By reason of this lowering in some places the water level has receded even 20 rods from where it normally would be, and instead of the beautiful sand between, there is a trail of mud, virtually destroying the attractiveness of those pleasure resorts.

So that it is with no trivial or sporadic injury that we are coming to you. It is with a threat of permanent injury. It is a threat of injury unprecedented in any recession of water in the country, and for that recession the withdrawal at Chicago is very, very largely responsible.

Next, I wish to speak briefly about our relations with Canada. If there is any country in the world with which we

should be on friendly terms, it is the Dominion of Canada. I have been confronted often by those who flippantly say, "What have we to do with people abroad?" And there is a certain number of persons who delight not in action but in words, bullying other countries. For that disposition I have nothing but contempt. [Applause.] But bear in mind that on a boundary of 3,000 miles there is the freest access; no frowning fortifications are on the border. They are people of the same language and traditions, and for one year at least, in comparison with all the countries of the world, taking England, Germany, and all, our exports to Canada were greater than our exports to any other, so that there is a selfish reason why our friendly relations with that country should continue.

Now, let me read a communication made by the British Embassy in the year 1924 in regard to this matter:

On each occasion, and with increasing emphasis amounting to unanimity, demands have been made upon the Dominion Government to renew the protests which have already been lodged against the action of the Sanitary District of Chicago, in continuing and seeking to extend their claim, to diversion of water from the St. Lawrence watershed into that of the Mississippi, with consequent adverse effect upon important interests in the navigation both of the Great Lakes and of the St. Lawrence River, and the development of power, actual and prospective, upon the river itself and upon the waters connecting the Lakes.

The Dominion Government are constrained to believe that unless some reassuring message can be made to the people of Canada that favorable progress is being made in the matter public opinion throughout the Dominion will become so aroused as to render exceedingly difficult the amicable consideration and discussion of the far less-reaching problem and issue incident to the Great Lakes and the International Waterway. The Government of Canada are fully aware that in many parts of the United States public opinion is similarly being aroused, and are not ignorant of the fact that the United States Government is not less anxious than they are to see a settlement speedily effected.

I am sure that there are before me here scores of persons whose States are intensely interested in a canal from that Great Lakes system to the sea. [Applause.] With our enormous development and teeming population we can not live in any "pent-up Utica." We demand that we must have access to the ocean and to all the parts of the world. [Applause.] That is a synopsis of our condition.

Then at a later time the Canadian Government made a similar protest. I read:

The Dominion Government now desire me to state that, while they would not wish to oppose any interim measure which may be necessary to protect the health of the inhabitants of the city of Chicago, they feel compelled to reiterate the protest they have already made against the abstraction of water from the St. Lawrence Basin and, in order that there may be no misunderstanding, I desire to take this opportunity of making it clear that the Government of Canada do not surrender any claims that might be put forward for consequential losses already suffered or which may possibly be suffered in the future on this account. The Dominion Government are of opinion that it is impossible to lose sight of the fact that the effect of the present increase in permitted diversion of water will be to postpone the relief for which the navigation and other interests injuriously affected by the attitude of the Chicago Sanitary District have been waiting already too long, and which subject only to the paramount necessity of safeguarding public health, these interests are now entitled to receive.

I feel sure that you will readily appreciate that the injury to Canadian interests by any lowering of the natural level of the Great Lakes connecting waters and the St. Lawrence River by the diminution of their natural water supply is of constantly increasing importance not only on account of navigation on the Great Lakes and lower St. Lawrence River but also on account of power development. The Government of Canada have not failed to recognize that United States interests are likewise substantially affected by this question.

The Government of Canada feel confident that the Government of the United States if fully alive to the advisability of restricting within the narrowest possible limit the amount of water to be diverted from Lake Michigan for use by the Sanitary District of Chicago, and in this connection they feel certain that no permit will be granted for the diversion of any water not essential to safeguarding the health of the population of that city, and, further, that the period during which such diversion must on this account continue will be made as short as circumstances permit.

Now, a correspondence ensued, in which it was requested that the intentions of the United States Government should be given, so that they might know.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield right there?

Mr. BURTON. I yield.

Mr. JACOBSTEIN. Will the gentleman kindly explain the reference made in that communication to the matter of claims against our Government, or Chicago, or Illinois?

Mr. BURTON. Claims against the Sanitary District of Chicago, because of the diversion of water, injury to navigation and water power, and all the lines I have indicated.

Our Secretary of State, on November 24, 1925, barely six months ago, after repeated requests from Canada, wrote a letter to the British ambassador here on this subject. Let me read from that letter:

The Sanitary District of Chicago, to which the permit of March 3, 1925, was issued by the Secretary of War, is a municipal corporation separate and distinct from the city of Chicago. The operations of the sanitary district are conducted under direct authority of the Legislature of the State of Illinois without reference to the operations of the municipal government of the city of Chicago. Diversion of water for domestic consumption in the city of Chicago being purely a function of the municipal government of the city, it is considered that the authority granted the sanitary district could not be made to apply to or include this other diversion as well. The case before the Secretary of War for action involved the granting of a permit for diversion of water for *sanitary purposes only*, and the instrument of authority was worded accordingly.

Let me repeat the declaration made by our Secretary of State in regard to the nature of this diversion:

The case before the Secretary of War for action involved the granting of a permit for diversion of water for sanitary purposes only, and the instrument of authority was worded accordingly.

Thus we have given assurance to the Canadian Government that diversion at Chicago is for sanitary purposes only, but this bill demands the right of diversion for navigation. What is the difference between the two? For sanitary purposes, the diversion would ultimately be rather limited and it would be temporary, but for navigation it would be permanent. And what would be the position of this country if this House or the Congress, in the face of that assurance, solemnly given by our Secretary of State to the Canadian Government, should pass a law authorizing a diversion for purposes of navigation, when the assurance has been given that it was for sanitary purposes only?

Well, now, there is something more than the mere breaking of national faith. There is the possibility of retaliation, which is unlimited. We have a treaty with Canada, framed in the year 1909, seeking to regulate this diversion, but there is a provision in that treaty that it may be denounced on 12 months' notice. In 12 months this treaty could be made no longer binding. Now, what could Canada do about that? Two can play at this game, and where the Niagara River flows out of Lake Erie, an unlimited amount of water might be diverted, draining the whole Great Lakes system, ruining the scenic beauty of Niagara Falls and creating power to unlimited amount.

I may say that this diversion at Chicago was under suspicion for a long while in that it was thought the main object was to create water power, and they are creating water power there worth $500,000 to $1,000,000 a year from water that is taken out of our watershed, taken out of the Great Lakes. But what are the facts? At the other end, by a diversion at Niagara, six or eight times as much power could be created by the diversion of an equal amount because of the greater fall. So that as an economic proposition it is far better to divert at the Niagara end.

Now, let me tell you another place where a diversion could be had and which would be very much to the detriment of the United States. From Georgian Bay there is across the watershed a canal known as the Trent Canal. Georgian Bay, like Lake Michigan, is exclusively within the territory of one of the two countries. The height from Georgian Bay to the slope is 262 feet while the fall on the other side is 597 feet.

Centrifugal and other pumps could be used with great effectiveness there to pump up water from the bay and drop it on the other side, where there is a fall of 597 feet, and create a very profitable waterpower there. Not only does this right exist for Canada, but it exists for every other State on the Great Lakes, and if we establish the principle that diversion is allowed, those lakes, while they will not run dry, will be lowered. The connecting waters and the harbors may be lowered to such an extent as to irretrievably injure the whole navigation system of the Great Lakes.

I have not time to go very fully into the legal phase of this case, but the most important point of all in the minds of many is this: There are lawsuits pending in the United States Supreme Court in which all the States on the Great Lakes, save Illinois, have joined—Minnesota, Wisconsin, Indiana, Michi-

gan, Ohio, Pennsylvania, and New York—either directly or by the filing of briefs, and all by instruction of resolutions of their State legislatures, and every one of them asking that action be taken in the Supreme Court of the United States to restrain this diversion. The State of Michigan raises the point that no diversion from one watershed to another is allowed, while the other States, led by Wisconsin, maintain the position that that is a doubtful question but should be decided by the Supreme Court, and that the diversion should be so restricted as not to be injurious. Before I get through I hope to tell what I think would be a rational settlement of this whole matter. Those suits have been set for hearing on the 4th of October next. While we are groping in the dark as to the law we are proposing to go ahead—right in the face of a prospective decision of the Supreme Court within eight months from now—to do something that may be declared a nullity.

I do not wish to go extensively into this question of the law of the case, but I will read very briefly, in regard to the control of waters in different States, from Mr. Oppenheim, first volume, page 243:

With regard to national rivers, the question can not indeed be raised, since the local State is absolutely unhindered in the utilization of the flow. But the flow of not national, boundary, and international rivers is not within the arbitrary power of one of the riparian States, for it is a rule of international law that no State is allowed to alter the natural conditions of its own territory to the disadvantage of the natural conditions of the territory of a neighboring State. For this reason a State is not only forbidden to stop or to divert the flow of a river which runs from its own to a neighboring State, but likewise to make such use of the water of the river as either causes danger to the neighboring State or prevents it from making proper use of the flow of the river on its part.

The principles applying to rivers certainly apply also to lakes.

This is a declaration relating to international law by an acknowledged authority, which will no doubt be used before the Supreme Court. I will read briefly from several decisions of our own Supreme Court in regard to this matter. Justice Brewer in One hundred and eighty-fifth United States said:

Yet whenever, as in Missouri *v.* Illinois (180 U. S.), the action of one State reaches, through the agency of natural laws, into the territory of another State, the question of the extent and the limitations of the rights of the two States becomes a matter of justiciable dispute between them; and this court is called upon to settle that dispute in such a way as will recognize the equal rights of both, and at the same time will establish justice between them. In other words, through these successive disputes and decisions this court is building up what may, not inaptly, be called a body of interstate law.

Do you realize, gentlemen of the committee, that our Supreme Court had one manifest object which has become a part of our whole political system, not merely to decide questions of law between States, but to decide questions which in the case of separate nations would be subjects for diplomatic negotiation? That court is, in that respect, exceptional among all the courts of any nation in the world, because it settles disputes between the States of the Union which ordinarily would be left to diplomatic negotiation.

Again, the court said in Two hundred and fifty-ninth United States:

The waters of an innavigable stream rising in one State and flowing into a State adjoining may not be disposed of by an upper State as she chooses, regardless of the damage that may ensue to the lower State and her citizens.

And still again, in a very recent case, Two hundred and sixty-third United States:

It needs no argument, in the light of these authorities, to reach the conclusion that where one State by a change in its method of draining water from lands within its border increases the flow into an interstate stream, so that its natural capacity is greatly exceeded and the water is thrown upon the farms of another State, the latter State has such an interest as quasi-sovereign in the comfort, health, and prosperity of her farm owners that resort may be had to this court for relief.

And if you can go to the Supreme Court on account of an excess of water, certainly you can go to the Supreme Court, because there is a deficiency of water. This was the case of North Dakota *v.* Minnesota (263 U. S.).

There is involved in the questions pending before the Supreme Court every form of equitable relief on any phase of the subject, but this specifically: Does the Secretary of War have the right under the statute of 1899, upon which his authority was based, to grant a permit for diversion of water from a waterway? Every Secretary of War, practically, who has granted a permit has expressed a doubt upon this subject, and several have asked that it be referred to Congress. I was myself chairman of the Committee on Rivers and Harbors at the time this provision was inserted, which I will read. I ask your attention to this: Does this give affirmative authority to permit such a diversion as this? Is that the object and purport of the statute:

Creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, bulkhead, or other structures in any port, harbor, canal, navigable river, or other water of the United States, outside established harbor lines or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill—

Not but, and—

and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, canal, lake, harbor of refuge or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

This looks to me like a negative provision, very decidedly, to prevent obstructions. I do not think it was contemplated by those who had to do with the passage of the act that any such broad authority existed as to drain, as I expressed it the other day, the very lifeblood of a useful channel, under a permit by the Secretary of War.

These two questions are questions to come before the Supreme Court with any others that are pertinent to this question.

I now want to call attention to the so-called safeguarding clause inserted in this bill, inserted with the best intentions, and, as I understand, the gentleman from Alabama [Mr. McDUFFIE] had a leading part in drawing it. At first it was very strenuously objected to by the Chicago interests; but it was finally consented to. This is to the effect that—

No question of sanitation or navigation shall be considered as settled by this bill.

Now, what do you have in that clause? First, a positive, affirmative declaration adopting a project which involves diversion from the lakes. It is an assertion of the jurisdiction of Congress for the first time over this diversion at Chicago.

All heretofore has been under permits by the Secretary of War. It is a promise or a condition which does not harmonize with the affirmative granting of the right to divert water. The two are contradictory, and jurisdiction having been asserted, it does not afford full protection. The very fact of qualifying the intent to divert is a clear and plain assertion of the right to permit diversion.

Then, from a practical standpoint, it is plain that when once the water has been diverted in the quantity of 8,500 cubic feet or 8,250 cubic feet, which involves the removal of dams and locks, involving open water navigation, you can not obtain without the greatest difficulty authority from Congress to restore those locks and to restore dams when navigation has habituated itself to the open channel.

Therefore while I am glad to have this safeguarding clause for its moral effect, it does not protect us.

I refer to a decision of the Supreme Court in Ninety-six United States, page 386. This case is not absolutely on all fours with this, but it is very much like it.

I quote from the opinion of the court:

And in the act of August 1, 1876 (the rivers and harbors act), there is the following paragraph:

"For the improvement of the harbor at Duluth, Minn., $15,000. Said appropriation is made upon the express condition that it shall be without prejudice to either party in the suit now pending between the State of Wisconsin, plaintiff, and the city of Duluth and the Northern Pacific Railroad, defendants."

The hostility of Superior City and of the State of Wisconsin could not avail to defeat the appropriation, but as this suit was then pending the clause that it should be without prejudice to anyone in the suit was inserted.

It was not needed. * * * And though the State of Wisconsin had brought her suit in this court to abate the work as a nuisance, and Congress was made aware of the fact, it still, in 1876, made the usual appropriation, and the War Department still had the work in charge; and the Congress cautiously said, this shall prejudice no one in the suit, but *we shall go on, notwithstanding, and continue this system of improvement.*

Now, I am aware that some persons are interested in this because they wish to increase the quantity of water in the Mississippi River. I was almost amazed when one eminent Member of this House said to me, "I am on the fence on this question; we want more water in the Mississippi River." Just think of the assurance of that! Here is a waterway system where the waters are going down and down to almost a ruinous point and it is asked to divert the water still further into another system, where we all know the great problem is to take care of the flood waters. The problem in the Mississippi is to harmonize the low water and the high water. But do not think that such diversion will do you any good. If you have that selfish purpose, you will be disappointed, for the reports of the engineers are unequivocally that the diversion of 10,000 feet at Chicago through to the Mississippi would make in gauge but a difference of 1 foot, and it would not raise the water utilized for navigation a foot, because in an alluvial stream the navigability and depth are determined by bars. If it were a rock-bottom river, it would raise the navigable level 1 foot, but in an alluvial stream increasing the volume of water raises up from the bottom a certain amount of silt which adds to the height of the bar. The same is true of the banks. So the engineers have said that in the Mississippi River between Grafton, the mouth of the Illinois, and the mouth of the Ohio the increase in navigable depth would not be more in any event than 6 inches by the diversion of 10,000 cubic feet, and below Cairo, at the mouth of the Ohio, it would be scarcely appreciable.

The great question is whether it is fair or not. But there is another question whether it would do any good to that system, and upon that question the answer is that in increasing the navigability it would be almost trivial.

Now, I want to read here a comparison between the traffic on the Lakes and in the Mississippi River, and I do this not with any invidious spirit. On the Mississippi River 10 to 20 years ago in trips down the river it was noticeable that there were more Government boats and barges, engaged in placing revetments and constructing levees, on the river than commercial boats. That traffic has somewhat increased in recent years. It has been stimulated by the Government. First, we passed a law when I was in the Senate asking for an examination for the best type of boat. The investigators went clear to Russia to find the best type of boats and came back and made a report. Very little good was done by that. Then we passed a law making model boats, and little was accomplished by that. Realizing that private enterprise had not utilized the river, the Government invested some millions in boats for traffic on the river. Of course, there has been some increase in traffic.

Now let me make a startling comparison between the amount of traffic on the Mississippi River above and below the place where the Illinois River would empty in, and that on the Great Lakes. In 1923 the total down-bound freight from the mouth of the Missouri to the mouth of the Ohio was 438,000 tons; up it was 300,000 tons. In 1924 there was a slightly larger tonnage than in 1923.

Above the mouth of the Missouri up to Minneapolis the entire commercial traffic in 1924 amounted to 769,000 tons. Now, if you take either of these statistics as a denominator, the traffic on the Great Lakes is one hundred and sixty times as great as it is on either stretch of that river.

That is not all of it. The traffic of the Great Lakes is characterized by long-distance hauls, a thousand miles or so. Let us see what the report of the engineer says about the traffic on the Mississippi above the mouth of the Illinois:

> Of all the fine large packets belonging to this river, none remain as such, having been remodeled for excursion boats. The principal part of the freight was carried for a moderate distance by small gasoline and steam tow boats.

Instead of that we have boats carrying 15,000 tons on the Great Lakes.

They could load to a depth of 22 or 23 feet, but the draft, by reason of this diversion and the deficiency in the water fall, is reduced to 18 feet, 3 inches; perhaps even less than that. Larger draft is possible up to the month of July. Then there is a stationary phase in July and August and then a diminishing depth for the rest of the navigable year.

Is it fair to threaten this enormous traffic for another traffic which up to date has been only one-one hundred and sixtieth part of it?

I do not knock the Mississippi River. I think there are possibilities in it, and I think there are possibilities in the Illinois River, but, as I said the other day, the whole history of river and harbor improvements is strewn with the wrecks of great expectations and small realizations. I can remember 30 years ago and more when there was an agitation much stronger than this for the Illinois River, for what was known as the Hennepin or Illinois and Mississippi Canal, from the Mississippi River near Rock Island up to and connecting with a canal extending to the Great Lakes.

They were holding meetings out in Iowa and Illinois; they were forming associations; they were bombarding Congress; and during the chairmanship of the gentleman from that district, for whom I had an esteem amounting almost to affection, Mr. Henderson, that project was adopted. Seventeen years later, when I was chairman of the committee and after some $7,000,000 had been expended, I tell you frankly that we hesitated about expending $1,000,000 more to complete it, and we authorized that $1,000,000 only because it would be a reproach to the Federal Government to leave a work uncompleted. What is the annual traffic on that canal? About 11,000 tons, and they have to maintain 32 locks at an expense of about $130,000 a year. Of those 11,000 tons five or six thousand are of gravel, handled for just a few miles. As an object lesson, when you come to inquire about what will be accomplished by the Illinois River project, I ask you to bear in mind the facts about that Illinois and Mississippi Canal. I could go on indefinitely with other illustrations and relate how delegations came here and promised millions and millions of tons in traffic; how the prices were to be reduced; how the whole freight-rate structure was to be remodeled and the farmer especially was to gain the benefit, where all ended in naught, and millions were wasted and millions are now being wasted.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. MOORE of Virginia. My inquiry may indicate that I am rather dense about this matter, but the bill provides that the work of improvement on the Illinois River shall be prosecuted in accordance with Document 4, filed at this session of Congress, and then proceeds to say that the work shall not constitute any interference with or be in any way inconsistent with the terms of the permit granted in 1925 by the Secretary of War. That seems to me to be inconsistent. I ask the gentleman whether that is a correct view; and if it is correct, what is the necessity for legislating at all?

Mr. BURTON. There is an improvement that is contemplated in the way of deepening the Illinois River. I do not like that provision, I am frank to say to the gentleman.

Mr. YATES. What section is that?

Mr. MOORE of Virginia. Section 6. Here is the language:

> *Provided*, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan or change in any way the terms of the permit issued to the Sanitary District of Chicago, March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

Nevertheless, preceding that there is a provision that the work shall go on in accordance with Document 4.

Mr. BURTON. In a way the first part of that provision is distinct from the rest of it. That refers to the permit of the Secretary of War which has to do with sanitation only, while the rest pertains to the project for navigation.

Mr. MOORE of Virginia. Looking at the face of the bill, not making any particular study of the permit or of the document, I thought that we have in that an inconsistent provision and that the argument of the gentleman is reinforced by that circumstance, his argument, or at least his suggestion, being that we might as well defer this legislation.

Mr. BURTON. It certainly tends to safeguard the situation so far as protecting Chicago is concerned, and I think in the language of the gentleman from Virginia [Mr. MOORE] it is an argument in favor of postponing action. What is the use of passing a bill here containing a provision—and this is a repetition of what I have said, but you can not reiterate too much—which may be declared illegal, beyond the power of Congress, within less than a year from now?

I now call attention to another provision in this bill. I refer to section 8:

> That the Secretary of War is authorized to allot from any funds hereafter appropriated by the Congress for controlling the floods of the Mississippi River and continuing its improvement—

And so forth.

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

Mr. BURTON. Not now. I think I know what the gentleman wants to tell me. I think there is abundant gall in that provision. It authorizes the building of levees on a stretch of river more than 200 miles long, at an expense of millions of dollars. Were the hands of those who caused it to be inserted

not so full with what was in the provision for the Illinois waterway, but that they wanted to overload them still further by a provision for levees on the river? What is the basis for that improvement? In the year 1924 a report was made by the Engineer Corps on those proposed levees, in which it was distinctly stated that there was no national interest involved and condemning this appropriation.

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

Mr. BURTON. Yes.

Mr. DEMPSEY. That provision has been stricken from the bill.

Mr. BURTON. I am very glad to hear it. I think it was a strange psychology that ever permitted its being put into the bill, for with all due respect it is a steal from beginning to end, without any authority whatever. [Applause.] But—

And while the lamp holds out to burn—

And so forth, always is there room for repentance. [Laughter and applause.]

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

Mr. BURTON. Yes.

Mr. BEEDY. I should like some information which I think the gentleman can assist me in getting. Is there any right now existing upon the part of the cities on the Lakes, say, as far down as Sandusky, to a diversion of 1,000 feet per second from the Great Lakes for domestic water supply?

Mr. BURTON. There is that amount diverted.

Mr. BEEDY. Is there any right existing in the cities to that supply?

Mr. BURTON. That is recognized by the common law—the right of a city to withdraw for drinking purposes so much water; and I may say that Chicago, in addition to these 8,250 cubic feet, withdraws, say, 1,200 cubic feet for drinking purposes.

But let me tell the gentleman that virtually goes back into the Lakes. Even if it is evaporated, it goes back in the form of rain.

Mr. BEEDY. Then, that being the fact, I want to ask the gentleman this question. Am I right or wrong? I understand that the attitude of the proponents of this dredging project is this: True there are 8,500 feet per second now being diverted for sanitary purposes. With that we have no concern. It may be stopped to-morrow. We still ask for an appropriation to dredge our river, for so long as the 1,000 feet come through for domestic purposes at Sandusky we are satisfied, and therefore there is no question of diversion here in this bill.

Mr. BURTON. There is a question of diversion here.

Mr. BEEDY. Is that the correct stand of the proponents?

Mr. BURTON. No.

Mr. BEEDY. That is what has been stated on the floor.

Mr. BURTON. There has been diversion for the purpose of sanitation only, nothing recognized in any way for navigation. The Secretary of State and the Secretary of War expressly stated, as I have read to you, that the diversion was for sanitation.

Mr. CHINDBLOM. Will the gentleman from Ohio yield?

Mr. BURTON. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. CHINDBLOM. Mr. Chairman, ladies, and gentlemen of the House and of the committee: In the Executive gallery, by courtesy of the President, there have just arrived, as has been shown by the spontaneous applause of the House, some very distinguished visitors from across the sea. [Applause, the Members rising.] I beg to express my appreciation to the very distinguished gentleman from Ohio [Mr. BURTON] for yielding to me for a moment to say the words which I have in mind. No man in this House could better have graced this occasion by so fine a courtesy in connection with a question or a matter of international importance and aspect. [Applause.] Our distinguished visitors come from a country with which our Republic has always had the most amicable relations; in fact, they are natives of a land—which, in passing, I might say was also the land of my forebears [applause]—that has made valuable contributions to the early beginnings of our national history. It was the great Gustavus Adolphus II who conceived the idea of planting on American soil a Swedish colony [applause], and his great chancellor, Axel Oxenstjerna, carried out the purpose of the hero King, who died at Lutzen in 1632, and the colony of New Sweden, subsequently known as Delaware, was the result of the planning of these great heroes of the Swedish people. Through the Revolutionary War and throughout the formation of our Government men who bore their ancestry from that race and from that people took a leading part. As a result of that and subsequent migration to this country from Sweden about 2,000,000 people now live in the United States of Swedish birth and ancestry. They have contributed in personal character, in industrial and agricultural achievement, in science, art, and culture generally, to the growth, the welfare, and the happiness of the American Republic. [Applause.]

On the morrow there will be dedicated at this Capital a monument erected to the memory of the greatest man of Swedish blood who ever came to the United States, Capt. John Ericsson [applause], the designer and builder of the *Monitor*, who in the Nation's greatest trial met an actual emergency, a great crisis, an impending danger to the cause of the Union. Happily, we are all united to-day in the great cause for which John Ericsson and the *Monitor* fought in 1862. [Applause.]

The Government of Sweden, His Majesty the King of Sweden, and the people of Sweden, responded to our request, at first informally and subsequently more formally made, that at the dedication of this memorial to-morrow there might be present these distinguished visitors from abroad.

I wish to say to our visitors that the American people, the Government of the United States, as they already know by reason of the assurances of the President, the Secretary of State, and many others, and the Congress of the United States, bid them welcome to America. [Applause.] These noted guests in the Executive gallery are His Royal Highness Gustaf Adolf, the Crown Prince, and Her Royal Highness Louise Alexandra, the Crown Princess of the Kingdom of Sweden. [Applause, the membership standing.]

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] is further recognized.

Mr. BURTON. Mr. Chairman, I can not forbear for a moment to digress from the subject upon which I have been speaking to commend the eloquent remarks of the gentleman from Illinois [Mr. CHINDBLOM].

How many splendid types there are in our country, with its cosmopolitan population, of those whose ancestry came perhaps at a recent date from across the sea. [Applause.] And to none do we owe recognition more than to the so-called Scandinavian race—to Sweden, to Norway, and to Denmark. [Applause.] It is, I am sure with pleasure, indeed, with enthusiasm, that we welcome the presumptive heir to the crown of Sweden in our midst. His is a country with splendid traditions in peace and in war for more than a thousand years. [Applause.] There is written as with a pen of iron the achievements of Sweden in the history of the world. With no country are our relations more amicable. May that international friendship, which is a crowning distinction for any nation, permanently endure between this great Republic—the United States—and the Kingdom of Sweden. [Applause.]

Now, Mr. Chairman and gentlemen, I will resume what I have been talking about.

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

Mr. MOONEY. Mr. Chairman, I yield an additional 15 minutes to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio is recognized for 15 minutes more.

Mr. BEEDY. Mr. Chairman, will the gentleman permit me to pick up the thread where we dropped it?

Mr. BURTON. Yes.

Mr. BEEDY. Those of us who were here and listened were led to believe that this project was asked on this basis: "We in no way depend on the 8,000 feet for sanitary purposes. They may take it from us to-morrow, so long as the 1,000 feet for domestic purposes flows along the Sandusky and other rivers. Then we ask this appropriation to dredge our rivers."

Mr. BURTON. I have already answered that. If you adopt a waterway with 8,250 cubic feet, your plan must address itself to that quantity of water. To change it so that a lesser amount will flow will involve the replacing of locks and dams, which under this project you would remove. You would have to restore them.

I ask the practical question: When navigation has once adjusted itself to that larger body of water, when also it will be necessary in case there is a smaller diversion to appropriate an additional $5,000,000 or $6,000,000, will not the practical difficulty be very great in gaining the consent of Congress?

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

Mr. BURTON. Yes.

Mr. DEMPSEY. My understanding of the testimony of the engineers is that it would not be necessary to restore the locks and dams at all. The channel can be obtained simply by dredging, and that the work now done is useful for a minimum

of 1,000, and that it can be obtained by dredging alone. That is what the engineers testified to.

Mr. BURTON. I think there is an error in regard to that, although the statement is made that if the locks and dams are removed the current will be swifter, and in upstream navigation it would be preferable to have the locks and dams because it would diminish the swiftness of the flow.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield again for just one second?

Mr. BURTON. Yes.

Mr. DEMPSEY. That is in regard to locks and dams which are retained, not in regard to those which were removed.

Mr. BURTON. I do not agree with the gentleman in his report in regard to that.

Mr. DEMPSEY. It is very clear.

Mr. BURTON. Now, let me proceed for a brief time. What about this Illinois waterway? Those on the Great Lakes have no objection to it. But its proponents wish to diminish the volume of the water in the Great Lakes. The claim is made that they must have 10,000 cubic feet. The gentleman from Illinois [Mr. MADDEN] in the hearing before the committee said he did not agree with the engineers that less than 10,000 feet was needed. When smaller amounts were named, he said:

I do not want to agree to any such figure as that.

Let me read from the last report of the engineers with regard to that, made in 1914, the last report that was made under any order of Congress in that regard. It is found in Executive Document No. 762, Sixty-third Congress, second session, and I will first quote from page 105:

Such a waterway will not require a diversion of more than 1,000 second-feet from Lake Michigan.

Then, again, on page 107:

The claim that more than 1,000 cubic feet per second is required for purposes of navigation can not be maintained. The treaty, however, recognizes as proper the use of water for sanitary purposes, and it is the opinion of the board that only such water should be diverted from Lake Michigan as is indispensable for sanitation, and then only with a provision for proper compensating works in the outlets of the Lakes to prevent a lowering of their levels.

I want you to listen to this. The engineers took very seriously the injury to the Lakes. Report after report was made. Two reports were made in prior Congresses in response to resolutions of the Committee on Rivers and Harbors. In the last of those reports it was stated that a proper waterway should have a depth of 7 feet instead of 9 feet, and let us listen to what the Board of Engineers said in the other report to which I have referred about the duty of the State of Illinois:

A primary condition of any cooperation between the United States and the State of Illinois should be the acceptance in perpetuity of full responsibility by the State of Illinois or its agencies for all damages by changes in lake levels.

Is there anything done in pursuance to that recommendation in this pending report and in this provision?

I read further:

Including cost of compensating works, and for all damages to riparian owners, and the State should transfer to the United States the locks and the control of the new waterway thus created so far as needed by navigation.

Now, what was the original act of the State of Illinois in regard to this sanitary canal? The original act of the State of Illinois authorized such a canal, and stated expressly that it was for sanitary purposes; that a certain amount of water should be withdrawn in proportion to the number of inhabitants; and they say that the United States, if it takes over the navigation, must undertake the same responsibility that is by the report of the engineers imposed upon the State of Illinois. This is the provision, section 24:

When such channel shall be completed and the water turned therein, to the amount of 300,000 cubic feet of water per minute—

That is altogether less than they are diverting now—

the same is hereby declared a navigable stream, and whenever the General Government shall improve the Des Plaines and Illinois Rivers for navigation.

And they also say that if the Government of the United States should assume and bear the expenses and damage claims growing up out of the flooding of these farm lands below, then under those circumstances the State of Illinois would allow the Government of the United States to treat the sanitary canal as a waterway.

Now, just look at how diametrically opposed they are. The act of the State of Illinois demands before it can be used as a waterway by the United States that the United States shall assume and pay for all damages to the farm lands; and I propound you this question: If we adopt that project, what of the condition by the State of Illinois in turning it over to the Federal Government? On the other hand, the engineers of the Federal Government say that the State of Illinois should assume those claims for damages. Suits to the amount of $4,500,000 have been brought against the drainage district of Chicago in the Illinois Basin for damages resulting from the bringing down of this noxious sewage and for overflowing their land. It was supposed that the sanitary district would pay those claims, but they are resisting with might and main every one of them and compelling those who are subjected to this injury to bear the expense.

Mr. MADDEN. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. MADDEN. The gentleman would not want Illinois to submit blindly to any claim that anybody might make without proof, would he?

Mr. BURTON. Well, there is a way to settle all of those claims in an amicable way. It is not the State of Illinois but it is the drainage district against which these suits have been brought.

Mr. MADDEN. Well, they are a part of the State.

Mr. BURTON. What is the way in which this proposed improvement of the Illinois River can be settled? The question was asked yesterday as to whether the opponents of this proposition, if a clause were put in that nothing should be done for the prosecution of the project until after the judgment of the Supreme Court, would be willing to accept such a provision. We can not accept, for this reason: The Supreme Court may decide—and the chances are more than 50-50, I think—that no diversion from the lake is permissible even by act of Congress.

Mr. McLAUGHLIN of Michigan. And that would mean that the Chicago River must be permitted to run into Lake Michigan?

Mr. BURTON. As it originally did.

Mr. McLAUGHLIN of Michigan. Then there would be no canal or waterway from Lake Michigan to the Des Plaines River.

Mr. MADDEN. And there would not be anybody living in your neighborhood, because the sewage of all these States would bring pestilence and death.

Mr. McLAUGHLIN of Michigan. I was speaking simply on the question of law and the result of it. That can be taken care of separately.

Mr. BURTON. Stronger ground, of course, is the question of the right to divert from one watershed to another. To repeat what I said a few days ago, if these were two contending nations, with common boundaries and of comparative equal strength, there would be war before the diversion would be allowed.

After the decision of the Supreme Court we can get together on this. I say here and now that if the decision of the Supreme Court should be that there is no right to diversion, I feel we should be fair to the Illinois waterway and we should endeavor to get an agreement between the States for a limited yet sufficient amount of diversion of water, say, 1,000 or 1,500 or even 2,000 cubic feet. Notwithstanding the law might be decided to be against the right to divert, I make that statement here boldly and bluntly. That would be my attitude in regard to it, but we do not wish those who are advocating 10,000 cubic feet or 8,500 cubic feet or 8,250 cubic feet to have their way in regard to it.

How about sanitation at Chicago? Why, it is inevitable that whatever the decision of the court may be, for some time there will be diversion at Chicago, law or no law; notwithstanding they went ahead ruthlessly violating the laws of their country and withdrew twice, yes, even three times, what under any semblance of permit they had the right to withdraw; notwithstanding they maintained a lobby on behalf of their bill, which in its wide ramifications and in its appeal to that which is questionable and corrupt, has not been equaled by anything else in this country.

Mr. MADDEN. I wonder if the gentleman knows the facts in the case he is stating. If he does I would like to have him state them.

Mr. BURTON. You know them yourself.

Mr. MADDEN. I do not, and if the gentleman will state them and prove them I will join him.

Mr. BURTON. You know them or else your eyes are blind.

Mr. MADDEN. If the gentleman can prove what he says, I will join his side of the case. I am challenging the gentleman to do that.

Mr. BURTON. How much do you think they paid per annum for legal fees?

Mr. MADDEN. I do not know anything about that.

Mr. BURTON. That shows you do not know anything about what they have done.

Mr. MADDEN. And I will show that you do not know, either.

Mr. CHALMERS. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. CHALMERS. I wish in discussing the question now before the Supreme Court the gentlemen would emphasize that we may get a different decision when the Supreme Court acts if we adopt this Illinois project than we will get if we do not adopt it.

Mr. BURTON. Of course, any provision of that kind is a sort of danger signal in that the Supreme Court might be influenced by it.

Mr. McDUFFIE. May I interrupt the gentleman for a question?

Mr. BURTON. Yes; but let me first finish this statement and then I will be glad to yield to the gentleman.

We can adjust the matter of the withdrawal if they will simply show a disposition in Chicago and on the part of the sanitary district to hasten the construction of reduction works. It is said in one place in the report that there is a great difference in the demand for water according to the standard of purity you adopt, and very likely when reduction works are completed there will be a certain amount of diversion, not large, perhaps 2,000 cubic feet, which may be required there, including, or possibly exclusive of and separate from, the amount required for drinking water and for domestic purposes.

The CHAIRMAN (Mr. NEWTON of Minnesota). The time of the gentleman from Ohio has again expired.

Mr. MOONEY. Mr. Chairman, I yield the gentleman 10 minutes additional.

Mr. HOWARD. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. This morning the House granted me 10 minutes to speak immediately upon the retirement of their Swedish Majesties, but the gentleman from Ohio was speaking and, out of courtesy, I did not want to interrupt him; but his time having expired now, I think it is nothing more than proper for me to proceed.

Mr. BURTON. But the gentleman from Ohio is still speaking, Mr. HOWARD, and I think it would not be fortunate to break in on the thread of my remarks. It would also lessen the good attention that will surely be given to the gentleman from Nebraska. We will all listen to him, and an interruption now would very much break in on what I am about to say.

The CHAIRMAN. The Chair was not aware of the understanding, and would suggest that the gentleman wait until the gentleman from Ohio has concluded. The gentleman from Ohio is recognized for 10 additional minutes.

Mr. HOWARD. The gentleman from Nebraska wants the Chair to understand that he yields out of courtesy to the gentleman from Ohio, not relinquishing any of his rights to speak now as ordered in his behalf by the House of Representatives.

Mr. BURTON. I am very glad to accept that very good naturedly from the gentleman from Nebraska.

Mr. CRAMTON. Will the gentleman yield, since there is an interruption and I do not desire to interrupt again?

Mr. BURTON. I yield.

Mr. CRAMTON. Personally, I hope before the gentleman concludes he will give the committee an understanding of what the effect would be upon the Illinois River project if action upon this matter should be deferred.

Mr. BURTON. I will do that. I have a note of that. I will go to that point now.

According to the report of the engineer of the State of Illinois, Mr. Barnes, there are five locks in that portion of this waterway which are to be constructed by the State of Illinois. In order that the members of the committee may understand, there are three divisions of this proposed waterway: First, that created by the drainage canal constructed by the sanitary district extending about 35 miles from Chicago; second, the portion constructed by the State of Illinois, which I believe is 65 miles in length and which includes five locks and dams. Of these five locks and dams two have already been constructed, and they are talking of making the contract for the third. Third, that portion which this bill proposes that the United States Government should construct in the Illinois River from Utica to the mouth at Grafton, a distance of over 200 miles. The engineer of the State of Illinois says if they do not have any more litigation, which they are very likely to have, they can finish their part in three years from the time when the contract is made. That contract probably would not be made before next autumn, probably would not be made until we take some action here, and may not be made until considerably later. General Taylor, in repeated hearings before the Committee on Rivers and Harbors, has stated that the improvement by the Government in the Illinois River can be completed in two years. Now, what is the rush? What is the haste? One year more at least, and probably two, will be required for the Illinois portion of this project, as compared with the Government, and there is no reason for pressing this forward at this time.

Now, gentlemen of the committee, I have detained you too long; but if there is any issue that has come up before this House in which local feeling has been raised, it is this:

All my active life I have lived on the Lakes; I have seen the city of Cleveland grow from a community of 150,000 to one of practically a million. I have been back and forth on these channels and witnessed the commerce grow to fleets that Venice and the harbors of the modern world might look upon with envy and dismay, because they surpass anything in the past or in the present. [Applause.] I do not wish to see this traffic threatened with irreparable loss. I do not wish to see an area which in energy, in industry, in patriotism, in all the great characteristics of modern life is equal to any part of the world—I do not wish to see the clock set backward and that area subjected to ruin. [Applause.]

Now, what is the sensible thing to do? I will recapitulate. Wait until the Supreme Court has decided what our rights are. [Applause.] Let us not run into a blind alley, where the decision may be to the effect that we have taken action; that we have commenced a work when that work is not proper. Let us see what we can do toward an adjustment of the conflicting rights between different portions of this country. Let us not make a precedent here. I say to you with the utmost solemnity if you can put such a provision into a rivers and harbors bill, you that favor that kind of legislation may well take account of the dangers of the future, for if it contains a provision which builds up one locality and casts down another, an influential element of this country will be opposed to any rivers and harbors bill at all.

We are treading a road that we never trod before when we put such a provision in the bill.

Why is it, when other countries are rent and torn, distraught, and threatened with war and calamity, our own is free? It is because we seek through Congress, through courts, by all the valid agencies that make up this complex system of ours, to do justice between man and man and between community and community. If you pass this provision, you are not doing justice between community and community.

I appeal to you, my colleagues, not to do that. Strike out this provision. It can do no harm to those who propose it, because at a later time, when the skies are clear, we can include some adequate provision, but to-day, in the consideration of this bill, let us do justice, let us refrain from action which promises such damaging—I may say such dire—consequences as this. [Applause.]

Mr. McDUFFIE rose.

Mr. BURTON. I promised to yield to the gentleman from Alabama; and if I have time, I will now yield to him.

Mr. McDUFFIE. We all agree with the gentleman as to the importance in maintaining that splendid commerce on the Lakes. All that the gentleman has said is true. I think the committee feels that way. It has not been our intention, and we do not believe that we are hurting that commerce. The gentleman will agree with me that if we, for the sake of the argument, grant that this bill legalizes the flow of 8,250 feet per second that flow would not further decrease the level of the Lakes.

Mr. BURTON. There is a more serious question than that. Our hopes are based on the depth of the Lakes increasing. How can the depth increase if there is an unlimited right to abstract 8,250 second-feet a second?

Mr. McDUFFIE. I have not completed my question.

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

Mr. BURTON. At some future time I may take the floor again and I will answer the gentleman's question.

Mr. DEMPSEY. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, I believe thoroughly in maintaining the equilibrium of friendship between communities in the United States, but while we are doing that I believe we ought to concede to each other the right to justice, but that is not what the gentleman from Ohio [Mr. BURTON] is willing to accord. Two gentlemen from Ohio within the last two days have paid their distin-

guished consideration to Chicago. Chicago, the imperial city of the Central West, needs no eulogy from me and she cares nothing about any condemnation from anybody else. [Applause.] She stands there as the outpost of advanced commercial and cultural development, an example of her great genius to every section of the Nation. She asks nothing to which she is not entitled; her Representatives on this floor ask nothing to which they are not entitled. We come to you to-day to combat mainly the many misrepresentations that have been made by these gentlemen in regard to what Chicago has done. We do not admit many of the things that have been said. These gentlemen tell you that if we will only wait they will see to it that we get a little later what we want now. They tell you that the Supreme Court will dispose of a certain lawsuit pending before it between now and the 4th of next October, and they tell you that at the next session of Congress we can come here and adjust the case that is now pending before us for consideration. Why do they not join us now in endeavoring to adjust it at this time? That is what the case is here for. We are proposing an appropriation of $1,350,000 out of the Federal Treasury to enlarge the navigation facilities of the Illinois River, a bagatelle. It is the first thing that Illinois has come before the Congress to seek. We have not been avaricious in our demands. We pay into the Treasury of the United States about 9 per cent of all of the revenue paid into it. We are glad to do it; I wish it were more. We would be glad to cooperate with everybody else to give them the things that ought to be had throughout the country.

Rivers and harbors can be improved only where they exist. It has been said frequently that certain sections of the country get more of the river improvements than others. That is because the rivers are there. They could not be improved if they were not there. We ask for the improvement of the Illinois River because it is there and because it is the great connecting link in our inland waterways between the Mississippi River system and the Great Lakes, and we ask it because by its improvement we will afford facilities for the transportation of the products of the factories and the farms at a cheaper rate than the railroad companies now accord.

We are not endeavoring to prevent progress. If the policy of the gentleman from Ohio [Mr. BURTON], for whom I have the greatest admiration, should be adopted here, there would be no progress; it would stop. He has reached the stage where he has doubts as to the advisability and the feasibility of making new additions to the facilities for the lowering of the cost of transportation to the people. He was once the distinguished chairman of the Committee on Rivers and Harbors. I served in the House with him when he was occupying that great position, and if I recall correctly—and he will correct me if I make a misstatement—he was, as chairman, heartily in accord with the improvement of the Trinity River in one of the sections of the United States and for the acquisition of water toward navigation for that river they were required to sink artesian wells. The gentleman's judgment could not have been very good then, or else it is very bad now. The Illinois River is one of the great waterways, one of the great arteries of commerce. It is 223 miles from the place where we want to begin to improve it to the Mississippi River, and it is 100 miles away from Chicago, where we will begin. All of the arguments around this case seem to have been made upon the theory that Chicago has been stealing something, but I am here to speak for Chicago, and I am proud to be a Chicagoian. I have lived in Chicago all of my life. I have seen it grow from 100,000 to more than 3,000,000 people. I can beat the distinguished gentleman from Ohio [Mr. BURTON], who has seen Cleveland grow from 100,000 to 1,000,000. I have seen the progress we have made, I have seen the industry, the enterprise, the patriotism, the valor, and the bravery of the people of Chicago, who come there from every nation in the world, and although Chicago has a population that speaks every tongue, everything that moves them to action is inspired by pure patriotism. We ask for nothing. We steal nothing, notwithstanding what the gentleman from Ohio says; and if there is any lobby anywhere that corrupts anybody or attempts to corrupt anybody in behalf of anything that Chicago wants, I want to know it. I challenged the gentleman from Ohio to state it when he was on the floor, and he did not state it. He said he thought I knew, and I told him then and I tell you now that I do not know, and I do not believe what he says.

I do not say that in an offensive sense; but if there is such a lobby as that which he asserts, then we have no place here, and I do not think any man ought to make the statement he made on the floor and let it go at that. He ought to tell what he knows, if he knows, and he ought to tell why he knows; and if there is anybody corrupting anybody anywhere in relation to the thing that we are asking, then I want to say to you that I am not for that thing, and I will join you or anyone else against it.

But I challenge the veracity of the man who makes the statement. Let him prove it, and then I will join him. That is fair. He is entitled to present the facts to you and you are entitled to have them.

Of course, all of the arguments around this case have been made upon the ground of lake levels, and everyone here has been led to believe that Chicago has stolen all of the water in the Great Lakes.

Well, Chicago has not stolen any water. She has taken no water out of the Lakes except what she has taken by authority, if the people who have the power to issue permits have the authority.

Mr. MICHENER. But do not they exceed the permits right along?

Mr. MADDEN. I do not think so.

Mr. MICHENER. Does not the gentleman know so?

Mr. MADDEN. No; I do not, personally.

Mr. MICHENER. Do not the engineers say so?

Mr. MADDEN. I do not know that.

Mr. MICHENER. The gentleman realizes what the Justices of the Supreme Court in a recent opinion say, that the sanitary district defies the law, and actually used the words "take the bull by the horns," and——

Mr. MADDEN. I did not read the decision.

Mr. MICHENER. I would suggest the gentleman read the decision.

Mr. MADDEN. I object to being interrupted further.

Mr. SABATH. There is no one charging they are taking more water than the permit gives them.

Mr. MADDEN. I am going to tell the truth of the case as I know the truth. I am not under any circumstances going to make any statement I do not honestly believe myself to be true. They claim we have lowered the lake levels, that the lake levels are 40 inches lower than they were. That is true. They are; but they have tried to leave the impression that the diversion of water from the Lakes at Chicago has lowered these lake levels 40 inches, although when cornered they do say it is but 5 or 5½ inches.

Mr. WILLIAM E. HULL. That is, on the 10,000 cubic feet per second?

Mr. MADDEN. Yes. I say if you continue to take 10,000 cubic second-feet out of the Lakes for diversion from now until the day of judgment it would not lower the levels of the Lakes one-millionth part of an inch. The levels of the Lakes, so far as they are affected, have reached a state of repose. I maintain that 8,250 cubic second-feet taken out of the Lakes, and now used as a guide by the engineers in computing the cost of the proposed improvement to the Illinois River, is not so connected up with the recommendation for the improvement as to require the continued use of that amounf. What it does is to provide for the use of 8,250 cubic second-feet as a basis of calculation of what the cost of the improvement of the Illinois River will be. If you reduce the quantity to 5,000 cubic second-feet for the purpose of calculation, the cost of the Illinois improvement will be more, but it does not tie the two things together at all. I want that gotten clearly into the minds of all of you. On the other hand, the former Senator from Ohio says we can settle the question, and he also says 8,250 cubic second-feet is tied, and we are bound by it, and that we can not lower the channel in the Illinois River without restoring the locks in case a less quantity than 8,250 cubic second-feet is used; but, as an engineer having some knowledge of construction, I maintain that you can lower the river channel as much as you want to by digging it deeper and making it a little less wide than originally intended under the existing plan, depending entirely on the flow. It costs more to make a channel with less flow than with more flow. Say, for example, the flow is diminished as the conditions are adjudicated at Chicago and the Illinois channel has to be deepened, it would have to be deepened at a greater cost. I am willing to admit that. But I want to say that the permit under which Chicago is taking water out of the Lakes at the present time was issued by the Secretary of War on condition that Chicago proceed a little faster than she has been proceeding. She has begun to provide sewerage-reduction works, other than dilution, to take care of that. The engineers report Chicago has kept faith, and under the agreement she has spent this year between $19,000,000 and $20,000,000; she secured the passage of an act by the State legislature authorizing an increase in the tax rate from 3 to 4 per cent, so she might be able to issue bonds in a greater quantity than had theretofore been possible, and she is spending this money and proposes to continue

to expend it in direct accordance with the provisions of the permit.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MADDEN. I can not yield.

Mr. LINTHICUM. I want to get a little information.

Mr. MADDEN. I am going to try to give the gentleman information, but I have only 30 minutes, and I must decline to yield. I have a lot of statements to cover. I want to say that a board of eminent engineers consisting of: W. W. DeBerard, Chicago; George G. Earl, New Orleans; Harrison P. Eddy, Boston; George B. Fenkell, Detroit; John R. Freeman, Providence; James H. Fuertes, New York City; George W. Fuller, New York City; John H. Gregory, Baltimore; C. E. Grunsky, San Francisco; E. E. Haskell, Hamburg, N. Y.; Joseph F. Hasskarl, Philadelphia; T. Chalkley Hatton, Milwaukee; Col. Charles S. Riche, Chicago; Ezra B. Whitman, Baltimore; John B. Hawley, Forth Worth; Robert E. Horton, Albany; Clarence W. Hubbell, Detroit; Wynkoop Kiersted, Kansas City; Morris Knowles, Pittsburgh; J. L. Ludlow, Winston-Salem, N. C.; Richard R. Lyman, Salt Lake City; Anson Marston, Ames, Iowa; Arthur E. Morgan, Dayton, Ohio; Frederick H. Newell, Washington, D. C.; Paul H. Norcross, Atlanta; Asa E. Phillips, Washington, D. C.; Francis Lee Stuart, New York City; Sherman M. Woodward, Iowa City, Iowa, made an exhaustive study of the causes which produced the abnormal low lake levels existing and prior to the year 1924 and reported thereon as follows:

The records of the last 65 years revealed at least eight different classes of changes in the height of lake surfaces.

Changes caused by nature:

(a) Long-term cycles with periods of five years, or longer, of rise or fall, due chiefly to a series of several successive wet or dry years.

(b) Yearly cycles of change of height with the season of the year. Each lake ordinarily stands about 1 foot higher in summer or early fall than in winter.

(c) Daily fluctuations of level caused by winds and changes of barometric pressure. As an illustration one end of Lake Erie is sometimes as much as 12 feet higher than the other end. Such conditions are likely to change hourly.

(d) Irregular changes produced by deep freezing of tributary streams in very cold winters and by clogging of outflowing streams by ice jams. In some winters the discharge of the St. Clair and Detroit Rivers is reduced one-half by ice obstruction; in other winters there is no such effect.

Changes caused incidentally by works for purposes other than regulation:

(e) Permanent lowering caused by dredging and scour in outlet channels. The dredging of the St. Clair River to improve navigation, with subsequent scour, caused by the propellers of large deep-draft boats, and occasional ice gorges, has had an important lowering effect on Lakes Huron and Michigan.

(f) Permanent lowering due to diversions through canals. The Welland, Erie, and Chicago Drainage Canals have lowered all the Lakes except Superior in varying amounts.

Intentional changes:

(g) Raising Lake Superior by control gates at its outlet, in operation since 1916, which has temporarily lowered the other lakes by withholding water that would otherwise have flowed into them.

(h) Raising the level of Lake Ontario by about 6 inches for the benefit of navigation, produced by the Gut Dam in the Galop Rapids, built by the Canadian Government.

CAUSES OF CHANGES IN LAKE LEVELS

A study of the records of the United States Weather Bureau since 1871, of the United States Lake Survey records of lake levels since 1860, of the history and nature of the improvements in the St. Clair and Detroit Rivers and of the regulating works at Sault Ste. Marie, of the amounts of water diverted by the various navigation, sanitary and power canals shows that the greatest factor in producing fluctuations of the levels of the Great Lakes is the variation from year to year of the natural climatic conditions, chiefly rainfall and evaporation.

The following list of causes and facts will explain the present low stages of Lakes Michigan and Huron. The approximate amount of lowering below normal is stated in inches:

1. Unusually light rainfall combined with unusually large evaporation during the five years 1919 to 1923	13
2. The fall from Lake Huron to Lake Erie along the St. Claire and Detroit Rivers during 1897–1923, inclusive, averaged less than in 1860–1885, inclusive. This explains a lower stage of Lakes Michigan and Huron by	8
3. Diversion of water from Lake Michigan at Chicago	5
4. Retention by the existing regulating works of water in Lake Superior which would otherwise have flowed into the lower lakes. (See par. 46)	3
5. Diversions of water from Lake Erie and from the Niagara River by the Welland Canal, the New York State Barge Canal, the Black Rock Navigation Canal, and the power canals at Niagara Falls, which have lowered Lake Erie about 4.4 inches and thus by backwater effect through the Detroit and St. Clair Rivers have lowered Lakes Huron and Michigan	2
Total lowering of Lakes Michigan and Huron below normal	31

In explanation of item (1), it should be noted that the water yield of the Lake Superior drainage basin during the 5-year period 1919 to 1923 was only 64 per cent of normal. The deficiency of water supply through St. Marys River to Lakes Michigan and Huron, expressed in terms of discharge, was about 27,700 cubic feet per second. During the same five-year period the water production of the drainage basin directly tributary to Lakes Michigan and Huron was probably 2 per cent in excess of normal. This excess represents a mean flow of about 2,000 cubic feet per second. The average five year net deficiency of the entire drainage basin above the outlet of Lake Huron has, therefore, been about 25,700 cubic feet per second. The effect of this deficiency has been the same as though water production had been normal and this amount of water had been diverted. The lowering due to this deficiency has been calculated as though it had been uniformly distributed over the five-year period.

In explanation of item (4) it is to be noted that if water had been allowed to flow in St. Marys River as it would have flowed under natural unregulated conditions, Lake Superior would be lower by a foot or more than it now is. The estimated effect of this water storage in Lake Superior was based on the assumption that the retained water would have come into Lakes Michigan-Huron at an average rate during the five years 1919–1923.

It is said that daily fluctuations of the water levels are caused by winds and changes of barometric pressure; that changes are produced by diminishing flow of tributary streams, and the clogging of outflowing streams by ice jams, and changes made by purposes other than regulation, and so on. And they now say that Lake Superior is 9 inches lower than it has been. Yet Lake Superior is not affected at all by the diversion of the water at Chicago. Lake Superior has built regulatory works to hold the water back. She used to let the water down into the lower lakes, but this is not done any more; it is held for water power purposes. Yet Lake Superior is lower than it was, and Lake Michigan is lower from the fact that Lake Superior does not let the water down.

Stopping Chicago's diversion will not correct the levels of the Lakes. This to the engineering profession would of necessity be considered only a minor operation. What the situation needs is comprehensive treatment covering the entire chain of Lakes. This subject has been given a great deal of study by the engineering profession in the United States, and the solution recommended is regulating works in the Niagara River above the Falls and in the St. Clair River between Lakes Huron and Erie, working in conjunction with the regulating works already installed at the foot of Lake Superior at Sault Ste. Marie.

Engineers whose standing and qualifications can not be questioned are generally agreed that these works can be installed at a very inconsequential cost; that the operation thereof will be inexpensive and that when they are installed and in operation the Lake levels can be brought back and held at their normal stages to the great advantage of shipping upon the Lakes and without in any manner interfering with the operation of power plants already in existence.

The United States Government, in the interest of navigation, has made extensive improvements at the lower end of Lake Huron, in the St. Clair River, in Lake St. Clair, and in the Detroit River.

At the south end of Lake Huron, near the entrance to the St. Clair River, a channel 2,400 feet wide and 21 feet deep has been cut across a shoal for a distance of 2 miles. The middle 1,000 feet of this channel was deepened to 22 feet in 1923. The original depth across this shoal was about 17 feet.

The St. Clair River originally had shoals in several places with depths of 16 to 18 feet. Improvements have made a depth of 21 feet throughout the river.

In its original condition the channels through Lake St. Clair were obstructed by a shoal at the entrance to the Detroit River and by bars in the lake at the several mouths of the St. Clair River. Over these bars there was an original depth of water of from 2 to 6 feet. Prior to 1858 a channel was dredged across these bars to a depth of 12 or 13 feet. Now the channel at the mouth of the St. Clair River consists of two dredged cuts, each 300 feet wide and 20 feet deep, improved for more than 3 miles. A channel 800 feet wide and 28 feet deep has been cut across the shoal at the entrance to the Detroit River.

In the lower Detroit River, just about the entrance to Lake Erie, there was originally a depth of from 12.5 to 15 feet

across the Limekiln Crossing. There were many other shoal spots in the channel. The present project, now practically complete, provides for a depth of 22 feet to a width of 450 feet in the Livingstone Channel (down-bound channel) and a depth of 22 feet to a width of 600 feet in the Amherstburg Channel (upbound channel).

There is no doubt that these improvements have increased the outflow capacity from Lakes Michigan and Huron and has lowered these lakes, probably more than has the diversion at Chicago. A study of the present lake levels can lead only to such a conclusion. Lakes Michigan and Huron are abnormally low; Lake Superior is low, even though its waters are being held back by regulating works; and at the same time Lakes Erie and Ontario are practically normal. The upper lakes are being drained for the benefit of the lower lakes.

Diversions for various purposes from the Great Lakes and tributary waters brought about the construction of regulating and compensating works, which have raised lake levels to the extent required at these particular places.

In 1901 the first regulating works were constructed at Sault Ste. Marie on St. Marys River to compensate for the lowered levels of Lake Superior, due to the large amount of water taken for power purposes. At first the works, consisting of four movable gates or dams, closed only one-fourth of the channel of St. Marys River. These were built by the Canadians. Later, in 1916, the United States built eight similar sections on the American side, and the Canadians in 1918 filled the remaining gap by installing four more gates on their side of the boundary. At the present time movable dams close the entire channel, the level of Lake Superior is held under complete manual control, and all the water not needed for lockage and a slight amount to preserve fish life in the rapids is used for power.

Before the construction of these dams the levels of Lake Superior had a 4.6 foot variation, and these regulating works have held the levels ordinarily within a range of 18 inches with a maximum range of 2½ feet.

Before the year 1903 the level of Lake Ontario had been lowered by the enlargement of the Canadian Vessel Channel at the Galops Rapids.

In order to restore the levels of Lake Ontario the Canadian Government sought and obtained permission from the United States to construct the Gut Dam, built partly on Canadian and partly on American territory. In the year 1903 this work was completed, and consisted of a fixed dam closing one of the channels at the Galops Rapids.

The probable effect of this dam was estimated by United States engineers prior to the building and later found to be substantially correct. It raised the level of Ontario greater than the estimated lowering that would result from greatest proposed diversion at Chicago.

In the report of the Board of Engineers for Rivers and Harbors, reviewing the Warren report, August 24, 1920, is this statement:

> Lake Ontario has been raised about fifty-six one-hundredths foot by the construction of the Gut Dam, which is 50 per cent more than the lowerings caused by the diversions at Chicago.

Every board of engineers which has investigated this subject has recommended regulating or compensating works to restore lake levels.

The Board of Engineers on Deep Waterways, appointed under an act of Congress of 1897, reported that it was feasible to construct movable gates or dams in the Niagara River for the purpose of raising the surface of Lake Erie, and such construction, by maintaining the level of the lake at an even stage, would benefit navigation.

The International Waterways Commission recommended the construction of compensating works for the restoration and preservation of the levels of the Great Lakes.

In the year 1910 Congress created a commission of engineers to report, among other things, upon means and methods for the preservation of lake levels, and in its report, made in August, 1913, entitled "Final Report on Waterway from Lockport, Ill., to the Mouth of the Illinois River," the commission discussed the Chicago diversion and reported that:

> The diversion of 10,000 cubic feet of water per second through the Chicago Drainage Canal would lower the water surface at mean lake level 0.465 foot in Lakes Huron and Michigan, 0.448 foot in Lake Erie, 0.431 foot in Lake Ontario.

It proposed the construction of submerged weirs in the Niagara River to hold up the level of Lake Erie, and submerged weirs in the St. Clair River to hold up the levels of Lakes Michigan and Huron, at a total estimated cost of $475,000, with $15,000 annually for maintenance.

This commission further found that—

> To restore the diminished levels of the Lakes by contracting works in their outlet, does not, however, present any serious difficulties * * *. At the foot of Lake Ontario the closure of the Gut Channel of the Galops Rapids by the Canadian Government has had the effect of raising the level of Lake Ontario an amount nearly equal to the computed lowering of the lake by diversion of 10,000 second-feet at Chicago, and no compensation is at the present time necessary to restore former conditions in this lake. * * * It is proposed to diminish the outflow of Lake Erie by the construction of three submerged weirs in Niagara River in the vicinity of Squaw Island, which would average about 4.2 feet in height and would contain about 15,000 cubic yards of masonry. The estimated cost is $150,000. To raise the levels of Lakes Michigan and Huron, submerged weirs are proposed in St. Clair River, covering 3 miles of river below the mouth of Black River to Port Huron * * *.
>
> It is computed that these weirs will increase the velocity of water flowing over them * * *, but, on the other hand, above the mouth of Black River the river slopes, and velocities which are now excessive will be diminished and navigation on the whole will be considerably benefited.

Gentlemen, here is a very interesting problem. The Canadian Government has just made public a report on the depth of water last month. In the Great Lakes bordering Canada and the St. Lawrence River, the report says, Lake Superior is 9 inches shallower than it was last year; that Lake Erie is only 1 inch below its last year's mark, and that the St. Lawrence River is nearly 3 feet higher than it was a year ago.

Do they charge the diversion of water at Chicago raises the St. Lawrence River? Everybody has been arguing that diversion lowered it. But here is an official report from Canada to the effect that the St. Lawrence River is nearly 3 feet higher than it was a year ago.

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

Mr. MADDEN. Yes.

Mr. SCHNEIDER. What department of the Government made that report?

Mr. MADDEN. The Dominion of Canada, the engineering section. The gentleman can get a copy of the report. There is not a reason in the world why there should be any question whatever raised as to the desirability and necessity of the proposal we have before us. We are proposing that the Government of the United States shall improve the Illinois River from Utica to Grafton; that it shall take out some locks that belong to the State and improve the locks belonging to the United States; that it shall make navigable the waters of the Illinois River and connect them with the Mississippi River, which is already navigable; and when you improve the Illinois River, as we propose, then you will immediately make available the Hennepin Canal, which runs across the State to Rock Island and other places, and should connect with the Illinois River to make it usable. You thereby make it a utilitarian waterway by which the people of Iowa and other adjacent States can transport their products for less money than they can now transport them by rail. Why was not the Hennepin Canal allowed to be navigable and utilitarian? Simply because the gentleman from Ohio [Mr. BURTON], when chairman of the Committee on Rivers and Harbors, refused to allow the improvement of the Illinois River in order that we might be able to connect the Hennepin Canal with it. We not only propose to improve the Illinois River, but to connect the Hennepin Canal with it, and we propose to give to the people of the country facilities which the gentleman from Ohio tried to prevent them from having.

We are not trying to steal anything. We are not trying to get anything for nothing. We pay our share toward the expenses of this Government. We are entitled to the same consideration as the State of Ohio and the State of Michigan, and we contend, notwithstanding what they say, that we are not responsible for the lowering of the level of the Lakes to the extent of more than 5½ inches. They try to make you believe that we are responsible for it all. Let us get the truth of it, and then you can act as you like. We are not pleading with you to vote with us because Illinois wants a waterway.

Illinois does not want this waterway simply for Illinois. It wants it for States adjacent in the Mississippi Valley. [Applause.] I think Senator BURTON said a while ago that Canada wanted a waterway connecting with the sea, referring to the St. Lawrence. That is what we are trying to give our people out there—a waterway to the sea.

Have they a right to it? Is it not a legitimate enterprise? Does it not meet a long-existing need? Will it not furnish facilities for transportation and, if so, ought not the country out there have it? That is all that is involved in this question. It does not make any difference whether this waterway is built or not; whether this bill is passed or not; whether you build the canal or not; it will not make one iota of difference in the

question of the lake levels, not one. I assert that and I challenge anybody to prove the contrary, because this water is going on, it is being diverted under a permit, and Chicago is keeping faith with the Government of the United States in providing means by which she will reduce the quantity as time goes along and as she is able to provide other means of disposal for her sewage.

There is one thing we are not doing. We are not letting sewage go into the lake, and that is something none of these other people can say. We do not want to contaminate the lake, and if you change the course of the Chicago River toward the lake, then you might just as well move Chicago; and if that is going to be the policy, all the section of the country in which we live may go to dry rot, because you can not keep people in a place where they can not live and breathe. You must protect their health; you have to cooperate, and we want to cooperate.

Mr. MICHENER. Will the gentleman yield?

Mr. MADDEN. Surely.

Mr. MICHENER. Is there any desire on anybody's part not to do that?

Mr. MADDEN. I just heard the gentleman from Ohio make the statement that the channel ought to be turned back and let the sewage go into the lake. I heard him make that statement while he was speaking on the floor.

Mr. MICHENER. He did not mean to have sewage go into the lake.

Mr. MADDEN. If the current were turned back it would have to go there.

Mr. MICHENER. Are you not making plans to take care of the sewage?

Mr. MADDEN. We are, and we are doing that as rapidly as we can.

Mr. MICHENER. As a matter of fact, the ultimate end of your present plan would still permit the diversion of 4,167 feet, would it not?

Mr. MADDEN. Well, I do not know whether it would or not, I am frank to say to the gentleman.

Mr. MICHENER. But as to the question of putting it back into the lake, there is no such question before Congress or Chicago or the country.

Mr. MADDEN. That is what would happen if it were shut off now.

Mr. MICHENER. Nobody is asking that that be done. We are asking that it be left as it is.

Mr. MADDEN. That is exactly what we are asking. Then you and we have joined.

Mr. MICHENER. Will the gentleman join us in having the matter left as it is?

Mr. MADDEN. That is what we are doing.

Mr. MICHENER. Will the gentleman join us in striking out the whole thing and leaving it as it is?

Mr. MADDEN. This provision in the bill says that it shall remain just exactly as if legislation were not enacted. That is what we are asking and we are fair. We want to be fair, we want to be frank, and we want to be open and aboveboard. And I mean just what I say when I say that the proviso in the bill means exactly what it says.

Mr. MICHENER. But does the gentleman contend that we should authorize an improvement which requires the taking of water from the Lakes, going on and making the improvement which takes the water, and then add another clause saying that you shall not take the water?

Mr. MADDEN. We did not say that, though.

Mr. MICHENER. You just took the water.

Mr. MADDEN. No; we do not do that. What we say is that the passage of this legislation for a waterway should leave everything as if the legislation had not been passed.

Mr. MICHENER. But can that be true when you authorize an improvement that requires the water?

Mr. MADDEN. You could not do it if you coupled it—as I said and as many think—with the 8,250 feet as one of the conditions precedent to the improvement of the Illinois River, but I maintain that they are not coupled up and that the 8,250 feet of water per second flowing from the lake into the drainage canal is only for the purpose of calculation as to the cost. I think that is a fair answer to the gentleman. [Applause.]

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

Mr. DEMPSEY. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Chairman, the opponents of this bill have been most intemperate in their speeches. They have not been willing to rest their case upon facts and sound arguments, but have ransacked their vocabularies for words of sarcasm, vituperation, and abuse. They have talked of a steal at Chicago and of inhuman monsters. But I think you will agree with me that such intemperance is neither persuasive nor convincing. We are dealing with a problem of vast importance to this country, a problem which should be met seriously with arguments and with facts.

As a Member of Congress during the past eight years, I have devoted much time to the river and harbor problem, and I do not believe that any Member who has served with me will charge that I have been selfish in my efforts or that I have been unwilling to recognize a meritorious waterway project in any section of this Union. I have no desire to injure the commerce of the Great Lakes. On the contrary, I want to preserve and encourage it. I am in favor of a great waterway from the Lakes to the Gulf. Such a waterway would be a benefit to the whole country; and if I did not believe it could be constructed without injury to the Great Lakes or to the commerce thereon, I would not favor it.

Diversion at Chicago began in 1900, and for approximately 20 years there was no agitation or serious protest. Such protest did not arise until the great power interests of New York and along the St. Lawrence discovered the tremendous value to them of the water which for 20 years had been going from the Great Lakes down through the Mississippi to the Gulf, making possible the development of a great waterway through the greatest agricultural and industrial area of our country southward to the sea.

Mr. SABATH. Now you are hitting it.

Mr. NEWTON of Missouri. It was then that they raised a hue and cry to the effect that the harbors of the Great Lakes were being impaired by the lowering of the lake levels resulting from this diversion. As a matter of fact there are few, if any, of the harbors of the Great Lakes which are not much deeper to-day than they were when diversion began 25 years ago. The lake city which has voiced the loudest protest against diversion is the city of Milwaukee, and yet the harbor at Milwaukee when diversion began in 1900 was approximately 11 feet deep, while now it is 21. The harbor at Milwaukee, like the harbors of all of the lake cities, has been improved and deepened at the expense not of the taxpayers of such cities or of the States bordering upon the Lakes, but at the expense of the taxpayers of the whole country. This is so because the Great Lakes do not belong to the cities which are fortunate enough to be located upon their banks nor to the States whose shores they wash. They are great highways belonging to the Nation, just as the rivers and harbors belong to the Nation, to be improved and used for the benefit of the whole country.

That the power interests have been clever and that they have been represented by adroit and skillful men will be readily understood by those who study their methods. So cunning and persistent has been their propaganda that the great mass of people—farmers, merchants, and manufacturers—inhabiting the territory adjacent to the Great Lakes have been led to believe that the present low-water stage of the Lakes is the result solely of the diversion at Chicago.

Mr. MAPES. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. MAPES. I do not know of anyone who makes such a claim as the gentleman mentions.

Mr. NEWTON of Missouri. That the 5½ inches is the extent of lowering as the result of diversion?

Mr. MAPES. No; that the Chicago diversion is responsible for all the lowering of the Lakes.

Mr. NEWTON of Missouri. I do. I heard the statement made yesterday upon the floor of this House that the destruction of the levels of the Lakes was due to the diversion at Chicago. As a matter of fact, the levels of the Great Lakes were lower in 1895 than they were at any time during the 20 years following the beginning of the diversion.

The history of the levels of the Great Lakes, which will be found in the War Department, shows that they rise and fall in cycles of approximately 25 years; in other words, it is approximately 25 years between the low-water periods.

In 1895 we had a low-water period. The Lakes began to rise and continued with an upward trend until 1918, even though diversion went steadily on. In 1919 the levels began to fall, due to a diminished rainfall in the Great Lakes Basin, and continued until last year. Thus far during the present year the rainfall has been heavier, and the levels of the Lakes are rising again. In 1918 the levels of the Lakes were approximately 3 feet higher than they were in 1895. Last year they were approximately 40 inches lower than they were in 1918.

LOWERING COMPLETE

The engineers of the United States Army, as well as all the other leading hydraulic engineers of the United States, have agreed that the diversion of 10,000 cubic second-feet at Chicago has resulted in the lowering of the Great Lakes approximately 5½ inches and no more, and that the remainder of the 40 inches of lowering is due to a lack of rainfall, and to power diversions and channel improvements at other points on the Canadian and American side.

Mr. DEMPSEY. And now that the amount of diversion is 8,250 cubic feet, one-fifth of that should be deducted, which would make it a little over 4 inches.

Mr. NEWTON of Missouri. Yes; as a matter of fact, the lowering of the Great Lakes, due to a diversion at Chicago, now is not over 4 inches.

It is further agreed by the great engineering authorities of the country that the lowering as a result of diversion is complete; that it has been complete for more than 20 years; and that even though the diversion at Chicago should continue for a century no further lowering would result.

It does not require an expert to understand that this contention of the great engineers of the country is correct. In normal times, according to Government records, approximately 204,700 cubic feet of water per second from rain and melting snow flows into Lakes Michigan and Huron, which have a common level. Before the diversion began at Chicago all this water flowed out through the Detroit River. After the diversion at Chicago began the level of Lakes Huron and Michigan was reduced until the amount which flowed out through the Detroit River plus the amount which flowed out through the Chicago diversion equaled the amount which comes into the Lakes, and when that point was reached the lowering was complete. And yet I venture the assertion that the adroit and clever propaganda which has been circulated at the instance of the great power interests has led the great mass of the people in the vicinity of the Great Lakes to believe that the diversion at Chicago is causing the levels to be constantly lowered, and that unless it is stopped the Lakes will be finally drained.

One would assume that Members of Congress were too intelligent to be misled by propaganda of this kind, and yet there are those from the Great Lakes region who continue to charge, either from ignorance or design, that the Lakes will be drained and the commerce thereon destroyed unless diversion at Chicago is stopped.

Another evidence of the cunning of the propaganda which has flooded the mails and continued to appear in the public press during the past five years has been the skill with which it has featured the great navigation possibilities of the St. Lawrence River while it has kept the interests of the "power combine" in the background. In this propaganda they have painted wonderful pictures of great ocean liners from Manchester, Liverpool, Hamburg, and London docking at Detroit, Chicago, and other lake ports. The thing they have not featured, however, is the fact that the improvement of the St. Lawrence River, which will cost approximately $1,000,000,000, will create electricity to the extent of 6,000,000 horsepower, and that 5,250,000 horsepower of that amount will be generated in the Dominion of Canada, while only 750,000 horsepower will be generated in the United States. They have not featured the further fact that the Canadian Government has declared the policy that in the future they will not permit power generated in Canada to be transported to the United States, but that they will require that the factories using such power be located on Canadian soil.

The farmers, merchants, and manufacturers of the great Mississippi Valley are suffering from exorbitant freight rates which the railroads can not afford to reduce, but in fact their representatives are appearing before the Interstate Commerce Commission insisting that their incomes are not adequate and that their rates must be increased in order for them to continue to maintain successful operation. The average rail freight rate of the country now is 11 mills per ton-mile, while freight is being carried upon the Great Lakes at one-tenth the average rail rate. Experience upon the rivers in this country and in Europe has proven conclusively that when our rivers are improved freight can be carried upon them at one-fifth the average rail rate of the country. This would be a great blessing to agriculture, commerce, and industry located far from the seashore in the interior of the United States.

Congress has adopted waterway projects in the Mississippi Valley 6,520 miles in length, consisting of the Ohio River from Pittsburgh to Cairo, the Mississippi River from Minneapolis to the Gulf, the Missouri River from Kansas City to its mouth, together with certain tributaries to these trunk-line waterways. This system penetrates the great productive area in the interior of the United States, and it will not be complete without a link connecting it with Chicago and the Great Lakes.

Representatives of the lake carriers appear before committees in Congress with the proud boast that they send their large lake steamers, carrying 14,000 tons of ore, from Duluth to Erie, Pa. They regard this a wonderful feat. As a matter of fact the towboats of the Government barge line are making frequent trips from St. Louis to New Orleans, carrying 12,000 tons of merchandise and grain at one load. They could carry infinitely larger loads of ore, because it is compact and heavy. The steamer *Barrett* made the trip from Pittsburgh down the Ohio to Cairo and down the Mississippi to New Orleans with a fleet of barges, carrying 50,000 tons of coal upon one trip; and what is being done upon these trips can be done with regularity when these great inland rivers are completed.

With possibilities such as these is it not in the interest of the whole country to finish these inland rivers and make this great waterway system complete by connecting it with Chicago and the Lakes, where are located the greatest industrial freight-producing centers in the United States? Chicago and the other manufacturing cities upon the Lakes would be greatly benefited, as their products could be given the benefit of a cheap water rate to cities along the Ohio, the Missouri River as far west as Omaha, Sioux City, and Yankton, down the Mississippi and along the Gulf coast into Texas, and they would have the benefits of a cheap water rate for food products and raw materials from these agricultural areas back into the lake manufacturing regions.

The gentleman from Ohio [Mr. BURTON] has attacked and belittled the Mississippi and its tributaries. Congress adopted the Mississippi for improvement from St. Louis to Cairo 16 years ago. The estimated cost was $27,000,000, and the act provided that it should be completed in 12 years. That time expired 4 years ago, and less than $4,000,000 have been expended for the improvement of that project; and why? Because adroit men like the gentleman from Ohio, backed by interests such as those with which we are now contending, have been able to block adequate appropriations; and still the gentleman from Ohio stands up here and condemns the Mississippi because it is not in larger use. How much freight was carried upon the Pennsylvania Railroad from New York to Chicago before the last rod of track was laid and the road completed? The gentleman from Ohio has done all in his power to prevent the completion of our inland rivers so that they can not be used, and then condemns them because more commerce is not upon them. But those who have served with the gentleman are not surprised at his inconsistency.

FUTURE MARKETS

The future markets of the United States will be to the south of us. The records of the Department of Commerce show that the trade of the United States with Cuba last year was greater than it was with France. Central and South America on the eastern and western sides offer wonderful future markets for the products of the Middle West. The cities of the Great Lakes need the products of these, our southern neighbors, such as sisal, lumber, coffee, sugar, nitrates, sulphur, salt, and many other of the necessaries of life. Certainly it is in the interest of the lake regions to have a great waterway over a direct route across the United States to these rapidly developing markets.

Then, too, such a waterway would make it possible for the great and growing factories in the lake cities to utilize the benefits of the Panama Canal and thereby reach the west coast of North and South America and the Orient. Our country would be immeasurably benefited by the results of the cheap transportation which would follow such an improvement, and yet such a waterway can not be developed without an adequate diversion from Lake Michigan to connect the Great Lakes with the great Mississippi waterway system.

Would it not be a wonderful achievement for the farmers, merchants, and manufacturers of the lake region if they could realize the benefits of a cheap waterway such as I have described, extending from the Great Lakes to the Gulf, also a waterway such as that of which they have dreamed, extending down the St. Lawrence, or, if they prefer, the all-American route across New York and over to Europe? Both of these—one to the east and one to the south—can be had when the selfish interests of the power combine have been eliminated and the farmers, merchants, and manufacturers of the lake regions, together with those of the great Mississippi Valley, come to realize that their interests are not in conflict but are mutual, and can be harmonized to the benefit of both without injury to either.

If the 4½-inch lowering of the Great Lakes resulting from diversion at Chicago can be restored, and there still remains

sufficient water for an adequate channel from the Great Lakes to the Gulf and from the Great Lakes east to the sea, what reason is there for the farmers, merchants, and manufacturers of the Great Lakes region to complain? Their commerce would be benefited, and they will have two great waterways instead of one.

After studying this problem for more than a year, after consulting the most eminent engineers of the country, and after listening to the testimony presented before the Rivers and Harbors Committee, covering a period of four months, I am persuaded beyond the remotest doubt that I can convince any fair-minded man that all of this can be accomplished and will be accomplished when the people of the Great Lakes region discover that their fears have been excited and their suspicions aroused by the carefully designed literature and propaganda of a gigantic power combine which seeks to serve its own interests instead of theirs.

The records of our Government, as well as those of the Canadian Government, show that 241,000 cubic feet of water per second are flowing down the St. Lawrence River, but representatives of the power interests of Canada and Wall Street, who pretend to represent the interests of the carriers and shippers of the Great Lakes region, have continually contended and do still contend that a flow of 1,500 cubic feet per second is adequate for navigation with a 9-foot channel from the Great Lakes to the Gulf. We of the Mississippi Valley, who are pleading for relief from exorbitant freight rates, contend that 10,000 cubic feet of water per second are necessary and essential for such a waterway. If 10,000 cubic feet of water per second are adequate for a successful waterway from the Great Lakes to the Gulf, then a flow of 241,000 cubic feet of water per second ought to be adequate for successful navigation down the St. Lawrence, even for the operation of ocean steamers.

I will concede that the water used to make a great waterway from the Lakes to the Gulf will not be available to enrich the coffers of the power combine down the St. Lawrence. I most earnestly insist, however, that this flow of 10,000 cubic feet is not necessary to the development of navigation upon the St. Lawrence, but it is necessary to successful navigation from the Great Lakes to the Gulf.

If a flow of 10,000 cubic feet per second is sufficient to develop a great waterway from the Lakes to the Gulf, and the most enlightened advocates of waterways concede that it is, then it certainly can not be said that 241,000 cubic feet per second is not sufficient to develop a great waterway down the St. Lawrence. In other words, there is no question but what there is abundant water flowing out of the Great Lakes with which to develop a great waterway from the Lakes south to the Gulf and from the Lakes northeast to the sea.

I want it distinctly understood, as a Member of Congress from the Middle West, that I am unalterably opposed to any diversion which will injure the navigation or permanently lower the levels of the Lakes. I am convinced, however, beyond a question of a doubt, that the lowering of 5½ inches which will result from diversion of 10,000 cubic feet per second at Chicago can be restored without injury to navigation.

RESTORING LAKE LEVELS

Some of the most eminent hydraulic engineers in the United States have studied the problem of restoring the levels of the Lakes, while continuing the diversion at Chicago. A board of these eminent engineers, coming from all parts of the United States, have studied this question, and they have unanimously reported that the lowering resulting from the diversion at Chicago can be restored without reducing the diversion and without injury to navigation.

Among the eminent engineers comprising this board are John R. Freeman, past president of the American Society of Civil Engineers, Providence, R. I.; C. E. Grunsky, past president of the American Society of Civil Engineers, San Francisco, Calif.; F. H. Newell, Washington, D. C., at one time Director of the United States Reclamation Service; Robert E. Horton, Albany, N. Y., leading hydraulic engineer in connection with the New York Barge Canal improvement; Clarence W. Hubbell and George H. Fenkell, both of Detroit and in charge of water supply and sewage disposal of that city; E. E. Haskell, dean of engineering, of Cornell University, and for many years in charge of the United States lake survey at a time when measurements of the effect of diversion at Chicago were made; and the late Col. C. S. Riché, United States Engineer Corps, formerly stationed at Sault Ste. Marie, Detroit, and Chicago. These great American engineers are unanimous in their report that the levels of the Lakes can be restored without reducing such diversion and without injury to navigation.

Mr. MANSFIELD. Will the gentleman yield.

Mr. NEWTON of Missouri. I will.

Mr. MANSFIELD. Is it not a fact that every engineer in America who has examined this question agrees that the lake levels can be restored?

Mr. NEWTON of Missouri. I have never heard of one who made a statement to the contrary. Col. J. G. Warren, recognized as one of the most capable engineers of the United States Army, made an exhaustive study of raising the levels of the Lakes by regulating works, and in a report to his superior, the Secretary of War, on August 30, 1919, said:

> That this method of compensation is practicable and that the desired results can be obtained at a comparatively reasonable cost is beyond question. Furthermore, structures of this nature would offer a minimum interference with navigation and would have little tendency to retard the movement of ice.

Francis C. Shenehon, one of the great engineers of the country and for many years employed on the survey of the Great Lakes, and who represented the Federal Government as an expert hydraulic engineer in a suit against the Chicago sanitary district, has made designs for compensating works, and states that these works may be installed to the great benefit of navigation and power.

In House Document 762, Sixty-third Congress, second session, pages 12 and 33, Col. Charles Keller, speaking for the Board of Engineers, United States Army, says that compensating works can be placed in the St. Clair River to fully overcome the diversion at Chicago, and also in the Niagara River to overcome the lowering resulting in Lake Erie because of such diversion and the diversion at Niagara Falls and the Welland Canal.

Mr. LINTHICUM. It would cost a great deal, would it not?

Mr. NEWTON of Missouri. The cost would be nominal. Colonel Keller, to whom I have just referred, and who is recognized as one of the greatest hydraulic engineers of the Army, reported to the Board of Engineers of the War Department on August 13, 1913, that regulating works could be placed in the St. Clair River, raising the levels of Lake Huron and Lake Michigan, at a cost of $325,000, and similar works could be placed near the head of Niagara River, raising Lake Erie, to fully compensate for this diversion, at a cost of $150,000. And, as above stated, Colonel Warren, while commenting upon Colonel Keller's report, says:

> That this method of compensation is practicable and that the desired results can be obtained at a comparatively reasonable cost is beyond question.

Furthermore, these works can be installed without any expense to the Government, for the city of Chicago, with the approval of the Secretary of War, has deposited with the Secretary of the Treasury a bond for the sum of $1,000,000 as a guaranty that that city would defray the entire expense of installing regulating works necessary to restore the lake levels.

In the face of evidence coming from engineers of the character and ability such as those whom I have named, showing conclusively that a diversion of 10,000 cubic feet per second at Chicago can be permitted to continue and the lowering of the Lakes resulting therefrom restored without injury to navigation and without cost to the Federal Government, what excuse can any Member of Congress give for continuing to object to the diversion at Chicago, unless he is actuated solely by an impulse to serve the great power combine which desires to use this water down the St. Lawrence for the generation of power for private gain?

The gentleman from Ohio [Mr. CHALMERS] talks about gold bricks. I know of no one who is getting a gold brick except the farmers, merchants, and manufacturers of the Great Lakes region, who, by the use of adroit propaganda and the cunning speeches of clever men, have been led to battle in the name of navigation under the banner of the St. Lawrence power combine.

One does not have to be an expert to realize that compensating works can be installed at the outlets of these Lakes which will in no way interfere with navigation and which will restore the levels to a point higher than they were before diversion began. In fact, the experts advise that these works will overcome the reductions resulting from diversions for power purposes at Sault Ste. Marie, the Welland Canal, and the Niagara Falls, in addition to overcoming the reductions resulting from diversion at Chicago.

To illustrate, Lake Michigan and Lake Huron have a common level. The water from these Lakes flows out through the St. Clair and Detroit Rivers from Lake Huron into Lake Erie. The fall between Lake Huron and Lake Erie is normally 8½ feet. The St. Clair River, which constitutes a part of this outlet, was formerly 11 feet deep and is upward of 2,000 feet wide.

In order to accommodate the deeper draft lake steamers our Government, some years ago, cut a channel along the bottom of this river 1,040 feet wide and 12 feet deep, making the total

depth of the ship channel through the St. Clair River 23 feet. It would appear that the cutting of this channel which enlarged and deepened the outlet from Lake Huron would have caused a greater quantity of water to flow through the St. Clair River, thereby reducing the levels of Lake Michigan and Lake Huron.

But engineers of the War Department insist that such is not the case. They contend that the material which was taken out of the bottom of the river, thus opening a deeper channel for navigation, was deposited in the river on the sides of such deeper channel where same would not disturb navigation, and that as a result the outlet is no larger than it was before.

If this theory be true, and it sounds reasonable, then additional material can be deposited in the vast expanse of the river which flows down outside of the channel, thus further retarding the flow, and this, if necessary, could be continued until all that part of the river outside of the channel could be closed without any injury to commerce and navigation. This would tremendously retard the flow out of Lake Michigan and Lake Huron and would naturally raise the levels, increasing in proportion as the surplus flow of water is retarded. There is no question but what this simple process would raise the levels of Lake Michigan and Lake Huron. Similar works would also raise the level of Lake Erie.

Ships navigating the Lakes pass through this channel, and, because of their draft, can not navigate the part of the river outside of the channel. What injury could there be to navigation if a dam should be constructed from each bank of the St. Clair River to the edge of the channel used for navigation? This would hold back great quantities of water which serve no aid to navigation and would raise Lake Michigan and Lake Huron far more than the 5½ inches resulting from a diversion of 10,000 cubic second-feet at Chicago.

EXAMPLES OF SUCCESSFULLY RESTORING LAKE LEVELS

I am fully aware that adroit representatives of the power interests will contend that such dams would interfere with the passage of water during the flood season and would raise the levels during such seasons, resulting in damage to property around the Lakes. It has been demonstrated, however, at Sault Ste. Marie that such dams can be constructed with removable gates which can be raised during the flood season, thus permitting the flood waters to pass freely and without interference. It does not take an engineer or an expert to understand that by such a method the levels of all the Lakes can be raised without injury to navigation.

Furthermore, a fixed dam has already been placed in the river outside of the channel at the outlet of Lake Ontario by the Canadian Government which has raised Lake Ontario to the extent of 6 inches and has already overcome the lowering resulting from diversion at Chicago. This dam was completed by the Canadians in 1903, only three years after the diversion began, and was built for the combined purpose of compensating for the enlarged channel made by the Canadians for navigation purposes and for overcoming the lowering which they knew would result from the diversion at Chicago, and the records of the War Department show that the purposes for which this dam was constructed have been accomplished.

The evidence which I have presented shows conclusively that the lowering of lake levels resulting from diversion can be restored without injury to navigation; that the whole of the United States can be benefited by a great waterway from the Great Lakes to the Gulf of Mexico, which can be constructed by the use of 10,000 cubic feet diversion at Chicago; and that there will still remain 241,000 cubic feet per second flow down the St. Lawrence, sufficient for the development of a waterway which will carry the most gigantic ocean steamer ever built.

The only result from a diversion of 10,000 cubic feet of water at Chicago which can not be repaired is the use of that water for the generation of power down the St. Lawrence, and as an American I am more interested in a great waterway from the Lakes to the Gulf than I am in the power interests of New York and Canada.

How can any American farmer, merchant, or manufacturer in the Great Lakes region, unless he be ignorant of the facts or subsidized by power interests, insist upon the use of this water down the St. Lawrence where it is not needed for navigation, and oppose its use to build a great waterway from the Lakes to the Gulf through the very heart of the most productive area in the world? How can his patriotic impulse for our country's welfare permit him to favor Canadian power interests over American navigation? I regret to be forced to the conclusion that we have too many Americans who are more solicitous about Canadian power than they are in providing facilities for cheap transportation for the farmer, merchant, and manufacturer in our own country.

We not only have the testimony of the great engineers whom I have named that the lowering of the levels of the Lakes resulting from diversion at Chicago can be restored, but we have conclusive proof that such lowering can be restored from the fact that the level of Lake Superior, reduced by a diversion for power both on the American and Canadian side, has been restored by regulating works at the Soo, and the lowering of Lake Ontario has been restored by the installing of compensating works at its outlet.

If the levels have been restored upon Lake Superior and Lake Ontario, what sane man can contend that the same result can not be achieved upon Lake Michigan, Lake Huron, and Lake Erie? And if the levels of the Lakes can be restored and diversion continued for use in the construction of a great waterway through the heart of the United States, what excuse has any man to argue against this diversion except it be his purpose and his desire to serve the power interests?

In the face of the facts which I have presented, why should the farmers of Ohio, Indiana, Michigan, and Wisconsin permit the power combine to stir up a quarrel between them and their brothers in Illinois, Iowa, Missouri, Nebraska, Arkansas, Tennessee, and other Valley States? It is apparent, and has been demonstrated, that lake levels can be restored without injury to navigation, and that there is abundant water with which to develop a great waterway from the Lakes south to the Gulf, and another great waterway from the Lakes northeast to the sea. Our treaty with Canada provides that the use of water for navigation purposes shall come before the use of water for generating power; and there can be no question but what two such great waterways would benefit not only the Great Lakes region but the whole country as well.

The farmers of the Lakes region are not interested in Canadian power. Like the farmers of the Mississippi Valley their paramount interest is in facilities for cheaper transportation. Their competitors in Australia, South America, and elsewhere are near to the seaboard, while the farmers of the lake regions and the Mississippi Valley are a thousand miles inland. The merchant and the manufacturer can move their business to the seashore, but the farm must remain where the Good Lord placed it. Rail rates are high and can not be reduced. The only practical solution for the farmers' problem, either in the Great Lakes region or the Mississippi Valley, is cheap transportation which can only be afforded by waterways.

Then why should the farmers of the Great Lakes region be deceived and allow themselves to be used as tools of the power combine? There is no conflict of interest between them and their brothers in the valley upon this great transportation problem. Why should they not reason together, cease their quarrel which exists without cause, and cooperate in the construction of a great waterway system which will give them cheap water transportation over the St. Lawrence to the markets of Europe, and through the Mississippi Valley to the markets of Central America, South America, and the Orient? Why should they not stand together—for united they will succeed, and divided they both must fail.

It has been contended by the power interests that the needs of navigation can be met and a 9-foot channel provided by a diversion of 1,500 cubic feet per second at Chicago. But who knows how soon the time may come when the needs of commerce and national defense may demand a 14-foot channel with adequate width from the Great Lakes to the Gulf? Who can now say that it may not be necessary at some future day to send submarines, chasers, and destroyers over American waters through strictly American territory and over a strictly American waterway, far removed from alien land, from the Gulf into the Lakes in order to defend the cities situated upon their shores? This further emphasizes the necessity of a 10,000-foot flow in order to provide a 14-foot waterway with adequate width.

Furthermore, in the event of a war with a foreign nation such a waterway from the Great Lakes to the Gulf would make it possible to establish naval bases upon the Great Lakes, far removed from the dangers of attack, where submarines, submarine chasers, and destroyers could be constructed in safety, and from which they could be moved over an all-American route, through our own territory, out to the seat of conflict without being hampered by the problem of being barred from passing through waters of a foreign country because it has declared its neutrality.

For 25 years this diversion has been going on at Chicago. This water passed down the Illinois to Grafton and into the

Mississippi. Maj. Rufus W. Putnam, of the United States Army Engineers, War Department, in a report to the Chief of Engineers, dated March 3, 1926, said:

An inspection of the discharge curve of the river at St. Louis indicates that an increment of 10,000 cubic feet per second produces an increased depth of 18 inches.

If this insidious campaign of the power interests is successful and the diversion at Chicago is cut off in order that this water may be used for generating electricity down the St. Lawrence, then the Mississippi River from Grafton to Cairo will be lowered 18 inches at low-water mark. St. Louis is a commercial center with 27 railroads, capable of distributing freight to the whole valley. This is the point which the rapidly developing commerce on the Ohio River from Pittsburgh moving west must reach in order to be distributed throughout northwest territory. It is the point which the northbound river commerce from New Orleans and foreign ports must reach in order to be distributed over the great Northwest of our country. No one can calculate the injury which would result to the commerce of the country if this campaign of the power interests is successful and the depth of the Mississippi is reduced 18 inches as the result.

MUSCLE SHOALS

The problem of controlling the Power Trust looms upon the horizon of the future as one of the greatest problems with which the American people will have to deal. Through clever propaganda, in the name of navigation, it has arrayed the farmers, merchants, and manufacturers of the Great Lakes regions against the farmers, merchants, and manufacturers of the Mississippi Valley and set them to quarreling among themselves when there is really no cause for any dispute between them and when, in fact, they have interests in common, which can be easily reconciled to the mutual advantage of all without injury to either. These interests hope that in the confusion which follows this quarrel to take away from the United States the possibility of building a great waterway from the Great Lakes to the Gulf in order that they may use this water for the generation of power down the St. Lawrence, where it is not needed for navigation.

One can not remain in Washington long without discovering the ever-present influence of this unseen force. When Members of Congress attempt by legislation to protect the interests of the public in the water-power resources of our country they find themselves confronted by this invisible but irresistable force. It is doubtful if a better example could be given of that which I have in mind than events which have transpired during the past eight years in connection with Muscle Shoals.

When I arrived in Congress nearly eight years ago I found that the Government had expended millions of dollars in the construction of Wilson Dam for the development of power at Muscle Shoals. An insidious propaganda besieged the Halls of Congress, the source of which nobody seemed to know, urging that this project be abandoned as impracticable, unfeasible, and a useless waste of Government funds. Well-meaning Members of Congress were deceived into thinking that this was a wasteful war extravagance. The administration in power was impressed by this propaganda and made an effort to find some one who would operate the project. In April, 1921, the Chief of Engineers of the War Department, acting upon instructions from the Secretary of War, sent a communication to all the great power companies of the United States in the hope that the project might be disposed of to these interests and something saved out of the vast expenditure already made. That communication read in part as follows:

The Secretary of War directed me to ascertain what arrangements can be made to derive a reasonable return upon the investment if the United States completes the dam and hydraulic power plant at Muscle Shoals, Tennessee River.

Not one encouraging answer did the War Department receive. Four power companies of the southeastern group, on May 20, 1921, signed a joint letter to the Chief of Engineers, in which they said:

Private capital could not afford to undertake the Muscle Shoals water-power development * * * nor can the United States afford to invest additional public money to complete the dam and hydraulic power plant at Muscle Shoals, Tennessee River, as planned.

These companies stated further that the power available at Muscle Shoals would not supply even their remote demands.

At the session of Congress in 1921 it was proposed to appropriate $10,000,000 with which to carry on the construction of Wilson Dam. This invisible force registered the most stubborn resistance. It pretended the most devout affection for the interests of the United States and its desire to protect the people's money in the Treasury. The matter came up for hearing before the Appropriations Committee. There lives in New York one Col. Hugh L. Cooper, who is consulting engineer for great power corporations, among which are the Frontier Corporation of New York, the North American Co., the Du Pont Co., the General Electric Co., the Aluminum Co. of America, the Ontario Power Co. of Canada, and numerous others. In February, 1921, Colonel Cooper appeared before a House committee in opposition to this appropriation, and gave among other the following testimony, which will be found on page 59 of the "Supplement to the hearings before the House Committee on Appropriations on the sundry civil bill for 1922":

The CHAIRMAN. Suppose we should say to you we will run the thing until the $17,000,000 is expended and turn it over to you?

Colonel COOPER. I would not go across the street for it.

The CHAIRMAN. Suppose we should say we will put in $17,000,000 more, would you take it?

Colonel COOPER. No, sir.

It is doubtful if any lobby has ever exerted greater effort to induce the Government to abondon a project than was done in this instance. The companies refused to buy. Their propaganda continued. Their far-famed consulting engineer appeared in vigorous protest, proclaiming his desire to protect the people's money.

At this dark hour, when the country was about convinced that the adventure at Muscle Shoals had been a wild extravagance, a new figure appeared upon the scene. It was Henry Ford, of Detroit. On July 8, 1921, he made an offer to lease the property, in which he proposed to pay the Government $5,000,000 in cash, to expend $50,000,000 in the development of the project, and to pay such fees into the Treasury that at the end of 100 years the Government would have received its entire investment back with 4 per cent interest and would still own the plant.

It is doubtful if such consternation among great interests was ever witnessed. The propaganda changed its color overnight, and upon every hand was heard the protests of the power interests that the Ford offer was entirely inadequate, and that this was an extremely valuable property, and that he should not be allowed to have it upon the terms which he proposed. Even Col. Hugh L. Cooper, the great consulting engineer, representing the power interests, appeared before the House Committee on Military Affairs, which had the matter in charge, and opposed the Ford offer, protesting that it was entirely inadequate and that this was an immensely valuable property. Colonel Cooper and other representatives of the power interests have continued their agitation, and on the 1st day of February, this year, the colonel filed a statement before the Committee on Agriculture in the Senate, which had the Muscle Shoals project under consideration, in which he said:

Muscle Shoals Dam No. 2 is the largest power unit in the world, measured in terms of capacity. This capacity will cost about $76 per horsepower, an amount much less than the average capacity cost in the United States or in the world for our large water-power plants. To make this capacity useful, it must have water at times and in quantities that can only be available through unified development and unified control. Muscle Shoals and the maximum storage available for same is, therefore, the keystone of a great program of power development extending over 400 miles up the Tennessee River Valley.

In the face of this declaration by this distinguished representative of the great power interests of the United States and Canada, how can we reconcile the statement which he made before the Appropriations Committee of the House in 1921, in which he stated that he would not accept the entire property as a gift upon any theory other than he hoped to discourage the Government until it would abandon the project in order that the power interests might get control of this valuable property without reimbursing the Government for its vast expenditure?

On October 2, 1925, Colonel Cooper gave an interview to the New York Times regarding Muscle Shoals, in which he said:

I know that selfishness is one of the strongest motives in the human heart.

Can there be any doubt but what this baneful influence was working full force in the colonel's heart at the time he appeared before the Appropriations Committee of the House in 1921? And, Mr. Speaker, there can be no doubt but what the force that spread propaganda and exerted great influence in an effort to deprive the United States of a valuable property at Muscle Shoals is the same force which has stirred up this controversy between the farmers of the Great Lakes region and those of the Mississippi Valley, with the hope that in the confusion which results it can take away from the United States the

water which for a quarter of a century has flowed by Chicago and down through the valley to the Gulf in order that they may use it for generating Canadian power down the St. Lawrence. What do they care about making impossible a great waterway across the United States connecting the Lakes with the Gulf if by turning this water into their turbines on the St. Lawrence they can enrich the coffers of their corporations?

TREATY WITH CANADA

Representatives of the power combine who, by the use of adroit propaganda, have aroused the interest of the farmers, merchants, and manufacturers of the Great Lakes region by urging the development of a great waterway down the St. Lawrence at the expense of the United States, but whose real interest is in the power which will result from such improvement, voiced loud protests against diversion at Chicago on the ground that it will do injury to Canada. It is evident that there are Americans among them who are more solicitous about the interests of Canadian power than they are in the interests of their own country. But this contention of the power interests is not tenable, because the history of the diplomatic negotiations between the United States and Canada shows conclusively that Canada long since recognized this diversion and made no protest for practically 20 years after the diversion began and not until the water in question was found to be valuable for use by the power companies down the St. Lawrence.

Pursuant to an act of Congress passed June 13, 1902, and an act of the Canadian Parliament passed at approximately the same time, an International Waterway Commission was appointed, consisting of three Americans and three Canadians, and after giving detailed study to the problem of diversion at Chicago and its effect upon the Great Lakes, the Canadian section of this commission on April 25, 1906, made a report to the Canadian Government in which it used the following language:

At Chicago the Americans have built a drainage canal which, when in full operation, will use about 10,000 cubic feet of water per second. * * *

As a diversion from Lake Michigan to the Mississippi is of a much more serious character than the temporary diversion from the Niagara River, it is felt that the amount of water taken on the American side of the Niagara River should be limited to 18,500 cubic feet per second. * * *

It is exceedingly important in the interest of navigation, both to ourselves and the people of the United States, that the diversion by way of the Chicago Drainage Canal should be limited. * * *

If our proposal is carried out, the diversion will be about as follows:

Diversion on the American side	Cubic feet per second
Niagara Falls	18,500
Chicago Drainage Canal	10,000
Total	28,500

Diversion on the Canadian side	Cubic feet per second
Niagara Falls and on the Niagara Peninsula	36,000

The foregoing recommendation was made by the Canadians to their Government six years after the diversion began.

Mr. MANSFIELD. If the gentleman will yield, I will call attention to the fact that Colonel Warren's report shows they are using 3,400 cubic feet for power at the Welland Canal.

Mr. NEWTON of Missouri. Yes; and you will observe that that is not accounted for in the specifications upon which the treaty with Canada was based.

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

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

Mr. DEMPSEY. I yield him five minutes more.

The CHAIRMAN. The gentleman from Missouri is recognized for 10 additional minutes.

Mr. NEWTON of Missouri. After further study had been given to this question by the International Waterways Commission, to which I have referred, the commission on January 4, 1907, made a joint report to the American and Canadian Governments in which they used the following language:

A careful consideration of all the circumstances leads us to the conclusion that the diversion of 10,000 cubic feet per second through the Chicago River will, with proper treatment of the sewage from areas now sparsely occupied, provide for all the population which will ever be tributary to that river, and that the amount named will therefore suffice for the sanitary purposes of the city for all time. Incidentally it will provide for the largest navigable waterway from Lake Michigan to the Mississippi River which has been considered by Congress.

We therefore recommend that the Government of the United States prohibit the diversion of more than 10,000 cubic feet per second for the Chicago Drainage Canal.

The foregoing report and recommendation was made by the International Waterways Commission, composed of three Canadians and three Americans, and was made seven years after the diversion at Chicago began.

As a further evidence that the Canadian Government made a full investigation of the matter of the diversion at Chicago, that they were fully aware of its effect upon the Great Lakes before the treaty was made, and that they acquiesced in and approved of such diversion, I beg leave to call your attention to the fact that this commission employed Messrs. Rudolph Hering and George W. Fuller, two of the most eminent sanitary engineers of New York, to study and report to the commission upon certain phases of the sanitary problem in Chicago, and in the commission's instructions to these great engineers it used the following language:

Examine the sanitary situation at Chicago, so far as it is affected by sewage disposal, and report whether it is or is not necessary to the health of the city to extend to outlying territory the system which was adopted in 1889 for the main city.

* * * It does not desire an investigation of the effect upon the navigation interests of the Great Lakes—it has satisfied itself upon that point—nor does it wish to reopen the case of the Chicago Drainage Canal as designed and built—it accepts that as a fixed fact, with its attendant diversion of 10,000 cubic feet per second through the Chicago River.

These instructions were given by the International Waterways Commission, composed of three Americans and three Canadians, and were given six years after diversion began. And yet, in the face of this language, which constitutes a part of the official diplomatic history between the United States and Canada, representatives of the power interests from Milwaukee, Detroit, Cleveland, Buffalo, and elsewhere contend that the Canadian and American Governments in the treaty which they executed pursuant to these negotiations did not have in mind the diversion at Chicago.

After these negotiations a treaty was entered into between the United States and Canada dealing with boundary waters, which became effective on May 5, 1910, and contained the following provisions in article 2 thereof:

Each of the high contracting parties reserves to itself, or to the several State governments on the one side and the Dominion or provincial government on the other, as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary resulting in any injury on the other side of the boundary shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

The foregoing language clearly shows that the United States reserved to itself the exclusive jurisdiction and control over the use and diversion of all waters on its side of the boundary line which in their natural channels would flow across the boundary into Canada, and the treaty specifically provides that existing diversions should continue. The diversion at Chicago, as shown by the reports of the commission which I have quoted, was in existence for 10 years prior to the execution of this treaty and was the only diversion which prevented water in its natural channel from flowing across the boundary and hence was the only water of this character to which article 2 could have referred, and this shows conclusively that both Canada and the United States had this water in mind when the treaty was executed. There can be no doubt but what power interests in our own country are now encouraging Canada to evade if possible not only the express conditions of the treaty but the clear understanding with regard to diversion at Chicago which existed when such treaty was executed.

As a further evidence that both the United States and Canada had the Chicago diversion in mind when they entered into this treaty, I call your attention to the fact that aside from the diversion at Chicago the treaty legalized a diversion of only 20,000 cubic feet per second upon the American side of the boundary, while it legalized 36,000 cubic feet per second upon the Canadian side, and this, too, in the face of the fact that approximately two-thirds of the lake fronts are in the United States and all of Lake Michigan is within our own territory,

no part of it touching the Canadian border, and in the face of the further fact that of all the waters that flow into the Great Lakes above the St. Clair River 107,000 cubic feet per second come from American territory while only 97,000 cubic feet per second come from Canadian territory.

If the two Governments did not have in mind the diversion at Chicago, then what must the American people think of our representatives and of our Congress, who entered into a treaty with Canada which permitted that Government to divert almost twice as much water as was allotted to the United States? As a matter of fact, when you add the 10,000 cubic feet being diverted at Chicago to the other 20,000 cubic feet being diverted on the American side, the United States is still permitted to take 6,000 cubic feet per second less water than was granted to Canada, and this can be explained only upon the ground, as stated in the report of the International Waterways Commission, that the two Governments regarded the diversion at Chicago, which took water out of the watersheds, as of a more serious character than the diversions upon the Canadian side.

After the treaty between the two Governments had been signed and laid before the Senate of the United States for ratification, Elihu Root, then Secretary of State, appeared before the Foreign Relations Committee of the Senate while the treaty was under consideration and gave testimony which throws much light upon this question. Secretary Root, among other things, said:

> The great bulk of the water goes on the Canadian side, and the waterways commission that was appointed some time ago to deal with the question of the lake levels reports, I think, that 36,000 feet can be taken out on the Canadian side and 18,500 on the American side without injury to the Falls. I thought it wise to follow the report of the commission and put in 1,500 feet additional to get round numbers; so our limit is higher than we want, but their limit would not be cut down below what it is, because there are three companies on the Canadian side who have works there. Then there is this further fact why we could not object to this 36,000 cubic feet on the Canadian side: We are now taking 10,000 cubic feet per second out of Lake Michigan at Chicago, and I refused to permit them to say anything in the treaty about it. I would not permit them to say anything about Lake Michigan. I would not have anything in the treaty about it, and under the circumstances I thought it better not to kick about this 36,000. They consented to leave out of this treaty any reference to the drainage canal, and we are now taking 10,000 cubic feet per second for the drainage canal, which really comes out of this lake system.

I am advised that in the original draft of the treaty drawn Canadian and Americans specified a diversion of 10,000 cubic feet at Chicago, but that inasmuch as all of Lake Michigan is within American territory, no part of it touching the boundary line, Secretary Root took the position that the diversion at Chicago was purely an American question, and that Canada had no right to treat with us about the use of American waters, and it is clearly shown from the foregoing statement of Secretary Root that Canada recognized the validity of the Secretary's contention, acquiesced in his position, and ratified the treaty in conformity with his views. Yet, however, in view of Secretary Root's statement, in view of the language which was inserted into the treaty and in view of the reports and recommendations of the International Waterways Commission to their respective Governments, there can be no question but what the treaty did take into account the diversion of 10,000 cubic feet at Chicago, that Canada did recognize the right of the United States to divert waters in her own territory, and that she fully intended that the diversion of 10,000 cubic feet at Chicago should be permanent and that with her full knowledge, consent, and approval.

It is most distressing now that there are some Americans who, actuated by a desire for financial gain, would encourage Canada to violate her plighted faith. Canada is our neighbor. We have been fair and honorable with her in the past. We shall continue so to be in the future; and I do not believe that she will allow the urging of selfish interests to persuade her to violate her agreements, either expressed or implied.

Mr. DEMPSEY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. MICHAELSON].

Mr. MICHAELSON. Mr. Chairman and gentlemen, the greatest inland waterway system anywhere on the earth's surface in point of natural facilities for commerce is the Great Lakes. Its annual tonnage is 125,000,000.

About 10 miles west of the southern end of Lake Michigan and only 11 feet above its surface is the summit between the Gulf of Mexico, 1,600 miles to the south, and the Gulf of St. Lawrence, 1,700 miles to the east.

The Mississippi River and its tributaries have 13,912 miles of navigable waters, draining a territory of 1,240,000 square miles, 64 per cent of the area of the United States, with a population of about 60,000,000 people, 54 per cent of the entire population of our country.

Thus the Architect of the Universe has created for our people all the necessary facilities for the construction of the most comprehensive inland waterway system within the possibility of accomplishment anywhere, leaving it to mankind only to bring about an adequate connection between the two.

The possibility and the desirability of joining these two great natural waterway transportation systems into one early in our history as a Nation was recognized by our people and our governmental agencies, and as far back as 1822 the Congress of the United States passed an act authorizing the State of Illinois to construct a canal connecting the Illinois River with the southern bend of Lake Michigan through the public land, said public land being a strip of land 20 miles wide through the valleys of the Chicago, Des Plaines, and Illinois Rivers between Lake Michigan and Ottawa, which had been ceded in 1816 for a small sum to the United States by the original owners, the Indians.

In 1827 Congress again passed an act authorizing the State of Illinois to open this canal—

> *Provided*, That the said canal, when completed, shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever, for any property of the United States or persons in their service passing through the same.

In 1836 the Illinois State Legislature passed "an act for the construction of the Illinois & Michigan Canal," stating—

> that said canal shall not be less than 45 feet wide at the surface and 30 feet at the base, and of sufficient depth to insure navigation, to be supplied with water from Lake Michigan and such other sources as the canal commissioners may think proper.

The original design was for a deep-cut canal fed by gravity flow from Lake Michigan, but it was built on the shallow-cut plan on account of lack of funds. The canal took 12 years to build and was completed in 1848 by the State of Illinois at a cost of $6,557,681. It was 6 feet deep and 40 feet wide, and was fed partially by gravity flow from the Calumet River through the Calumet feeder, which connected with it at the village of Sag, Ill., and by water pumped from the Chicago River up into the canal at Ashland Avenue, where its locks were located. It was a great aid to commerce in the Mississippi Valley and Great Lakes region, despite the fact that frequently for months at a time the Illinois River was only 20 inches deep.

The Government closely observed the operation of the Illinois & Michigan Canal, and during the period from 1848 to 1890 caused a number of surveys to be made of it and the entire Illinois River project, and a summary of the general tenor of these reports is as follows:

> The question of a through line of water communication from the Mississippi to Lake Michigan via the Illinois River has been before Congress since an early date.
>
> The ultimate object of this improvement is to provide a channel way from the lower end of Lake Michigan to the Mississippi River of sufficient capacity to accommodate large-sized Mississippi River boats, so that the products of the country may be carried from the lake to the Gulf without breaking bulk; also to enable vessels of war of considerable capacity to pass freely from the Gulf of Mexico into the defenseless waters of our northern lakes should the exigencies of our foreign relations ever require this to be done.
>
> The waterway from Chicago to Grafton on the Mississippi River is a most important one, and when completed there is little doubt that it will richly pay for itself in the reduction and regulation of freights.

The record further shows that the canal was regarded by the Government not only as a military but a commercial necessity, for in 1868 the Chief of Engineers of the United States Army said in his report on this subject:

> As a military measure the construction of this canal will be effective; and, fortunately for the country, this can be done at an expense which must be regarded as insignificant when compared with the objects to be obtained. But, great as are the military reasons which favor the establishment of steamboat navigation between the Lakes and the Mississippi, they are vastly transcended by those of a commercial and political character.

Pure drinking water is essential to healthy human life. Ninety years ago the village of Chicago drank from wells—so did the city—until the wells became so filled with poison, which leaked through the sand from vaults and cesspools into the wells, that there was "death in the cup."

Then the water supply was dipped from the lake where its waves lapped the shore and water peddlers distributed it to the people for pay.

Then water was pumped from the lake a short distance from shore into tanks, from which it was conveyed through wooden pipes to the consumers.

The rapid growth in population of the city of Chicago emphasized the importance of sewage disposal, and in 1856 a system of underground sewers, probably the first in the United States, was constructed, draining principally into the Chicago River. Therefore, it was not long before the shore waters became unfit for use, and the pipes through which the water was drawn had to be extended farther into the lake.

As population increased so did the amount of filth which was discharged into the lake. The death rate from typhoid fever was higher than that of any other city in the country. The highest death rate was among the children and the poor people who could not move away or afford water from any other source than the polluted waters of Lake Michigan.

The solution of this most serious problem, to protect the lives and health of the people, was taken up by the State legislature, and in 1889 a State law was passed creating the Sanitary District of Chicago and authorizing the building of a sanitary and ship canal, connecting the Chicago River with the Des Plaines River to divert the sewage which was polluting the waters of Lake Michigan into the Mississippi watershed.

This State law required the sanitary district to dilute the sewage turned into the Des Plaines River with water from Lake Michigan on a basis of 3½ cubic feet of water per second for each 1,000 population.

This action by the State legislature was taken as a result of a study and an investigation by a commission appointed for the purpose of investigating every known method of sewage disposal and to take into consideration the great demand for a deep waterway to the Gulf of Mexico.

Therefore a sanitary and ship canal 32 miles long, 24 feet deep, and 160 feet wide, with a capacity of 10,000 cubic feet per second, was constructed from the Chicago River to the city of Lockport, where controlling locks were built at an original cost for the entire project of $30,000,000.

The canal was completed in 1899, and in December of that year Congress and the War Department were notified officially of what had been accomplished in this regard.

In 1900 the water was turned on from Lake Michigan, and the northern link of the Great Lakes to the Gulf waterway was complete and in operation. Since that time the Chicago and Des Plaines Rivers have been improved by the district, and other branch canals, pumping stations, intercepting sewers, and sewage-treatment plants, representing a total cost of about $90,000,000, have been constructed.

The Chicago plan of sewage disposal by dilution and diversion from Lake Michigan, aided by the pasteurization of milk and the chlorination of water, resulted in a reduction of the typhoid death rate to the lowest point of any big city in the world.

Federal engineers and officials had full knowledge of the creation of the sanitary district and of the plan to reverse the flow of the Chicago River and to divert from Lake Michigan the amount of water needed to properly dilute the sewage of the district so that when discharged into the Des Plaines River it would not be offensive or injurious to the health of any of the people of Illinois.

So far as I am able to learn, no objection to this plan was made by Federal authorities at that time, and prior to the opening of the canal in 1900 a permit for the diversion of 4,167 cubic feet of water per second—sufficient to care for a population of 1,250,000—was issued by the then Secretary of War.

Subsequently, as the city increased in population, it was found necessary to increase the amount of the diversion of water, and at the present time there is being diverted, under authority of a permit from the Secretary of War, 8,250 cubic feet per second.

Following the completion of the drainage and ship canal from Chicago to Lockport, the agitation among the people of the Middle West for an adequate Lakes to Gulf waterway increased tremendously, and the demands for congressional action in this regard became very insistent.

Plans were proposed and a route selected for this waterway, as follows: The sanitary and ship canal from the Chicago River to Lockport; the Des Plaines River from Lockport to its confluence with the Illinois River at Utica; the Illinois River to its confluence with the Mississippi River at Grafton. The section from Lockport to Utica was not under Government control, but that from Utica to Grafton was, and the Government has already spent some money for its improvement for navigation purposes. The State legislature passed an act, and the people of Illinois approved it by referendum, to appropriate $20,000,000 to improve its section by the construction of a 9-foot channel with locks and dams where necessary, and Congress has been asked to appropriate adequately for the section under Government control.

The State's work is well under way and will be completed within a short time. The request for congressional action has been pending for years, but it seems that certain interests and influences, in order to serve their own selfish desires for gaining power or favor by means of propaganda and otherwise, have been able thus far to obstruct, delay, and prevent favorable action on this most-needed improvement in transportation facilities.

However, on April 3 of this year, the Rivers and Harbors Committee of the Sixty-ninth Congress wrote into the regular rivers and harbors bill a provision recommended by the Chief of Engineers for a project to complete the Illinois waterway by the construction of a 9-foot channel in the Illinois River from Utica to Grafton and authorizing an appropriation of $1,350,000 therefor. Much opposition to the adoption of this provision in the bill has developed from States bordering the Great Lakes, and charges have been made that the city of Chicago and the State of Illinois are responsible for the lowering of lake levels, causing injury to navigation and great loss to the shipping interests; that our people are thieves and robbers in that we are taking water from Lake Michigan which does not belong to us, but to them; that we are interfering with God's plan of creation in that we are causing water to flow from one watershed into another; and that it may be that the lowering in lake levels of 40 inches, caused by lack of rainfall over a period of years, is a punishment God is visiting upon us because we steal water and upon them because thus far they have failed to rise in their wrath and smite us.

The facts are that although there is a diversion of water from Lake Michigan into the Mississippi watershed permitted by the Secretary of War for sanitary purposes to protect the health and lives of the the people of Chicago and vicinity, there is no provision in the bill legalizing a diversion of water or any other thing except an authorization for an appropriation of $1,350,000 and the construction of a 9-foot channel to make the Lakes to the Gulf waterway a reality.

On the contrary the bill explicitly provides:

> That nothing in this act shall operate to change the existing status of diversion from Lake Michigan, or change in any way the terms of the permit issued to the Sanitary District of Chicago, March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

It is true that there is now being diverted 8,250 cubic feet per second from Lake Michigan under a permit from the Secretary of War, but this permit was granted with the positive understanding that the sanitary district proceed to construct as rapidly as possible modern sewage disposal plants to take care of the sewage in other ways than by dilution with water from Lake Michigan. This is now being done and the district is appropriating and spending about $20,000,000 a year—all that it is possible to obtain by taxation on existing Illinois law—in the construction of sewage-disposal plants, and as these plants are completed and put in operation over a period of years, less and less water will be required from Lake Michigan for this purpose.

However, in the meantime while this work is going on and the water is being used for sanitary purposes, why should not the United States and the people of the great Middle West have its use for navigation purposes also in accordance with the proposed plan, especially in view of the fact that so much of benefit to all the people through lowering of freight rates may be obtained by the expenditure of such an insignificant sum of money?

It may be that the answer is contained in the statement of former Secretary of War, Newton D. Baker, before the Committee on Rivers and Harbors, when he said:

> The 10,000 cubic second-feet diverted from Lake Michigan and sent down the Illinois River is capable of producing only 80,000 horsepower of hydroelectric energy, while the same 10,000 cubic second-feet if allowed to go down its natural channel and through the St. Lawrence River is capable of producing 500,000 horsepower.

And in the same breath let us remember that five-sixths of this power would be produced in Canadian territory.

Over $500,000,000 has already been expended by the Government, the State of Illinois, and the Sanitary District of Chicago in the development of waterways in the Mississippi Valley, but as yet no adequate connection has been established with

Chicago, the metropolis and chief point in the Central West. An estimated additional expenditure of only $3,057,000 by the Government—of which $1,350,000 is provided for in the project now under consideration—is all that is needed to complete an adequate, serviceable channel of not less than 9 feet in depth, thereby establishing the much hoped for, greatly needed Lakes to the Gulf waterway.

By this expenditure in providing this 9-foot channel the United States Government can make it possible for all of the people of the United States, and particularly those in and tributary to the Mississippi Basin, to obtain the full benefit of the $430,000,000 invested in river development in the Mississippi Basin by the Government, the $60,000,000 invested for the same purpose by the Sanitary District of Chicago, and the $20,000,000 appropriated and now being spent by the State of Illinois.

The expenditure of this small sum of money will also make it possible for the people of the Great Lakes region, and in the upper Mississippi Basin, to obtain some benefit from the Panama Canal, which was paid for by taxation spread throughout the United States and which at the present time is useful only to the Atlantic and Pacific seaboards.

If the entire diversion of water from Lake Michigan at Chicago—and this seems to be the basis of all the complaints and opposition to the passage of this bill—were stopped to-day, it would not correct the lowering in the lake levels. The only result in this regard would be that in about five years the levels of all the Lakes except Superior would be raised about 5 inches, which would still leave a lowering of 26 inches according to figures existing in 1924.

What this situation needs is comprehensive treatment covering the entire chain of lakes, and in recognition of that fact and to hasten the solution of that serious problem, this bill contains a provision for a survey of the Great Lakes with a view to providing ship channels with a sufficient depth and width to accommodate the present and prospective commerce at low-water datum for the Great Lakes and their connecting waters, and their principal harbors and river channels, either by means of compensation or regulatory works, or by dredging and rock removal in the separate localities or by both methods.

The passage of this legislation and the construction of the work herein provided for will bring about the realization of the hopes of a hundred years by giving to the United States a practicable system of water transportation which will make it possible for the farmer, merchant, manufacturer, miner, and business man of the Middle West to compete on equal terms with his competitors on the eastern seaboard, who have been so greatly favored by the cheap water transportation through the Panama Canal. [Applause.]

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

The CHAIRMAN (Mr. ACKERMAN). The gentleman from Ohio makes the point of order that there is no quorum present. The Chair will count.

Mr. CHALMERS. Mr. Chairman, I withdraw the point of order, and I yield 20 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman and gentlemen of the committee, to discuss this bill properly it would take two or three hours, because there are so many projects in it. I only intend to devote a few moments to the Chicago diversion project, which is only one of those in the bill that can be fairly criticized, because I believe it is proper at this time to call your attention to what you will be asked to vote upon later. Those projects, numbering around 35, I believe, will be discussed in their order when the bill is up under the five-minute rule.

I wish to say, because of the suggestion made by one of the speakers a moment or so ago regarding my opposition to such bills, that I have never been opposed to expenditures for real commerce or navigation, although for years I have opposed rivers and harbors bills. The same was true, I am sure, of Senator BURTON, and at that time I did what little I could at this end of the Capitol and aided in blocking some of the bills, which were infamous bills, due to their indefensible character.

Two hundred and fifty miles of the Mississippi River run along the western border of my State and 150 miles of the upper Mississippi River run along my district, and there is not a boat line running there, notwithstanding the fact that $37,000,000 has been spent on the upper river. There are only about 100,000 tons of all kinds of miscellaneous traffic on that upper river outside of gravel and the logs. Everyone knows these facts who is familiar with the river. And you can not get any return in commerce on the lower part of the Mississippi River, that already has had nearly $200,000,000 spent on it, without having the Government to operate the boat line. The Missouri River, on which we have spent $20,000,000 during the past half century, only had 1,410 tons of actual commerce in 1924, although the report shows 347,000 tons. I am going to put the figures in the RECORD and I want you to examine them. The rest is represented by sand and gravel hauled several miles. That is the kind of results secured by $200,000,000 and more spent on the Mississippi and Missouri.

Do you wonder, knowing these facts and living along the river and seeing no boat lines, and knowing the fraud perpetrated upon the American people, that I object to some of these wasteful expenditures.

We have in the State I represent in part the second largest harbor in the United States, with 50,000,000 tons of commerce on the average, as the gentleman from Minnesota [Mr. CARSS] says, in the Duluth and Superior combined harbor. This is possibly ten times the real commerce of the entire Mississippi River, because you have to analyze the commerce reported. Do you know what the engineers do when reporting lower Mississippi River commerce? They divide it up into three sections, and then the engineers add the commerce on the different sections, some of which is duplicated, so that you can not estimate from the reports what real commerce is carried or how far. We have a dozen harbors in my State and some of them are affected by this Chicago diversion.

Wisconsin has brought a suit against the State of Illinois to stop this diversion in so far as it interferes with navigation, and to that extent at least I am interested in this bill.

If this Chicago diversion proposition, with all the eloquent arguments that have been made in favor of it, were to stand by itself in this House to-day, without the river and harbor bill votes for its passage it would not get 50 votes. What is more, if it was not for the New York canal or the all-American canal, or whatever my friend Chairman DEMPSEY wants to call it, with the $500,000,000 or over that is to be spent according to the statements in reports, it would not have the 50 additional votes that will be brought from that region.

Mr. McDUFFIE. Will the gentleman yield right there?

Mr. FREAR. I can not yield now. I am going to get around to Alabama in a few moments.

Mr. McDUFFIE. Alabama has nothing in this bill.

Mr. FREAR. Alabama once had Muscle Shoals, and they put a $100,000,000 debt upon this Government, although I used to block it time after time when inserted in the old river and harbor bills. I can not permit an interruption now.

Mr. McDUFFIE. You want to be fair.

Mr. FREAR. I shall be glad to yield later if I have the opportunity.

Mr. McDUFFIE. I assume the gentleman wants to be fair, although it may be a violent assumption.

Mr. FREAR. The gentleman who interrupts I trust may be answered later, but I do not want him to interrupt until I am through, please.

Then there is the Cape Cod Canal, where 32 lives, we are told, were once lost in 10 years, and how the distinguished chairman did weep over that item when he explained yesterday about the present danger to life around Cape Cod. Oh, twice that number of lives are lost in automobiles in the city of Washington every year, but we do not need $11,500,000 from the Government because of that fact. How many votes are you going to get from the Cape Cod Canal proposition that is in the bill again as usual; how many votes will come from the Texas canals along with the $16,000,000 Gulf waterway proposition you have placed in this bill? How many, I wonder? How many votes are you going to get for the Chicago sewage proposal from the 111 surveys included in the bill that are scattered over 33 States? Somebody said something about this being a pork barrel. Why, yes, it is; because these projects must stand or fall together, and they stand by each other. That is why some of them get into the bill, I surmise. The upper Mississippi has about $20,000,000 involved in a survey in this bill for a 9-foot channel up to Minneapolis. That reaches several States on the upper river. They pull them in from everywhere, and 33 States or possibly 48 are represented in the many items scattered through the bill.

When you people who are innocent, and I speak to my good friend from Ohio [Mr. CHALMERS], who has charge of the opposition to the Chicago sewage project, when you people state that you are hoping to drive out the Chicago diversion proposition let me say that you are not going to do any such thing unless you do something very unusual. You can never drive a proposition out of a river and harbor pork barrel. The votes are spread all over this country, from one end of the country to the other, from Maine on the Atlantic away around on the Pacific to Washington. Every single State that borders upon the water has a project, either by way of a survey or otherwise, so how can you defeat any project in the bill?

I may offer some survey propositions for Vermont and a few other States that you may have overlooked. I may offer them when you read the bill, because I think they are entitled to be represented here in order to make it a unanimous bill.

Now, gentlemen, I listened with a great deal of interest to my good friend, Representative MARTIN MADDEN—and he is my good friend. He is an admirable man, and I am proud he is a Member of this House. I am glad he is at the head of the Appropriations Committee, because ordinarily he is a wonderful champion of the people and holds a lock upon wasteful appropriations; but I never saw him as helpless as he was to-day, a man of his ability and strength trying to defend this proposition of the Chicago diversion and the bill that carries that project. He used to talk on the floor of the House here with me, except he had better arguments than I had when we were opposing the old-time pork barrels, and he would talk about the necessity of insuring some streams against fire. Do you remember that? For heaven's sake, judging from the Hennepin Canal, of which Senator BURTON spoke, and which I expect to put in my remarks, and the Illinois River, which is a part of it, why should they not want to insure against fire down there? There is no commerce in sight and no commerce will come, when practically an insignificant commerce is carried upon the upper Mississippi River and the Missouri River.

Bernhard, when he came over from Germany, said that the Mississippi River had the finest channel of any river in the world, and I am going to put in my extension of remarks something about that. He said that you do not need any further channel, and yet some of these gentlemen who have spoken on the bill are complaining because you have only spent $200,000,000 on the Mississippi River. They say we are against navigation. No; we are not. Here is the situation that confronts us:

A suit was brought by my State to enjoin the State of Illinois or the city of Chicago from taking this water for sanitation purposes. I am not going to discuss what has been ably presented, but we are asked here to put the seal of legislative approval and permanency upon that agreement. Think of my good friend from Chicago [Mr. MADDEN], who said in substance, "We are going to reduce every year the amount of water used for sanitation," but will have to increase or maintain the diversion every year for navigation. So what are you going to do? Where is the logic of that argument? They want the water for sewerage and not for navigation, and we are opposed to the diversion that affects disastrously the Great Lakes commerce. The gentleman from Missouri [Mr. NEWTON] discussed the question, and very ably, too. The only trouble with his argument is that he has found out suddenly that some Canadian water-power influences, God knows where, are the ones who are opposing the Chicago sewage project, and that these water powers are behind us in our opposition to the Chicago diversion. To create any impression you have to be sincere and you have to be fair, even though people do not agree with you. No man present in this House, I am satisfied, has heard anything before about the Canadian water powers. We have heard about the Illinois River water powers and we have heard about the Chicago sanitation board. Wisconsin is prosecuting these suits because Chicago is diverting for its sewerage purposes water needed for navigation. That I am sure is the case with all the States interested in the injunction suits to maintain lake levels.

Let me read you something from the report of the Chicago Sanitary District of December, 1923.

The report of the Chicago Sanitary District of December, 1923, on page 24, as shown in the testimony before the Committee on Rivers and Harbors of the House, page 439, says:

"The population which they should care for is 3,213,000 people; stockyard wastes equivalent to 1,030,000; corn products waste equivalent to 380,000; miscellaneous waste equivalent to 150,000 people, making a total of 4,773,000 people."

Thus, to state the proposition in concrete terms, one-third of the diversion of water out of Lake Michigan at Chicago is to take care of private commercial sewage that these big corporations in any other location would be required to dispose of at their own expense and in their own disposal plants.

I quote from the minority report:

Mr. Baker, former Secretary of War, told the committee, and it was not disputed, that one-third of the water abstracted is used solely for the disposal of the refuse and sewage of the Chicago stockyards and the packing houses. On the basis of an abstraction of 10,000 cubic feet a second it appears that considerably over 3,000 cubic feet would be for the sole advantage of these packing houses and stockyards.

Now this is not taken from Canadian water-power sources; it is taken from the Secretary of War, who granted the permit, and from the sanitary district that received it. If true, what defense can be offered by such arguments laying responsibility on some Canadian interests?

Now let me read from Document 270, page 10:

The depths stated have become inadequate for the vessel draft assumed to have been provided for, because a deficiency of rainfall of the upper lake region in recent years, combined with water diversion from Lake Michigan and Chicago, has resulted in lower lake levels than anticipated.

The Army engineers, on whom you profess to depend here, say that this diversion is destroying to-day some of the commerce on the Great Lakes, which is yet 125,000,000 tons, and it is one hundred and sixty-two times that on the Mississippi River. Yet we are to take the water of the Great Lakes and send it down to the Mississippi River to float submarines and destroyers whenever we get in war with England. That is Representative NEWTON'S strong point, and I leave it without argument.

I want to refer you to one or two matters. The gentleman from Missouri further says that out of this great amount of money that is being expended they get so little in Missouri. The amount of money, $1,600,000, on the Missouri this year is not small for a 1,410-ton commerce. Let me give you the figures of total river and harbor expenditures now. The engineers stated that on all projects, including flood control, there were expended in 1925, $69,000,000 and for Muscle Shoals $10,000,000, or a total of nearly $80,000,000.

How many projects do you think we have got under consideration to-day? You have the impression from discussions here that there are only a handful of waterway projects under improvement. Harbors, 199; rivers, 284; canals, 53, making 536 projects in all are being improved. Oh, some one says, if you would finish up these projects we will be all through. That is a frequent argument of river lobbies. If we put through the canal that my friend from New York wants across his State, it will take $500,000,000 more. If you are to put through the project in the upper Mississippi in this bill, it will take $20,000,000 more.

Two hundred and fifty-six million dollars is required to finish up the projects we have now, according to the engineers. So you are never going to finish up the projects, and you have $20,000,000 for maintenance to-day, now, and hereafter annually to keep up the projects already authorized, whether good or bad.

I would like to discuss some of the questions that are going to be presented to you. I may do so when we get under the five-minute rule, but I do not know whether it is well to discuss them now. I want to say this further about the Missouri River cost; the gentleman from Missouri says that we have not got enough. They have got $1,600,000 this year. They have been expending money for nearly 50 years. Yet there is no boat line at all on the 400-mile stretch from Kansas City to the Mississippi River.

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

Mr. FREAR. Yes. Certainly.

Mr. LOZIER. Does not the gentleman know that the Missouri River has never been completed and made navigable, and that until it is completed it can not be navigated, and is not that true of all streams?

Mr. FREAR. I know this, that hundreds of boats were on the Missouri River and on the upper Mississippi River many years ago, before a dollar was ever spent by this Government, that you have a better channel now on the Missouri than you ever had before. But this is not a navigation project; it is a land reclamation project pure and simple; and I can put the engineers' reports in the RECORD to prove it, if the gentleman desires.

Mr. LOZIER. Will the gentleman yield for one more question?

Mr. FREAR. Not now.

Mr. LOZIER. But the gentleman wants to state the facts?

Mr. FREAR. Yes; and I am familiar with them, because I have been studying them for a great many years.

Mr. LOZIER. But I live on the river and know.

Mr. FREAR. Then the gentleman knows that the money that has been expended along the Missouri has been expended for land reclamation or land protection all along the banks, and that is what it is primarily for. There is practically no commerce on the Missouri River to-day, as I have stated.

Let us take the Illinois River proposition. Do you know that the Government has spent 74 years improving the Illinois River and that we have expended about $3,000,000 on the river? Here is what the engineers' report says about their appreciation in Illinois of that expenditure:

Of 13 principal cities along the river 5 own dock frontage more or less improved, 4 own dock frontage with no improvement, and 4 own no dock frontage at all.

They do not use the river or refuse to give any terminal or dock facilities. Yet the Government puts up all the money to give a good channel.

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

Mr. FREAR. May I have five minutes more?

Mr. CHALMERS. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. FREAR. Mr. Chairman, over 20 years ago a wild scheme was put through Congress of connecting the Mississippi River with Lake Michigan by a deep waterway somewhat similar to what you have here to-day through the shallow Illinois River, that lacks both water and water craft. As the gentleman from Ohio [Mr. BURTON] well said, there is a commerce of a little over 11,000 tons, of all character, carried on this river, it is hard to tell what distance, and 5,000 tons of that 11,000 tons are sand and gravel. And this is all the commerce after an expenditure of $10,000,000 for that canal.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes. Certainly.

Mr. WILLIAM E. HULL. If you can not connect with the Lakes, then you can not use that canal. As it is to-day it does not have any connection at one end, and that is the reason there is no commerce upon it.

Mr. FREAR. I say to the gentleman that I have read some of the hearings and I admire his position very much indeed. I know how fair he has been with some of the other projects, for instance, with the Staten Island project and some others. I commend him for his independence. The same argument, however, was made before that is now being made. That the canal when completed and the project as completed would carry millions of tons of freight, but it never materialized. You can not drive a 14-foot vessel from Lake Michigan, as the Army Engineers well said when they reported against this Lakes to Gulf project, and send it down a 6 or a 9 foot channel in the Illinois River to the Mississippi.

Mr. WILLIAM E. HULL. But this is a 9-foot canal.

Mr. FREAR. Yes, as I recollect the figures, 90 per cent of the commerce brought into Chicago in vessels is brought in 14-foot vessels, and the Lakes to Gulf project is another dream like the Hennepin Canal in Illinois that was put through for the same purpose.

Mr. WILLIAM E. HULL. I live on that canal and river, and the real truth of the matter is——

Mr. FREAR. Oh, I do not yield for an argument. I thought the gentleman wanted to ask me a question.

Mr. WILLIAM E. HULL. The gentleman does not want to answer the question.

Mr. FREAR. I have not time for an argument. As I said, there is one harbor in my own State with a commerce of 50,000,000 tons, which commerce is hauled about 900 miles. They have spent all together only about $8,000,000 on that harbor, the second greatest harbor in the United States, and with total expenditures less than on the Hennepin Canal. That is real commerce, and they carry it constantly, but they have trouble with some of our harbors, as I have already said. They will be obliged to put $4,000,000 additional into the lake ship canal because of low water. They are troubled with shallow water in these harbors. Of course, the Chicago diversion is not the sole cause, but it is a serious loss to navigation.

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

Mr. FREAR. Yes.

Mr. MANSFIELD. The engineers are all agreed that the Chicago matter has not affected the level of Lake Superior.

Mr. FREAR. I concede that; but we have seven or eight harbors on Lake Michigan that are larger than Chicago's lake commerce, and that is the difficulty with our harbors on Lake Michigan. Other States have harbors on that lake and other lakes that are affected by the same diversion. True, the rainfall has affected the Lakes, but it is going to be permanently less, because the trees have been cut off, all the forests have been cut off. Therefore we have to stop this diversion if we would protect our commerce. I can not see why we should pussyfoot on the subject at all. I want to help Chicago all I can, because, among other things, I once lived there and I want to save her from distress; but this item ought to be stricken out of the bill, or the bill should be defeated. In fact, I believe it should be defeated. They have no right to have that diversion longer for sewage purposes or for sanitation purposes, as they now choose to call it. Other cities take care of their offal, and why should not Chicago do the same? On what ground do they come to the Congress and ask leave to send these waters from the Great Lakes down through the Illinois Canal, first, for sanitary purposes, and now for navigation purposes, as they claim? It is not a proper use of the Great Lakes, that carry the greatest inland commerce in the world.

There are a number of projects in this bill that I want to discuss at the proper time from the standpoint of the Engineers' report. I can not understand how the Committee on Rivers and Harbors, after looking at the old $150,000,000 barge canal in New York State——

Mr. DEMPSEY. Two hundred million dollars.

Mr. FREAR. One hundred and fifty million dollars, if I remember correctly. Let me say in all kindness to my distinguished colleague [Mr. DEMPSEY], whom I admire very much personally, I know he wants that canal at $500,000,000 and wants it awfully bad. I would like to concede something to him, but I hope the Congress will never give him that project, because I feel it is a pure waste of money, just like the Illinois canal scheme is. I believe it would be proper to strike out the water-diversion proposition and possibly give a little time in which to take care of their sewage disposal. That is what we ought to do.

I thank you, gentlemen, for taking up so much of your time. If there are any further questions I can answer, I desire to do so.

Mr. WILLIAM E. HULL. If the gentleman will yield to one question. Say we strike out that part and have no diversion, will the gentleman be satisfied to let us build a waterway from Utica to Grafton? That is what the bill is?

Mr. FREAR. I do not object to anything in the Illinois River project except taking the water out of the Lakes.

Mr. WILLIAM E. HULL. Then the gentleman is not opposed to building a waterway from Utica to Grafton?

Mr. FREAR. No; if it does not affect the lake levels.

Mr. WILLIAM E. HULL. I thank the gentleman; he is for my bill.

Mr. FREAR. That is the trouble with the gentleman. I do not know how many other propositions are in this bill which may be of equal lack of merit, for the bill contains many objectionable propositions.

Mr. McDUFFIE. Will the gentleman yield?

Mr. FREAR. I will.

Mr. McDUFFIE. The gentleman referred to this canal crossing the State of New York.

Mr. FREAR. Yes.

Mr. McDUFFIE. The gentleman knows we have a commission studying the other route.

Mr. FREAR. Yes; I so understand.

Mr. McDUFFIE. This is only in reference to the survey and does not commit the Congress to anything. Does not the gentleman want Congress to have all the information as to which is the better of the two routes?

Mr. FREAR. No; because you have had some 20 surveys across the State of New York, and you may keep it up until finally you get some board to concede what is desired by the locality. That is the difficulty about the matter. I am familiar with the work and responsibility of engineers. They are liable to be thrown out if not giving satisfactory reports, like they threw out Townsend and Deakyne for refusing to recommend the Missouri River. When they refuse to recommend the projects asked for by local centers, then the localities, through their representatives, seek to throw them out and get engineers to do what they want.

Mr. McDUFFIE. I think the gentleman is very unfair.

Mr. FREAR. The records show that such has been the result.

Mr. McDUFFIE. This is a 30-foot survey which has never been made, and in the course of time in the future—maybe half a century—we ought to have the information, and this simply calls for a small expenditure of money to get the information and have a comparison of the two routes.

Mr. FREAR. I understand that, and what impressed me as much as anything when the gentleman from Missouri stood here and said for a million dollars we could put the Lakes on a level, I thought of the splendid Committee on Rivers and Harbors that might have preserved the lake levels at nominal cost, but has failed to do so; and I think that is of more immediate concern than this New York canal.

Mr. Chairman, under the leave to extend I wish to add, a dozen years ago I was assisting in a modest way in the House the distinguished gentleman from Ohio, Ex-Senator BURTON, who then held a strong position in public affairs as a leader of the Senate. We were then seeking to prevent the river and harbor pork barrel from sinking through overloading.

In those days we tried to hold waterway appropriations below $40,000,000 annually, which included flood-control projects and in fact we did persuade Congress in one year to lop off about $100,000,000 of that amount.

Every project was set forth in the bill with the amount appropriated for that project under that system.

Now, all is changed. We simply appropriate $50,000,000 or more in one brief item of the military bill covering rivers and harbors already under improvement without naming them in pending legislation together with various amounts elsewhere for flood control and other projects so I may not be in error when I say that projects have increased in number nearly 50 per cent within the 12 years, and amounts paid by the Government for waterway improvements during this period of economy have been doubled within the same period.

Congress is now "improving" 536 projects as follows (harbors, 199; rivers, 284; canals, 53):

(Vol. 1, p. 2)

The engineers spent on these projects and on flood control for 1925	$69,882,028
On Muscle Shoals	10,053,300
Total	79,935,328

or about double the amounts expended 12 years ago with an annual maintenance fund now paid by the Government of about $20,000,000. Army engineers estimate it will take $226,000,000 to complete these projects. The bill before us carries over $33,000,000 in new projects and one survey out of 110 in the pending bill if adopted will add anywhere from a half billion dollars to $1,000,000,000 for which taxpayers will foot the bill.

In the river and harbor bill before us (No. 11616) we have no information regarding new projects excepting a reference to some report on each project. I will wager that outside a dozen members of the committee who are supposed to know the facts not one Member of Congress in 10 has examined the reports referred to in the bill.

There are between 30 and 40 new projects in the pending bill that will take between $30,000,000 and $400,000,000 to complete. These scattered around the country are the iron hoops that hold the average pork barrel together. Every project is certain of the votes generally from States affected and the bill gets them all.

It has been a far cry for every river and dredging lobby to shout that if Congress will complete its projects then the job will be done. Such a letter has just been received from a lobby official in St. Louis. That statement is worse than misleading, for it is known to be absolutely untrue.

HERE ARE THE STAVES TO EVERY PORK BARREL

In the bill before us for illustration we have demands for surveys of 111 new proposed waterway projects and in addition water-power proposals on 27 rivers scattered all over the country. If one-half of these, including the New York canal, are approved by Army engineers it may involve an expenditure of a thousand million dollars additional or more.

To date our waterway appropriations have reached $1,311,597,443. In addition, Muscle Shoals has cost to date $45,800,000.

If this money has been well expended, no complaint should be made, because rivers and harbors where commercially used should be improved. I repeat the statement repeatedly made, however, that an analysis will demonstrate over one-half of this amount has been wasted.

River traffic, excepting with deep-draft boats on deep waterways like the Hudson and Delaware, can not compete with paralleling railways as in European countries, where the government in its control of both rail and water diverts heavy traffic over its waterways. Here they both compete, and the railways always get the traffic unless the Government maintains the boat line.

What are the facts—take the largest river in the world, the Mississippi. On page 1805, volume 1, Engineers' Reports, 1925, the amount reported expended by the Mississippi River Commission is $174,334,000. If this item includes only the river below Cairo, then the expenditures on the river above Cairo ranging around $73,000,000 more total nearly $250,000,000 spent on the Mississippi River alone. I do not say this amount is exact, for the reports are not clear; but that Mississippi River expenditures by the Government run far above $200,000,000 is certain if the reports are correctly understood.

A statement of expenditures on the upper Mississippi River above the mouth of the Missouri shows legislative folly that can not be defended, for after an expenditure of over $37,000,000 on the upper river the actual commerce in 1925, deducting logs, sand, and gravel, hauled about 10 miles reached only 102,701 tons, or less than 2 per cent of the commerce of a small Wisconsin lake harbor.

After 40 years of "improvement" the 300 steamboats once on the upper Mississippi River have dwindled to about 5 per cent of that total number and at the least calculation the cost to the Government for furnishing a waterway, counting maintenance and interest, is over $20 a ton, on about 100,000 tons on real commerce, while a half dozen Ford flivvers could carry the actual commerce with its short hauls at less than 5 per cent of that cost.

I quote from the Chief of Engineer's report (1925):

MISSISSIPPI RIVER, MINNEAPOLIS TO MISSOURI RIVER (664 MILES)

(Page 1046)

Total expended to June 30, 1925, on this stretch	$37,590,042
Amount required for 1926 on this stretch	$1,600,000
Engineers' report of commerce (1925)—tons	769,139
Value (page 1056) 1925 report	$14,265,553

Commerce analyzed (vol. 2, p. 1228) on this 664-mile stretch of river

	Tons	Miles hauled
Upbound:		
Gravel	111,484	9
Sand	65,315	9
Stone	15,156	
Downbound:		
Logs	73,819	10
Gravel	284,583	17
Sand	116,081	6
	666,438	
Total	769,139	
Miscellaneous	102,701	

Methods of duplication and bolstering "commerce" may be applied also to the "miscellaneous item." Engineer's note, volume 1, page 1228, states—

In 1924 the packet business was very small, there being only five small propelling barges in operation between St. Louis and St. Paul. The 1924 commerce was 204,428 tons less than 1923.

I call attention to "five small barges" in use.

These small barges I understand are now to be frozen out of the small business they have produced. Not by any private competitor, but by the Government. We have shouted ourselves hoarse about keeping the Government out of business, but after spending $200,000,000 on the Mississippi River we have kept less than 5 per cent of its original commerce by Government owned and operated boats.

That is the result of a half century's "improvement" on the upper stretch of our greatest river waterway after an expenditure of over $37,000,000 of taxpayers' money.

On the lower river, on which over $150,000,000 has been spent for all purposes, the 900-mile haul between St. Louis and New Orleans, curiously enough, is divided up by engineers into three sections. Then the Army engineers, in some cases, take the same identical freight like bauxite, and so forth, hauled on each of the three river sections and the same freight they add together as on page 1252, volume 2, yet sand, gravel, and logs included, the entire actual freight traffic on the lower Mississippi, deducting evident duplications, does not exceed the actual freight hauled 800 miles to and from the little harbor of Ashland in my own State. The total expenditures of Government money on this one lake harbor are less than 1 per cent of the expenditures that have been made on the lower Mississippi River alone, while the haul, without duplication, is about the same and cost of maintenance is nominal.

THE MISSISSIPPI HAS THE BEST RIVER CHANNEL IN THE WORLD

All the faith of waterway lobbyists and river enthusiasts for years was pinned to J. H. Bernhard, a boat builder, who predicted a rejuvenation of river traffic. Every citizen devoutly hoped Bernhard's prophecy would be realized, but in a discussion by Mr. Bernhard, found in the proceedings of the American Society of Engineers for 1915, occurs this remarkable statement:

To-day the Mississippi from St. Louis to its mouth affords a channel which is the best to be found in any stream in the world * * * and see its emptiness. An 8-foot channel is all that the most efficient service requires. The Government works unremittingly to develop waterways only to see the water-borne traffic grow less as the years go by.

Still the average "river man" will insist the poor condition of the channels keeps our inland waters idle. This is preposterous; the

Rhine could never compare with the Mississippi in its advantages for transportation; its channel is narrower and shallower, more changeable, the current is swifter, and ice is known in the winter over its entire navigable length, yet in 1913 more than 97,000 vessels passed the Dutch and German frontier on the Rhine.

Further along Bernhard submitted from official reports a statement of 37,529,153 tons carried on the Rhine in 1913, and it is safe to say this did not include sand, gravel, rock, and brush used in river work or automobiles and cattle ferried across the river.

Senator BURTON and Bernhard agreed that you can not get commerce on water by idly wasting money in digging shifting, deeper channels. It takes men with freight to make commerce, and they obstinately refuse to ship by water when they can ship more conveniently by r. il. After spending $150,000,000 or more on the lower Mississippi from St. Louis to the mouth practically the only regular boat line that carries the relatively small commerce is one built and maintained by the Government. Yet with those facts and the astounding further fact that an expenditure of $37,000,000 on the upper Mississippi has produced only 160,000 tons of real commerce, the 1926 bill before us proposes to add $20,000,000, or more, in waste to the upper river by dredging it to a depth of 9 feet to Minneapolis for which a survey is asked. It will not produce commerce if dredged to a 20-foot depth because unless the Government has some means of forcing heavy traffic on waterways, through owning and controlling waterways and railways, as in Europe, the roads will always wipe the boats off the rivers, judging from our experience during the past half century.

Take another example of the unpardonable waste on the "improved" rivers adopted by engineers here. On the 400-mile stretch of the Missouri River from Kansas City to the Mississippi River, on which over $20,000,000 has been expended, the 1924 commerce disclosed by the Army Engineers' official reports is 347,000 tons, but, not counting logs, sand, and gravel, that were always floated or barged a few miles during the past half century, the commerce only reached 1,410 tons. That freight has cost the Government about $600 per ton to carry a few miles, figuring 4 per cent interest on the investment and annual maintenance, and the end is not yet. One good truck could have handled this short-haul freight with 30 days' leave of absence for the driver, if need be, to fish without disturbance to himself or the fish in the same stream, yet $1,600,000 is to be expended this year on this stretch of 400 miles by the Army Engineers, according to their reports.

This Missouri River project was rejected by Army Engineers until the rejectors were removed by political pressure and others more generous were found to recommend the job to Congress.

I will insert Missouri River engineer's official freight figures for which the Mississippi Valley River lobby has drawn down prodigious appropriations when also gathering in $200,000,000 and over for the Mississippi. The Missouri River's actual tonnage after a half century's improvement by $20,000,000:

MISSOURI RIVER, KANSAS CITY TO MOUTH (398 MILES)

Expended by the Government to June 30, 1925 (this project)	$20,066,154
The 1926 Army bill, page 91, carries for rivers and harbors	$50,000,000
This includes for the lower Missouri project	$1,600,000
1924 commerce (p. 1090, vol. 1, 1925):	
Tons	347,324
Value	$831,084

This commerce is analyzed under the law in volume 2, page 796, in another volume, as follows:

	Tons	Value
Logs rafted	1,010	$12,750
Wood and lumber	4,278	13,174
Trees, etc., river improvement	67,066	400,300
Sand and gravel	175,598	100,308
Stone, etc., river improvement	97,962	166,897
	345,914	693,429
Total tonnage reported	347,324	
Miscellaneous	1,410	

Can anything be more illuminating of Engineer's commerce reports than this puncturing of a 347,324-ton bubble when shriveled down to less than an insignificant 1,500 tons, after an expenditure of $20,000,000 and more on this 398-mile stretch of the river?

HOW ABOUT THIS "COMMERCE"?

MISSOURI RIVER, KANSAS CITY TO SIOUX CITY "PROJECT" (409 MILES)

Expended by the Government to June 30, 1925 (p. 1095) -- $3,168,576

	Tons	Value
Commerce, 1924 (this commerce analyzed vol. 2, p. 797, in another volume)	117,643	$155,863
Sand (hauled 9 miles)	104,917	
Stones and river improvement	11,930	
	116,847	
Total	117,643	
Miscellaneous commerce	796	

On page 1089, volume 1, Engineer's reports, the expenditures last year disclose that 75 per cent or more was spent for dikes and revetment to protect adjacent landowners.

After an expenditure of over $20,000,000 the lower Missouri River, apart from logs, trees, sand, and gravel hauled a few miles, reports a "miscellaneous" commerce of 1,410 tons hauled. The report does not state how far. Why not?

After an expenditure of $3,168,576 the upper river reports 796 tons of "miscellaneous" commerce, and 90 per cent of the total was hauled only 9 miles on the 400-mile stretch. The mileage is here given, but not for the 1,410-ton "project." Why not? Here are the largest and most promising rivers of the country that have had around $350,000,000 expenditures made upon them by the Government, while the actual tonnage scarcely equals that of one small harbor of Ashland in my own State. In other words, nearly one-third of all river and harbor appropriations ever made by the Government have been sunk in these three rivers with no particular result excepting to help reclaim adjacent lands and give employment and profits to an army of private and public contractors.

Above all else the analysis of "commerce" shows the necessity for not accepting statements of Army engineers, used to support such ridiculous appropriations. If the Missouri River could furnish water for a 10-foot channel and a hundred million dollars was to be spent by the Government in that work, all the waterway commerce thereafter could be handled by a good truck as stated or, at most, by a half dozen flivvers. But the money spent helps lubricate waterway lobbies that exist only to collect it. They furnish no freight.

The reason for this result is obvious because railways have driven all waterway commerce from the rivers and not one line of boats is maintained on the Missouri River, nor can be maintained under existing conditions. The money spent on the Missouri River by the Government is largely to reclaim or protect lands along the river as is repeatedly disclosed by the reports.

Army engineers are not altogether to blame for fantastic waterway projects. These men are highly trained, honorable men, but when confronted with persistent local communities offering extravagant estimates they are forced to stand alone in their opposition or be exiled by political forces like Townsend and Deakyne were ousted from the Missouri River to make way for more pliable engineers. Theirs is sometimes not a happy lot when dealing with a commodity called conscience, but when they recommend artesian wells for Texas rivers and Michigan lake divergence for Chicago city sewage and siphoning for the Rock River in the 1926 river and harbor bill, it is time to call a spade a spade.

Army engineers could canalize the Rocky Mountains—possibly—and local communities like the Missouri, Mississippi, and hundreds of others would be hopeful of real commerce, but an ounce of experience is worth more than all the exploded estimates that fill the pages of the Chief of Engineers reports.

CHICAGO SEWAGE CANAL

So much for some of our river investments. We are going to take more water out of the Great Lakes through this 1926 bill to help Chicago sewage, and for "navigation" along the Illinois River from Lake Michigan to New Orleans. That is the ultimate purpose now, it is stated. The Lakes to Gulf freight project has the support of Army engineers who have approved the Mississippi, Missouri, and every other project that gets past Congress. No bill in recent years, it is asserted, has had more trades and log rolling than this 1926 river bill, and none with more questionable projects.

The Illinois River is connected by a canal with Lake Michigan and flows into the Mississippi. Since 1852 or for about three-fourths of a century the Government has continually "improved" the Illinois River. Nearly $3,000,000 has been spent on the river to date. (Vol. 1, p. 1391.)

To show how such "improvement" is used by Illinoians on the 223 miles of improved river the 1925 report (p. 1389) says:

Of 13 principal cities along the river 5 own dock frontage more or less improved, 4 own dock frontage no improvements, 4 own no dock frontage.

The river level fluctuation is from 9 to 20 feet, showing its impracticability as a waterway. Vol. 1, p. 1388.

Over 20 years ago a wild scheme was put through Congress of connecting the Mississippi River with Lake Michigan's deep waterway, through the shallow Illinois River that lacks both water and watercraft. The canal plan was going to "reduce freight rates for Iowa farmers" whose grain would be landed in the Chicago market so that every farmer would be living with millionaire surroundings in the land where Mr. Haugen's 1926 farm relief bill was born. The difference between facts and fancies is now known.

The whole canal scheme was as wild as the new proposed Illinois waterway sewage disposal lake-to-gulf project. Here is what happened:

The Illinois and Mississippi (Rivers) Canal was built about 20 years ago by the Government to connect the Mississippi, Rock Island, and Illinois Rivers with Lake Michigan. Seventy-five miles of canal waterway with 34 beautiful locks, at short distances apart, were constructed to float the freight. That was proposed, constructed, and completed, and the Government financed the scheme. It now stands as a monument to waste, incompetence, and worse, and is of no more value to Illinois or Iowa or the country than one of Egypt's pyramids.

THE HENNEPIN CANAL TRADEGY

If you would read about this celebrated canal waterway tragedy turn to page 1064, volume 1, Engineers' Report, 1925. The exact cost of every canal lock is carefully pointed out; all built at Government expense; their proportions set forth in 14 columns of fine print, but the most interesting column is the last which carried the cost of the canal to American taxpayers who have contributed about $10,000,000 for this monumental canal fraud. This was an Illinois River navigation project about as valuable as the diversion scheme in the bill before us.

The commerce on this Illinois and Mississippi Canal for 1925 is given by Army engineers at 11,627 tons, of which 5,200 tons of gravel were floated 23 miles and 1,362 tons of logs and lumber were floated just 3 miles. The value of this gravel and logs is given by Army engineers at exactly $9,925 for 1925. (Vol. 2, p. 794, Engineer's Report, 1925.)

Counting the cost of maintenance, operation of 34 locks, and interest on the original investment, the commerce carried on the Illinois and Mississippi Canal in 1924 cost our Government about $100 a ton as near as can be estimated.

This average waste is less than $600 per ton cost to the Government for a waterway on the Missouri River, although it is about five times the $20 per ton average freight cost on the upper Mississippi.

The actual value of the Illinois canal which we are now asked to abandon for the Chicago sewage canal project is about a stand-off with the $150,000,000 New York Barge Canal, beautiful to look at as a waterway fringe for the New York Central Railway but commerceless. Yet these two projects are now to be partners in a new orgie of waste.

DOES THE PUBLIC WANT TO BE "GULLED"?

Some one has said that as long as the public wants to be gulled, why put any fly in the ointment?

True; but if we have been coddling ourselves with the idea that this is an age of strict New England economy it comes with a shock to learn that a supposed 1925 $40,000,000 river and harbor bill is nearer double that amount. Of this Government expenditure we annually pour millions of taxpayers' money into the deserted Mississippi, Missouri, and other rivers and canals, including the Illinois Canal, and now we are about to take on another Illinois canal and the Cape Cod Canal in this same bill. The Cape Cod is a project that engineers say is not worth more than $2,500,000 to the Government, based on commercial returns, but we are to pay $11,500,000 under this bill, according to the President's recommendations, because a "debt of honor." Eventually it will be "improved," to cost $30,000,000 or more. So was the Liberian loan exploiting proposal claimed to be a "debt of honor," but Congress refused to so regard it and strangled the bill, though recommended by high governmental officials. Such debts of honor will not stand analysis. The 1926 hearings, page 44, say 32 lives were lost in 10 years because we failed to build the Cape Cod Canal. That is about the number lost in New York or Chicago in one month through automobiles and bootlegging; but why hold up the Government Treasury by legalized banditry in order to save a few influential stockholders from loss with their bankrupt canal? What would the early Puritans say of this modern method of sandbagging?

I will not burden you with the 111-lock canalization of the Ohio River that has already cost far over $100,000,000. It is as generous in absorbing Uncle Samuel's funds as the agricultural bill that met its untimely fate through the aid of our eastern friends; but while farmers' needs are still ignored, the only ones who profit from these extravagantly wasteful waterways, all indorsed by able Army engineers, are contractors, dredgers, and to an infinitesimal degree the patient public that pays the bills.

The tale of waste further invites your attention to the present river-and-harbor monstrosity which, among a dozen or more questionable projects, gives unknown amounts for construction and $126,000 annually for operation and maintenance of the new Chicago sewage canal, another Illinois River project.

THE NEW ILLINOIS CANAL PROJECT

In the 264-page report (Doc. 264, 69th Cong., 1st sess.) there are familiar extravagant estimates of benefits to the Government and to shippers by water like those found in pages in thousands of engineers' reports that have been furnished Congress. Closing their eyes to the Illinois canal farce, Army engineers now come back to Congress with a sewage-canal scheme that proposes to run 14-foot lake boats down the 9-foot Mississippi River channels to carry freight that will never materialize.

The Illinois River divergence proposal has always been an outlet for Chicago's sewage, financed in part by the Government with incidental water power along the river that, like the $100,000,000 Muscle Shoals scheme and practically every other water-power plant constructed by the public, is of benefit only to private power interests that push such projects through Congress.

This is, however, of small moment comparatively if it alone involved the Chicago sewage water-diversion proposal. House Document No. 270, Sixty-ninth Congress, first session, contains data of serious importance to the American people who are concerned in the future of the Great Lakes deep-waterway commerce, for this is practically the only inland-waterway commerce of the country, compared with costs of projects that will stand analysis. My own State has a dozen harbors on these Lakes that are affected by this project.

Page 17 of that report states that $46,000,000 has been spent by the Government on the Great Lakes Ship Canal from Duluth to Buffalo. Far more than that amount has been expended on a hundred or more harbors that carry actual commerce on the Great Lakes, and the total expenditures by the Government on this, the greatest inland waterway in the world, out of the $1,300,000,000 total expenditures may have reached more than the $200,000,000 item thus far spent on the Mississippi River. A dozen lake harbors of importance are in Wisconsin.

One harbor in my own State jointly with Minnesota—Duluth and Superior—averaged over 50,000,000 tons of commerce annually during 1923 and 1924, with total appropriations of $8,497,528, covering over 50 years of real improvement. Yet this great commerce, second only to that of New York, was carried on the average about 900 miles, or approximately the distance from St. Louis to New Orleans. Compare this one harbor with the Mississippi River and all other inland rivers and the real distinction between commercial waterways and deserted or unused waterways will be appreciated.

EFFECT ON THE GREAT LAKES BELOW SUPERIOR

In Report 270 of this Congress the Army engineers when discussing the necessity for more dredging in the Great Lakes channels says, page 10:

> The depths stated have become inadequate for the vessel draft assumed to have been provided for, because a deficiency of rainfall over the upper lake region in recent years, combined with water diversion from Lake Michigan at Chicago, has resulted in lower lake levels than anticipated.

It is a surprising admission by Army engineers of a well-known fact that the water diversion at Chicago to care for Chicago sewage is rapidly affecting our Great Lakes channels and also injuring every harbor on Lakes Michigan, Superior, and other bodies of water adjacent to these lakes. Such admissions I trust will not lose the officer his shoulder straps.

Now, it is proposed in the pending river and harbor bill to make a larger permanent water diversion to aid Illinois water powers and to care for Chicago sewage at Government expense. The taxpayers not only foot the bills for the Illinois River but also pay for increased depths of dredging called for in our Great Lakes harbors and channels by reason of this Chicago sewage diversion. So say the Army engineers. Pend-

ing litigation in courts, commercial interests and public interests are to be all swept aside by this legislative holdup.

CHICAGO PUTS THINGS OVER

Of all the monumental frauds ever carried on by private interests and local municipalities in the name of "navigation" the Illinois sewage-diversion project is the most extreme. Every admirer of enterprise and nerve likes Chicago. I lived there when a small boy and I admire Chicago and her people. They get there. When they changed the slogan from "I will" to "I do 'em," our admiration was not unmixed with fear. Forty-six story hotels and great world newspapers now confront the vision with tales of rapid city life and "gang" warfare which startle every law-abiding community.

Iowa farmers, of course, unmolested, continue to buy the Masonic Temple from street fakirs, thereby enlarging their familiarity with State Street, and when Chicago put the $10,000,000 Hennepin Canal through Congress it again enlisted the aid of these same Iowa farmers in that scheme. When Chicago "sold" its sewage proposal to the Government to be carried down the Mississippi, for the Missourian's factories, we said that is a novel get-together spirit which only Chicago could put over. Even when Chicago put blinders on one of the finest Members of Congress, who stands as a watchdog of the Treasury, we said to ourselves that is due to forgivable local pride. But now when Chicago asks us to bootleg all the available water from Lake Michigan for its sewage system and asks us to call off the ancient Milwaukee-Chicago Christopher Columbus excursions because of its municipal needs in the year 2000 A. D., then we protest. Chicago should care for its own sewage like other cities, and, in fact, should furnish an example of municipal enterprise and caution by joining with neighboring States in preserving the only real inland-waterway commerce remaining in this country—that of the Great Lakes.

In this connection I call your attention to the fact that Illinois with a comparatively small waterway commerce now has three members on the Rivers and Harbors Committee that has reported the Chicago sewage project, while Wisconsin, that has several large harbors carrying over 60,000,000 tons annually, has had its one committeeman removed this session after suit was brought by Wisconsin against Illinois on this sewage project.

Trades in votes by eastern interests that want another canal across New York State have been strongly suggested. It seems incredible that any such trade can be made with New York interests but results will be disclosed in the vote on Chicago's sewage project.

THE NEW $500,000,000 NEW YORK CANAL

After sinking $150,000,000 in a New York Barge Canal without commercial results it is the limit of folly to build more canals across that State to divert commerce naturally tributary to the St. Lawrence. Yet, that is proposed and is on a par with the Chicago sewage proposal which the Government is also to pay for. If any charge of pork barrel was ever established in the past, it must stand aside for the pending 1926 bill that would not get 50 votes for either the Chicago or New York canals if they were presented separately to the House, as I stated at the outset.

To-day New York City can not provide for its waterway commerce except by sending ships to Staten Island, Jamaica Bay, and other neighboring places, many of them waterways dredged out by the Government to relieve congestion at the New York City docks, yet, like Jack Horner, it is now proposed to expend hundreds of millions of dollars more of taxpayers' money in a wild scheme of digging another canal across New York State, this time at Government expense. The new New York canal and the Chicago sewage canal are linked together in this river and harbor bill by bonds of mutual interest that defy every element of just or proper waterway legislation.

Waterway improvements costing hundreds of millions practically without limit have run riot on the Mississippi, Ohio, Missouri, and scores of other rivers without producing any appreciable commerce; in fact, it has been stated not 10 per cent of the actual waterway commerce of 40 years ago now remains on some of these rivers, nor will it be possible to recover hereafter because of improved methods of transportation and strangling competition by railways, not permitted in foreign countries that own or control the railways, where inland waterways carry real commerce.

Yet never before has anything been thrust into a river and harbor bill that will compare with the New York canal, to be built in the shadow of the deserted $150,000,000 New York Barge Canal fiasco or the Chicago sewage canal that in this bill links up with the Cape Cod bankrupt canal and other projects which can not be defended commercially, economically, or logically.

When the bill is taken up for amendment I hope to point out other projects that are of little more value than those named, and if they are stricken from the bill it will then be reduced to a skeleton that should be buried, never to be resurrected. Keep in mind that all existing waterway projects, good, bad, or indifferent, are cared for by the $50,000,000 appropriation. The bill before us simply adds to the long list of wasteful, indefensible measures.

In the RECORD of February 15, 1926, I discussed the $50,000,000 appropriation for rivers and harbors and then stated what I here repeat, that if any Representative will become a student of water ways and desires to make himself a public benefactor he can save the Federal Treasury many millions of dollars in annual waste by taking up river and harbor legislation and exposing the work of lobbyists, dredgers, contractors, and others who dip into the Federal Treasury annually in order to distribute millions of wasted gold locally that comes from the pockets of American taxpayers. I do not promise it to be an easy task, but after several years' exposition in the past of our unbusinesslike way of handling the waterway problem, I can say it was never more in need of a real businesslike administration, an exposition of reckless pork-barrel legislative methods, in my humble judgment, than at the present time.

LETTER EXPLAINING STATUS OF DIVERSION SUIT

THE STATE OF WISCONSIN,
OFFICE OF ATTORNEY GENERAL,
Madison, May 12, 1926.

Hon. JAMES FREAR, M. C.,
House of Representatives, Washington, D. C.

MY DEAR FREAR: I am in receipt of your telegram and letter asking the exact status of the Chicago water diversion, and I trust you will pardon my not getting this information to you earlier, as requested in your letter.

I have tried to summarize this in a very concise memorandum inclosed herewith and trust this gets to you in time for your use.

Sincerely yours,

HERMAN L. EKERN,
Attorney General.

P. S. I suggest you get from the clerk of the Supreme Court a copy of the Wisconsin brief on the argument on March 7, 1926.

H. L. E.

MEMORANDUM ON THE STATUS OF THE CHICAGO WATER DIVERSION CONTROVERSY

MADISON, WIS., *May 12, 1926.*

Two suits are now pending in the United States Supreme Court against the Sanitary District of Chicago and the State of Illinois seeking to enjoin the diversion of water from Lake Michigan.

In 1922 an original action was brought by the State of Wisconsin in the Supreme Court of the United States against the Sanitary District of Chicago and the State of Illinois, and in March, 1926, another original action was brought in the Supreme Court by the State of Michigan against the same defendants.

The defendants answered in the Wisconsin action, and further proceedings were held in abeyance pending final decision in the two actions brought by the United States against the Sanitary District of Chicago, one begun in 1908 and the other in 1913. Following the final decision in the Federal action on January 5, 1925, the Wisconsin case was taken up actively, and in October, 1925, the States of Minnesota, Ohio, and Pennsylvania were joined as plaintiffs, and the States of Missouri, Tennessee, Kentucky, and Louisiana were joined as defendants.

The sanitary district answered the amended complaint, and also filed a motion to dismiss, and a motion to dismiss was filed by the State of Illinois. Arguments were had on these motions before the United States Supreme Court in March, 1926, and an order was made denying the motions.

Negotiations are now in process for a motion for the appointment of an agreed commissioner to take testimony to be used in both the Wisconsin and Michigan cases, for the filing of answers by all the defendants in both cases before May 31, 1926, and for the taking of the testimony in advance of the convening of the Supreme Court on October 4, 1926, so that these cases will be argued and decided before the end of the present calendar year.

New York, Indiana, and Michigan appeared as amici curiæ on the side of Wisconsin, Minnesota, Ohio, and Pennsylvania in the argument before the Supreme Court of the United States in March, 1926. These States also appeared with Wisconsin, Minnesota, Ohio, and Pennsylvania as amici curiæ with the Government in the Federal suit.

HERMAN L. EKERN.

For Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

DIVERSION OF WATER FROM LAKE MICHIGAN BY THE SANITARY DISTRICT OF CHICAGO

The law in all the lake States is that there is no right to abstract water for the purpose of diverting it into another watershed. This is the law in all the States except in a few of the mountain States, where a different rule has been adopted in connection with the use of water for irrigation. Neither Congress nor any other branch of the United States Government has power to authorize the diversion by Chicago of the waters of the Great Lakes system into the Mississippi Valley watershed.

Congress has never granted such authorization. Congress has no power in any case to permit any interference with or diversion of waters for the disposal of sewage. Congress has no power in any case to permit any interference with or diversion of the waters for the creation of hydraulic power. The only power of Congress to authorize interference with or diversion of waters is in connection with the power to improve navigation in the regulation of commerce.

In the Wisconsin suit no objection is made to so much diversion, fixed by the Government engineers at not exceeding 1,000 cubic feet per second, as may be necessary for the improvement of navigation in providing waterways over the Chicago, Des Plaines, Illinois, and Mississippi Rivers. The Michigan suit seeks to restrain the taking of any waters out of the Great Lakes watershed.

STATUS OF RIVER AND HARBOR IMPROVEMENTS

[From the Chief of Engineers]

WASHINGTON, D. C., *May 17, 1926.*

Hon. JAMES A. FREAR,

House of Representatives, Washington, D. C.

MY DEAR MR. FREAR: 1. I have your letter of May 11 asking as to the appropriations which would be required to complete the projects for river and harbor improvement which Congress has already adopted, and in reply I inclose a table showing the amounts required for this purpose as stated in the annual report of the Chief of Engineers for 1925.

2. This gives, I think, the data which you desire as of July 1, 1925, Since that date Congress has appropriated $50,000,000 for the maintenance and improvement of rivers and harbors. The exact distribution of these funds can not be stated at the present time, but it is probable that approximately $18,000,000 will be devoted to maintenance, leaving about $32,000,000 available for new work. This latter amount should therefore be subtracted from the total of $226,000,000 given in the table, leaving approximately $194,000,000 as the amount required to be appropriated to complete the projects which Congress has already adopted. In addition to this amount a certain sum is required annually for the maintenance of completed or partially completed projects and it is thought that about $18,000,000 a year will be required for this purpose.

3. As to the projects on which work has not yet been started, I may state that, with few exceptions, no new work has been done on those projects adopted by the river and harbor act of March 3, 1925, a copy of which is inclosed. The exceptions are the Louisiana-Texas Intracoastal Waterway, the Fox River below Depere, Wis., Long Beach Harbor, Calif., Hilo Harbor, Hawaii, and Wrangell Narrows, Alaska, for which funds were advanced by local interests under the provisions of section 11 of the act, and the projects for removal of dams in Galena River, the improvement of the Tennessee River by the construction of Dam No. 1, and the survey of the Tennessee River. In addition to these, no work has been done on the projects for Westchester Creek, N. Y., LaGrange Bayou, Fla., and Tensas River, La., adopted by the act of September 22, 1922. Work on these projects has been postponed pending the fulfillment of the conditions of local cooperation. These are, I think, the only projects adopted in recent years on which work has not yet been commenced.

* * * * * * *

Very truly yours,

H. TAYLOR,

Major General, Chief of Engineers.

(Two inclosures.)

Statement of adopted river and harbor projects showing amounts required to complete, as reported in the Annual Report of the Chief of Engineers for 1925

PROJECT FOR IMPROVEMENT OF PRINCIPAL SEACOAST HARBORS

Additional allotment required for completion, July 1, 1925:	
Portland Harbor, Me	$100,000.00
Boston Harbor, Mass	1,095,000.00
Bronx River, N. Y. (part of New York Harbor)	173,000.00
Flushing Bay Harbor, N. Y. (part of New York Harbor)	253,000.00
Jamaica Bay, N. Y. (part of New York Harbor)	10,542,000.00
New York Harbor—	
Anchorage Channel (part of New York Harbor)	254,500.00
Coney Island Channel (part of New York Harbor)	33,000.00
Additional allotment required, etc.—Continued.	
New York Harbor—Continued.	
Bay Ridge and Red Hook Channels (part of New York Harbor)	$360,600.00
Buttermilk Channel (part of New York Harbor)	1,810,000.00
East River (part of New York Harbor)	29,961,400.00
Newtown Creek (part of New York Harbor)	229,100.00
Harlem River (part of New York Harbor)	1,315,600.00
Hudson River Channel (part of New York Harbor)	970,000.00
Newark Bay, Hackensack and Passaic Rivers, N. J. (part of New York Harbor)	1,595,000.00
Hudson River (part of New York Harbor)	11,632,500.00
New York and New Jersey Channels, N. Y. and N. J. (part of New York Harbor)	4,375,000.00
San Juan Harbor, P. R	55,485.00
Delaware River, Philadelphia to the sea	3,600,000.00
Baltimore Harbor and Channels, Md	1,112,000.00
Norfolk Harbor, Va	2,623,000.00
Thimble Shoal Channel, Va	353,260.00
Cape Fear River at and below Wilmington, N. C	140,000.00
Charleston Harbor, S. C	6,040,000.00
Savannah Harbor, Ga	655,000.00
Brunswick Harbor, Ga	149,125.00
St. Johns River, Jacksonville to the ocean	408,000.00
Miami Harbor (Biscayne Bay), Fla	1,605,000.00
Key West Harbor, Fla	993,800.00
Tampa Harbor, Fla	247,000.00
Mobile Harbor, Ala	1,213,000.00
Southwest Pass, Mississippi River	1,284,800.00
Sabine-Neches Waterway, Tex	2,786,500.00
Galveston Channel, Tex	1,030,000.00
Houston Ship Channel, Tex	88,000.00
Port Aransas, Tex	55,500.00
Los Angeles Harbor, Calif	10,782,700.00
San Pablo Bay and Mare Island Strait, Calif	206,400.00
Coos Bay, Oreg	1,541,500.00
Columbia and lower Willamette Rivers, Oreg. and Wash	1,085,200.00
Grays Harbor and Bar Entrance, Wash	725,000.00
Seattle Harbor, Wash	182,500.00
Honolulu Harbor, Hawaii	161,000.00
Hilo Harbor, Hawaii	2,100,000.00
Nawiliwili Harbor, Hawaii	1,291,000.00
Total	107,215,310.00

The above amount is required to complete seacoast harbors now adopted.

PROJECT FOR IMPROVEMENT OF SECONDARY HARBORS AND COASTWISE CHANNELS

Additional allotment required for completion, July 1, 1925:	
Bar Harbor, Me	$13,600
Saco River, Me	102,000
Newburyport Harbor, Mass	135,700
Harbor of Refuge at Nantucket, Mass	48,500
New Bedford and Fairhaven Harbor, Mass	60,000
Providence River and Harbor, R. I	273,400
Pawtucket (Seekonk) River, R. I	77,000
Harbor of Refuge at Block Island, R. I	19,300
Great Salt Pond, Block Island, R. I	116,000
Pawcatuck River, R. I. and Conn	64,300
New London Harbor, Conn	120,000
Connecticut River below Hartford, Conn	54,000
Milford Harbor, Conn	1,400
Housatonic River, Conn	41,150
Bridgeport Harbor, Conn	42,000
Norwalk Harbor, Conn	70,000
Port Chester Harbor, N. Y	24,700
Mamaroneck Harbor, N. Y	59,300
East Chester Creek, N. Y	1,650
Westchester Creek, N. Y	475,000
Glencove Creek, N. Y	26,750
Port Jefferson Harbor, N. Y	53,800
Mattituck Harbor, N. Y	81,700
Great South Bay, N. Y	5,900
Browns Creek, N. Y	21,000
Tarrytown Harbor, N. Y	6,500
Elizabeth River, N. J	15,000
Raritan River, N. J	175,000
Cheesequake Creek, N. J	50,000
Matawan Creek, N. J	12,120
Shoal Harbor and Compton Creek, N. J	47,130
Shrewsbury River, N. J	50,000
Ponce Harbor, P. R	254,000
Delaware River, Philadelphia to Trenton	1,326,000
Schuylkill River, Pa	174,000
St. Jones River, Del	165,000
Waterway, Rehoboth-Delaware Bay	90,000
Cambridge Harbor, Md	15,000
Crisfield Harbor, Md	42,000
James River, Va	4,730,000
Inland Waterway, Norfolk, Va., to Beaufort Inlet, N. C	3,650,000
Beaufort Harbor, N. C	9,500
Waterway, Beaufort to Jacksonville, N. C	15,202
Harbor of Refuge at Cape Lookout, N. C	1,160,000
Winyah Bay, S. C	128,000
Santee River and Estherville-Minim Creek Canal, S. C	150,000
Waterway, Charleston to Winyah Bay, S. C	51,000
Shipyard Creek, S. C	31,000
Waterway, Charleston to Beaufort, S. C	110,000
Waterway, Beaufort, S. C., to St. Johns River, Fla	22,000
Fernandina Harbor, Fla	54,000
Lake Crescent and Dunns Creek, Fla	53,800
Oklawaha River, Fla	43,000
St. Lucie Inlet, Fla	1,410,000
Charlotte Harbor, Fla	100,000
Sarasota Bay, Fla	29,300
Withlacoochee River, Fla	100,000
Suwannee River, Fla	200,000

Additional allotment required for completion—July 1, 1925—Continued.	
Manatee River, Fla	$14,300
Apalachicola Bay, Fla	122,000
LaGrange Bayou, Fla	28,500
Pascagoula Harbor, Miss	163,000
Bayou LaBatre, Ala	20,000
Bayou Teche, La	55,000
Louisiana-Texas Intracoastal Waterway:	
New Orleans-Sabine River section	5,500,000
Sabine River-Galveston Bay section	3,500,000
Freeport Harbor, Tex	500,000
Channel, Aransas Pass-Corpus Christi, Tex	1,268,450
San Diego Harbor, Calif	149,000
Richmond Harbor, Calif	432,000
Monterey Harbor, Calif	600,000
Crescent City Harbor, Calif	375,000
Siuslaw River, Oreg	74,000
Yaquina Bay and Harbor, Oreg	54,215
Tillamook Bay and Bar, Oreg	236,000
Umpqua River, Oreg	388,500
The Dalles-Celilo Canal, Oreg. and Wash	90,000
Port Orchard Bay, Wash	50,000
Tacoma Harbor, Wash	480,000
Lake Washington Ship Canal, Wash	352,000
Skagit River, Wash	117,000
Swinomish Slough, Wash	50,000
Wrangell Narrows, Alaska	500,000
Total	31,581,667

And that is required to complete secondary sea-coast harbor projects.

PROJECT FOR IMPROVEMENT OF LAKE HARBORS AND CHANNELS

Additional allotment required for completion, July 1, 1925:	
Narrows of Lake Champlain, N. Y. and Vt	$169,800
Burlington Harbor, Vt	172,300
Harbor at Duluth, Minn., and Superior, Wis	265,000
Port Wing Harbor, Wis	8,200
Grand Marais Harbor of Refuge, Mich	128,000
Warroad Harbor and River, Minn	15,000
Green Bay Harbor, Wis	60,000
Milwaukee Harbor, Wis	2,900,000
South Haven Harbor, Mich	115,000
Grand Haven Harbor, Mich	40,000
Grand River, Mich	149,000
Muskegon Harbor, Mich	1,144,000
White Lake Harbor, Mich	21,720
Ludington Harbor, Mich	55,000
Manistee Harbor, Mich	27,000
Frankfort Harbor, Mich	987,000
Charlevoix Harbor, Mich	23,750
Calumet Harbor and River, Ill. and Ind	341,000
Michigan City Harbor, Ind	39,500
Sandusky Harbor, Ohio	123,000
Huron Harbor, Ohio	117,300
Lorain Harbor, Ohio	171,000
Cleveland Harbor, Ohio	1,650,000
Fairport Harbor, Ohio	421,000
Ashtabula Harbor, Ohio	200,000
Conneaut Harbor, Ohio	132,400
Buffalo Harbor, N. Y	129,300
Black Rock Channel and Tonawanda Harbor, N. Y	784,600
Great Sodus Bay Harbor, N. Y	51,300
Oswego Harbor, N. Y	5,000
Cape Vincent Harbor, N. Y	1,200
Total	10,447,370

The above is for lake harbors and channels.

PROJECT FOR IMPROVEMENT OF PRINCIPAL RIVERS

Additional allotment required for completion, July 1, 1925:	
Black Warrior, Warrior, and Tombigbee Rivers, Ala	$3,200
Mississippi River—	
Between Ohio and Missouri Rivers	16,320,000
Between Missouri River and Minneapolis	7,208,000
Missouri River, Kansas City, Mo., to the mouth	10,600,000
Cumberland River above Nashville	6,743,000
Tennessee River—	
Above Chattanooga	3,280,000
Hales Bar to Riverton	4,782,600
Survey of	115,800
Ohio River, lock and dam construction	19,699,600
Allegheny River, lock and dam construction	3,321,000
Monongahela River, Pa. and W. Va	2,440,439
Fox River, Wis	309,300
Illinois River, Ill	572,000
Total	75,394,939

Additional amounts are required to complete certain river projects, but an additional 1-foot depth that may be called for on the Mississippi, Missouri, or any other large river may add several million dollars to that project, and these projects are constantly being added to the above list. For illustration, over $16,000,000 of the above total is to be used for only 200 miles of the 1,700 miles of the Mississippi.

PROJECT FOR IMPROVEMENT OF SECONDARY RIVERS

Additional allotment required for completion—July 1, 1925:	
Mantua Creek, N. J	$40,495
Oldmans Creek, N. J	58,300
Salem River, N. J	65,000
Maurice River, N. J	93,000
Appoquinimink River, Del	3,000
Smyrna River, Del	9,000
Murderkill River, Del	9,900
Nansemond River, Va	174,300
Onancock River, Va	87,100
Roanoke River, N. C	42,000
Cape Fear River above Wilmington, N. C	32,000
Northeast (Cape Fear) River, N. C	25,375
Congaree River, S. C	150,000
Savannah River above Augusta, Ga	6,000
Flint River (mouth to Albany), Ga	90,000
Chattahoochee River, Ga. and Ala	284,000
Alabama River, Ala	256,000
Tensas River and Bayou, Macon, La	4,200
Napa River, Calif	43,000
Columbia River and tributaries	30,000
Snake River, Oreg., Wash., and Idaho	86,800
Willamette River above Portland, Oreg	53,900
Lewis River, Wash	15,170
Deep River, Wash	10,200
Total	1,668,740

RECAPITULATION

Principal seacoast harbors	107,215,310
Secondary harbors and coastwise channels	31,581,667
Lake harbors and channels	10,447,370
Principal rivers	75,394,939
Secondary rivers	1,668,740
Total	226,308,026

FROM THE MINORITY REPORT

Congress will, if it adopts the project, approve the taking of water from the Great Lakes, to the great detriment of the shippers who use them, and divert it into another basin, ostensibly for the purpose of navigation, but really, so far as present use is concerned, for purposes of sanitation.

If the Supreme Court shall decide that there is a proprietary right to the water of this Great Lakes Basin in the States bordering thereon or in the Federal Government, and that Congress does not have the authority to divert water from one watershed to another, and in the meantime this Congress approves the engineers' report on the Illinois River project, the Congress will be spending money that can not possibly be of value. For in this report the engineers have specifically said that there is not sufficient water in the Illinois and Des Plaines Rivers to furnish navigation in these said rivers without additional water from Lake Michigan.

* * * * * * *

It is conceded by all parties that the diversion at Chicago has lowered the levels of the Lakes 6 inches. It is also conceded that this is at an annual cost to the shippers on these waters of at least $3,000,000.

The following statement was made by Congressman McLAUGHLIN of Michigan, who was authorized to speak for the entire delegation from that State:

"You have no idea of the damage to the Great Lakes, how the channels in innumerable harbors are shallow, making it difficult and dangerous, if not impossible, to get in and out of them. The docks and the wharves and the landing places are away up in the air, many of them have had to be reconstructed. Some of them are of no value whatever and can not be used, because they are so high above the water."

In Michigan there is not a holder of lake shore line who has not suffered in actual cash damages from the effects of the Illinois diversion. There is not one summer resort on the State's coast line which is not losing thousands of dollars because of the diversion and which is not spending thousands more to cope with it.

The waters have receded and left piers, wharves, and slips high and dry. Beaches have lost their value. Launches and yachts can no longer approach the shores. Even in the deeper shipping harbors the waters have gone down so far that only lightly loaded boats can efficiently dock. In many cases it has been necessary to do untold dredging.

At the present time the diverted water from Lake Michigan is used to dispose of the domestic and commercial sewage of Chicago and vicinity.

The report of the Chicago Sanitary District of December, 1923, on page 24, as shown in the testimony before the Committee on Rivers and Harbors of the House, page 439, says:

"The population which they should care for is 3,213,000 people; stockyard wastes equivalent to 1,030,000; corn-products waste equivalent to 380,000; miscellaneous waste equivalent to 150,000 people, making a total of 4,773,000 people."

Thus, to state the proposition in concrete terms, one-third of the diversion of water out of Lake Michigan at Chicago is to take care of private commercial sewage that these big corporations in any other location would be required to dispose of at their own expense and in their own disposal plants.

Mr. Baker, the former Secretary of War, told the committee, and it was not disputed, that one-third of the water abstracted is used solely for the disposal of the refuse and sewage of the Chicago stockyards and the packing houses. On the basis of an abstraction of 10,000 cubic feet a second it appears, then, that considerably over 3,000 cubic feet would be for the sole advantage of these industries. In other words, on the basis of the Army engineers' own study and finding, the

shippers of the Great Lakes would have to lose an extra million dollars; in fact, they are losing it now, on their own shipping in order to provide a sewer for the packing houses.

All of the estimates presented on behalf of the sanitary district in previous years have related to the amount required for sewerage purposes. It is now evident that the Illinois and Chicago representatives have suddenly become interested in navigation for the purpose of obtaining that same water for sewerage that they were unable to obtain for that purpose. In other words, they failed to get permission to take this water for the purpose of washing out the packing-house sewage, and now they are seeking it under the guise that it is necessary to keep open navigation on a barge canal which will move only an amount of tonnage which is absolutely conjectural.

All this has been done in the interest of an archaic and improper method of sanitation for the city of Chicago; a method which merely carries the sewage of that city away from it to lay it in the front yard of others and spreads its destructive effect through the great valley of the Illinois. Whatever necessities there may be with regard to the sudden cessation of this abstraction at Chicago we may assume will be properly dealt with by the court. Clearly, Congress has no right to impair the navigability of the Great Lakes in the interest of Chicago's sanitation.

There is also involved in this legislation questions between this Government and that of Canada. Treaty rights are at issue, as well as property rights, and both are now pending negotiation.

The property rights involved in this diversion run into millions of dollars, far beyond the power of computation. The navigation rights involved in this diversion run into sums that are fabulous.

According to the latest statistics the amount of tonnage moved on the Great Lakes waterway system is one hundred and sixty times as great as that on the Mississippi River on either of the two divisions—that from the mouth of the Missouri to Cairo or that from the mouth of the Missouri to Minneapolis; and further, the length of the haul on the Great Lakes is many times as great as on the Mississippi River. This shows the comparative importance for navigation of the two waterway systems.

* * * * * * *

By including this project in the present bill we are undermining the foundations of commerce on the Great Lakes. Should the bill pass in this form no State will know whether Congress means to maintain navigation on the Great Lakes in the highest form of efficiency or intends from time to time to nibble further into this foundation in the interest of scattered minor projects here and there throughout the country.

* * * * * * * *

We recognize in the Great Lakes the greatest inland waterways of the world; we believe the present industrial supremacy of the United States has been caused by, and will depend upon, the facilities that this system affords for the manufacture of iron and the transportation of the farm products of the Northwest cheaply to the seaboard; we can not believe that Congress would ever knowingly impair this most valuable national asset; and we protest against this indirect assault upon the navigable capacity of the Great Lakes, both as a dangerous precedent and an unnecessary action to be taken at this time.

Therefore, for the above reasons and others not herein set forth, such legislation is believed to be against the best interests of the people, contrary to public policy, and that the Chicago abstraction is without constitutional warrant.

Second, New York waterways (p. 21): The provision in the bill for an appropriation of $100,000, or any other sum, to the Board of Engineers for another survey of a route across the State of New York connecting Lake Erie and Lake Ontario with the Hudson River is unnecessary and unwarranted at this time.

* * * * * * *

In 1919 a survey of the St. Lawrence River was asked and granted by Congress. At the same time a survey across the State of New York was asked and granted by Congress. Both of these reports were in due time filed.

The engineers reported that the St. Lawrence route was feasible and practicable and recommended its construction. The report of the engineers in the survey across New York was unfavorable.

In 1925 another and more elaborate survey and report was asked on the St. Lawrence River. This was granted. At the same time provision was made for another survey across the State of New York. This was granted. This report was due to be filed not later than May 15, 1926. This report (H. Doc. No. 288) is filed, and therein the Board of Engineers for Rivers and Harbors and the Chief of Engineers, General Taylor, say that the cost of a channel connecting Lake Ontario with the Hudson River would be $506,000,000; that the upkeep on the channel from Oswego to the Hudson would cost annually $30,000,000. They do not report on the cost or the upkeep of a canal connecting Lake Erie with Lake Ontario. The Board of Engineers for Rivers and Harbors and General Taylor recommend that it is not economical and the facts do not warrant the building of a canal across New York State at the present time.

The 1925 engineers' report on the St. Lawrence has not been filed, but in all probability will be filed about July 1, 1926.

There have been more than 20 surveys made by the Federal Government across the State of New York. The State of New York itself has made some four or five surveys; all of the data and information in these reports are available. All the engineering and economic facts are now available that can be necessary upon which the engineers would base an opinion on the feasibility or practicability of the route across New York State.

* * * * * * *

Further appropriation of $250,000 or any other sum at this time would be a waste of public money and could have only the effect of delaying a comparison of the two routes.

The granting of this appropriation and authority for further survey, without fixing a time limit when the report is to be made, would delay comparison of the two routes—the St. Lawrence and the New York—and could have no beneficial result, for there is available information sufficient upon which to base an opinion.

Time is essential if relief is to be granted. There is available ample data on which to base an opinion.

In view of the above facts the undersigned desire to register their opposition to the provision of the bill for an appropriation for another survey of a route for a canal across the State of New York.

W. W. CHALMERS.
JOHN B. SOSNOWSKI.
CHARLES A. MOONEY.

This report on the Chicago sewage disposal project is plain and pointed. If true, it should condemn the item in the bill, but as stated, in my judgment, the entire bill will have to be defeated because rarely, if ever, has a project, however vicious it may be, been driven out of a river and harbor bill. The bill is not built on that principle, but rather that all must stick together.

I hope the entire bill may be sent back to the committee and that the 35 new projects and 111 surveys may wait for Treasury funds to finance the good and for congressional action to eliminate the bad.

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

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise to receive a conference report.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 11616, had come to no resolution thereon.

CONFERENCE REPORT—NEW MEXICO

Mr. SINNOTT. Mr. Speaker, I desire to submit a conference report for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State Government and to be admitted into the Union on an equal footing with the original States."

The SPEAKER. Ordered printed under the rule.

RIVER AND HARBOR BILL

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MANSFIELD. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I am in sympathy with every project in the bill under consideration and shall support it so far as may be in my power. There is one feature, however, to which I desire to call the attention of the House, and that is

the cooperative provision for the San Joaquin project, in which the city of Stockton is to contribute one-half of the cost. My belief is that if a project of this nature is justified, it should be developed exclusively by the United States Government and not made contingent upon local help, otherwise the Government may be drawn into unwise developments of projects, expensive to maintain and to the detriment of contiguous community interest. If a project is worthy of development, its people should not be called upon to contribute thereto while they are being taxed for developing projects elsewhere without local contributions. The principle, it seems to me, is not sound. The project in question, as reported by the district and board and Chief of Engineers is fully warranted both from the viewpoint of cost and traffic available for transportation, even though the Government should bear the entire cost. The distance from Stockton to San Francisco is 96 miles, with about half of the distance already improved to depths exceeding the 26 by 100 foot channel proposed for the San Joaquin as far as Stockton. The cost is estimated at about $3,500,000, while the tonnage available exceeds 700,000 annually, and this in a few years may reasonably be expected to exceed 1,000,000 tons. Terminals of three transcontinental railroads exist at Stockton; therefore its ambition to be a port of entry for seagoing ships is entirely justified.

CAPE COD CANAL

In considering the Cape Cod Canal project it should be borne in mind that it is a link in the intracoastal waterway from Maine to Florida and one of its most important links.

Crossing the peninsula of Cape Cod, a distance of 8 miles, it reduces the passage from New York to Boston 71 miles, avoids one of the most treacherous points upon the Atlantic coast and most difficult of navigation during fogs and storms, which are frequent. From 1880 to 1903 there were 1,036 vessels lost off the coast of Cape Cod, involving an investment of $12,000,000. From 1907 to 1917, 336 vessels were lost and 34 lives are known to have been lost in sundry wrecks.

The annual tonnage through the canal ranges around 4,000,000 tons, and our engineers suggest that when improved and opened free of toll charges its water-borne traffic will approximate 15,000 to 20,000 tons annually. Its importance, therefore, can not be minimized. There are some who consider the price of $11,500,000 fixed by the Secretaries of War, Navy, and Commerce excessive. I at one time entertained this opinion, but as one of the committee investigating the subject I have changed my mind and heartily indorse the purchase.

Its cost to its owners was $13,850,000. In 1918 the Government, by Executive order, took over this canal and operated it for 20 months, during which time the very tolls charged were covered into the railroad administration fund, and not one dollar for the use of the property has ever been paid to its owners, not even to the extent of a postage stamp.

In 1917 Congress authorized the Secretaries of War, Navy, and Commerce to negotiate for the purchase of the canal. The price of $14,000,000, at which it was offered to the Government, was refused, and Secretary Baker authorized Price, Waterhouse & Co., certified accountants, to examine their accounts and ascertain the actual money expended in the building of the canal. Eliminating the cost of financing and promotion, Price, Waterhouse & Co. reported the actual cost to have been $8,265,000. This amount was offered to the canal company, which refused. Thereupon the Secretary of War instituted condemnation proceedings. The value fixed by the court was $16,800,000, which the Secretary refused to pay. Mr. Wilson, vice president of the canal company, stated before our committee that the cost to his company incident to litigation was $350,000.

When the Harding administration came into power Secretary Weeks again opened negotiations and fixed the price of $11,500,000, at which he was willing that the Government should purchase, and submitted his report to Congress. In 1922 the Rivers and Harbors Committee reported a bill fixing the price at $9,000,000, which its proponents requested the House to reject. In 1923 a bill passed the House of Representatives authorizing the purchase at $11,500,000, but died on the Senate Calendar. In 1924 a similar bill carrying the same amount passed the Senate but was not reached on the House Calendar, and so we have again included this item in the bill under consideration.

The canal company has repeatedly refused to reduce the figure of $11,500,000, at which they signed the contract with Secretary Weeks, feeling that the price was really less than they should accept. Prior to the Government taking over the canal in 1918 Mr. Garfield, Fuel Administrator, requested the company to lower the rates on coal incident to the famine at that time existing in New England, which was acceded to and the tolls on coal were reduced 25 per cent. During the entire administration by the Government these and other tolls remained the same, the only case in which tolls were not advanced with the war inflation. Upon each occasion at which rail transportation rates were advanced the company appealed to the Secretary of War to permit a corresponding increase in tolls upon the canal, but this was invariably refused, notwithstanding the fact that operating cost had been multiplied seven and one-half times.

After the contract was made and signed by the canal company and Secretary of War for its purchase at $11,500,000, the Secretary discovered that the company owned, apart from the physical properties of the canal, 932 acres of land, and this he insisted should be ceded to the Government with the other property with no addition to the price. This land, according to testimony before the committee, is worth $850,000 to $1,000,000. During the time of its operation by the Government the canal company paid the taxes, for which it has not been reimbursed. These losses, expenses, and additions, plus compensation for use of the canal by the Government during the period of its greatest prosperity, if added to the figures of Price, Waterhouse & Co., would not suggest that there has been or would be any profiteering at the expense of the Government should it purchase at the figures contracted for by the Secretary of War. Since the canal company is bound by its contract to sell its property for the sum of $11,500,000, and the uncertainty as to the outcome, the company has not felt it incumbent upon them to improve the property and maintain its project depth of 25 feet. Nevertheless vessels of 20 feet draft are still using the canal. I can not but feel that this company has not been treated fairly by the Government, and that there is a moral obligation on the part of the Government to acquire the property and definitely settle the matter according to agreement with the Secretaries of War, Navy, and Commerce. While we of the East are ready to spend hundreds of millions of dollars for the development of the Mississippi Valley waterway system, that of the Great Lakes, and join hands with our Pacific coast brethren in the promotion of their projects, it does not seem unreasonable that we in turn should expect you to stand with us in the completion of our intracoastal waterway which means so much to the small shippers of our seaboard.

It may be that some Members of the House feel that the price of $11,500,000 is an excessive value, but we must remember that to duplicate this waterway would cost far more. The actual cost, as fixed by Price, Waterhouse & Co., was based upon pre-war prices of labor and supplies. The present-day value of the lands, including rights of way, labor, and supplies, would easily reach 60 per cent greater, or approximately $14,000,000. I submit, Mr. Chairman, that gentlemen upon this floor should weigh all of the facts in the case before characterizing the proposed purchase as profiteering upon the Government. Your committee has held extensive hearings upon the question. The district engineer, Board of Engineers, and the Chief of Engineers has recommended the purchase. No proposals for expenditures that come from any committee in this House are so extensively safeguarded as those coming from the River and Harbor Committee.

The smaller vessels and barges carrying coal and lumber to the manufacturers of the East travel through the inland route, including this canal. Representatives from the interior seem not to understand why with an ocean at our disposal there should be need of an inland waterway. The great bulk of our shippers in the coastwise trade are small dealers, and we sell to small dealers who have no terminals for seagoing ships, nor are they able to purchase, nor does its trade absorb the tonnage of the seagoing ships, hence barges towed by tugs need inland waters to accomplish with safety the ends of the coast trade. It may be interesting to know that ships carrying five to six million feet of lumber from the Pacific coast manufacturers are dumping their surplus upon our eastern seaboard markets at terminals of their own and then distribute in small quantities and at prices which our lumber producers can not meet, just as the makers of farm machinery dump their surplus upon the European markets at half the prices charged to our farmers. The American lumber manufacturer has not enjoyed, as has almost every other industry, the benefits of a protective tariff; indeed, for 35 years past there has been no duty at all upon lumber imports. The Canadian producer has enjoyed American markets equally and upon the same parity with the American producer; he does not have the capital investment in immense holdings of stumpage, in railroads and equipment for transporting the timber to his plant and dry kilns for curing his product. He pays for his timber as it is cut; transports it on snow sleds to his plant, drys it in the air, and with all of these tremendous advantages dumps his surplus upon our markets without a duty charge. So we

need the inland waterway for the cheaper transport by small barges upon which to market our product. Mr. Chairman, the farmer is suffering and calls for relief; but he is not the only sufferer. Our Southern lumbermen, our merchants, and our country bankers are likewise having their woes.

Representing, as I do, a district lying and being upon the Atlantic Ocean, and the port of Hampton Roads, endowed by nature with all of the prerequisites attractive to commerce by sea, and having already been developed to accommodate the largest ships afloat, there is very little that we have to ask at the hands of the Government. It may be, therefore, that I can look upon river and harbor development impartially and from the national viewpoint; certainly I have no other interest than the greatest good to the greatest number in one of the most far-reaching and perhaps the greatest economical questions with which Congress is now called upon to deal. It can not be permanently evaded or sidetracked; the conflicting interest and their ramifications will not permit of it. I refer to the diversion or abstractions of water from Lake Michigan in aid of navigation upon the rivers and connections of the great Mississippi Valley, destined to be the greatest agricultural and industrial center of the entire world. Prejudice and local interest must be compromised and adjusted to the needs and requirements of the Nation. The issue is being bitterly contested, but finally it must be settled, and settled as it should be, for the greatest good to the greatest number. For more than two years your committee has been confronted by conflicting interest. The ablest engineers and lawyers and students of economic problems have presented their views pro and con upon the subject; no impartial mind can ignore the logical arguments that have been presented.

In approaching the subject and arriving at my conclusions, I have been, and shall be, guided not by personal friendships—I hope and believe that I have friends on both sides of the question—or prejudice, except from the national aspect. For 250 years the thought of linking the Great Lakes with the sea by canal, connecting Lake Michigan with the Des Plaines, Illinois, and Mississippi Rivers, has been under consideration. In 1673 Joliet and Marquette, after exploring the Illinois River, crossed the divide and entered the lake by way of the Chicago River, recommended the building of a canal connecting these waters.

In 1808 Albert Gallatin, Secretary of the Treasury, urged the building of a canal.

In 1810 Congress adopted a resolution looking to the same end.

In 1816 the Indians ceded a strip of land 20 miles wide through the valley of the Chicago, Des Plaines, and Illinois Rivers by treaty with Governor Edwards of the Territory of Illinois, and Governor Clarke of Missouri, who represented the United States, for the purpose of connecting the Lakes with the Illinois River, and Governor Edwards urged that faith should be kept with the Indians.

In 1821 Congress adopted a resolution directing the Committee on Public Lands to determine what was necessary to construct this canal.

In 1822 the United States Congress passed an act authorizing the State of Illinois to open a canal through the public lands, connecting the Illinois River with the southern bend of Lake Michigan. The State of Illinois did not then begin work, being unable to finance the project. (3 Stat. 659.)

In 1827 Congress again passed an act authorizing the State of Illinois to open this canal, and provided, as an aid to the State, a grant of land on each side of the proposed canal, provided further that the said canal, when completed, shall be and forever remain a public highway for the use of the Government of the United States, free from all toll or other charge whatever. This grant amounted to 284,000 acres of land. (C. 51, 4 Stat. 234.)

In 1836 the State of Illinois passed legislation authorizing the construction of the canal as requested by the United States. (RECORD Jan. 9, 1836, p. 1028.)

In 1848 the State of Illinois completed the building of the canal at a cost of $6,557,681. It was 6 feet deep and 40 feet wide, and at that time began the abstraction of water from Lake Michigan. The canal proved totally inadequate.

In 1861 the Illinois Legislature by a joint resolution directed the commissioners of the Illinois and Michigan Canal to cause surveys to be made for the purpose of ascertaining the comparative cost and benefits from different methods of improving navigation of the Illinois River by dredging, and so forth.

In 1866 General Wilson reported a survey to Congress for the improvements of this waterway and suggested that the Illinois River was especially designed by nature as the connecting link between Lake Michigan and the Mississippi River. The United States Government caused a number of surveys to be made of the canal and Illinois River prior to 1896.

In 1865 work was resumed upon the canal looking to its enlargement and was completed in 1871 at a cost of $3,500,000. Congress was kept informed of this development through the Army engineers.

In 1889 the Chicago Drainage District, chartered by the State legislature, began the project of reversing the flow of the Chicago River a distance of 36 miles to Lockport, and has spent to date approximately $100,000,000 upon this enterprise. The State of Illinois is now constructing a 9-foot channel from Lockport to Utica, a distance of 58 miles, at a cost which will total $20,000,000. This, it is expected, will be completed within the next two or three years. In view of these continued efforts to connect the Lakes with the Mississippi River, after two authorizations by Congress, and always with the knowledge and under the supervision of the Government engineers, it does not seem to me that Chicago can be properly charged with stealing water from the Great Lakes. Indeed, until recently the only known method of sewage disposal was by water treatment, and had not other methods been discovered it is highly improbable that anyone would have undertaken to contest the abstraction of water for such purposes, since to do so would have meant, possibly, the destruction and elimination of a great city. It can scarcely be denied that the United States Government has jurisdiction over this matter.

THE GREATEST GOOD TO THE GREATEST NUMBER

The function of our Government is to protect the interests of its citizens so far as it may be possible, having in mind always the greatest good to the greatest number. There can be no contention as to the advantages of developing the waterways of the Mississippi Valley as a means of cheaper transportation, not only upon the waterways themselves but in forcing water competitive rates by railroads, thus aiding immeasurably the difficulties of the farmers, of which we hear so much. When we shall have completed the projects adopted, and which it is now proposed to adopt, together with the improvement of the Missouri River, the prosperity of 40,000,000 people will be advanced. On the other hand, approximately 20,000,000 people living on and adjacent to the Great Lakes are very justly interested in the question of navigation upon these great waterways. It is claimed that the carriers of the Great Lakes transport 125,000,000 tons of various commodities annually, while there will be transported an infinitely smaller tonnage on the rivers as compared thereto, and the lowering of the levels incident to diversion at Chicago results in a loss of many millions annually to the carriers. It may be true that for many years water-borne traffic within the Mississippi Valley will not approximate that upon the Lakes, and yet when we take into consideration the cheapening of rates by rail as a result of this development it is quite probable that the transportation charges saved in the valley will greatly exceed those lost upon the Lakes. There is no occasion, however, for a continued loss of transportation on the Lakes incident to the diversion at Chicago.

The most experienced engineers have claimed that the lowering of the Lakes has not exceeded 5½ inches as a result of the abstractions at Chicago and that future abstractions will not further increase this amount. At the same time these engineers tell us that the lake levels may be restored by regulating works; that it is entirely feasible and may be done at relatively small cost, and this has been demonstrated by the works at Sault Ste. Marie, which have held the waters of Lake Superior at stationary depths. The same is also true as to Ontario. If the levels have been maintained upon these two lakes, there seems no reason why they may not be maintained upon Michigan, Huron, and Erie, and thus no appreciable damage will result to lake navigation, while navigation in the Mississippi Valley will be materially benefited by the abstraction. It has been testified before our committee that the diversions at Chicago have raised the levels of the Illinois River from 2 to 3 feet and the Mississippi, as far as St. Louis, 12 inches. This would be of incalculable benefit to shipping, especially during the dry seasons. For these reasons the diversions at Chicago sufficient for navigation purposes are entirely justified and should be allowed by Congress. In computing the population adjacent to the Lakes we have eliminated very largely those of the States of New York and Pennsylvania. It may be of interest to know that the water-borne traffic on the Monongahela and Allegheny Rivers through New York and Pennsylvania amounts to 25,000,000 tons annually and that Philadelphia has likewise 25,000,000, while the tonnage entering the harbor of Erie on the Great Lakes does not exceed 2,500,000 tons. It would not seem, therefore, that Pennsylvania is very much interested in lake levels from the transportation standpoint, and in like manner the water-borne traffic in New

York State is much larger upon the seaboard than at Buffalo, its only lake port, the tonnage handled at New York City being 30,000,000, while that at Buffalo is 19,000,000.

The interest upon and adjacent to the Lakes is largely, I may say, principally industrial. Perhaps one-half of the tonnage transported upon the Lakes is of iron ore shipped from Duluth to Gary, Pittsburgh, and other steel-producing centers, in ships owned in large measure by these great industrials that have grown immensely rich by reason of protective tariffs; these ores, after being refined and largely manufactured into farm implements and automobiles, are sold at immense profit to the farmers of the Mississippi Valley, who claim, and with reason, that their products are marketed without profit and often at a loss. It does not seem reasonable, therefore, that an abstraction, which will aid navigation throughout the valley, should be denied, especially when the lake levels can be maintained without detriment to its transportation interest by compensation works, which the drainage district is able and willing to provide. Even though the anticipated tonnage may not develop, it can hardly be denied that the improved waterways throughout the valley will force the railroads to offer water competitive rates, thus saving to the farmers millions of dollars in freights in the shipment of that which they produce and the supplies which they purchase. Nor is that all; it has been demonstrated conclusively that slow transport of low-grade products in bulk can be transported by water at approximately 3 mills per ton-mile as against 11 mills per ton-mile by rail. This should, and no doubt will, invite manufacturing to the doors of the farmer, affording a near market for his products and still further reducing the freights upon his purchases. To me these arguments seem unanswerable.

I can not sympathize, therefore, with the threat of the lake architects to boycott Chicago products, for Chicago is not alone responsible for the needs of abstractions; 40,000,000 people have a paramount interest which Congress can not afford to ignore, nor should the industrials of the lake regions ignore the needs of their best customers. The prosperity of the farmer in the valley means better markets and increased prosperity for the lake industrials. Justice must be done to the farmer of the valley and even to the much-offending Chicago, as well as to the rich transportation companies of the Lakes and their industrial allies. It appears that the great ships requiring greater draft of water are few in number and confined mostly to the ore carriers. May not the beautiful rhetorical phrase of the distinguished gentleman from Ohio, "I appeal to you to see that justice is done to this great interest and that the hand of the spoiler be stayed," be applied to the suffering farmers of the valley with even greater reason than to the tariff-protected industrials of the Lakes?

Mr. CHALMERS. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HUDDLESTON] 10 minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. HUDDLESTON. Mr. Chairman, I am very much surprised to note such a small attendance in the House this afternoon. I should think all the Members would be here. It goes as a sort of implied agreement that when a Member has got a piece of pork in the barrel he is to be here to help roll it out. [Laughter.] Practically all the Members of the House have got something in this bill, and I can not understand why they are not here rolling and grunting and sweating. [Laughter.]

Mr. McDUFFIE. May I suggest the reason?

Mr. HUDDLESTON. Yes.

Mr. McDUFFIE. It is not a pork barrel bill.

Mr. HUDDLESTON. Well, I notice that even my colleague from Alabama [Mr. McDUFFIE] has a very large and juicy ham in the barrel, and I also observe that he is rolling and grunting and doing his part. [Laughter.]

Mr. McDUFFIE. Will the gentleman please point out where I have anything?

Mr. HUDDLESTON. Mobile Harbor.

Mr. McDUFFIE. Mobile Harbor is not in this bill.

Mr. HUDDLESTON. Oh, yes; it is.

Mr. McDUFFIE. If the gentleman will only stick to the record——

Mr. HUDDLESTON. I am unwilling to stick to the gentleman's record. He always gets something out of these bills, and he always rolls and grunts and sweats. The gentleman even tried to lead me to think that I get something in the bill. He knows that I could only derive benefit through him and that you could not do anything for me without doing something for him. He told me the other day that under this bill the Warrior River was going to be investigated as to its power possibilities. I have looked into it, but I do not see anything in it that would justify me in getting down under this pork barrel.

I told Members some time ago that whenever they want me to help roll in a pork barrel there must be something definite in the barrel for me. I am not going to roll on a mere promise. I have always had a great admiration for the gentleman from New York [Mr. DEMPSEY], the chairman of the committee, but I have a still greater admiration for him now, in view of what he has succeeded in doing in this bill. Other Members take promises, but the gentleman from New York [Mr. DEMPSEY] gets his in cash on the spot. Now, that is the way to do it. [Laughter.] "Take the cash and let the credit go; heed not the rumble of a distant drum." It will be delusive.

There is scarcely a Member who has not a portion of pork allotted to him in this bill. If ever there was a barrel of pork rolled down the aisle of this House, it is this bill. They started in by fixing the powerful delegation from Illinois with the Chicago diversion project, and then they took care of the gentleman from New York and his colleagues with the barge line, and next they tempted the delegations from Massachusetts and other portions of New England with that delectable morsel, the deal for the Cape Cod Canal; and then they proceed down the coast, and if there is an inlet or bay or creek from New Brunswick clear on around to Mexico that has not got something for it in this bill I do not know where it is. Why, every southern Congressman here is offered the glittering promise that every creek in his district shall be investigated and explored and its power possibilities developed.

The gentleman from Alabama [Mr. McDUFFIE] is so modest in his requirements that it requires a rather acute search throughout this bill to find out just what he is going to get out of it. Where is that item? I really do not find it here.

Mr. McDUFFIE. The gentleman is not familiar with the contents of the bill.

Mr. HUDDLESTON. Oh, it smells so bad that I can not get close enough to it to examine it carefully. The gentleman should deodorize his bill. [Laughter.] It is rotten. He should get fresh pork, or salt pork, or at least some kind of pork in which decomposition is not so evident, so that in looking into the barrel one can retain the contents of his stomach. Oh, here is the spareribs that the gentleman from Alabama [Mr. McDUFFIE] gets: It is in section 7, for surveys for water power and navigation of sundry streams, great and small, real and imaginary, "Mobile River system, including the Coosa River and its tributaries." I knew it was there somewhere, he was rolling and sweating so hard.

Here I see Cooper River, and Newton Creek, and Mantua Creek, and Broadkill River, and Mispillion River, and Indian River—Delaware, not Florida—and Smith Creek, and Ocean City Inlet, and Kent Island Narrows, and Sinepuxent Bay. [Laughter.] Why, you can read them here page after page. Nobody ever heard of them before. I will guarantee that Rand-McNally has never heard of nine-tenths of them.

This bill ought not to come from the Committee on Rivers and Harbors. It should come from the Committee on Railways and Canals. These are purely artificial waterways included here. God Almighty never intended that there should be navigation in those streams by anything bigger than a tadpole. It is a triumph of art over nature if you provide navigation in these waters.

This bill will probably pass unanimously. If there is anybody in the House has the temerity to vote against it, I do not know who he will be. If a Member should vote against it, then his alert opponent will say, when he goes back home, "Look at him; he refused to vote to improve our babbling brook here back of town and make it available for commerce." Why, a thirsty bullfrog could drink all the water that is contained in some of these creeks. [Laughter.] You must put more pork in this barrel than you have done, and you will have to be a little more definite and specific, gentlemen, to get me to vote for it. [Laughter.]

Mr. CHALMERS. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. MAPES].

The CHAIRMAN. The gentleman from Michigan is recognized for 15 minutes.

Mr. MAPES. Mr. Chairman, the gentleman from Alabama [Mr. HUDDLESTON] says this bill ought to have been reported by the Committee on Railways and Canals. It occurred to me, when it was brought up immediately after the consideration of the legislation for agricultural relief, that those who were responsible for bringing it up at that time had a very keen sense of the fitness of things.

That legislation came before the House of Representatives as the result of what was well known to be a compromise or trade among the members of the committee that reported it, although they did not do it as successfully and in as finished a way as the Committee on Rivers and Harbors. The members of the Committee on Agriculture had to agree among themselves in

order to get any agricultural legislation out of the committee that they would report three different bills. If they had put those three bills together as an omnibus proposition, they would have come nearer doing what the Committee on Rivers and Harbors has done and perhaps they might have been more successful with their legislation than they were. The members of the Committee on Rivers and Harbors, profiting by the experience of the Committee on Agriculture, wisely concluded to put all their individual pet projects together in one omnibus bill and not take the chance of having each one considered on its own individual merits, as would have been the case if they had been reported in separate bills.

I may have something to say on some of the other items in this bill under the five-minute rule, but I wish now to say a word in general debate about the item for the improvement of the Illinois River. I wished this afternoon in listening to the eloquent speech of the the gentleman from Missouri [Mr. NEWTON] that he might go to the State of Michigan and tell the owners of the land on the lake shore and the owners of the boats that sail on the Lakes—and I wish he might succeed in convincing them—that the only interests that would be benefited by the restoration of the Lake levels would be the Canadian power interests, and that the Canadian power interests are the only ones damaged by the present low water. That certainly would be welcome news to the men owning property bordering on Lakes Michigan and Huron and the shipping interests that use those lakes. They would be surprised and glad to learn that their damage is only imaginary. It is interesting to know that everybody else has been deceived about his injury or damage except the gentleman from Missouri [Mr. NEWTON]. He has discovered where the opposition to the abstraction of the lake water through the Chicago Drainage Canal comes from and has found that it not only originates but ends with these Canadian power interests. It may well be that they are affected by the lowering of the lake levels, but the greater damage is to the commerce on the Lakes and to the people who live around the Lakes.

What I have to say is going to be based very largely upon documentary evidence. I am not going to make any general statement that is not supported by the evidence. We start out in the first place with the admitted proposition that the abstraction of water through the Chicago drainage canal lowers the levels of Lake Michigan and Lake Huron from 5½ to 6 inches. I think the engineers are agreed upon that. The gentleman from Missouri [Mr. NEWTON] reduced it to 4 inches, but I do not know of any agreement among the engineers that goes below 5½ inches.

Now, what does the Board of Engineers say as to who suffers by this lowering of the lake levels? What is the answer of the engineers to the statement of the gentleman from Missouri that the Canadian power interests are the only ones affected? I quote from the report of the Board of Engineers in Rivers and Harbors Committee Document No. 4, of this session of Congress, page 14:

> Each 1,000 cubic feet per second annual average diversion reduced lake levels so as to produce a loss to Lakes navigation which has been estimated at about $325,000 per year. The navigation is of immense volume and its benefit to the Nation in direct savings due to low transportation charges by water far exceeds that anticipated for a successful Illinois channel, being conservatively estimated to be at least $125,000,000 per year, sufficient to amortize annually the entire Federal navigation investment in lake harbors and channels.

The report of the minority of the Rivers and Harbors Committee on this bill has this to say about the damage suffered by the people of the State of Michigan:

> In Michigan there is not a holder of lake shore line who has not suffered in actual cash damages from the effects of the Illinois diversion. There is not one summer resort on the State's coast line which is not losing thousands of dollars because of the diversion and which is not spending thousands more to cope with it.
>
> The waters have receded and left piers, wharves, and slips high and dry. Beaches have lost their value. Launches and yachts can no longer approach the shores. Even in the deeper shipping harbors the waters have gone down so far that only lightly loaded boats can efficiently dock. In many cases it has been necessary to do untold dredging.

According to the gentleman from Missouri, these Michigan people are deluded. They think they are injured but they are not.

Mr. Chairman, of course the lake territory is intensely interested in this subject of the lake levels. The statements which I have read show why those who live in that territory are interested in this legislation. But this is not a local question solely. In its broader aspect it is a national and an international question. It is unnecessary to say anything further to show why we oppose this Illinois River improvement item. The Great Lakes as an instrument of commerce are a great national asset. They carry the greatest inland commerce in the world. It is difficult for those who have not made a special study of the subject to appreciate its immensity. That commerce has contributed very largely to the prosperity and greatness of the Nation. I do not know that anybody has brought out that point more forcibly than the former Secretary of War, Mr. Baker, before the Rivers and Harbors Committee. He says of the commerce on the Great Lakes that it is—

> a commerce which, compared in our own country with our coastal commerce, is greater in annual tonnage than the entire aggregate of the Atlantic seaboard and the Pacific seaboard annual tonnage; which has given America the industrial supremacy of the world by uniting the ore of the Lake Superior region with the coal of Pennsylvania and Ohio and has made us the iron masters of the world in this age of steel and industry and given us not only the greatest commercial supremacy of the world but the industrial and military supremacy of the world. It is due directly to the navigability of these great inland waters and the ships with which this commerce upon them can be conducted.

Now, what does this bill propose? This bill proposes a project which if adopted will tend to affect injuriously that great commerce upon the Great Lakes for a doubtful commerce upon the Illinois River. Those who have the wildest dreams of the potential commerce on the Illinois River after this improvement is made do not contend that it would approach the commerce on the Great Lakes, and, as our distinguished colleague from Ohio [Mr. BURTON] said this afternoon, this is the first time in the history of river and harbor legislation that a proposition to improve one section of the country at the expense of another has ever before been seriously proposed in any river and harbor bill.

We do not object to the improvement of the Illinois River or the Mississippi River if the lake levels are taken care of first. We do object to their improvement to the detriment of the Great Lakes. We think you are going at this thing wrong end to. The lake levels should be taken care of and restored before this improvement is authorized.

What reason have we to be anxious about this proposed improvement? The distinguished chairman of this committee, the gentleman from New York [Mr. DEMPSEY], said yesterday that our anxiety was based upon a fear without any real foundation in fact. Is there any basis for our fears? Well, let us see about that. What do the engineers report? I confess that to me, as a layman, the engineers' report is somewhat conflicting and indefinite. In some places it seems to say that this Illinois River improvement is not going to affect the abstraction of water through the Chicago Drainage Canal and in other places it seems to say that it is going to do so. The engineers say very plainly and definitely on page 14 of their report that—

> The manner and cost of obtaining a navigable channel are associated with the question of diversion.

If that means anything, it seems to me it means that the two are inseparable.

On page 18 of the report the engineers say further:

> There are many facts which have a bearing on the matter of the amount of diversion, among these being the successful and economical operation of the immensely important commerce of the Lakes, whose magnitude and benefits far exceed those of any probable commerce now foreseen on the Illinois River and waterway.

It is a significant thing to me that every man who discusses this Illinois project winds up with an eloquent peroration in which he describes the benefits to the Nation of a navigable stream from the Lakes to the Gulf. The gentleman from Missouri [Mr. NEWTON] this afternoon was no exception. They all say we want from 7,500 to 10,000 cubic feet per second of abstraction through the Chicago Drainage Canal for navigation purposes. Somewhere in their statements, somewhere in their plea for this Illinois project, they say we must have that much diversion in order to have this navigable waterway from the Great Lakes to the Gulf. Some of them are franker in this respect than others.

The gentleman from Illinois [Mr. KUNZ], in discussing the rule last week, said:

> The successful completion of the waterway from the Great Lakes to the Gulf of Mexico is dependent upon a proper diversion of water from Lake Michigan through the Chicago Drainage Canal and must be provided for.

Again he said:

Mr. Speaker, there is not any question but that this project—that is, the Great Lakes to the Gulf of Mexico improvement—will necessitate the diversion of water from Lake Michigan. We are not camouflaging about that.

And again he says:

As I said before, at least two-thirds of the distance between Chicago and New Orleans now has a project depth of 9 feet or more. The remaining improvement necessarily involves a diversion of water from Lake Michigan to supply the needs of navigation because of the fact at low-water stages the natural flow of the Illinois and Mississippi Rivers is not sufficient to provide a navigable channel.

During this debate quotations have been made from the hearings before the Rivers and Harbors Committee, from the statements of the gentleman from Illinois [Mr. MADDEN], in which the gentleman says he does not agree with the engineer's report, but in his opinion 10,000 cubic feet per second are needed for this improvement. Quotation has also been made from the statement of the gentleman from Illinois [Mr. WILLIAM E. HULL], in which he quite frankly says that you can not have a waterway without water, and the only way to get the water is through this abstraction of the water through the Chicago Drainage Canal.

Mr. M. G. Barnes, chief engineer, division of waterways, State of Illinois, says that it is foolish to say that an adequate channel can be provided with 2,000 cubic feet of water per second, as the engineers report. He told the committee that in answer to questions propounded to him by the gentleman from Alabama [Mr. MCDUFFIE]. I quote from pages 90 and 91 of the hearings:

Mr. MCDUFFIE. What does it mean? Engineers seem to think that they can have a 9-foot channel with any amount from 2,000 cubic feet up to 10,000 cubic feet. Now, if we remove those two locks, how much water, or what is the least amount of water, that would be necessary to take out of the Lakes to have the 9-foot channel?

Mr. BARNES. Well, that is a good deal like asking what is the least amount of food that one can get along with at a luncheon. We can build a waterway with 500 second-feet. We did it in 1848. It has been relegated to the waste heap. It does not serve transportation; it does not serve navigation. What we are trying to do now is to build a waterway for present and modern traffic, modern conditions. Now, if you take 1,000 feet or 2,000 cubic feet per second, as the lowest that they have estimated for in their reports, that will not fill the channel that they are recommending, 9 by 200 feet, with slide slopes.

Mr. MCDUFFIE. Then you differ from that?

Mr. BARNES. Absolutely. You take a channel 9 feet deep by 200 feet wide, with slide slopes of 2 on 1, or 4 on 1; the cross-section area of that channel is more than 2,000 square feet. Now, if it flows only 1 foot per second, the amount of water in the river will not fill that channel; and the engineers say—and I know it is so—that the velocity of the water in that channel exceeds 1 foot per second. Therefore, the 2,000 feet would not fill the channel, to say nothing of the bayous and low water adjacent to the stream. So it is foolish to say that we can provide an adequate channel with 2,000 cubic feet of water per second. Moreover, if we limit the channel to 2,000 cubic second-feet—I am speaking of an open channel—we will have throughout the reach many hidden low waters that will be dangerous to navigation and discourage and defeat the very purpose for which we are making this appropriation.

Mr. Edward F. Goltra, of St. Louis, who operates a fleet of boats on the Mississippi on a lease from the Government, on page 185 of the hearings had this to say about the amount of abstraction necessary to make this Illinois improvement a success:

Mr. MORGAN. This whole proposition is an engineering proposition, and are you prepared to state the amount of water that is required to be abstracted from the Lakes to maintain a 9-foot waterway as proposed by the engineers?

Mr. GOLTRA. It depends entirely upon what they put into the river in the way of locks and dams. As has been stated here, Mr. Congressman, when I was here this morning, with very much less water than they have you can get in the Illinois River the 9 feet suggested. Does that answer the question?

Mr. MORGAN. No. I want to know if you have the knowledge of the amount of water that is required to continue transportation during the season of which you complain the supply of water is insufficient, the amount of water that it is necessary to abstract from the Lakes.

Mr. HULL. How many cubic feet?

Mr. MORGAN. How many cubic feet.

Mr. GOLTRA. I should say nothing less than the 8,000 cubic feet.

On page 155 of the hearings this colloquy appears between the gentleman from Illinois [Mr. HULL] and the gentleman from Alabama [Mr. MCDUFFIE]:

Mr. MCDUFFIE. I was just wondering if 10,000 cubic feet with an open waterway would give you a navigable channel of 9 feet?

Mr. RAINEY. Oh, yes; it would. A much less flow than that would do it. It is an engineering question.

Mr. HULL. Putnam, the district engineer, says that you can do it with 7,500 feet, but he said 8,500 to 10,000 would be better. That is his report.

From these abstracts from the hearings it is quite apparent that there is no unanimity of agreement that this improvement is not going to affect the abstraction of water from the Chicago Drainage Canal. In fact, if there is anything approaching unanimity of agreement, it is that it will affect such abstraction.

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

Mr. CHALMERS. Mr. Chairman, I yield 15 minutes more to the gentleman from Michigan [Mr. MAPES].

Mr. TILSON. Will the gentleman yield before he resumes?

Mr. MAPES. I yield to my leader.

Mr. TILSON. As I understand the controversy, the claim on one side is that the proviso, which has been inserted, makes it certain that the passage of this bill will have no effect whatever on the question of diversion. Am I correct in saying that on the other side it is claimed that the recognition of the use of the water for any other purposes than for purposes of sanitation is a recognition of a right that is not conceded and, as contended by the opponents of this bill, does not exist?

Mr. MAPES. That is substantially correct. Congress has never acted upon this question of abstraction, even for sanitary purposes. No arm of the Federal Government has ever recognized or acknowledged the right of Chicago to abstract the water through the drainage canal for any purpose except sanitation. The Secretary of War is the only one to do that, and he has doubted his authority to do so every time he has been called upon to grant a permit. We claim that one of the purposes of this legislation, as expressed by the gentleman from Illinois [Mr. RAINEY] before the Committee on Rivers and Harbors, now is to legalize the flow for navigation purposes. This is Mr. RAINEY'S exact language, page 161 of the hearings:

Now, Mr. Chairman, you are about to legalize the flow from the Lakes. It does not make any difference whether it is going to be 2,000 or 10,000 cubic feet; you are legalizing now the amount that actually exists.

That is the language of the gentleman from Illinois [Mr. RAINEY], and that is the position, as I understand it, of the proponents of this item. We do not think that Congress ought to commit itself at this time on any definite policy until the pending cases in the Supreme Court are settled and Congress has all the facts before it.

Mr. TILSON. If I correctly understand the gentleman, he claims that the proviso which seems to undertake to remove the objection that this bill commits us to diversion does not, in fact, do so, and at any rate the gentleman claims that the proviso does not afford sufficient safeguards.

Mr. MAPES. I will say to the distinguished leader that my own idea about that—and I think the gentleman, as a lawyer, will appreciate the importance of it—is this: It is difficult to tell what effect the passage of this bill with the item for the Illinois improvement in it, even with the proviso, will have upon the cases pending in the Supreme Court. As the gentleman from Ohio [Mr. BURTON] this afternoon so well said, what is the hurry? We have gone along fairly well without this Illinois improvement through all the history of the Government; why not wait a few months more until these cases are settled in the Supreme Court? Why embarrass those cases by this legislation for this improvement, which necessarily must have some bearing upon the abstraction? The improvement and the abstraction are intimately connected, according to the Engineers' Report. I think it is better to have the proviso in the paragraph than not, if we are going to pass the legislation at all; but just what effect it will have upon the Supreme Court, I am not able to say.

To quote from the language of the former Secretary of War, Mr. Baker, before the Rivers and Harbors Committee, it is a strange thing that there is so much uncertainty as to the power of Congress and the power of the Secretary of War to permit the abstraction of this water. The question has been before several Secretaries of War, and in each case the Secretary has expressed doubt about his right or power to grant or give the permission which has been granted to the sanitary district. Secretary of War Taft, Secretary of War Root, Secretary of War Stimson, and Secretary of War Weeks have all passed upon these permits to the sanitary district at different times,

and they have all expressed doubt of their authority under the statute which the gentleman from Ohio cited this afternoon to grant the permits which have been granted.

Let me give the exact language of Secretary Baker on this point. On page 7 of the hearings he said:

Every Secretary of War from the beginning down, from Secretary Alger, through all who have occupied that office until Mr. Weeks's last statement, have very frankly stated that they did not know what the power of the Secretary of War was and they did not know what the power of Congress was. Secretary Root, who passed on this question, and who is, of course, the dean of the American bar, very frankly said that the rights of Congress in the matter had not been determined and the rights of the Secretary of War had not been. Secretary Stimson, who wrote the most elaborate and able report on the whole subject that has been written by anybody, frankly expressed his disbelief in the power of the Secretary of War to proceed, Chief Justice Taft, when he was Secretary of War, made the same very frank statement. So we have had three great lawyers as Secretary of War, and all three have complained rather bitterly, as it has seemed to me, that they were embarrassed in their executive action by the fact that none of them knew what their legal power was or the legal power of Congress.

The gentleman from Missouri [Mr. NEWTON] this afternoon said it has only been within the last three or four years that anybody had raised any objection to this abstraction. A case was started in the Federal courts to prevent the abstraction over 16 years ago, as the gentleman from New York [Mr. DEMPSEY] said yesterday, and the case against the sanitary district which was decided in 1925 was started 12 years ago. The gentleman from Missouri was simply mistaken in that statement. The Supreme Court in the case against the sanitary district held that the State of Illinois had no standing as against the Federal Government to abstract this water, that the Federal Government had complete jurisdiction as against the State of Illinois over navigable water, and that the Federal Government could not be estopped because it had not exercised the power before.

The court granted an injunction against the sanitary district prohibiting the abstraction of more than 4,167 cubic feet without prejudice to any permit that might be issued by the Secretary of War. Since that decision the States of Wisconsin, Ohio, Indiana, New York, Pennsylvania, and Minnesota have started another case in the Federal courts to determine whether or not the sanitary district has a right to abstract any water, and if so, for what purpose and how much.

The State of Michigan, through its attorney general, started an independent suit in which the question is raised squarely as to whether water can be drained out of one watershed into another under any circumstances. Michigan contends that even the Congress of the United States has no power to grant permission to abstract water from one watershed to another, and that it can not authorize any diversion of water from the Great Lakes. The Michigan case was started in the Supreme Court under its original jurisdiction and comes up for hearing in October. In the other case testimony must be taken, and the parties in that suit filed a petition last Monday with the Supreme Court asking for the appointment of some one to take the testimony, and it is hoped that the testimony will be taken in time so that the two cases can be heard in October when the case of Michigan is set down for a hearing.

Mr. CHALMERS. Will the gentleman yield?

Mr. MAPES. I will.

Mr. CHALMERS. I would like to have the gentleman include in his statement the fact that the State of New York has joined with Michigan in this last suit.

Mr. MAPES. I understand that to be the fact. Now, it is hoped that these questions will be settled and these uncertainties cleared up at that time. As has been already brought out here in this discussion, the Illinois project reported in the rivers and harbors bill is dependent on the so-called Illinois waterway project of the State of Illinois. The testimony is that the very least time in which that project can be completed by the State of Illinois is three years. Why hurry this legislation through now? What is the rush about it? In view of these cases in the Supreme Court, it seems to me that there can be no other reason than to get the Congress of the United States in some way, to some extent, committed to this abstraction of water through the Chicago Drainage Canal.

We are asking that the legislation for this project be put off at least until the rights of the States of Michigan and the other States on the Great Lakes and the right of the Congress of the United States itself can be determined by the Supreme Court. Then it will be time enough for Congress to adopt a policy on the question.

I want to say, in answer to statements that have been made here this afternoon, that as far as I know no one contends that the Chicago Drainage Canal is responsible for all of the lowering of the lake levels. As far as I know, no one asks that the Chicago Canal be entirely closed or the water shut off. Under the permit of the Secretary of War Chicago has until 1929 to build proper disposal plants, and after 1929 it is not expected that all the water will be shut off. No one is contending for that. We are contending that Congress ought not at this critical time, with the pending negotiations between Canada and the United States, with the cases before the Supreme Court, and before making any provision for the restoration and maintenance of the lake levels, fix upon a policy which involves a permanent abstraction of water through the Chicago Drainage Canal not only for sanitation purposes but for navigation as well.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MAPES. I will.

Mr. NEWTON of Minnesota. In reference to the suit before the Supreme Court of the United States for the State of Michigan, if it is successful would that mean that there could be no diversion from Lake Michigan either for navigation or sanitation purposes?

Mr. MAPES. It would mean that there could be no diversion that would affect navigation—that would affect the lake level.

Mr. NEWTON of Minnesota. It would have to be such a quantity as would not affect the lake level?

Mr. MAPES. That is my understanding.

Mr. BEGG. Is there any reason in the world why Chicago can not divert all the water she wants if she puts it back into the lake, as other cities do?

Mr. MADDEN. She can not do that.

Mr. BEGG. Why?

Mr. MADDEN. Because all the people would die of disease if you put the sewage back into the lake.

Mr. BEGG. They could dispose of the sewage without putting it back into the lake.

Mr. MADDEN. They can not do that.

Mr. BEGG. How does Cleveland do it?

Mr. MADDEN. Cleveland does not do it.

Mr. MOONEY. Will the gentleman yield?

Mr. MAPES. I will.

Mr. MOONEY. The engineers report that it would cost $12,000,000 more to put the water back into the lake than to send it down the valley.

Mr. TILSON. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. TILSON. In the original suit referred to, brought by the State of Michigan against the Chicago Sanitary District, is it contended that water may not be abstracted from one watershed and turned into another watershed to the detriment of the first watershed? Is that the contention?

Mr. MAPES. Yes; it is contended that even Congress is not given that power under its power to control navigable waters. Mr. Chairman, I yield back the balance of my time.

Mr. DEMPSEY. Mr. Chairman, I yield myself five minutes, and I do that in order to answer the questions propounded by the gentleman from Connecticut [Mr. TILSON]. He asked whether the proviso of the bill would do away with and answer the fears legitimately entertained by the gentlemen upon the Great Lakes. Let us see what is done first. What is done and all that is done by the bill is to authorize some changes in some locks about 120 miles from Chicago and also to authorize the deepening of the channel at that point. There can not be any question about the right of Congress to do that. The gentleman from Ohio [Mr. BURTON] this morning said that there was no use in passing this legislation because it might become a nullity through the Supreme Court declaring that that which we are doing here is illegal. Of course that is not based on a thoughtful examination of what the project is. The project does not deal with diversion or attempt to deal with diversion, but in the document itself the engineers again and again—not once but repeatedly—say that they are not dealing with, but that they have expressly excluded from their consideration, the question of diversion.

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

Mr. DEMPSEY. The project does not deal with diversion, and what is the project itself? Is the project itself of a nature so that it deals with diversion? That can be readily answered because the project is not a diversion project. It is simply remodeling some locks and deepening a channel, and that can be done regardless of diversion. I yield to the gentleman from Ohio.

Mr. BEGG. I have two questions I want to ask the gentleman. Is he prepared to state to the House that if the court

rules there could be no diversion, the Illinois project would still be feasible?

Mr. DEMPSEY. Yes; he is prepared to do that, and he is going to come to that in an instant.

Mr. BEGG. An answer yes or no is all that I care for.

Mr. DEMPSEY. I want to answer it more fully. The gentleman says, Is the gentleman from New York prepared to say that if the court rules there can be no diversion from Lake Michigan that still we can have this project? I say yes. I do not say that of my own authority, but I say it on the testimony of the engineers.

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

Mr. DEMPSEY. Let me answer this question, and then I will be prepared to answer another. Let me see what the engineers have to say on the question—and I read from the testimony—and so that everyone may know that I am reading correctly. I read from page 62. I start in about the middle of the page.

General TAYLOR. My understanding was that this matter was before the department with a view to obtaining a satisfactory channel in the Illinois River—that is, that it was a navigation proposition from Chicago to the Gulf in continuation of the work done by the State of Illinois—

Listen to this in particular—

and that my office was not called upon to offer any suggestions with regard to diversion problems.

What is the next thing that General Taylor says?

The project is worked out in such a way that every dollar that is spent on this project will be usefully spent without regard to the amount of the diversion, whether it may be changed or not.

Let us go to the next page, page 63, and I am now going to quote a question or two by Mr. MOONEY, one of the Great Lakes men, and I am a Great Lakes man myself; and if I were the Governor of New York State or had any office in the State of New York, I would bring the suit just as it is brought. I have the greatest sympathy with the Great Lakes, and it is only because I know that the Great Lakes interests are protected that I am for this project in this bill.

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

Mr. DEMPSEY. I will yield when I get through. I want to finish this quotation:

Mr. MOONEY. But you have had no reason for changing your own opinion that 1,000 cubic feet is all that is necessary for navigation.

General TAYLOR. It is all set out in this report—the various costs of the project under various amounts of diversion, ranging from—there is a table on page 3 which shows what can be done with various amounts of diversion, what the costs will be with average diversion, ranging from 1,000 second-feet to 10,000 second-feet.

Mr. MOONEY. Pardon me. I am asking this because I really want to know. You have not changed your judgment that by the expenditure of that money that navigation can be provided for any of these amounts that you have named?

General TAYLOR. That is correct.

In the report as well as in the testimony General Taylor said repeatedly, not once but repeatedly, again and again, that 1,000 cubic feet per second is all that are needed.

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

Mr. DEMPSEY. Do we have to have any diversion for the 1,000 cubic feet? That is all the question that remains. The answer to that question is this, That you do not have to have it. Why? Because at the present time upwards of 1,200 cubic feet are used for domestic purposes, which must be discharged into this waterway so that it is a diversion only in the sense that there are diversions at every other city on the Great Lakes for domestic purposes, and you do not have to have a diversion in the sense that you divert it for navigation purposes, but it is a second use to which the water is put, which is legitimately used according to the universal practice of every city on the Great Lakes since there has been any settlement at any point on the Great Lakes. There is no dispute about it whatever. You are bound to have and always will have more than enough water for this waterway, and we are only doing now that which will be useful when we get down, as I hope we will get down, to the 1,000 cubic feet used for domestic purposes.

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

Mr. DEMPSEY. Yes.

Mr. MAPES. As I read General Taylor's testimony before the committee——

Mr. DEMPSEY. Oh, read the part to which you refer. Let us not refer generally. I have read the testimony to which I refer.

Mr. MAPES. I intend to read it, if the gentleman will permit. I do not find that he says that 1,000 cubic feet will be sufficient for the project that is provided for in this bill.

He says it will provide for navigation.

Mr. DEMPSEY. That is primary. Nobody for one moment——

Mr. MAPES. But he says——

Mr. DEMPSEY. I do not yield further.

Mr. MAPES. The gentleman wanted me to read to him. General Taylor says that we can get a good 9-foot channel 200 feet wide with any amount of diversion from 2,000 second-feet to 10,000 second-feet——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAPES. I hope the gentleman from New York will take more time. I want to ask him a question.

Mr. DEMPSEY. I will yield myself three additional minutes, and I hope the gentleman from Michigan will give me some part of that. I do not intend to yield for a question long enough to take up all of my time.

Mr. MAPES. General Taylor says it will take 2,000 cubic feet to make the project that is in the bill work. Now, other engineers equally good differ with General Taylor. Here is Mr. Barnes, chief engineer of the State of Illinois, who says——

Mr. DEMPSEY. Do not take all of my three minutes.

Mr. MAPES. He says it is foolish to say we can operate an adequate channel with 2,000 cubic feet per second. He says it will require from 7,500 to 10,000 cubic feet. Mr. Goltra, who operates a fleet of boats under a lease of the Government on the Mississippi River, also says it is foolish, and that from his practical experience it is necessary to have from 8,500 to 10,000 cubic feet per second.

Mr. DEMPSEY. I do not yield further. Well, the only result will be this: Chicago will be left without any waterway. She is not going to get any more water than she is entitled to. The State of New York and the State of Michigan, among others, are going to determine whether there is a right to divert any water, and if there is not the right, it can not be diverted. If it can not, the 9-foot channel will not be obtained. It is Chicago that is going to come back here, not the Great Lakes.

We are deepening this channel to a certain depth so it will give a 9-foot channel with the water that is in use now. If we have less water, then Illinois will have to come back here and ask to deepen it again, and will be dependent on our granting that authority again. We are not granting them the authority now. We are simply deepening it so that with the water now flowing there they can have that depth. It is going to be reduced within a stated number of years, even without any intervention of the court, by the Secretary of War to 4,167 feet. Chicago is going to come back here not once, but again and again, and run the gantlet of just such discussions as there have been here now upon this question as to whether she is entitled to this water, and if she can not succeed she will be without her 9-foot channel. She is the one that will suffer, not the Great Lakes.

Mr. CHALMERS. Mr. Chairman, I yield six minutes to the gentleman from Ohio [Mr. BEGG]. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CHALMERS. The rule provided for six hours' general debate.

The CHAIRMAN. Twelve hours.

Mr. CHALMERS. Twelve hours' general debate, six on a side. Now, unanimous consent was obtained that we should begin at 11 o'clock this morning and run until 6 and begin at 11 o'clock to-morrow and run until the House adjourned.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. CHALMERS. And the time was to be divided between those for and those against the bill.

The CHAIRMAN. The gentleman from Ohio had control of three hours of time, which he has used up. The gentleman from Ohio [Mr. MOONEY] in opposition to the bill has 47 minutes remaining out of his three hours.

Mr. CHALMERS. The point I am making is this, that the time is equally divided between the two sides and we are not limited to the 12 hours.

The CHAIRMAN. The unanimous-consent agreement does not operate to extend the time for general debate longer than that fixed by the rule. The gentleman from Ohio is recognized for six minutes.

Mr. MANSFIELD. I yield the gentleman two additional minutes.

Mr. BEGG. Mr. Chairman, the gentleman from Texas is very kind and I may not need it. Let us see whether or not

there is any dispute about this diversion being involved in the bill notwithstanding the proviso. The Illinois project, as outlined and as the gentleman from New York read to you awhile ago from the table on page 45 of his own report—this project is founded on the present diversion of 8,250 cubic feet per second. Then the table carries the minimum of 1,000 cubic feet per second of the average annual flow of 1,650, instantaneous, and the theory is that the War Department will continually curtail the amount of flow on each permit until they have it down to a thousand. I want to ask the gentleman if the river project was a feasible one, if the Supreme Court decided that no diversion of water from one watershed to another was permissible under the law, even to the extent of forbidding Congress to make such a transfer.

Mr. DEMPSEY. Of the 1,000 feet, even?

Mr. BEGG. Yes. The gentleman's answer was that it was permissible. But I question that from any evidence that is in the testimony, so far as I can recall it at this time. A careful reading of the engineer's report and of the gentleman's own report clearly indicates that if the Congress passes this bill it does it because there is a diversion of 8,250 cubic feet per second, knowing that the question as to whether or not they will have that in five years from now is in dispute and to be decided by the courts.

I want to call the attention of everybody living east of Chicago, as well as those using the Great Lakes for shipping living west of Chicago, that even a diversion of a sufficient amount to lower the lake level 2 or 3 inches may be more damaging to both sections of the country than any benefits that would accrue from the diversion that would permit a limited amount of shipping through the Illinois River and up and down the Mississippi River. I want to read from Mr. DEMPSEY's report a statement on page 49:

It has been shown by the present investigation that the amount of the diversion is not a governing factor in providing a 9-foot channel on the Illinois.

Well, then, why put it in if it is not a governing factor, if the bill is not founded, as to the Chicago River, on diversion? That is the only reason, and it does not take a lawyer to know that.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield as to that?

Mr. BEGG. Yes.

Mr. DEMPSEY. We expressly exclude, both in the report and in the bill, the question of diversion.

Mr. BEGG. Well, I grant that, I will say to the gentleman; and not being a lawyer, I can not even discuss how a court would interpret it. But I want to read your proviso. The gentleman knows I made an attempt to draw a proviso, and I am frank to say that to-day I would rather have mine than this. I want to read that proviso:

Provided, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan, or change in any way the terms of the permit issued to the Sanitary District of Chicago March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan, for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

If that is all the language that will be put in, I know that a court could not otherwise construe it than that Congress had legalized 8,250 cubic feet.

Mr. DEMPSEY. A constantly diminishing amount. That order is one order.

Mr. BEGG. I understand that. And then what does it say? It says:

Or change in any way the terms of the permit issued to the Sanitary District of Chicago March 3, 1925, by the Secretary of War.

Now, of course, to the proponents of the bill the concluding clause seems important, but the question arises whether the last provision will nullify the first provision. I can not tell. Then the proviso concludes:

But the whole question of diversion from Lake Michigan, for sanitation, navigation, or any other purpose whatsoever, shall remain and be unaffected here as if this act had not been passed.

That would seem to me, if it had not said in the first part of the paragraph that nothing in the law should be construed to change the existing status, 8,250 cubic feet per second, that the last part was all right; but the proviso to me means nothing, and the law, if enacted, founding a project on the diversion of 8,250 feet, means a lot. Being a layman, I am inclined to think that that is a clever piece of legal language, drawn designedly so as to mean nothing, so that when the court finally comes to decide on it, the court will say, "Well, the first half says one thing, and the second half says another, and therefore the two combined mean nothing, and the only thing we have to go on is, What was the intent of Congress when they came to provide for 8,250 feet?"

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

THANKS OF THE SWEDISH CROWN PRINCE

The SPEAKER. The Chair takes pleasure in laying before the House a communication received a little while ago, written in longhand, by our distinguished visitor. The Clerk will report it.

The Clerk read as follows:

MAY 28, 1926.

MR. SPEAKER: Having just returned home after our visit to the House of Representatives, I should like to let you know how much we enjoyed this visit. I want you to know how very much we appreciated the courteous and cordial reception accorded to us by the Members of the House of Representatives. If agreeable, would you kindly convey our thanks to these Members of Congress, and will you personally accept our warmest thanks for your kindness in showing us so much attention. Believe me,

Your very sincerely, GUSTAF ADOLF.

[Applause.]

MILITARY ACADEMY AT WEST POINT

Mr. JAMES. Mr. Speaker, I present a conference report, for printing under the rule, on the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes."

The SPEAKER. Ordered printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT LITTLE FALLS, MINN.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10771, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill H. R. 10771, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10771) granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MINNEAPOLIS, MINN.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent also to take from the Speaker's table the bill H. R. 10895, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill H. R. 10895, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10895) granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

RIVER AND HARBOR BILL

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, the river and harbor bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. DEMPSEY. Mr. Chairman, I understand that the gentleman from Texas [Mr. MANSFIELD] yields the gentleman from Ohio [Mr. BEGG] one additional minute in order that I may propound something in the nature of a question.

The CHAIRMAN. The gentleman from Ohio is recognized for one minute.

Mr. DEMPSEY. May it please the gentleman from Ohio, I call his attention to the language of the provision. The language is not inconsistent at all. The language says two things and they are perfectly consistent and a part of the same thing. It says we shall not interfere with the diversion, and we do not intend to, and it says we shall not interfere with the permit, and we do not intend to. We do not do anything with them one way or the other. Then it says that the whole question of diversion shall remain just as if we had not passed this act. Those things are perfectly consistent.

Mr. BEGG. The first part of the proviso plainly says that no interpretation can be put on this legislation as to changing the status of diversion.

Mr. DEMPSEY. The existing status.

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

Mr. DEMPSEY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. MANSFIELD. Mr. Chairman, I yield the gentleman five minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. WILLIAM E. HULL. Mr. Chairman and gentlemen, I am not going to take many more minutes to speak on the subject of the Illinois River as I have extended my remarks. I live on this river. I was born and raised there, and I think I know as much about it as any man on the floor of this House. I am not here for the purpose of trying to deceive anybody nor to do anything that would injure anybody. The great trouble with all of the speeches that have been made up to this time is that they have tried to confuse the House by talking diversion and the sewage of Chicago. I want you to all understand that I do not live in Chicago, but I live down on this river. I want to say further that this river is the most available navigable river in the whole world. The trouble is that all of these people have been fighting this river because of the fact that they know that business will be diverted.

The gentlemen from Cleveland and Toledo and other points are not fighting the diversion of water, but they are fighting the diversion of trade. They realize that if this river is completed and we have a navigable stream from the Great Lakes to New Orleans a great deal of the business that is now being done in the United States to-day will go down along the Mississippi River Valley, where it ought to go, in order to help that great western country which makes the prosperity of the Nation.

My time is limited, but I want to say this to you: The opponents say, put this off until the Supreme Court decides it. Why, my friends, the Supreme Court might not decide this for the next 10 years; nobody knows. The State of Illinois, through a bond issue, has appropriated $20,000,000 and has spent about one-fourth of it up to this time in making this connection from Lockport to Utica, and will have it all completed in three years' time. Regardless of what others have said here to-day, they can complete it in two years and a half if necessary. Do you think it is prudent for the State of Illinois to go along and supply this money and build this canal, known as the Illinois waterway, if the United States Government will not canalize the Illinois River from Utica to Grafton, so as to complete the system? That is the reason why we must pass this bill now. This river to-day is from half a mile to 1 mile in width; it has a depth of 25 feet in most places, and if you left it as it is to-day with the present diversion you would not have to spend more than probably a half million dollars on the river. It has had boats plying it for the last 50 years, and there is enough flow of water going through to-day so that these locks are unused, the boats go right over the dams.

All we ask of you is to give us a waterway from Utica to Grafton, and if you will only look at the report of the engineers you will see we have not asked for any diversion, and I will prove to you that we can have a navigable stream there without any diversion at Chicago, not even 1,000 feet is needed, because we have 3,000 feet of water coming from the Fox River, the Des Plaines River, and the Kankakee River that start the Illinois River at Utica. We could make a waterway without any connection with Chicago if we wanted to, but in order to make it a success for the Mississippi River we have to make connections with the Great Lakes in order to get boats of sufficient character to carry on the navigation. We have at Bureau Junction the Hennepin Canal that has been talked about so much. It is one of the best canals in the United States, but it is not being used, and why? Because from Bureau Junction to Utica there is no navigation in the Illinois River. From Davenport, Iowa, to Bureau Junction you can navigate, but from Bureau Junction to Utica you can not. Now, unless you give us this connection, it would be useless to pass the bill.

I want to say to you, my friends, that if you will go down and look at that river and see its advantages, I do not believe there is a single man, even from Michigan, who would dare come to Congress and oppose this bill.

I have not asked for anything in this bill but a waterway from Utica to Grafton. You can not find a single place in this bill where we have asked for any water whatever out of Lake Michigan, because we can get along without a drop of it if we want to. Of course, if you men from Michigan do not want to connect with the Mississippi and save money on your freights, we can run our waterway from here, Utica, and connect with St. Paul and with New Orleans. This will do Peoria a lot of good, but, of course, will not help Chicago.

In all fairness, I want to say that some of the statements that have been made here by such eminent men as former Senator BURTON are just as untrue as they can be. I do not mean that the gentleman has done that purposely, but he does not understand the project. That is the trouble about it, and none of the rest of you know, because you have not seen the Illinois River.

Mr. MOONEY. Will the gentleman yield?

Mr. WILLIAM E. HULL. No; I can not yield.

I want to say to you, my friends, this is the time to vote through the Illinois River project and give us a chance. This will save the farmer 7½ cents on every bushel of grain he ships. It will be the one redeeming feature of this Congress and will give us a chance out there to help the farmer. It will take the factory to the farm and lower the high cost of living by eliminating the high freight rates on farm produce to the consumers and the equally high freight rates on manufactured material to the farm.

I want to call the attention of the men from the Northwest, who are voting against this bill, to the fact they do not know what they are doing or they would not vote that way. They talk about wanting a waterway to the sea. Daisies will be growing over them before they ever get the waterway to the sea they have in mind, whereas in three years and a half these men from Minnesota and the Dakotas can ship their grain to St. Paul, and if they want to send it to the Chicago market, they can bring it to Davenport and across from Davenport to Bureau Junction and from Bureau Junction to Chicago and get almost the same distance by water as they can get by rail to-day.

If the farmers in that section knew how these Congressmen were voting, they would find out when they got home what it meant to them. The trouble is they have been deceived. They can talk all they please about a waterway to the sea, but here is a chance to get a waterway to the sea in three years and a half. Why do you not take advantage of it? Why should you avoid this proposition?

Gentlemen, I want to say to you that this matter is going to come up on the floor next week, and I hope every man within the hearing of my voice who does not understand it will come to me and talk to me about it, because I know this river and I know what this project means. The passage of the Illinois River project means more to this great Nation than the passage of any other project in this bill, and it would be a crime to destroy the only connection with this great Mississippi Valley system that you are spending million of dollars on and not connect it up with the Great Lakes, where the commerce exists.

I want to say to you in conclusion I realize I am not a good speaker. I am not a lawyer, but I want to say to you, and especially to the gentlemen from the East, that if you do not protect the farmer in the West, if you do not do something

for him at this term of Congress, if we should happen to get a bad crop this year you will find the dullest times that have ever happened in this country. You must do something for him, and this is the last resort. You men who have been fighting here against the great agricultural bill for the relief of the western farmer are now fighting the only opportunity you have to show them that you want to help them. [Applause.]

Mr. DEMPSEY. I suggest that the gentleman use about a half minute more so that I may propound a question to him.

Mr. WILLIAM E. HULL. I yield to the gentleman.

Mr. DEMPSEY. The gentleman remembers, does he not, that it was in evidence distinctly at the hearing before the committee that there was at least 1,200 feet of water at the present time being used for domestic purposes, as all the Lake cities use it, which must go down this waterway from Chicago to where this improvement begins?

Mr. WILLIAM E. HULL. That is true. I asked General Taylor that question myself, and General Taylor said it was about 1,200 and probably up to 1,500 feet. That was his answer.

Mr. DEMPSEY. And that is enough water——

Mr. WILLIAM E. HULL. That is enough water, but we can even do without that amount, although that would make the connection that I have referred to here.

Mr. DEMPSEY. That would make the connection from Chicago down to Utica, where this improvement begins.

Mr. WILLIAM E. HULL. Yes.

Mr. MOONEY. If the gentleman will permit, I would like the gentleman to explain the statement he made a little while ago that this is the one redeeming point of the administration.

Mr. WILLIAM E. HULL. I did not say that.

Mr. DEMPSEY. The gentleman said redeeming legislation so far as the farmers are concerned in securing cheaper transportation for their products.

Mr. WILLIAM E. HULL. Yes.

Mr. Chairman and gentlemen, water transportation in the Central West through the Illinois, Mississippi, Ohio, Missouri Rivers and the intercoastal canal is the one great project of modern waterway service.

There is no part of the United States so necessary to this Government as the section through which these waters flow. It composes 80 per cent of the agricultural area of the United States. This inland waterway project means more to the farmer than any other legislation that can be passed.

It will give him an opportunity of shipping his products to all of the seaports of the world by water transportation. it will reduce his freight rates from 7 to 12 cents a bushel on his grains; it will give him an opportunity of competing with countries of South America, such as Argentina, which has water transportation, and will give him a chance for export business.

In order to make these waterways a success it is necessary to make the connection between the Great Lakes and the Mississippi River. The project that I represent in the bill is the Illinois River in the State of Illinois. It will cost less to build and less to maintain than any other waterway in the United States.

Its opportunity to do a great service for navigation is even greater than the Great Lakes, because it will connect the Great Lakes with the Mississippi, Ohio, Missouri Rivers, the intercoastal canal, and thence on to the Gulf of Mexico. It will give the Kansas City merchants opportunities to ship direct by water to Buffalo; it will give the Buffalo merchants opportunities to ship to New Orleans; it will give Detroit an outlet to the South American trade and will save them $2,500,000 in freight on their automobiles alone in one year; it will give opportunities to deliver coal into Chicago and save $15,000,000 in one year; it will give an outlet from Pittsburgh to Corpus Christi, Tex., with their steel products; it will give St. Paul and the northwestern farmer a chance to load their grain on barges and deliver them by water to Liverpool; it will enhance the trade and the facilities of the great South by giving them cheap transportation of their cotton and sugar and a distribution on the Great Lakes; it will give California direct connection with Chicago, and the farmer will receive the benefit of a low freight rate on his grain and also a low freight rate on the nitrates from Chile. The manufacturers in all of the Central West using large quantities of copper will get their copper direct from Chile, mined by the Anaconda people of Montana, all by water, and put them in a position to compete with the world on the manufacture of articles in which tons of copper are used.

And so, my colleagues, this 223 miles of waterway leading from Utica, in Illinois, to Grafton, Ill., should be adopted at this time and its canalization should be started at once.

The report of the Board of Engineers recommending this Illinois waterway project, which was adopted by the committee and is included in this bill, does not call for or authorize any diversion of water from Lake Michigan. It merely provides for the removal of two old obsolete locks and dams built by the State of Illinois in the late seventies and the dredging of a 9-foot channel in the Illinois River from Utica to Grafton, where the Illinois joins the Mississippi.

However, objections will be raised against this particular project because it is unjustly claimed by the Great Lakes region that we are the sole cause of lowering the levels of the Great Lakes and in order that you may thoroughly understand just what the causes and the amounts of the Great Lakes lowering are at the present time I desire to read as follows:

Causes and effect of the diversion of water from Lake Michigan

	Inches
At Niagara Falls for power and canal purposes	2
Retention of water in Lake Superior by regulating works for power purposes	3
Widening and deepening of Detroit and St. Clair Rivers at Detroit	8
Diversion of water at Chicago	5½
Unusually light rainfall combined with unusually large evaporation	22
Total lowering	40½

The above lowering has taken place since the high-water period of 1917–1919. The Lakes now are at an unusually low stage because of a long period of dry weather.

The water for power and navigation through the Canadian Welland Canal has lowered Lake Erie 2.64 inches. (See p. 375, Warren Report.)

You can see by this that the 5½ inches of which the Chicago diversion is responsible for has already taken place and there can be no further lowering of the Lakes from this diversion. You must understand that this diversion started in 1900 and has existed until the present date, almost 27 years. The lowering of 5½ inches has existed practically all of that time. It can never be any more, and will eventually be less.

The other diversions indicated might be remedied, especially the 8 inches in the Detroit River, by putting in compensating works there you can restore the lake levels.

The Welland Canal, which is a Canadian canal, is lowering Lake Erie 2.64 inches, and under the treaty they have no right to continue this lowering, while under the treaty Illinois does have the right to take the 10,000 second-feet because it was a diversion acknowledged and accepted by the Canadian Government at the time the treaty was signed, in 1910. As they have been diverting this quantity of water since the year of 1900, I quote you from the treaty as follows:

> The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:
>
> (1) Uses for domestic and sanitary purposes.
>
> (2) Uses for navigation, including the service of canals for the purposes of navigation.
>
> (3) Uses for power and for irrigation purposes.

And the treaty further says:

> The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

Now, in addition to that, I want to call your attention to Secretary Root's statement to the Senate Foreign Affairs Committee:

> The great bulk of the water goes on the Canadian side; and the Waterways Commission that was appointed some time ago to deal with the question of the lake levels reports, I think, that 36,000 feet can be taken out on the Canadian side and 18,500 on the American side without injury to the Falls. I thought it wise to follow the report of the commission and put in 1,500 feet in addition to get round numbers, so our limit is higher than we want; but their limit would not be cut down below what it is, because there are three companies on the Canadian side who have works there. Then, there is this further fact why we could not object to this 36,000 cubic feet on the Canadian side: We are now taking 10,000 cubic feet per second out of Lake Michigan at Chicago, and I refused to permit them to say anything in the treaty about it. I would not have anything in the treaty about it, and, under the circumstances, I thought it better not to kick about this 36,000. They consented to leave out of this treaty any reference to the drainage canal, and we are now taking 10,000 cubic feet per second for the drainage canal, which really comes out of this lake system.

For further information I desire to call Congress' attention to the fact that under this treaty the Canadian Government is taking 36,000 second-feet of water for power purposes, the Niagara power companies are taking 20,000 second-feet of water, and, in accordance with the treaty agreement, Chicago

should be taking 10,000 cubic second-feet of water; but the War Department, under a ruling of the Supreme Court, have now allotted Chicago the use of 8,500 cubic second-feet of water and have cut that allowance down now to 8,250 cubic second-feet of water, and so this project is based upon securing a channel 9 feet in depth and 200 feet wide from Utica in Illinois to Grafton in Illinois.

I wish to state that the entire Illinois waterway system comprises three divisions—the Sanitary and Ship Canal, 36 miles long, built by the Sanitary District of Chicago, from Lake Michigan to Lockport; the Illinois Waterway Canal, 65 miles long, from Lockport to Utica, now being built by the State of Illinois under a $20,000,000 bond issue voted by the State; and then the Illinois River proper, 220 miles long, from Utica to Grafton, the confluence with the Mississippi River. When all these projects are completed we will then have a channel 9 feet deep and 200 feet wide from Lake Michigan to the Mississippi River, and when the Mississippi project is completed a 9-foot channel will be available from Chicago to the Gulf of Mexico and the open sea to all the ports of the world.

In conclusion, I earnestly ask the Congress to pass this Illinois project and in so doing bring to a fruition the dream of a century.

The CHAIRMAN (Mrs. ROGERS). The time of the gentleman from Illinois has expired.

Mr. MANSFIELD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DOUGLASS].

IMMIGRATION

Mr. DOUGLASS. Madam Chairman, I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOUGLASS. Section 11, subdivision (b), of the immigration act of 1924, which my House Joint Resolution, No. 250 seeks to repeal, by amendment to the act provides that "the annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100." This method of establishing immigration quotas is generally referred to as the "national origins method."

Subdivision (c), of the same section 11, further provides that the determination of national origins shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly. This interdepartmental committee in determining the quotas for each of the foreign countries, may call for expert assistance and information from the Bureau of the Census. Further these officials shall, jointly, report to the President the quota of each nationality, determined as outlined in subdivision (b), and the President shall proclaim and make known the quotas so reported, on or before April 1, 1927.

Apart from the question of a just quota for any particular nation, on the very face of this law appears a most serious objection. Under the national origins plan, enacted by Congress, that body does not itself in fact legislate. On the contrary it shirks its constitutional duty of itself determining the quotas, by surrendering, or at least passing over to this interdepartmental committee the powers and prerogatives of Congress, in the premises. In other words, the legislative branch of our Government abandons a part of its constitutional functions in favor of another branch of the Government, the executive. Remember the three Secretaries, comprising the interdepartmental committee, are members of the President's official family. Under this law these Cabinet Members, together with the President, under his duty and responsibility to proclaim the quotas determined by three of his official advisers, are made the only and final arbiters on the important matter of immigration quotas for each of the foreign countries.

Moreover, this commission is not even required to report to Congress or notify it of the specific reasons upon which it bases its findings in the matter of establishing the quotas. I hold this interdepartmental committee has such wide discretionary powers that their determinations, with respect to the establishing of the quotas, should never be permitted to pass on to the President for his proclamation, without first having been referred back to Congress for the latter's consideration and approval.

Here we have a clear instance of government by a commission of three, rather than by the Congress, representing the people of the whole country. Here is government by a commission with a vengeance. Herein Congress stultified itself by surrendering its legislative powers to a commission of the executive branch of the Government, and thus falsified the letter and spirit of the Constitution, which clearly, purposely, and with proved wisdom, divides our Government into the three branches, executive, legislative, and judicial, each branch with separate and distinct powers, rights, and privileges.

To this tripartite system of government the United States owes its unprecedented political success and security. This system is so interwoven in the warp and woof of the body politic that to change it, as the provisions of subdivisions (b), (c), (d), (e) of section 11 provide, is to invite complication and disaster.

On this question of the maintenance of the integrity and independence of our three branches of the Government the people of the Nation have recently spoken in no indecisive terms. During the last national campaign La Folletteism was a distinct, much-heralded issue. La Folletteism was in great part a movement to give Congress power to overrule decisions of the United States Supreme Court. When the people spoke on that question at the polls two years ago the verdict was overwhelmingly in favor of the continuance of the established system, and the La Follette doctrine of a legislative veto over decisions of the judiciary was buried as a political issue.

By the same token there can be no possible question where the electorate would stand upon a proposition that Congress surrender any of its constitutional prerogatives to the executive branch of the Government.

Practically speaking, how can it be seriously maintained that in the matter of immigration quotas, in the selection of our future American citizens, the judgment of these executive department heads (all of the same political faith, and I dare say doctrine) is better or safer than the combined wisdom and experience of 435 Representatives and 96 Senators of the people of the United States? What facts, bearing on national origins or on the whole question of immigration, can these three department heads discover that would not be open by the same processes of fact finding to the duly constituted committees of the House and Senate, availing themselves of all known or obtainable data and the testimony of so-called immigration census experts, for what that testimony might be worth, if anything?

Who or what blindfolded the Sixty-eighth Congress and led it along this dangerous road of self-surrender?

Is it possible that the anglomaniacs and Jew baiters, the Hessians of the Carnegie fund, and all the other enemies of the "new immigration" favored the 1924 national origins plan, with its all-powerful commission of only three administration members, because they had reason to believe they could force their narrow, prejudiced, un-American views on three men but could not hope to prevail in the end on the Members of both Houses of Congress? Had these Nordics good reason to hope to sell their pernicious propaganda in a star chamber of three, where the light might never enter, but were dubious of their power to enforce their obnoxious propaganda in the open chambers of Congress, where in open debate the truth might find staunch champions among Members of proven and undoubted Americanism, descended from some of those very stocks against which these Nordic fanatics would discriminate?

The truth is this national origins feature of the act was forced through with undue haste, in a mad scramble to establish some sort of a permanent immigration quota policy. The proposition was gulped down and ill digested. The obnoxious clause in the act was inserted in the Senate as an amendment after the Johnson immigration bill had passed the House. At that time, it will be recalled, the Japanese exclusion question was the all-absorbing concern of Congress. In the midst of the consideration of the vital matter of the exclusion of the Japanese and of the various other provisions of the Johnson bill, the Senate national origins amendment was hastily adopted, in conference, and passed practically unnoticed "save by those who were taking its fate to heart."

Another fundamental objection to the fixing of the immigration quotas by national origins is that such a basis is indefinite, uncertain, and theoretical and permits the adoption of arbitrary, biased methods of calculation. In June, 1924, Mr. Steuart, Director of the Bureau of the Census, declared—

there are no figures in existence which show completely the various national origins of the population of the United States.

Commissioner General of Immigration, Hon. Harry E. Hull, in his annual report for 1925 recommended to Congress that it amend the immigration act of 1924 by the repeal of the national origins clause, stating—

The bureau [Bureau of Immigration] feels that the present method of ascertaining the quotas is far more satisfactory than the proposed determination by national origins; that it has the advantages of sim-

plicity and certainty. It is of the opinion that the proposed change will lead to great confusion and result in complexities, and accordingly it is recommended that the pertinent portions of section 11 providing for this revision of the quotas as they now stand be rescinded.

How difficult the problem is of solution may be gleaned from the facts contained in a letter Congressman JOHNSON received from a Chicago citizen, as follows:

I have a partner, an American, born of Swedish parentage. He married a girl of Scotch ancestry. His sister married a man, American born, of English ancestry. My banker is of Norwegian parentage. He married a girl of German parentage. His brother married a girl of English ancestry. His sister married a man of Danish ancestry. I myself am American born, of German ancestry. I married a girl of Irish parentage. My brother is married to a girl of Norwegian-English ancestry.

And there you have what the national origins method of establishing immigration quotas has as a basis. It must be obvious that basing quotas on national origins is a huge joke, in so far as its practicability goes.

Since, therefore, the law has no foundation in fact—

As Prof. Roy L. Garis, of Vanderbilt University, argues in the Saturday Evening Post, of October 10, 1925—

it will naturally lead to charges of discrimination and general dissatisfaction.

This state of affairs, foreseen by Professor Garis soon after the writing into the immigration act of 1924 of the national origins clause, is now actually at hand. Dissatisfaction, as the real purport of the national origins method is becoming more clearly understood, grows by leaps and bounds.

The discrimination possible under this legislation is becoming daily more apparent to the races concerned. In the city of Boston, which I have the honor to represent in part, on last Sunday afternoon, under the auspices of the American-Irish Societies of Massachusetts, a tremendously large and enthusiastic meeting was held in protest against what is expected, under the act, to prove a vicious and insulting discrimination against the people of the Irish Free State, or southern Ireland.

Preliminary estimates have been made and published, as to the quotas for each of the foreign countries, by Capt. John B. Trevor, statistician of the Carnegie Endowment for International Peace, and Captain Trevor's estimates will undoubtedly be accepted and used by the interdepartmental committee in its determination of the new quotas under the national origins plan. Yet Captain Trevor's "statistical deductions" are no more reliable than the "guesses" of the next individual, who attempts to estimate quotas without a basis of fact, because of the unavailability of census figures as to the various national origins in the United States.

Among other things Captain Trevor's figures indicate that 51,747,680 of the 105,710,620 population of this country in 1920, are from British and North Ireland stock, and that only 5,063,966 of the total population of this country come from South Ireland, or Irish Free State stock. This most questionable estimate of "Expert" Trevor lets the cat out of the Nordic bag and causes "Current Events" of November, 1924, significantly to remark—

The situation of the Irish Free State, under the new law, is particularly interesting. Formerly, Irish immigrants were grouped with English. On the temporary basis of the 1890 census the Irish Free State is allotted the surprisingly large quota of 28,367, due to the great number of south Irelanders in the United States in that year. After 1927 this quota will be reduced to 8,330 because of the fact, by Captain Trevor's analysis, that only 5,000,000 Americans can claim south Irish ancestry.

If the new quotas are to be based, as there is reason to fear, upon figures in keeping with those of the Carnegie expert, then, as Professor Garis points out in the article already quoted—

a practical majority of Britishers will be admitted as immigrants, and the first long step will be taken toward the Anglicization of the United States.

As against the Free State allotment of 8,330, under the national origins law, by the same Trevor-Nordic analysis, England, Wales, Scotland, and North Ireland would be allotted 83,000. It requires no microscope to discern between the lines of these figures the black hand of bias and discrimination against the essentially Catholic southern part of Ireland, in favor of Ulster and England.

Against this iniquitous conspiracy of statistics—

Says Professor Garis—

it behooves all good Americans to rise in righteous wrath.

In estimating the quota for the Irish Free State, which is to be figured entirely separate from that of Ulster, since the latter is included in the Great Britain quota, the possibility of uncertainty and discrimination is far greater than in any other instance. This because there were absolutely no records available of immigrants to this country from the north as distinguished from the southern part of Ireland, until the recent creation of the political boundary of the Free State.

Says John Bantry, one of the ablest journalists of the present day, in the Boston Post of Friday, May 7, 1926:

No one expected that with the influx of Irish blood into America, which began long before the Revolutionary War, any immigration law could reduce the quota from the counties of Southern Ireland to 8,330 immigrants in any one year. This is virtually putting Irish immigrants in the undesirable class. The only way the 8,330 quota is determined is by the theory that 90 per cent of Irish immigration, in the days when so-called American stock was being developed, came from Northern Ireland. This is not alone not capable of proof, but has been challenged with convincing arguments time and again. It is the ancient and exploded theory of the Scotch-Irish.

But this expert report considers that for immigration purposes the Northern Irishman is about four times as desirable as the man from the Irish Free State. This opinion is the result of years of propaganda directed toward showing that the plain Irish played little part in the upbuilding of America.

I have consulted with the genial chairman of the House Committee on Immigration and Naturalization, and asked for a hearing on my resolution, which would repeal the national origins clause, before the present session adjourns. Mr. JOHNSON informed me such a hearing could not be granted on account of the extreme pressure of other important committee business and the proximity of adjournment; but he assured me a hearing would be granted at the earliest possible date upon the reassembling of Congress, at the close of the summer recess, at which time the provisions of my resolution would be thoroughly thrashed out. I deprecate the delay, but am bound to submit to it under the circumstances. It is my earnest hope that during the recess that you, my colleagues, will give this subject your most serious study and attention. The issue involved in the matter of establishing quotas by national origins is of supreme importance, and must be met fairly and squarely. If the proposal of this plan of determining our future immigration quotas was an error, that error must be rectified before the proposal becomes operative July 1, 1927.

If this legislation is an insult, as is claimed, to the Irish race, or is to be used, as is feared, as a weapon of discrimination against a section of that worthy people, in the interest of fair play and justice Congress ought to be acquainted with the facts. I have no purpose here and now to relate the glorious story of Irish achievement in America. That was brilliantly accomplished before this body on last March 17 (St. Patrick's Day) by our distinguished colleague from Rhode Island [Mr. O'CONNELL].

On that day, by unanimous consent, this honorable body, out of respect and compliment to Irish-American citizenship, performed a noteworthy act of appreciation in pausing in its deliberations for one-half hour to listen to one of its Members of Irish descent, as myself, recall how much blood and brawn, the valor and sacrifice of men of Irish blood, in war and peace, had contributed to make our common United States the dominant power of the civilized world morally, financially, and politically. The generous and general applause with which you greeted that speech was an even more eloquent tribute to the Irish race than the ringing words of the orator himself.

About the same date the House, again with your unstinted applause, another distinguished and most beloved Member, Mr. BURTON of Ohio, delivered a remarkable, heart-reaching eulogy on the life of his former colleague, an Irishman born, a great legislator and statesman, and one of our greatest American orators, whom the eulogist held up as a shining exemplar of high idealism, patriotism, and good citizenship—the late Hon. Bourke Cockran, of New York. Mr. BURTON'S splendid tribute to the character of Bourke Cockran reminded me at the time of another sterling American of the same exemplary type as the great New Yorker. I refer to one of my Boston predecessors in this House, the late Hon. Patrick A. Collins, legislator, orator, and publicist. This chosen spokesman in the days of Cleveland rose from the lowly station of a poor Irish immigrant to a seat in Congress and later to the office of the chief executive of our fair city of Boston, where the name of Patrick A. Collins will ever continue to be an inspiration. The same truly American spirit that animated Cockran and

Collins still burns in the hearts and souls of the millions of their race in our country to-day.

But the danger inherent in the national origins clause hit not the Irish race alone. It is a matter of serious concern also to the vast group of loyal Italians, German, Jewish, and descendants of other nationalities who have contributed so materially to the development of our country. It behooves the descendants of all these races to look sharp lest the iron of discrimination burns into their souls. In the matter of immigration all races should be treated with exact justice according to their merits and achievements of their forebears in America. This was the professed purpose of the national origins plan, but even slight investigation and reflection will convince that the plan is in fact ridiculously impracticable of operation, and can not possibly accomplish its professed intent.

I feel confident that Congress on the face of the facts I have brought to attention will feel compelled, in the interest of every country concerned, to repeal the national origins plan, and, as the Commissioner General of Immigration suggests and as my resolution provides, continue to establish the quotas under the present method, which permits—

2 per cent of the number of foreign-born individuals of such nationality resident in continental United States, as determined by the United States census of 1890, but that the minimum quota of any nationality shall be 100.

Thus basing the quotas on birth lands rather than attempting to trace national origins into what obviously leads to a labyrinth of refined and bewildering speculation. We are apparently ready at this time to liberalize certain other sections of the immigration act of 1924. The signs are promising—and I sincerely trust not deceiving—that legislation is near at hand which will, for the Christian purpose of reuniting scattered families, amend the act so as to admit to the country outside the quota children and parents of legal residents of the United States. This is only right and proper, as in this instance the law of nature should be the law of the land.

Finally, I am not in favor of no restriction of immigration at any time, but I am strongly opposed to unfair discrimination in immigration. The proponents of the national origins plan pretend that its adoption will preserve the homogeneity of our racial construction. Refusing to take into account the race of any man, our Nation has grown in strength and union. The political struggles of the Old World have been largely the result of interracial rivalries. May we not well inquire if the adoption of this racial doctrine will not result in the division of the New World along racial lines, and thus destroy that very homogeneity which the proponents of national origins claim it will preserve?

Mr. CHALMERS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. Mr. Chairman and gentlemen of the House, I would be remiss in my duty to the twenty-ninth congressional district of Pennsylvania, which I represent, if I did not convey to the Congress the attitude of my constituents regarding the legislation pertaining to the diversion of waters of the Great Lakes.

The State of Pennsylvania has but one outlet to the Great Lakes—that is, through the Port of Erie, one of the finest harbors on the chain of Lakes. It is the terminal of two branches of the Pennsylvania Railroad—the Erie & Pittsburgh and the Philadelphia & Erie. Besides, the New York Central, Nickle Plate, and Bessemer also handle large quantities of package freight to and from this port.

The Erie & Pittsburgh and the Bessemer carry coal to Erie and other ports, where it is transferred to ships by dumping the loaded cars at a most incredible rate of speed, and these ships go to Duluth and other ports in the great Northwest and return, carrying iron ore from Minnesota, which is also loaded with amazing celerity. To make these shipments profitable at the low rate per ton the ships must be loaded both ways. Heavily laden ships can not enter the harbor now, and any further lowering of the water would mean, as explained by one of the leading shippers, that the harbor would have to be abandoned.

The Philadelphia & Erie Railroad carries grain to Scranton and Philadelphia and the Philadelphia harbor, where it is shipped to foreign ports, and on to the elevators in New York, where the new Pennsylvania elevator has been completed, and from here it is shipped to all parts of the world.

Completion of the new Pennsylvania grain elevator at New York will insure the routing of more than 2,000,000 tons of grain through the port of Erie. I have this morning received a telegram from the chamber of commerce at Erie, which reads as follows:

The future of the port of Erie, Pa., only harbor on the Great Lakes, is endangered by the illegal withdrawal of water at Chicago, and any legislation intended to legalize this monopoly of water by a single community to the detriment of millions of people in other cities along the Great Lakes on both the American and Canadian sides, should be overwhelmingly defeated. Lowering of the lake levels not only affects the future of the ports on the Great Lakes but results in millions of dollars of loss annually through lessened tonnage the vessels are able to carry. This loss in tonnage not only affects the vessel owners but the thousands employed at the various docks and warehouses. This loss means a higher freight rate, which eventually reaches the pocketbook of every citizen of the United States and Canada. In addition damage estimated at millions of dollars has been caused to docks and this damage is increasing each season, to say nothing of the millions of dollars that the Federal Government will have to appropriate annually for dredging to make these harbors accessible.

No one understands the situation better than the men who have actually handled or assisted in handling the 124,000,000 tons of freight that pass up and down the Lakes every year. The Great Lakes Harbors' Association, in convention assembled at Detroit, Mich., January 14 and 15, 1926, comprising some 300 members, representing the States of Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin, the Dominion of Canada, and over 80 lake cities, including every large city on the Great Lakes, passed the following resolution:

Be it resolved, That we strenuously protest against any legislation at the hands of the Congress of the United States that may sanction the diversion or abstraction of waters likely to lower the levels of the Great Lakes and thus impair the commerce thereon, a commerce which serves not only single communities and States but serves the Nation as a whole. That we appeal to the Congress of the United States to provide legislation which shall protect the Great Lakes as a navigation highway against the repetition of the blunder committed by a former Secretary of War, in granting a water-diversion permit to the city of Chicago, which has proved a great public injury, and to make it a duty of the present and succeeding Secretaries of War to correct this blunder, to the end that the inland seas may serve the primary purpose for which nature designed them, namely, for navigation.

RAYMOND H. WEINS, *Secretary.*
WM. GEORGE BRUCE, *President.*

RESOLUTION ADOPTED BY THE BOARD OF FISH COMMISSIONERS OF THE COMMONWEALTH OF PENNSYLVANIA

Resolved, That the Board of Fish Commissioners of the Commonwealth of Pennsylvania hereby protests against the enactment of any legislation by Congress of the United States having for its purpose the legalizing of the abstraction of water by the city of Chicago from Lake Michigan, whether such abstraction be for the dilution of sewage, or the production of power, or to assist or stabilize navigation on other water courses.

Resolution 4

COMMONWEALTH OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
January 26, 1925.

Be it resolved, That it is the opinion of the General Assembly of the Commonwealth of Pennsylvania that any increase in the amount of water permitted to be drained from the Great Lakes would be against the interests of the people of the United States, would seriously affect the fishing industries of this Commonwealth, would be unnecessary, and might have an unwanted effect upon our friendly relations with the people of the Dominion of Canada.

ADDRESS BY HENRY HOLGATE, ESQ., C. E., TO THE MEMBERS OF THE ERIE (PA.) CHAMBER OF COMMERCE AND THE MONTREAL BOARD OF TRADE AT MONTREAL SEPTEMBER 4, 1924

The Canadian commissioners who investigated the subject of the diversion of waters of the Great Lakes arrived at these conclusions:

(1) That there is no imperative necessity for such a large diversion of water from Lake Michigan for sanitary purposes as is requested in the application.

(2) That the historical facts presented in this brief show conclusively that the sanitary canal can not be considered as the outgrowth and development of a scheme which has received recognition by the United States Government, or that of the Dominion of Canada.

(3) That the claim that the sanitary district is entitled as a matter of right to the use of so much of the waters of Lake Michigan as may be necessary for sanitary and domestic purposes, can not be enter-

tained in so far as it relates to the extraordinary and wasteful use proposed.

(4) It has been shown that very substantial injuries have been made, and are being suffered by navigation interests. Fears for future and more extensive damages by reason of increased diversion are exceedingly well founded, and justify the demand that some improved method of sewage disposal, which shall not require the abstraction of any considerable quantity of water from Lake Michigan nor the diversion of other outlets of water which would naturally flow into it, be adopted.

(5) That the Dominion of Canada has the right to a voice in the disposition of the waters of Lake Michigan for sanitary purposes in so far as such diversion injuriously affects navigation, because her citizens are accorded, by treaty, the right of free navigation in that lake, and in that no diversion can be made without injuriously affecting her harbors, channels, and canals.

(6) It having been shown that the sewage of Chicago can be so treated and disposed of by other means than the present dilution methods, by which great quantities of water are withdrawn from Lake Michigan and discharged through the drainage canal into the Illinois River, it is contended, on behalf of Canada, that the abstraction of water from Lake Michigan shall be limited to such quantity as shall not injuriously affect navigation interests on the Canadian side of the boundary, and that such limitations shall take effect at the end of such time as, in your judgment, may be reasonably necessary for the sanitary district to install and put into use the works which may be required for disposing of the sewage by other means than by the dilution method now in use.

(7) That in view of the fact that the sanitary district claims that permits hitherto issued deal only with the flow through the lower portion of the Chicago River, and that it has the right to take any amount of water, without permission, through the canal, provided it is supplied through other feeders, it is respectfully requested that all permits be only for such limited quantity of water as shall not injuriously affect navigation on the Lakes and the St. Lawrence River, and be so worded as to state the total quantity which the Sanitary District of Chicago may be permitted to withdraw for domestic and sanitary purposes from the drainage basin of Lake Michigan.

We feel confident that the interests of humanity at Chicago, and the levels of the Great Lakes and of the St. Lawrence River, can best be protected by the installation of a modern system of sewage disposal, rather than by using a method which has been shown to be injurious to the navigation and commerce of both nations, and further, that the interests of the public generally will thus be protected and their welfare promoted.

It will be noted that this work was not undertaken by the United States, but was done under authority assumed by the State of Illinois, and has never been approved in either country by its Federal Government.

In conclusion, I wish to say that where the rights of millions of people are involved, and where property rights are threatened, it would be well to defer action on this legislation until the rights of all parties interested are more clearly defined.

Mr. CHALMERS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman, as a Representative of the State of Michigan, I can not give my vote to any measure which provides, either directly or indirectly, for further diversion of the waters of the Great Lakes. The Illinois River provision, on page 6 of the bill under consideration, is an attempt to create such a diversion. Such an attempt must meet with resistance from all who believe, as I believe, that any further diversion of the waters of our great inland seas is inimical to the public welfare.

The Great Lakes form the most magnificent chain of inland waterways on the globe. With their outlet, the St. Lawrence, they extend from the sea to the very heart of the continent. Their waters wash four of the most populous States in the Union. Buffalo, Erie, Cleveland, Detroit, Milwaukee, Chicago, and Duluth, with a combined population of approximately 6,000,000, form a chain of great ports hardly rivaled in importance and numbers by our entire ocean coast line. A commerce enormous in volume and in value finds its path over these cold fresh-water seas. Through the great strait which we call the Detroit River, in the comparatively short season of navigation, passes a tonnage of freight which almost dwarfs that of the Suez Canal, which is navigated throughout the entire year.

Speakers often say that our people have been more greatly favored by nature than any other of the world's nations. Our climate is temperate, our soil is fertile, our mountains are rich in minerals. But the bounty of God did not cease with these great gifts. He sent His mighty glaciers drifting southward to plow these great basins which hold to-day the waters of Superior, Michigan, Huron, Erie, and Ontario. To-day we guard with jealous care our public lands, our national forests, and our great natural wonders. We do so because we hold that they are the inheritance of the whole American people. In no less a degree, surely, are the Great Lakes the inheritance of the people of our Nation. No less, surely, should we take care that this priceless inheritance should be preserved intact.

I do not think that those of us who are opposed to this feature of the rivers and harbors bill should be charged with hostility to the needs of the city of Chicago. No such thought dictates our opposition. This great city is the metropolis of the Great Lakes region. The day will come, in the course of time, when Chicago will be a seaport as certainly as New York and Boston are to-day; when her grain and her meat will be shipped from her own docks direct to Liverpool and Hamburg. But constantly lowering lake levels, followed by consequent and constant damage to the lake traffic, must be prevented, or Chicago herself will be the main sufferer from her short-sighted policy of improperly diverting the waters of the lake which is primarily responsible for her very being as a city.

There is no doubt that uncurbed deforestation in the past has played its part in the lowering of the level of the Great Lakes. This shameful chapter in the history of the lumber region bordering the Lakes has already been written, and no line of it can now be altered. But the day of reforestation is at hand, and much of the evil of that earlier day will be repaired. Reforestation will no doubt assist in raising to some extent the shrunken level of the Lakes. But we of Michigan and of the other States bordering upon their waters do not propose to let reforestation be counterbalanced by improper and unwarranted diversion. We propose to resist, and to resist unitedly, any attempt to cause the shrinkage of another inch or the wrongful diversion of another pint.

Nor, in considering our own needs and our own rights, should we be unmindful that any wrongful diversion of these waters constitutes an international wrong. The Great Lakes belong to Canada jointly with ourselves. Canada is a good neighbor. For 4,000 miles her borders march with our own. She is one of our best customers. She speaks our language, and she furnishes us a good example of a people living orderly lives, obeying the law, and doing unto us as we should be done by. She is building up great cities by these Lakes, just as are we. She owns the soil under them to the international boundary line. She has the same easement in their shifting waters that we possess. She looks with the same apprehension as do we of Michigan upon the wrongful impounding and diversion of these waters. We owe her a duty, no less than we owe it to our own country. We can not be wholly just to ourselves if we are unjust to our international neighbor and friend.

The Supreme Court of the United States is soon to pass upon the question as to whether Congress, or any officer of the United States, has the right to divert the flowage of water from one great continental watershed to another. It is very doubtful whether such a right will be conceded even to the Congress of the United States. Until it is judicially determined that such a power does repose in any person or legislative body, is it not the act of wisdom to wait and not to take a step the results of which may be nullified, and upon which vast sums of the Nation's money will have been wasted? Let us await the decision of the Supreme Court before we embark upon a policy which will bring us not only international ill will but which threatens one of the most priceless possessions of our people.

Mr. MANSFIELD. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 1 hour and 19 minutes.

Mr. MANSFIELD. I will ask the Chair to let me know when I have consumed 20 minutes.

Mr. MANSFIELD. Mr. Chairman and gentlemen of the committee, I did not expect to speak on this subject, but in view of the fact that the debate by some of the gentlemen opposing the bill has to my mind gone off entirely on matters not connected with it, even remotely, and having a tendency, as I construe it, to cast reflection upon the Rivers and Harbors Committee for reporting such a bill to the House, I feel it incumbent upon me to make a few remarks in explanation of my personal attitude upon the bill.

So far as the question of diverting water for sanitation at Chicago is concerned you might just as well wipe that off your slates right now. It has no bearing upon the case. Chicago may or may not have such right. The Supreme Court will determine that question. Not only does the bill specifically state that the question of diversion by Chicago shall remain as if this bill had not been enacted but the report of the engineers, the testimony of the engineers, and all of the facts of the case tend to bear out that theory. I shall read a few

answers of General Taylor to questions which I propounded to him at the closing of his testimony:

Mr. MANSFIELD. Mr. Chairman, I want to get one matter more clearly and definitely, if I can, in my mind. General Taylor, the report before us is for a waterway in the Illinois River from Utica to its mouth, as I understand it?

General TAYLOR. Yes, sir.

Mr. MANSFIELD. That does not include the Des Plaines River, and it does not include the Chicago Sanitary Canal?

General TAYLOR. No, sir.

Mr. MANSFIELD. It has got no more bearing upon that than a Mississippi River project from Grafton to St. Louis?

General TAYLOR. That is right.

Mr. MANSFIELD. If we adopt this report?

General TAYLOR. That is right.

Mr. MANSFIELD. How far is Utica from Lake Michigan, approximately?

The CHAIRMAN. About 20 miles, I think.

Mr. MICHAELSON. It is 100 miles; it is 35 to Lockport, and I think 65 from there to Utica.

The CHAIRMAN. I think that is exactly right. It is 100 miles.

Mr. MANSFIELD. Then, in acting upon this report, it has no bearing whatever upon the Great Lakes, as I understand it?

General TAYLOR. We endeavored to so word our report that, if it was adopted, that very object would be accomplished. That is what we had in mind.

I want to know how anything can be made any more plain, any more definite. The United States Government has a waterway there now, and I shall prove it to you—aside, separate, and distinct from this sanitary project of Chicago. In the year 1822—104 years ago—the Congress of the United States passed an act granting the State of Illinois authority to construct the Illinois and Michigan Canal. In the year 1827—99 years ago—the Congress of the United States passed another act authorizing the State of Illinois, by means of that canal, to connect Lake Michigan with the Illinois River, and granting to that State a large part of the public lands to assist the State in financing the project. The report of the Chief of Engineers a few years later showed that more than 321,000 acres of land were granted by the Federal Government to the State of Illinois in compliance with that act. That canal was constructed. The first boat passed through it in 1848, more than half a century before there was ever one drop of diversion of water by Chicago. The act of Congress provided that the said canal "shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever."

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

Mr. MANSFIELD. I yield to the distinguished gentleman from Illinois, chairman of the Appropriations Committee.

Mr. MADDEN. In that connection I recall when I was a boy that that canal was lined with boats, 50 feet apart, from one end to the other, carrying the products of the farms to Chicago and other markets, and until the railroads took possession of transportation it was one of the greatest arteries of commerce in the world in its day; and we are trying here to provide a larger artery of commerce for that section of the country for the day when we will be able to move commerce not entirely by the railroads but by water.

Mr. MANSFIELD. I thank the gentleman for the suggestions. I hold in my hand the preliminary report of the Inland Waterway Commission of the United States for the year 1908. I do not know, but I think the gentleman from Ohio [Mr. BURTON] is a member of that commission.

Mr. DEMPSEY. I think he is.

Mr. MANSFIELD. If you will look on page 247 of this report, you will find the history of this canal and of the legislation by which it was provided. This canal is there to-day, paralleling the sanitary canal, and the hearings of 1924 show that it is within 1,000 feet of it for a distance of 35 miles. It is not as deep as the sanitary canal, and this report also shows the tonnage from the time it was put into operation up to the time the report was made in 1908. As the gentleman from Illinois [Mr. MADDEN] just stated, it carried an immense tonnage until the railroads interfered. Then, when this sanitary canal was opened up, the tonnage was diverted from the Government canal to the sanitary canal for the reason only that the sanitary canal was a more efficient waterway. However, the Government canal is still there and still in operation to a certain extent. This report of the Inland Waterways Commission shows that this old Government canal was connected with Lake Michigan through the mouth of the Chicago River and has been operating continuously since 1848, obtaining its water from Lake Michigan.

Mr. MADDEN. The south branch of the Chicago River.

Mr. MANSFIELD. Entirely correct. It is there now, it is capable of being navigated, although it is not 9 feet deep. It is a Government project and has a right to do so, and this right has never been contested nor disputed in any court and is not involved in the litigation now pending in the Supreme Court wherein it is sought to enjoin the Chicago Sanitary District. The Supreme Court may hold that the sanitary district has not the right to divert the water for sanitary or other purposes, but it will not hold, and no other court has ever held, that the United States Government has not such right. There are a number of canals now being fed by water from the Great Lakes, including the New York Barge Canal at Buffalo, the two Welland Canals on the Canadian coast of Lake Erie, and the Trent Canal on Georgian Bay, Georgian Bay being a part of Lake Huron. It has never been contended by anyone that the water necessary for transportation on these canals has ever interfered with lake levels in the remotest degree, and, as a matter of fact, it does not affect the lake levels.

You will see upon that map that by adopting this waterway you will render the Hennepin Canal an efficient waterway. The western end of the Hennepin Canal is not only in one of the greatest agricultural regions of the country, but it is also one of the greatest industrial regions of the country. At Rock Island, near its intersection with the Mississippi River, is located one of the United States arsenals. General Ruggles stated before us a few weeks ago that the Federal Government has invested in that arsenal more than $380,000,000. There is also located there the John Deere Plow Works, the Moline Plow Works, and the yellow taxicabs are manufactured there. There are also many other industrial plants. The John Deere Plow Works is the second largest farm implement manufacturing institution in the world, second only to the International Harvester Co. These concerns, as Mr. Peek, the general manager of the John Deere Plow Works, stated to us, handle approximately 800,000 tons of raw products in their manufacturing plants, much of which will come from Gary, Ind., and as a matter of course will pass through this waterway if it is placed in commission.

That, gentlemen of the committee, is a guaranty of an immense tonnage that is of vital concern to every farmer in this country, because farming implements and farming machinery should reach every farming section at the least possible cost of transportation. It is a very important matter for this Congress to consider, and we should think many times before we attempt to throw it aside on an imaginary issue. Now, I do not care to discuss that question much further. It occurs to me that there can be but one side to it.

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. MANSFIELD. I will yield.

Mr. SOSNOWSKI. I want to ask my colleague on the committee, in the event that this Illinois improvement is not completed by 1927, under permit of the Secretary of War, is it not true that they will still be diverting water under a renewed permit for many years to come at the expense of the Great Lakes and shippers?

Mr. MANSFIELD. I will say to the gentleman in reply I can only give the gentleman my opinion, of course. My opinion is that water, to some extent at least, will be diverted there when his great, great grandchildren die of old age, but not diverted at the expense of the Great Lakes. We intersect with the Lakes there now. We have got the right, for transportation purposes, to take that much water from the Lakes. We are taking it now, and have been doing so for nearly a century, and there is no power in this country nor in Canada except the Congress of the United States that can stop us.

Mr. SOSNOWSKI. But is not that right only temporary under the permit of the Secretary of War?

Mr. MANSFIELD. No; the act of Congress in 1827. The permit of the Secretary of War does not apply to water taken by the Federal Government necessary for transportation on the canal. The permit applies only to the Sanitary District of Chicago.

Mr. SOSNOWSKI. But as to this case before the Supreme Court now, is it not sent there for interpretation as to whether or not the sanitary district is——

Mr. MANSFIELD. Not so far as the Federal Government is concerned. The Federal Government has the right to put a waterway there. That suit contests the right of a municipality to divert that water. It is not contesting the right of the United States to divert it, nor can they under the Constitution sue the United States without permission of the Congress. The State of New York has diverted water in the same manner to feed the New York Barge Canal, and the Canadian Government has diverted water to feed both the Welland Canals. They are diverting water from Georgian Bay to feed the Trent Canal. They do not come to us and ask permission. Under the treaty

of 1910 general permission was given to both countries for that purpose. Now, I do not agree with some gentlemen that we are at the verge of war with Canada about this matter.

Mr. MADDEN. If the gentleman will allow me to suggest, the Canadian Government built regulatory works to control the level of the water on Lake Ontario under an agreement with the United States Government, in which the United States Government consented that they should do it. They keep the level of the lake all the while they are diverting the water.

Mr. MANSFIELD. Yes, sir; and the engineers, so far as I know, both in public life and in civil life, are unanimous in their opinion that these regulation works can be established and will be effective. Secretary Hoover, who is also an engineer of great respectability, is also of the same opinion.

Mr. SOSNOWSKI. Mr. Chairman, may I ask the gentleman another question?

Mr. MANSFIELD. Yes.

Mr. SOSNOWSKI. Has Secretary Hoover ever gone on record as to how much diversion he favors?

Mr. MANSFIELD. I have never heard that he favored any.

Mr. SOSNOWSKI. It is only a few weeks ago that I had this matter up with Mr. Hoover, and he told me that under no consideration would he favor the permanent diversion of 8,250 cubic feet for the Sanitary District of Chicago.

Mr. MANSFIELD. I stated that Secretary Hoover is of the opinion that these works—or weirs, as most engineers call them—can be established by which the lake levels can be restored. He is of that opinion. He told us so.

Mr. CHALMERS. Of course, the gentleman is very much in favor of the Illinois project, and I am in favor of river transportation. But would there be any objection, I will ask my colleague, to waiting until after we complete these weirs and regulatory works before we give congressional approval to the withdrawal of water at Chicago?

Mr. MANSFIELD. I am with the gentleman on that, in so far as it applies to matters other than transportation. That is the reason why we do not want to put the diversion in this bill, authorizing Chicago to take it. We will leave that matter to the courts to determine.

Mr. MADDEN. Will the gentleman from Texas let me answer the gentleman from Ohio?

Mr. MANSFIELD. Yes.

Mr. MADDEN. What authority has the gentleman from Ohio to say that he will give us this waterway when the proper hour arrives for him to do so?

Mr. CHALMERS. Will the gentleman from Texas yield to me so that I may answer?

Mr. MANSFIELD. Yes.

Mr. CHALMERS. I will say to the great chairman of the Committee on Appropriations that the gentleman from Ohio did not make that statement. I am only one Member of the House, but so far as I am concerned I am in favor of water transportation on ocean, lakes, rivers, and all

Mr. MADDEN. But the gentleman did say he was willing for us to get this next year if we would only wait. Then he would give it to us.

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

Mr. MANSFIELD. I will take 10 minutes more.

Mr. CHALMERS. I would like to finish my sentence. I said that then we will be able, so far as the editorial "we" is concerned, to put the Illinois project into the waterways of the country when our lake levels are restored.

Mr. MADDEN. The lake levels that the gentleman refers to can be restored for an expenditure of $475,000, and the gentleman says we are losing $3,000,000 on freight-rate earnings annually. Why lose $3,000,000 a year when we are willing to pay $475,000 or even $1,000,000 to restore the lake level? What is the use of waiting three years more when we can do it for nothing and foot the bill?

Mr. MANSFIELD. Mr. Chairman, I want to speak of another phase of the question now. We have heard a great deal about diverting water from its natural flow. All scientific men and geologists, I believe all, believe that the Mississippi is one of the natural flows as an outlet from the Great Lakes.

Mr. CARSS. Prehistorically.

Mr. MANSFIELD. And I believe it has been so decided by the Supreme Court of the United States. You all remember that the State of Missouri undertook to stop this diversion on one occasion, and brought suit against the State of Illinois. That case reached the Supreme Court, and I will read you an extract from the opinion of the Supreme Court in that very case, involving this identical question of diversion that they are talking so much about now. Here is what the court says:

Some stress is laid on the proposition that Chicago is not on the natural watershed of the Mississippi River because of a rise of a few feet between the Desplaines River and the Chicago River. Without expressing any reason for the distinction on this ground, the natural features relied upon are of the smallest, and if under any circumstances they could affect the case, it is enough to say that Illinois brought Chicago into the Mississippi watershed in pursuance not only of its own statute, but also of the acts of Congress of March 30, 1822, and March 2, 1827, the validity of which is not disputed.

And these are the acts of Congress that I called your attention to, which established this waterway across to Lake Michigan.

Now, in one of the acts of Congress it said, "to connect" the Illinois River with Lake Michigan. In one of them it is said, "unite" the waters of the Illinois River and Lake Michigan. "Unite" means more than "connect," perhaps. But whatever it may mean, the court has passed upon that; the highest court in the land—the Supreme Court of the United States. There is no use for us to fool away time over the question of Chicago diverting water for sanitary purposes. The Supreme Court will in due time pass upon that.

Whether they say she may or she may not do it, we will still have a waterway there—this old Government canal. We will have a waterway there whether we adopt this project or not. But it is an inadequate waterway. It would have to be deepened in order to serve the purposes of commerce.

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

Mr. MANSFIELD. Yes.

Mr. STEPHENS. Is not really the only question, then, in dispute as to the water that is diverted for sanitary purposes by the city of Chicago?

Mr. MANSFIELD. That is the thing that is pending in the Supreme Court.

Mr. STEPHENS. I mean, is not that about the only thing in dispute?

Mr. MANSFIELD. Except that the State of Michigan has enlarged her suit and wants to test the right of the sanitary district to divert water for any other purpose, but it does not involve the right of the United States to do it.

Mr. STEPHENS. I mean, the only question is the diversion of this water by the Chicago Sanitary District?

Mr. MANSFIELD. Yes.

Mr. STEPHENS. As far as the water that is diverted by the canal to which the gentleman just referred is concerned, there is no question, and I believe it takes 1,000 or 1,500 second-feet to provide enough water to fully connect the river with the canal.

Mr. MANSFIELD. I think the gentleman is entirely correct, except that I think he has overestimated the quantity of water that would be necessary. Yesterday evening, after the House adjourned, I happened to meet General Bixby. You all know who General Bixby is. He gave me some information and very accurate figures, and he gave me authority to use them on his responsibility. In 1924 the water actually used for lockage at the Panama Canal was only 992 second-feet, less than 1,000 feet. That included double lockage. The vessels there have to lock to get into the Gatun Lake and then lock to get out, and there were 4,673 cargo vessels that passed through those double locks and only used that quantity of water. From that you can see that if it is necessary and if we are pinned down to the last notch, we could get along at Chicago with a very slight quantity of water, just enough lockage to keep the canal supplied, and just as is being done on the other transportation canals connecting with the Lakes.

Mr. STEPHENS. That was my understanding of it.

Mr. MAPES. Will the gentleman from Texas yield?

Mr. MANSFIELD. I yield to the gentleman from Michigan.

Mr. MAPES. The gentleman does not contend, does he, that the early statute which he has been referring to conveyed any vested rights in the State of Illinois to divert any particular amount of water from the lake through the canal to which the gentleman has referred?

Mr. MANSFIELD. It gave them the right to use enough water for navigation, but it did not give to the Sanitary District of Chicago any right at all to divert water for any purpose.

Mr. MAPES. But my question is: Does the gentleman contend that it gave the State of Illinois any vested rights to divert any particular amount of water?

Mr. MANSFIELD. No; the quantity is not specified in the act, but it contemplated enough water for necessary transportation purposes, of course.

Mr. MAPES. In that connection I wish to call the gentleman's attention to one sentence in the decision of Justice Holmes, who wrote the opinion in the case of the sanitary district against the United States.

Mr. MANSFIELD. I can not yield for that.

This Illinois River project in the bill seeks only to enlarge an existing project on that river. The Illinois River has been under improvement by the Federal Government since about the year 1852. In the early eighties it was enlarged to a 7-foot project, and the Government erected two locks and dams upon it and the State of Illinois erected two. We now seek to enlarge it to a 9-foot project in order to make it uniform with the Mississippi system, with which it will connect, and the opponents of this measure say we shall not be permitted to do so, for the reason that the waters diverted from Lake Michigan by Chicago eventually flow into this stream by gravitation. We want, in so far as possible, to give the whole Mississippi system a connected uniform depth of 9 feet.

The nearest point in this Illinois project is 100 miles from the city of Chicago. Now, the opponents of this bill are contending that because Chicago is taking water from Lake Michigan, as they say unlawfully, and diverting it where it eventually finds its way to the Illinois River, that we shall not therefore be permitted to navigate the Illinois River. That proposition is supremely ridiculous. The diverted water is first carried through the Chicago Sanitary District Canal for a distance of 35 miles to Joliet, where it enters the Des Plaines River and becomes mingled with the waters of that stream. It then flows down the Des Plaines a distance of 65 miles, where it meets the Kankakee and becomes mingled with the waters of that stream. The junction of these two rivers, the Des Plaines and Kankakee, form the Illinois.

The mingled waters of the sanitary district with the waters of all these rivers above the Illinois then flow down the Illinois to its mouth, where they empty into the Mississippi and become mingled with the waters of the Mississippi. It then flows down the Mississippi to the Gulf of Mexico and becomes mingled with the waters of the Gulf. Through the Gulf stream these mingled waters then flow northward through the Atlantic, crossing our trade routes to Europe.

If we are not to be permitted to navigate the Illinois because the diverted waters eventually reach that stream after leaving Chicago, then, for the same reason, we should not be permitted to navigate the Mississippi, we should not be permitted to sail our vessels upon the Gulf, and we should not be permitted to send our export commerce across the Atlantic, because these waters enter into all those trade routes. They say that we should wait on this matter until the Supreme Court decides on the case as to whether the Sanitary District of Chicago can lawfully divert the water. In the litigation they refer to the United States is not a party, and the courts in that case can not determine a question affecting the rights of the United States for the purposes of navigation. The United States has rights and powers which the Sanitary District of Chicago does not possess, and the termination of that lawsuit can have no possible bearing upon this right to improve the Illinois River for navigation. Certainly those gentlemen who are making this contention can not be serious in doing so. [Applause.]

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, I do not assume to be an expert on river and harbor development. Probably there are many in this House who know more about that governmental activity than I do. Nor am I assuming to know all about the controversial matters in this bill. I will say at the outset, however, that I believe I have viewed these matters in controversy with an unbiased mind, without the hope of reward or the fear of results. I have tried to shape my reasoning and my attitude toward this bill with a view of trying to get the proper kind of legislation for this all-important work.

I believe the time has come in this country when we may well direct our attention to providing, if not for the immediate future surely for the near future, additional means of transportation. May I say in the beginning that one of the burdens of the farmer, whom we like so much to please, is the question of transportation costs which his products have to bear before they reach the ultimate consumer. If we can facilitate that problem for him, undoubtedly, it is our duty to do so, and certainly cheaper transportation will do more than anything else. I agree with the statement which appeared in the Manufacturers Record of recent date:

> As a nation we are gradually awakening to the supreme importance of improving our waterways by deepening our rivers, by canalization, and by deeper harbors. This work, handled niggardly through all the past, is beginning at last to command national attention, and our people are beginning to realize that money expended in waterway improvements is an investment which will return manyfold the cost.

The last three lines quoted is almost the identical language of President Coolidge in his last message to the Congress:

> We must, therefore, in a broad way enter upon a constructive upbuilding period for our railroads, in our electrical expansion, which will require not less than $1,000,000,000 a year; in our highway work, and in the deepening of our harbors and our rivers; the construction of canals, not only along the coast regions of the country but far into the interior, to bring all sections into closer touch and enable the country to handle the business which is ahead of us, the growth of which can be measured to some extent, but not entirely so, by the record of the last 10 or 20 years.

The bill under consideration has been met with a time-worn cry of "pork barrel" by those who generally oppose legislation seeking the development of rivers and harbors. While certain gentlemen of the House are expected to raise such an objection, it is regrettable, for the term "pork barrel" can no longer be applied to rivers and harbor bills. No legislation passed by the American Congress is scrutinized more closely than legislation of this kind. In the first place the Congress authorizes a survey or study of a given waterway. This is referred to the district engineer on the ground, who makes an investigation. If he reports favorably he is ordered to make a detailed survey as to costs and benefits, and so forth, to be derived from the development. His favorable report is referred to the division engineer, who in turn refers it to the Board of Engineers for Rivers and Harbors at Washington. After their consideration it is considered by the Chief of Engineers, who in turn forwards his report, together with a letter from the Secretary of War, to the Committee on Rivers and Harbors. The committee holds its hearings, and if the project is deemed worthy, recommends its adoption.

The Congress, as you know, several years ago began its appropriation of lump sums for the maintenance and improvement of river and harbor work throughout the country. This lump sum is expended under the supervision of the Chief of Engineers upon all projects having due regard for their importance to the Nation's commerce. The Rivers and Harbors Committee for many years has not adopted a single project which has not first been given the approval of the United States engineers, whose acts and conclusions are in no wise biased or circumscribed by political considerations. I have known the committee to refuse to adopt a project recommended by the engineers, but never in my knowledge have they adopted any project without its having the favorable consideration and report of our engineers. A few mistakes may have been made, but very few, indeed. None of us are perfect, but I dare say there is no activity of the Government with a cleaner record for the last 15 years than our work on rivers and harbors, and there is no longer any ground for the charge of "pork barrel" in river and harbor bills.

My friend, the gentleman from Alabama [Mr. HUDDLESTON], grew somewhat facetious as he criticized this bill. He stated that there was not enough "bacon" in the barrel for him to justify his rolling the barrel down the aisle. It is true I did commend certain features of this bill to him and suggested that in section 7 he would find a power-navigation survey for the Warrior River and its tributaries. I also stated to him that there was no project in the bill for my district. There is no river or harbor project on which money would be expended in my district following the authorization in this bill. It is true that the bill provides for a navigation-power and flood-control survey of the Mobile River system, which includes the Coosa, Tombigbee, and Warrior Rivers and their tributaries. Whatever money may be expended for this survey will be expended outside my district, according to my understanding of the situation. Indeed, there is no navigation project authorized for the entire State of Alabama. The only authorization that affects Alabama is the particular survey just mentioned. For that reason I did not think it could be successfully claimed that I or other Alabamians who may support this bill are acting solely from a selfish or "pork-barrel" standpoint. Birmingham is the greatest industrial center of the South, and is destined to be the greatest city in the South. The question of water supply will sooner or later become acute in that city and this survey may be helpful in determining reservoirs and storage of water on the Warrior, from which Birmingham and its great industrial enterprises might be supplied with water.

Unfortunately this bill contains at least one project which has come to be highly controversial. The bill contains, in all, some 35 projects, every one of which, in my judgment, is meritorious. There are not 111 projects, as the gentleman from Wisconsin [Mr. FREAR] would tell you. There are many surveys carried in this bill, as we have always done, and you gentlemen who are familiar with this work understand that less than 5 per cent are favorably acted upon by the engineers to whom they must be referred. So, instead of trying to

leave the impression with you that there were millions and millions to be uselessly expended under this bill, the gentleman should have been fair enough to say to the House what he knew this bill contains as to surveys, and especially with respect to that survey in which the entire country will some day be interested, extending across the State of New York. He tells you we are going to spend $500,000,000 on a canal across the State of New York.

Mr. MAPES. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. MAPES. It is my understanding that provision was stricken out last week.

Mr. McDUFFIE. The gentleman is quite correct. We will try to reinsert it with proper language, and it should be reinserted. But the gentleman from Wisconsin said to this committee that we were proposing to expend $500,000,000 across the State of New York. We are not making any such proposal. I do not know whether the American people will ever decide to float bonds to build either the St. Lawrence or the New York route; but I do know that the American people and the Congress are entitled to know the facts as to the feasibility of either route and both routes. [Applause.]

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. McDUFFIE. With pleasure.

Mr. SOSNOWSKI. If the gentleman does not mind, I might even correct the gentleman from Wisconsin by saying that from an interview I had with Mr. Hoover, I am informed that if this canal was built the cost would be way above $500,000,000 and would be close to $1,000,000,000, with an upkeep and maintenance of about $30,000,000 or more a year.

Mr. McDUFFIE. Probably Mr. Hoover has investigated that project further than I have, but that very statement of the gentleman, who has put forth his every effort so valorously, representing a constituency whose minds have been thoroughly aroused against a so-called steal—and there is no steal—I say the gentleman's statement itself shows the necessity of studying this proposition, because men differ and do not know how much either canal is going to cost. [Applause.]

Mr. MADDEN. We are spending $275,000 to investigate the facts in relation to the St. Lawrence route, and there is no reason why we should not study the facts in relation to our own problem alongside of that proposed project.

Mr. McDUFFIE. That is the proposition exactly.

Mr. MADDEN. Then we can decide whether either one of them ought to be undertaken or not.

Mr. McDUFFIE. And all this bill does is provide for the survey.

Mr. SOSNOWSKI. Will the gentleman yield for another question?

Mr. McDUFFIE. Yes.

Mr. SOSNOWSKI. How many surveys have already been made over this route?

Mr. McDUFFIE. I do not know and I do not care, but I think no survey has ever been made of an all-American route with a proposed 30-foot channel depth.

Mr. SOSNOWSKI. But at least 12 others have been made.

Mr. McDUFFIE. I do not care if there have been 12,000 others. Why not go on and get all the facts that the American people wish to know before their Representatives pass upon this question?

Mr. MANSFIELD. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. MANSFIELD. Is it not a fact that the Chief of Engineers requests additional information upon the subject?

Mr. McDUFFIE. I thank the gentleman for that suggestion. So we are not embarking upon a great expenditure. We are seeking light and facts, and that is all.

Mr. SOSNOWSKI. Will the gentleman yield for another question? I heard the gentleman say he may have to yield back some time, and as we are discussing a very important matter, I would like to ask him another question.

Mr. McDUFFIE. In view of inquisitive manner already exhibited by the gentleman, I am satisfied if he stays on the floor as long as I do to-day I will have to ask for more time in order to answer his questions.

Mr. SOSNOWSKI. Can the gentleman tell me what the findings of the special engineering board, which was just closed about six or seven weeks ago, were in this connection with respect to an all-American waterway canal?

Mr. McDUFFIE. No; I can not go into that detail. I do know, however——

Mr. SOSNOWSKI. It was adverse, was it not?

Mr. McDUFFIE. The gentleman from Texas has just stated that the Chief of Engineers of the United States Army stated to the committee, of which my friend is an honored member, that it was wise to make a resurvey of this proposition involving the cutting of a canal across the State of New York in order that we might be able to determine which of the two was the better route in the event the American people ever determined to build a route to the sea from the Great Lakes.

Mr. SOSNOWSKI. That does not answer my question. What was the report of the special engineering board?

Mr. McDUFFIE. I wish now to use a little of the time I have myself, and I will appreciate it if the gentleman will let us pass on for a little while. I do not blame the gentleman for presenting his views here, and he has done that nobly. He has done that properly, occupying the position he does, and so have the other Lake gentlemen, especially my good friend, the gentleman from Ohio [Mr. MOONEY]. There never was a finer gentleman on the floor of this House in my judgment than the gentleman from Ohio [Mr. MOONEY]. [Applause.] But I fear he is representing a people who have actually been stirred by propaganda to the effect, if you please, that we were going to literally destroy the commerce of the Lakes and empty thousands upon thousands of square miles of water out of Lake Michigan down the Mississippi River by the terms of this bill.

I do not propose to go into the question of the merits of the Sanitary District at Chicago or its demerits. I do not care about that, and this Congress has sought to wash its hands of the whole question of the right of the Sanitary District to divert water at Chicago. The bill is drawn with that purpose in mind, and I do not see how any gentleman can successfully say that this proposed act legalizes the permanent flow of a single drop of water from Lake Michigan at Chicago.

Mr. SOSNOWSKI. But the gentleman from Illinois has gone on record——

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that the rules require gentlemen to rise when addressing the Chair or the person having the floor.

Mr. McDUFFIE. Oh, he is an enthusiast and he is just as interesting sitting down, and I have no objection.

Mr. CONNALLY of Texas. I think the House is entitled to have its rules observed.

Mr. McDUFFIE. This bill, as I have said, carries many studies or preliminary surveys. Some of the gentlemen on the Great Lakes are very anxious to see the St. Lawrence Canal built by this Government and Canada, while others prefer an all-American route. We will cross that bridge when we get to it, but before we can build either canal we ought to know what it is going to cost and everything about the possibilities for adequate service to American commerce that may be developed on either and both routes.

Therefore it is certainly very important that the item stricken out should go back into the bill in order to make a further study of the all-American route across New York so that we can present the findings to Congress simultaneously with the report of the commission that is to study the St. Lawrence River project. [Applause.]

The Illinois River is a great waterway. I do not want to devote much time to it, for I doubt if I can add anything to what has been said. I do not presume to think I can change anybody's mind, especially those who come from the Lake States. The people around the Great Lakes have become very much exercised because of this diversion. They have a suit pending in the Supreme Court involving that question.

I am going to be frank with the committee, I am not at all sure that Congress can legalize the flow of a large volume of water out of Lake Michigan at Chicago for sanitation except in an emergency. There is at least a mooted question whether you can divert water from one watershed to another. That is going to be settled by the Supreme Court.

Let me say to you gentlemen from the Lakes, there have been several bills before the committee proposing to legalize a flow of 10,000 cubic feet at Chicago, but under the leadership of the gentleman from New York [Mr. DEMPSEY] the committee has refused to pass favorably on that proposition.

We do not wish to get into a field where the action of the House might prejudice the rights of any of the parties in the case now before the Supreme Court. That will be settled some time, but of course we do not know when.

Gentlemen say, what is the hurry? Why not put this project off for a year? You must know that we can not get the money with which to do this work in the event this bill is passed until a year from next June at the very least, and then it is going to take some time to construct this channel. They will be probably two years or more constructing it, and by that time we hope the State of Illinois will have completed their connecting project. Again, the State of Illinois may not know where she stands with reference to the construction of her

waterway unless it is known whether Congress is going to have the Government do its share of the work in completing this great waterway—the Illinois River.

This waterway will serve the whole country most beneficially. The markets in the South American countries, the farmers in the West and South, the industries of the East—all will profit by building this great waterway into Chicago, the metropolis of the Middle West.

Some gentlemen have become unduly exercised about this waterway. I do not charge men with ulterior motives. I do not think any of us should stand before this committee and make charges of a corrupt lobby unless we can prove such charges. If such a thing has existed, I have not known or heard it before.

The gentleman from Ohio [Mr. BURTON] probably knows more about the waterways of this country than any living American. I have read his speeches covering a long period of his distinguished service in this House and in the Senate. He has studied the waterways of European countries. He was at one time a great advocate of inland waterway development.

Under his administration I believe you will find that probably more rivers and harbors were developed than under the leadership of any other chairman. For some reason within the last 10 or 15 years, I regret to say, he has practically reversed his position, and now he sees nothing good about inland waterways. He charged there was a corrupt lobby supported by the sanitary district advocating a diversion, but when challenged he seemed not to know anything about it. When a man resorts to that charge to bolster up his case, generally we find that his case is weak. I say that with all due deference to the gentleman from Ohio [Mr. BURTON], for whom I have the profoundest respect and very great admiration. But when a big man like Mr. BURTON resorts to such charges to strengthen his argument it points out more directly the weakness of his cause.

Why are gentlemen here being wrought up to the point where they talk about Chicago stealing this water?

There is an angle we might well consider in this controversy to which I invite your attention. It enters into the question beyond doubt, and I wish you to hear the statement of the ex-Secretary of War, that splendid gentleman, Mr. Baker, who was before the committee representing the lake carriers. Mr. Baker says:

> I was in the midst of trying to illustrate the large economic possibilities by referring to the fact that 10,000 cubic second-feet abstracted at Chicago would develop 80,000 horsepower down the Illinois River, and to the Mississippi; and that the same 10,000 cubic feet of water left in the Great Lakes, going over Niagara Falls, and used on the way down with the rapids and falls on the St. Lawrence, would develop 500,000 horsepower.

There are a good many currents entering into this thing. I am not against development by the power companies, nor am I one of those who believe that this country can be developed without capital. No agency, unless it be the railroads, has done more for the progress of this Nation than the development of electric power. We are entering the "electric age" as we once did the "steam age." With the multiplied uses of electricity the development of power is the biggest field confronting the American people. In this Mr. Baker and I agree, and we all agree.

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

Mr. McDUFFIE. Yes.

Mr. CROSSER. Is not there this vital difference? While water is taken down the Illinois River, it is lost to navigation in the Great Lakes, whereas in the case referred to by Mr. Baker it is not lost to navigation; it does not change the level of the Lakes. Is not that a very great difference?

Mr. McDUFFIE. The gentleman does not wish to assume now that all of the loss to the levels of the Great Lakes is due to the Illinois River?

Mr. CROSSER. I did not make any such assumption.

Mr. McDUFFIE. The gentleman will probably agree, if I understand him, that Mr. Baker was incidentally speaking of the economic situation, but it shows the turn of people's minds, and it might indicate one reason why so much propaganda has been spread around the Great Lakes, and people have been taught to believe there is a dangerous situation and the Great Lakes are actually going dry if this project is adopted.

Mr. CROSSER. The point I make is that no matter how much they take out at Niagara Falls in the way the gentleman suggests, it has no effect upon navigation, because it leaves that body as nature fixed it.

Mr. McDUFFIE. Yes; but the beauty of it, after all, is that this 10,000 feet will produce 500,000 horsepower going down the St. Lawrence and only 80,000 down the Illinois.

Mr. CROSSER. And so much the better, if that is so.

Mr. MANSFIELD. But Canada will have it.

Mr. McDUFFIE. Why, certainly. They come in here now and talk about great losses to navigation, absolutely wrecking the Great Lakes Carriers' Association, and yet it is my opinion the records will show that during the last year the carriers on the Lakes carried more tonnage at a less cost to the public than ever before in any year of their history during peace times, and they are by no means bankrupted.

Mr. CROSSER. The gentleman thinks they can carry more by reducing the level of the Lakes than by increasing it?

Mr. McDUFFIE. No; I do not think that, and the gentleman knows I do not think that. The gentleman should know, if he does not know, that the engineers of the United States Army and all of the experts say if we were really legalizing the permanent flow of 8,250 feet per second—which we are not doing under this bill—the effect of that flow would not further reduce the lake levels even the fraction of an inch.

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

Mr. McDUFFIE. Yes.

Mr. CARSS. The gentleman refers to the people of my section being stirred up by propaganda. When I stand on the dock in my home town and see our big barges leaving loaded 1,000 tons below their capacity on account of the lowering of the lake level, it does not require any propaganda to have me recognize the fact that our shipping interests are injured.

Mr. McDUFFIE. The gentleman from Minnesota [Mr. CARSS] is recognized as a great waterway advocate. His services for better inland waterways has been of great benefit to the House of Representatives and to the entire country. I do not criticize him for his position upon this question, representing as he does the views of his people. He always represents his district in a most creditable manner. I fear the gentleman is unduly alarmed, however, in this instance, and probably his people overlook the excessively dry seasons, the lack of rainfall in the Great Lakes watershed, which has caused most of the trouble. He should also bear in mind that of the 40 inches loss to the lake levels less than 6 inches are chargeable to the diversion at Chicago. Let me say to my friend from Minnesota that the injury of which he complains has already been done, and under no construction that can be placed upon the language of this bill will this project cause a further injury or additional lowering of the lake levels. We have no desire to injure the magnificent commerce on the Lakes, amounting now to more than 200,000,000 tons.

Mr. MADDEN. The diversion at Chicago does not affect the level of Lake Superior, where the gentleman lives, at all.

Mr. CARSS. But our boats go down to Lake Erie.

Mr. MANSFIELD. The diversion at Chicago has no effect on the level of the gentleman's harbor to the millionth part of a hair's breadth.

Mr. CARSS. But our ships have to go to different ports in the other Lakes.

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

Mr. McDUFFIE. Yes.

Mr. MICHENER. As to whether this is doing injury, I might say to the gentleman that at the straits in the northern part of Michigan, 4 miles wide, all of the freight traffic is carried by ferryboats. The railroad people were down here within the last few days before the War Department to see if there could not be an arrangement made to further dredge that channel because the boats are now rubbing the bottom. Six inches there means the difference between connecting the northern and the southern peninsulas of Michigan by the railroad ferryboats. It is argued here that 6 inches makes no difference, but it makes a very great deal of difference.

Mr. McDUFFIE. Oh, yes; it makes a great deal of difference, and the Congress is going to take care of that situation. The gentleman is perhaps opposed to this bill and probably thinks this particular provision in question ought to be destroyed and kicked out. This bill provides for a study of the Great Lakes with a view to restoring lake levels, and in addition to that it carries $4,500,000 to develop a great channel in the Great Lakes. In addition to that it provides for preliminary studies involving not only the Lakes but several rivers of Michigan.

We are trying to prepare for this situation, and the Rivers and Harbors Committee, instead of being parties to a "steal," are trying to help the very situation about which the gentleman complains, and if the gentleman will join us in our efforts to help him we will be delighted to have his assistance.

Mr. MICHENER. Does the gentleman not think that the practical way to do, if he is going to restore the levels, is to stop the outflow of water rather than to let more water out and start a study? The people of Michigan are more inter-

ested in keeping the water that they have than in studies as to how to divert that water and then overcome the difficulty caused by the diversion.

Mr. McDUFFIE. The gentleman is perhaps correct about that; but that is a question over which we have no control, and over which we attempt no control in this bill. I refer to the question of stopping that flow. That is a question that is to be settled by the Supreme Court—when, I do not know. The matter has been in litigation now for 16 or 17 years, and the gentleman does not want meritorious projects held up to await a court decision, does he?

The gentleman refers to the interest of the people of Michigan in keeping the water they have rather than providing studies of adequate remedies to restore the lake levels. Let me repeat to the gentleman, my friend Mr. MICHENER, that according to all the experts, General Bixbee, General Taylor, and others, if we were in this bill legalizing a permanent flow—which we are not proposing and not doing—of 8,250 cubic feet per second at Chicago, the levels of the Lakes would not be further lowered the smallest fraction of an inch. So you and your people will at least keep and retain all the water you have now under the terms of this bill. I would not attempt to mislead anyone. The gentleman will find the facts as I have stated them.

Mr. MICHENER. No; but in connection with that lawsuit of which so much has been said, which was held up for 16 years, does the gentleman know Chicago was taking this water illegally and an injunction was asked for, and when the injunction was asked for Judge Landis, of Chicago, held up that injunction, there is where the trouble was, until about the time he left the bench. It is not fair to cast reflection upon the court because Judge Landis from Chicago held up the injunction and did not give an opinion for 16 years.

Mr. McDUFFIE. He probably should have gotten around from his baseball circles a little earlier.

Mr. MICHENER. Or gone into them earlier.

Mr. McDUFFIE. The diversion at Chicago is a proposition we are not called upon to deal with at this hour. It may be wrong; I do not assume to pass on that. The diversion of water for sanitary purposes may be wrong, but this Congress has not attempted to say it is wrong. On the other hand, realizing this question is one about which gentlemen differ, the chairman of the committee [Mr. DEMPSEY], the gentleman from Missouri [Mr. NEWTON], myself, and others endeavored to frame language that would indicate no intention on the part of the Congress to express itself one way or the other on the question of diversion. I do not claim to be the author of the entire proviso; indeed, I contributed very little, and in fact my recollection is that the words "for sanitation, navigation, or any other purpose whatsoever" were added at my suggestion. Some gentlemen have given me credit for the entire language of the proviso. To this credit I am not entitled, and I wish now to give full credit to the gentleman from New York [Mr. DEMPSEY], our chairman, as well as Mr. NEWTON, from Missouri, and others who endeavored to frame language that would be acceptable to both sides of the controversy. The gentleman from Ohio [Mr. BURTON] gained the impression that the proviso in its entirety was my language, doubtless due to the fact that I submitted it to him for his consideration.

What we wish to do, gentlemen, and all we are striving for in this bill, is to develop a great waterway on the Illinois River, which has stupendous possibilities. This can be done with a flow of only 1,000 to 1,500 cubic feet per second. You heard a moment ago that it took only 900 cubic feet per second to operate the locks of the Panama Canal. Surely the engineers are correct when they say that we can maintain a 9-foot waterway with 1,000 to 1,500 cubic feet per second from Chicago into the Mississippi River. One thousand two hundred cubic feet per second will flow forever at Chicago for domestic purposes. I think all agree that this 1,200 cubic feet must go down the canal to the Illinois River at Utica, where there is already a natural flow sufficient to maintain a 9-foot channel. The engineers have testified, and I beg you to read their report, that they would in the course of a few years reduce the flow of 8,250 cubic feet and as this flow is lessened at Chicago the work on the Illinois River channel will be readjusted accordingly, and eventually there will be such a small volume of water going out of Lake Michigan that the small reduction of the lake level caused by the diversion at Chicago will be restored.

Until this flow at Lake Michigan is reduced the water must find its outlet down the Illinois channel. Is it not proper that we give navigation the benefit of this water so long as it flows? No one can object to that, and I am firmly convinced that within a short time the damage claimed to have been done at Chicago by the sanitary district will be repaired. Let us therefore look at this question without bias, without prejudice, and discuss it in a cool, even-tempered way.

Mr. WAINWRIGHT. Will the gentleman yield for one question?

Mr. McDUFFIE. I will.

Mr. WAINWRIGHT. There are some of us who do not live on the Lakes and who are somewhat puzzled by this matter; is it a fact that you can maintain the 9-foot channel down the Illinois River from Lake Michigan to the Mississippi with a diversion of from 1,000 to 2,000 per second-feet?

Mr. McDUFFIE. I have only the word of General Taylor. I think he is a very eminent engineer and a very fine gentleman, and——

Mr. WAINWRIGHT. A good many of us want the information.

Mr. McDUFFIE. I am going to give the information of an expert. I am not an engineer, but I believe the United States Government has the finest Corps of Engineers of any government in the world. [Applause.] They are not interested politically. My friend MICHENER and myself might go down there and talk and pray and urge forever and eternally, but they are not interested in our political hopes or aspirations. They do things according to what in their judgment will be for the best interests of the Nation as a whole. Now, this great engineer—and we have never had a greater one—says that the channel may be maintained on a thousand feet flow; and that much water, the gentleman knows, is always going to flow at Chicago for domestic purposes.

Mr. WAINWRIGHT. One more brief question. The gentleman from Illinois [Mr. HULL] has told us that the Illinois River part of this canal—that is, the part the United States Government has to improve—can be operated on a 9-foot channel without any water at all from Lake Michigan.

Mr. WILLIAM E. HULL. That is the truth from Utica down.

Mr. McDUFFIE. I do not know; but I am simply giving you the opinion of the Army engineers, and I am sure both Mr. HULL and the experts know, and they are giving us facts.

Mr. WAINWRIGHT. Does the gentleman's information agree with that?

Mr. McDUFFIE. It agrees entirely with that, but I can not say positively of my own knowledge. I am not an engineer. The only thing I can give is the testimony of experts. Here is what we have tried to do, if you please: Realizing that this might prejudice the case in the Supreme Court; realizing it might be understood that Congress was trying to legalize a permanent diversion, we wrote this language in the bill. Gentlemen have objected to it, but I do not see how they can. We say:

Provided, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan—

That means we are not disturbing the status of the existing diversion under a permit which is temporary and subject to revocation by the Secretary of War. We do not deal with the permit at all. That is all it says:

or change in any way the terms of the permit—

Making assurance doubly sure—

issued to the Sanitary District of Chicago, March 3, 1925, by the Secretary of War.

Listen! The whole question of diversion, gentlemen, under permit or otherwise, is left undisturbed and we use this language:

The whole question of diversion from Lake Michigan for sanitation, navigation, or any other purposes whatsoever shall remain unaffected by this act as if it had not become a law.

We do not ask Congress to pass judgment upon the propriety or legality of the flow of water for the benefit of the sanitation of Chicago, and we wash our hands of the diversion question.

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

Mr. McDUFFIE. Yes.

Mr. CHALMERS. The trouble or the mischief is done before you wash your hands, as you say. You legalize 8,250 feet of water first, and then say, "It will have no legal effect."

Mr. McDUFFIE. I was going to make a suggestion along that line.

Here is the situation, gentlemen: Until the Supreme Court decides the question 8,250 cubic feet of water is going to flow out of Lake Michigan at Chicago, and where does it go? Down this channel. What shall we do with it? Shall we let it go to waste? No. We say, "We will utilize it as long as we can and as that flow is lessened"—and the engineers' report says

they want to lessen it, and they say it will be lessened—"we will use this water as long as we can or until Chicago's disposal works are completed, and when the flow is cut down we will adjust our channel work, dig deeper, spend more money, and still have 9 feet." Yet the gentleman from Ohio says we would legalize 8,250 feet.

No man can stand on this floor and successfully maintain that this Congress is providing for a permanent flow of 8,250 feet at Chicago. The engineer says—and I hope the Members will read it:

> Every effort is made to restrict the amount of diverted water. The board in its present report is concerned primarily in providing an immediate scheme of navigation in the Illinois River. The board recommends that Congress do not fix any diversion—

And so on. Listen to this now:

> The work it proposes will be useful in any future project that may be based on less diversion.

Therefore we are saving money to the Government, gentlemen, by adopting this project as we have adopted it, and we are absolutely making no effort to legalize any flow of water at Lake Michigan. There is no intention or desire on the part of the Committee on Rivers and Harbors nor on the part of the engineers to legalize in this bill a permanent flow of water at Chicago. Those are the facts as I am able to see them, and I would not try to mislead a single Member of this House or of the committee if I knew it.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield there?

Mr. McDUFFIE. Yes.

Mr. DEMPSEY. The gentleman from Ohio [Mr. CHALMERS] seems to be impressed with the fact that there is conflict between our saying we would not change the status of the diversion and would change the permit and would not deal with the question of diversion at all. Are not all three things a declaration that we keep our hands off and leave all those things alone?

Mr. McDUFFIE. Absolutely.

Mr. DEMPSEY. They are absolutely in harmony, and they are intended to accomplish the same purpose, and there is no conflict between them at all.

Mr. McDUFFIE. Now, my good friend the doctor from Minnesota [Mr. KVALE] said in all earnestness that we are about to precipitate war between this country and Great Britain over this matter. Of all the nations in the world, gentlemen, old Britain, in my judgment, is the last one that will raise her hand against this country of ours. God bless her, she is the stabilizing force of the Old World to-day. [Applause.] Our good neighbor on the north, Canada, will continue to be a good neighbor, and the diversion of water from Lake Michigan is not going to precipitate war. So the gentleman from Minnesota, Doctor KVALE, need not be so much alarmed. Some member of the Canadian Parliament may have spoken on the subject, but the voice of one member is not the voice of the Canadian Government.

The gentleman from Ohio [Mr. BURTON] made a two-hour speech before our committee against this proposition, and incidentally condemned all inland transportation. I asked him the question: "Senator, if we were to write a provision in this bill to the effect that not more than 2,000 or 2,500 cubic feet per second can ever be diverted for navigation purposes, would you be for it then?" His answer was "No, no; it is the nose of the camel getting under the tent." And he drew that familiar picture of the camel, and evidently it must have been a very large and extremely dry camel to withdraw water from an area of several hundred thousand square miles.

Gentlemen, I shall not take your time further, but I do want to declare that we have tried to deal justly with all communities concerned in this controversy. We appreciate that magnificent tonnage on the Great Lakes, and we wish to build it up and continue its growth.

There is very probably another current in this controversy. I doubt if I can be termed an ultra in my views about capital and corporate interests. I think the great railways are the very arteries of the commercial and industrial body, so to speak. Without them everything would be stagnated. They have to be regulated like all great investments of capital with their human elements. They are in the business of moving commerce. If I were a great railroad company, it would not be easy for me to welcome a competition that would deprive me of the revenues upon 10,000,000 tons of freight carried by a waterway paralleling my rails.

Do you know there are about 12 great trunk-line railroads running south from Chicago? Just think of it. And here again, possibly, we have the same old natural "cat-and-dog" fight between water and rail transportation. So let us observe all the angles in this controversy, and we should weigh them carefully, in order to arrive at a just conclusion on this item of the bill.

This is a good bill, gentlemen, from beginning to end, and I want to take just a few minutes more to discuss one additional project, the Cape Cod Canal, against which some criticism has been directed. I wish I had this map—that is in miniature—in a larger map such as we had some time ago, showing about 1,100 marine distasters which have occurred offshore from Cape Cod. The purchase of the Cape Cod Canal was recommended by the President of the United States. A few have said about the Cape Cod Canal almost as many mean things as they have said about this Illinois River project, although not quite so many. However, President Coolidge, and I think properly so, recommended that the Congress carry out the contract for the purchase of this property. There is nothing outrageous or unbusinesslike about that. On the other hand, it is equitable and good business.

The history of Cape Cod Canal is an interesting one, and I regret exceedingly I will not have the time to go into the details of it. Since the year 1776 officials of high standing in this Government have recommended its purchase on the ground that it would mean the safety of life and property as well as for the national defense. Millions of dollars worth of property have been destroyed around this little end of the canal [indicating on map]. Many lives have been lost, and even in 1924 several lives were lost, since this map was published. The course around the cape is most hazardous. By building this canal we cut off 70 miles between New York and Boston and save 140 miles and several hours on each round trip. By making it 30 feet deep we will have a channel that may be used by our larger naval craft. We increase the commerce between those two great ports, and we further provide quicker dispatch from the cotton fields of the South. Thousands of bales of cotton to the textile industries of Massachusetts by water. We ship by water much cotton to New England largely because of the high rates of the railroads. The taking over of this canal will serve the entire Nation in another way. The purpose and plan of the Government for many years has been to construct and maintain an inland waterway, where smaller craft could navigate throughout the year without the dangers of storm and tempest from Maine around to Corpus Christi, Tex.

Mr. DEMPSEY. The gentleman does not think it is a good answer to say that in the whole country there are more people killed by automobiles than lose their lives outside of Cape Cod?

Mr. McDUFFIE. Oh, no; of course not.

Mr. DEMPSEY. That was suggested as an answer.

Mr. McDUFFIE. Yes; but that gentleman is one of those enthusiasts who, I think, was also responding, properly, to urgent messages from people back home who have been taught to believe that there is nothing good about any of the provisions of this bill. However, that is no answer. The question is, Can we remedy those conditions, which mean so much to life and property, and can we facilitate the Nation's commerce?

Now, there is an equitable side to this proposition. The construction started on this canal back in 1909, when the first ground was broken. It began operation in 1914, though not quite completed; it worked along splendidly until 1918, when the war came on. Then a German submarine appeared off this coast.

Mr. MANSFIELD. The first boat passed through it in 1914, but it was not completed to 25 feet until 1916.

Mr. McDUFFIE. At a cost of some $13,750,000.

The CHAIRMAN. The gentleman from Alabama will suspend for a moment. The Chair has been informed that the gentleman from Texas [Mr. MANSFIELD] desires the gentleman from Alabama to reyield him three minutes. If so, the gentleman from Alabama has three minutes now remaining.

Mr. DEMPSEY. Mr. Chairman, I yield the gentleman from Alabama three additional minutes.

Mr. McDUFFIE. Thank you. I will close in just a moment. I have devoted more time to the Illinois River than I intended. Gentlemen, if you could see this chart at close range it would give you some idea about the destruction of life and property. Continuing the history and the Government's relation with this canal, if I recall correctly, in 1918, when a German submarine appeared off the coast of Massachusetts, the President issued an order taking over the canal as one of our great inland waterways. The Government operated it until February 20 without any compensation whatever to the owners, and until this good day they have never been paid one dime for its operation by the Government.

Then the Secretary of War was authorized to make an offer for it—and let me say here three Secretaries, the Secretary

of Commerce, the Secretary of the Navy, and the Secretary of War, all recommended that the fair and square thing for this Government to do was to purchase and take over that property. They suggested this not only on the proposition of the equities involved but the necessities in connection with improving the navigable channels and serving the commerce of the entire Nation. You will recall that Mr. Baker, the Democratic Secretary of War, made an offer of $8,250,000. The owners of the canal said: "No; we will not take that sum, because it cost much more to build it." The Secretary of War was given permission to condemn it; it was condemned; and what price did a jury of 12 men fix on it? Not $11,500,000, the sum we are proposing to pay for it without interest, but more than $16,000,000. That was the price put on that canal through condemnation proceedings. In addition to the waterway, with its many advantages, of which I hope to speak again but of which I can not now speak in detail on account of the limitation of time, under the contract the Government acquires nearly 1,000 acres of very valuable land lying along its borders. This acreage will afford valuable sites for industry, and when the United States Government takes over the canal and makes a great waterway of it by giving it additional depth, as we will have to do, you will see industries spring up along its banks on this land from Cape Cod to Buzzards Bay. We will provide closer water connection between Boston, New York, the Southland, and the entire country. Then we will see millions invested, and a wonderful industrial development on Cape Cod. We will create additional wealth for the Nation by taking over this canal. Oh, some few of you may call it a steal, if you please, but it is not a steal. It is a worthy and meritorious project. [Applause.]

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

Mr. MANSFIELD. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. O'CONNOR]. [Applause.]

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, I did not intend originally—that is, before the House resolved itself into the Committee of the Whole for the purpose of considering this bill—to project myself into this general debate, inasmuch as the controversial matter in the proposed bill, I thought, should be discussed fully by those Members whose sections are immediately and closely affected by the subjects in question. But inasmuch as several statements have been made sincerely and without the slightest thought of being misleading, I thought it incumbent upon me to challenge their accuracy, for their unquestioned acceptance might lead to a confusion of thought on matters of vital importance to the people that I have the honor to represent. I therefore crave your indulgence for a short while, and altering the classic language of Hamlet in order to meet the situation "I shall be brief."

I know that I can not contribute a great deal of information to this committee beyond what has already been given them by the very able gentlemen who have preceded me and who have eloquently presented the facts of the case as they visualized them and the conclusions that they deduced from the premise that each has laid down for himself. Unquestionably each and every man has a part to play in the grand drama of life, and just as certainly each and every man is the product of his environment and, however splendidly equipped from the intellectual standpoint, takes on and adopts the colorful view of those among whom he was born and reared to a greater or less extent, but always, I think, in proportion to the contact that he has maintained with the people of his district.

The Rivers and Harbors Committee is composed and made up now as in the past of great men, "tall men, men sun crowned who live above the fog in public life and in private thinking," as it has been poetically expressed. This may appear to be a wonderfully strange encomium to bestow upon Members of Congress, in view of the terrific metaphorical assaults and merciless criticism that has been directed against them for several years past, apparently without cause unless it be for the purpose of minimizing the use of Congress and exalting the bureaus in the hope that ultimately that Congress will vanish and pass out, leaving the departments in full vigor, flower, and strength. Some people believe that it is the logical development of our vast commercialism and almost unimaginable wonderful industrialism. As a well-known writer has said, however, Congress has outlived all of its critics thus far, and it may live for many generations to come, for the people of our country know the mighty power of the legislative branch of Government when they stand behind it and support it and hold up its hands even as Aaron held up those of Moses many centuries ago.

I know that speeches sometimes win applause, but I am quite sure that they never win votes. Votes in this House are made by the requirements and needs of a Member's constituents and by their political and intellectual attitude and convictions upon the subject matter under discussion. Long speeches never produce any great results. At least that is the experience of many competent observers of the big plays in human existence. A celebrated statesman said on one occasion that history shows that a very few men have been able to speak for a half of a minute and keep the world guessing for half a century, while most orators and rhetoricians can talk for a half of a century and not keep the world guessing for a half of a minute.

I do not belong to the first class, and I have not the slightest wish to join the latter class. A great lawyer down in New Orleans several years ago said in addressing the Supreme Court in connection with the alleged unconstitutionality of a primary election law that was before the court for determination and judgment said somewhat irrelevantly but facetiously: "It is too long. You can stick the Lord's Prayer into one of the sentences of this act and lose it there. You can put the Sermon on the Mount into one of its paragraphs and not notice it. It is too darn long and ought to be declared unconstitutional." I merely wish to say that the dream of the people of the Mississippi Valley for more than 20 years past has been to see a completed waterway that will afford every facility for commerce and navigation between the Great Lakes and the Gulf of Mexico. Under the theory that every section of the interior is entitled to the very best and most economical outlet it can get we have done what we could for the Great Lakes-St. Lawrence channel project. Some of the most influential citizens from New Orleans have visited Canada in the interest of that project and have used their influence with the Mississippi Valley Association in behalf of the Great Lakes-St. Lawrence proposition. These people are astonished and disappointed at now having to come to the conclusion that the advocates of that project are doing all in their power to prevent the carrying out of the Lakes to the Gulf water route. We are forced necessarily to gauge the integrity of great public projects by the mental slant of the leaders who advocate them, simply because under any form of government I presume no unbiased machinery is provided for the safeguarding of the larger interest of all of the people.

The Great Lakes-St. Lawrence project is a new one. The Lakes to the Gulf project, like that of the Ohio, Missouri, and the upper Mississippi, is an old one. The interested public has had far more time to form opinions regarding these old projects than it has had with regard to the St. Lawrence. In the Mississippi Valley there is no conflict of opinion regarding these old projects. Affected sections in both Canada and the United States are not in agreement regarding the Great Lakes-St. Lawrence project. The people of the Mississippi Valley believe in a square deal for everybody and are inclined to help out the project the Great Lakes-St. Lawrence people agree upon.

As a matter of reciprocity and good will we certainly were hopeful, and we have not given up that hope, that the leaders who are making the fight for the Great Lakes-St. Lawrence projects will not fight or obstruct the Mississippi Valley projects including the Lakes to the Gulf Channel which the people of the Mississippi Valley long ago agreed upon. We hope that after a short while the bitterness of this contest over the proposed development of the Illinois River will be forgotten and that the friends of waterways transportation will once more walk arm in arm and heel to heel to the great triumphs that lie ahead in the full development of waterway transportation. We are presently only divided as the waves but one as the sea. The storm will soon pass away leaving the champions of the development of rivers and harbors a united fraternity. It may not be amiss to state at this point that the statement made by a distinguished member of this House to-day, that the more water that goes into an alluvian stream the greater the rise in the river bed, while accepted as a correct statement of fact by many prominent persons and students of waterways, is flatly challenged and contradicted by the ablest engineers of the country who have steadfastly held to the theory that by an all-levee system of standard height and section the waters could be confined and compressed and their flow hurried so as to create a scouring process, the effect of which would be to deepen the channel, and they point to the jetty system at the mouth of the Mississippi River as a proof of their assertions.

I will now submit an expression which may not receive the serious consideration which I am hopeful enough to believe it ought to receive.

Of course, I am cognizant of, and I dare say most of the lawyers present know, the rule of evidence that that which is admitted need not be proven. It will therefore appear to be a heresy on my part when I suggest something that is probably so totally at variance with what has been accepted as

a truism here, and for that reason I am a little reluctant to submit it, but this has been my thought on the subject, as a new member of the Committee on Rivers and Harbors.

If the diversion, as it is called, or the abstraction, as some others have termed it, through the Illinois River to the Mississippi affects the St. Lawrence volume only to the extent of the diversion, it follows as a mathematical conclusion, in my mind, that the lake levels can not therefore be affected by that diversion. I hope that the gentleman from Michigan [Mr. MAPES] who, I think, has given this matter considerable study, will reflect upon the suggestion which I have just submitted. I know that prominent engineers all over the country have held that the diversion has affected the volume of water going out through the St. Lawrence every instant of the day, of the week, of the month, and of the year. Consequently the diversion plus what is going out through the St. Lawrence today is equal to what went out through the St. Lawrence prior to the diversion and therefore that diversion can not have any effect upon the lake levels.

Mr. CARSS. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. No; I regret that I have not the time.

Let me repeat that the people of my section living in the lower reaches of the Mississippi River sympathize with the people of the Great Lakes who believe they see the ruin of their harbor facilities as a result of the low levels of the Lakes. But we can not be unmindful of the fact that every watershed in the United States apparently has suffered tremendously from a lack of rainfall. Most of the tributaries and affluents of the lordly Mississippi, the great Father of Waters as it was reverently called by the Indians long ago and as affectionately referred to now by the people who live along and behind its banks and levees, have gone so low as to excite the apprehensions and the alarms of the people who depend upon their waters for domestic purposes as well as of those who made a living through the commercial activities and commerce borne on these streams.

We sympathize, I repeat, with the people of the Great Lakes, but know the futility of sympathy and mourning as the remedy is solely and exclusively within the disposition of Mother Nature herself. I reiterate it may be heretical to so say, but in my judgment for the reason assigned, as the judges say, the diversion only affects the volume of water that goes out of the St. Lawrence, and to that extent does not impair navigation, though it may result disadvantageously to the power interests. It may appear strange and nonsensical to those who have accepted it as a truism that the Lakes are lowered to the extent of at least 5 inches, but I can not see it and am frank enough to say it. The world was deemed to be flat for many centuries, and no one was bold enough to declare that it was round until the appropriate time for such a declaration arrived. For many centuries the astronomical world held that the sun revolved around the earth, but in the fullness of time it was proven that the sun is the center of the solar system, around which revolves in an ellipse the earth, accompanied by its satellite, the moon, which in its turn revolves around its parent, the earth, and the other planets which comprise the system each journeying in its orbit and accompanied by its own satellite, including amazingly large Jupiter with its four moons and gorgeously beautiful Saturn with its rings. I stand alone, I know, in my conviction that diversion does not lower the Lakes' level, and the more I look at a globe in its slanting position, flattened at the poles and its axis directed toward the North Star, and contemplate its daily and yearly rotations and revolutions, the more I can understand why the St. Lawrence, among the few great rivers of the earth, runs in a northerly direction, though it is by east, for most of the rivers run north to south, and when they do not they take a southerly course, and I can see from my standpoint what is diverted from the Lakes only affects the volume that goes out through the St. Lawrence and into the North Atlantic.

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

RESIGNATION FROM A COMMITTEE

The SPEAKER. The Chair lays before the House the following communication:

MAY 28, 1926.

Hon. NICHOLAS LONGWORTH,

Speaker of the House of Representatives.

SIR: I hereby resign as a member of the Committees on World War Veterans' Legislation, Insular Affairs, and Expenditures in the War Department.

Respectfully yours,

J. L. MILLIGAN.

CERTAIN ASPECTS OF THE PHILIPPINE PROBLEM

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on certain aspects of the Philippine problem.

The SPEAKER. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, there is no short cut to Philippine independence. Political leaders there and in this country who voice a demand for immediate withdrawal of American control do so either without knowledge of the facts or in spite of them. It is time, however, that this problem receive the attention it deserves, and that the American people come to realize the virtue of the slow but sure method which Maj. Gen. Leonard Wood, Governor General of the islands, has inaugurated.

During the last summer, as a member of the Insular Affairs Committee of the House of Representatives, I made an extended trip through the Philippines. I spent considerable time with General Wood, who is acknowledged as our foremost expert on our Pacific possessions. From his vast experience as soldier, statesman, and administrator he gave me information which was confirmed by my personal observation and study. On this trip I visited all of the principal islands, 20 of the 49 Provinces, and traveled over 3,000 miles throughout the archipelago. I believe I had an excellent opportunity for studying conditions at first hand and of receiving information about our various problems there.

WORK OF GENERAL WOOD

At the start I wish to express my admiration of the splendid work being carried on by General Wood. His administration of the islands has been characterized by infinite patience and great tact, coupled with firmness. He has shown great kindliness, sympathy, and human understanding toward the island populace. At the same time his fine grasp of America's obligations, responsibilities, and prestige in the Far East must excite the admiration and respect of all who devote any time to consideration of our Territorial problem.

It would be hard to find anyone who could have accomplished so much and in so short a time as General Wood. The best interests of the Philippine people are safe in his hands. He is their best adviser and most sympathetic friend. General Wood is deserving of the gratitude of both Americans and the people of the Philippines. He has dedicated the few remaining active years of his life to a great work, and one which will stand as a monument to his practical patriotism.

Few appreciate the sacrifices he has made in isolating himself from his friends and his home ties. For five years he has given unstintedly of the best that is in him, without a vacation and subject to the hardships and vexations of a tropical climate. All who have come in contact with him, and have seen him at his ceaseless labors to discharge our national obligations in the Philippines, have marveled at his patience, his endurance, and his high sense of duty.

President Coolidge has publicly recognized the splendid and constructive work of Governor General Wood in a letter addressed to the speaker of the Philippine Legislature, Mr. Roxas, when he said:

> The Government of the United States has full confidence in the ability, good intentions, fairness, and sincerity of the present Governor General. It is convinced that he has intended to act and has acted within the scope of his proper and constitutional authority. Thus convinced, it is determined to sustain him; and its purpose will be to encourage the broadest and most intelligent cooperation of the Filipino people in this policy. Looking at the whole situation fairly and impartially one can not but feel that if the Filipino people can not cooperate in the support and encouragement of as good an administration as has been afforded under Governor General Wood, their failure will be rather a testimony of unpreparedness for the full obligations of citizenship than an evidence of patriotic eagerness to advance their country. I am convinced that Governor General Wood has at no time been other than a hard-working, painstaking, and conscientious administrator.

There is no doubt that the hour has not come for American withdrawal from the islands, in so far as that would mean independence. The United States owes it to itself as well as to its

island wards to finish the task so well begun, whether it takes 25 or 50 years. Many estimate it will require the latter lapse of time before the Filipinos will have developed their capacity for self-government. The ground work for independence has been laid, is being laid now, but it is a question of development, experience, education, and progress toward occidental ideals and standards.

Education must be the leaven which will translate the islands' capacity for self-government into reality. The great need at the present time is more schools and more teachers and the extension of the English language as a common medium of communication among a people inhabiting more than a thousand islands and now conversing in almost a hundred dialects.

The Filipinos possess some qualities which mark them as a people able to rule themselves, if these are properly developed. That is America's task, America's duty, and America's obligation. The people of the islands are aflame with intellectual curiosity; they want to learn, to grasp occidental ideals. Parents will make any sacrifice to send their children to institutions of learning. Native teachers are conscientious and eager. There is a tremendous interest in public affairs, an aptitude for politics, and a desire to have a part in governmental activities. In short, these law-abiding people offer fertile soil for the inculcation of western civilization and standards of public life.

CAN NOT BE HASTENED

But they can not be hastened along the path of progress; it must be a natural step forward, over a period of several generations. History is replete with examples of the downfall of nations where there was intelligence and brilliancy, but no substantial basis of character and solid, material advantages. Parallel with the mental growth there must be developed a sense of national responsibility; a nation can not be built in a day. Agriculture, commerce, industry, and a stable financial system must be fostered. All this will take time; it can not be created overnight as if by magic, in response to the demands of a few individuals more responsive to the urge of ambition than to patriotic motives.

Factional troubles leading to actual strife and shedding of blood would follow hard upon our withdrawal. It might not come immediately; it would come sooner or later. We have begun to pacify the Mohammedan Moros, and they seek our continued protection. Should we leave now, between them and the Christian Filipinos war would ensue with its natural results. These would be the destruction of all commerce, industry, and trade—suffering and anarchy. The work of 25 years would be undone; their faith in America and western promises would be shattered.

I can not stress too strongly the necessity of our continued occupation arising out of the religious, political, and racial clash existing between the Mohammedan Moros and the Christian Filipinos. It is one of the most insoluble problems in the islands.

The Christian Provinces consist of the islands of Luzon and the Bisaya group, while the Moros inhabit Mindanao, Basilan, Pelawan, and the Sulu Archipelago. These two regions belong to different and opposed civilizations and creeds—the Christian world and the Islam. The Filipinos, who inhabit the northern islands, by reason of their conversion centuries ago, face toward the western world. The Moro, or Mohammedan, people of the Philippines face toward the ancient east and are a part of the widespread civilization which finds its spiritual center in Arabia.

The fundamental antipathy between Christianity and the Islamites was provoked by the Spanish conquest. The Spanish soldier was able to subdue the islands now Christian, but for 300 years the Moros held the military advantage and the Christian islands were subjected to continuous wars and piratical raids from the south. These engendered a lasting hatred for their Moro neighbors among the Filipinos. When we took over the islands the Spanish military had forced the Sultan of Sulu to recognize the Spanish sovereign and was preparing for complete conquest of the Moro strongholds.

This is the background against which we must picture present conditions. It has been the policy of the Philippine government since 1914 to break down the barriers, religious and social, between the two and to assimilate the Moro into the Filipino nation.

The civil service in the Moro country has been "Filipinized." Efforts have been made to establish colonies of Christian people in the Moro country, and large sums have been expended from the insular treasury for this purpose. The great question, then, is: Have the methods employed been wise, just, and financially sound? It is this question which the Congress of the United States soon must examine.

AN AMERICAN RESPONSIBILITY

It must be insisted at the start that the Moro problem is primarily an American responsibility and not a responsibility of the Filipino people. Spain transferred her obligations to us in the treaty of Paris, and it has been the United States which brought order to this region. It is our sovereignty which the Moros recognize and are willing to recognize. In fact, their loyalty to the United States, as distinct from their attitude to the Filipinos, is clear.

It is generally recognized, and recent events seem to bear witness to it, that the future relations between the Christian nations and the Mohammedan peoples will be seriously prejudiced by mistakes made at any of the vital points of contact between the two races and creeds; and one of the most dangerous points is in the Philippine Islands. A universal state of suspense and concern attends the outcome of the present situation in northern Morocco. But the Moro problem in the Philippines, representing as it does the interest of an important fraction of the more than 50,000,000 Mohammedan Malays, is an issue no less important than that in northern Africa.

ATTITUDE TOWARD MOROS

Unwise action in the Sultanate of Sulu may have just as unhappy consequences as unwise policies at Fez or Melilla. Unless the American people are prepared, in all headlessness, to create difficulties for its colleague and associated Christian nations, and to remain utterly indifferent to the reconciliation of the hostilities between Christian and Mohammedan civilization, it must keep the Moro problem in the Philippines under its own control and oversight. This can be accomplished only by maintaining in the Moro province of the islands a quite different political régime from that accorded to the people in the Christian regions of the archipelago. To maintain such a situation our presence is necessary.

Here is General Wood's prediction of what would follow our withdrawal, as set forth in an authorized interview:

> We should look back upon the plight of these 12,000,000 people, who never have known what it meant to defend or sustain themselves, who never have known any freedom except what our flag gave them; we should look back upon their plight with national sorrow, pity, and shame.
>
> Japanese would come in, not necessarily as an army, but with their vigorous business methods, and Chinese would swarm hither for all sorts of pursuits. As I have said to Filipino friends, "Chinese would hold your valleys; you fellows would be sitting on the hilltops."

INTERNATIONAL COMPLICATIONS

So much for the consequences in the islands themselves; and as it would affect our relations toward our wards, a people whom we took under our protection with the promise to strive for their best interest and welfare, there is an even greater obligation which we must discharge through our administration of the Philippines. That is our duty toward humanity and the peace of the world. The grave effect which withdrawal from our Pacific possession might have upon this question is almost appalling. It is very clearly understood by General Wood and also by the more conservative leaders of the Filipinos.

The military, economic, and political equation in the Pacific and the Far East would be completely upset if we withdrew now. There would result a situation packed with potentialities disastrous beyond belief. Unsettled conditions in the islands, such as I have described, would not be tolerated by other nations deeply interested in that sphere. There would be a demand for a termination of domestic difficulties and possibly active interference from some quarter of the globe. It is almost unnecessary to outline in detail what the consequences of such a development might be. National pride, safety, and honor would be involved, and where a thrust at those sacred things would lead, no man can say.

Where, in that event, would be the hope of Philippine independence? The islands would become the playthings of the nations, or in case the United States were forced to enter again, what inducement for granting independence at any time would there be? It is possible that other influences might be set in motion which would prevent such a catastrophe, but logic is on the other side. Only the fact that radical political leaders in the Philippines are blind to actual conditions prevents them from seeing the difficulties and dangers inherent in immediate independence. At any rate, the risk is too great for America to take; we would be false to our trust and forgetful of the best interests of both the islands and the United States.

We are needed in the Philippines for a variety of other reasons. While we remain there the status quo embedded in the treaties formulated by the arms conference will be maintained. Should we leave, the whole structure for peace in the Pacific

erected at Washington in 1922 would tumble. That includes our unswerving adherence to the policy of the open door. Our presence in the islands does not constitute a threat to any other power; it does not endanger the national safety, trade, or peace of any foreign country. On the other hand, our history there and elsewhere throughout the world has proved that America is actuated by thoughts of international justice and concord. By remaining in the Philippines we make it possible to exercise that beneficent influence over a wider sphere; withdrawal would virtually leave us without a say in matters of the greatest import not only to the United States but to the peace of the world.

There is another weighty consideration which America, or any nation constituted as ours, with our traditions, our ideals, and our aspirations, can not lightly forget. We can not march out of the islands and take with us the softening and ennobling influence of Christianity which has become so deep-rooted during our occupation. That is perhaps our greatest contribution to the civilization of the Pacific; we can not easily or carelessly dismiss this consideration from our minds.

I can find no finer definition of our obligations in this respect than that voiced by General Wood to a famous American journalist a short while ago.

America in the Philippines—

He said—

insures the effective deployment of Christianity for the regeneration of the world. These are solemn obligations and great opportunities. We can be false to them only at the cost of treason to that faith which we believe to be essential to the highest human development.

Let us go out of the Philippines only when we can leave the torch of that faith in strong hands. If we and those who believe as we believe can Christianize the world, in the full psychic and ethical sense of that phrase, we shall rid it of injustice, of human degradation, of social cleavage and conflict, and of international slaughter.

I attach great importance to developing the Philippines as Christianity's great peaceful outpost in the Pacific.

GREAT MASS IS HAPPY

It must also be remembered that the great mass of the people of the Philippines are happy in their present state not only individually but as a collective social organization. It is a fairly small group of ambitious and shortsighted politicians who agitate for immediate independence; except when continually spurred and stimulated, the majority of the Filipinos betray little direct interest in the question. Liberty is now the possession of the Filipinos, even though it is a liberty which the American Government has carefully and laboriously wrought out for them. But only by working out their salvation within disciplined bounds can they attain the fullest grant of nationhood. We have furnished the islands with the opportunity, with the tools, as it were—it is for them to make the best use of them until the time comes when their national development will justify our withdrawal.

A VOCIFEROUS MINORITY

Many argue that the Filipinos must want independence because they elect champions of freedom and politicians who lead the independence movement. That is only natural, from the condition of things; it is not the first time that the vociferous minority has won control, particularly if the smaller group possesses some intelligence, a definite program, and a nucleus of zealous workers. The same condition often exists in American municipalities and larger communities, though not for long.

The alignment on this question is analogous to that in any political organization where a powerful minority gets into control. In the Philippines there are three classes to be considered in discussing this problem and the constant agitation for immediate independence. There is the strong and noisy political group which is fanatically pursuing its ends; then there is the intelligent and conservative class which understands the difficulties standing in the way of the politicians' program; lastly, there is the great bulk of the people who take little interest in the political disputes, and for whom the politicians' demand has little meaning or significance. It is the second class which prefers the slow but sure approach to independence, but its opinion is silenced by fear of those who at present exert a dominating influence over the great majority of the uneducated. Educate that great majority of Filipinos, teach them the preliminaries necessary to the making of a nation and they will no longer be deceived by the influential minority. That educational process is under way now, and is already bearing fruit.

An educated people will be in a far better position to understand their own desires, to appreciate the value of American citizenship, to place a truer appraisal on liberty itself. It is a matter of time and patience.

President Coolidge in his reply to the Philippine mission's request for immediate independence assumed a position justified by present-day conditions in the islands and America's traditional policy toward its wards in the Pacific. He said:

In conclusion let me say that I have given careful and somewhat extended consideration to the representations you have laid before me. I have sought counsel of a large number of men whom I believed able to give the best advice. Particularly, I have had in mind always that the American Nation could not entertain the purpose of holding any other people in a position of vassalage. In accepting the obligations which came to them with the sovereignty of the Philippine Islands the American people had only the wish to serve, advance, and improve the condition of the Filipino people. That thought has been uppermost in every American determination concerning the islands. You may be sure that it will continue the dominating factor in the American consideration of the many problems which must inevitably grow out of such relationship as exists.

In any survey of the history of the islands in the last quarter century I think the conclusion inescapable that the Filipino people, not the people of the United States, have been the gainers. It is not possible to believe that the American people would wish otherwise to continue their responsibility in regard to the sovereignty and administration of the islands. It is not conceivable that they would desire, merely because they possessed the power, to continue exercising any measure of authority over a people who would better govern themselves on a basis of complete independence.

If the time comes when it is apparent that independence would be better for the people of the Philippines, from the point of view of both their domestic concerns and their status in the world; and if when that time comes the Filipino people desire complete independence, it is not possible to doubt that the American Government and people will gladly accord it.

Frankly, it is not felt that that time has come. It is felt that in the present state of world relationship the American Government owes an obligation to continue extending a protecting arm to the people of these islands. It is felt, also, that quite aside from this consideration, there remain to be achieved by the Filipino people many greater advances on the road of education, culture, economic and political capacity, before they should undertake the full responsibility for their administration. The American Government will assuredly cooperate in every way to encourage and inspire the full measure of progress which still seems a necessary preliminary to independence.

I believe that any impartial investigator will agree with me that the question of further Philippine autonomy, or a grant of independence, is a question for future generations to decide.

ELECTION TO A COMMITTEE

Mr. COLLIER. Mr. Speaker, by direction of the Democratic members of the Committee on Ways and Means I offer the following resolution and ask for its immediate consideration:

The SPEAKER. The gentleman from Mississippi offers a resolution which the clerk will report.

The clerk read as follows:

House Resolution 275

Resolved, That JACOB L. MILLIGAN, of Missouri, be, and he is hereby, elected a member of the standing committee of the House on Interstate and Foreign Commerce.

The resolution was agreed to.

FRENCH DEBT SETTLEMENT

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. GREEN], chairman of the Committee on Ways and Means, may have until 12 o'clock midnight to-morrow, Saturday, to file a report on the bill (H. R. 11848) to authorize the settlement of the indebtedness of the French Republic to the United States of America, to have the same status as if reported from the floor; and that any member of the committee who wishes to file minority views may do so within the same time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Iowa [Mr. GREEN] may have until midnight to-morrow to file a report on the bill relating to the French debt settlement, the report to have the same status as though made from the floor, and that the minority may have the same privilege. Is there objection?

There was no objection.

SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to take the chair at the opening of the session to-morrow.

ADJOURNMENT

Mr. DEMPSEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.) the House, in accordance with its previous order, adjourned until to-morrow, Saturday, May 29, 1926, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 29, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 11384).

SPECIAL JOINT COMMITTEE

(10.30 a. m., room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia (H. Res. 228).

EXECUTIVE COMMUNICATIONS, ETC.

533. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1927, $15,000 (H. Doc. No. 401), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on the Public Lands. H. R. 8035. A bill to authorize the appropriation of not more than $375,000 for the payment of drainage charges due on the public lands within the counties of Beltrami, Koochiching, and Lake of the Woods, in the State of Minnesota; without amendment (Rept. No. 1329). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 11329. A bill for the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located; without amendment (Rept. No. 1330). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINCENT of Michigan: Committee on Immigration and Naturalization. H. R. 12413. A bill to supplement the naturalization laws, and for other purposes; without amendment (Rept. No. 1331). Referred to the House Calendar.

Mr. IRWIN: Committee on World War Veterans' Legislation. H. R. 10398. A bill to authorize the erection of a Veterans' Bureau hospital in the State of Kentucky and to authorize the appropriation therefor; without amendment (Rept. No. 1333). Referred to the Committee of the Whole House on the state of the Union.

Mr. LINTHICUM: Committee on Foreign Affairs. H. J. Res. 267. A joint resolution authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii; without amendment (Rept. No. 1335). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. Res. 255. A resolution directing the Secretary of the Treasury to furnish certain information; adverse (Rept. No. 1318). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 2302) granting an increase of pension to William W. Rowan, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOORE of Virginia: A bill (H. R. 12495) to regulate the issue and validity of passports, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COLTON: A bill (H. R. 12496) to consolidate certain forest lands within the Cache National Forest, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 12497) to add certain lands to the Uintah National Forest, and for other purposes; to the Committee on the Public Lands.

By Mr. LaGUARDIA: Resolution (H. Res. 274) directing the Secretary of the Treasury to furnish to the House of Representatives certain information concerning House Resolution 255; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12498) granting an increase of pension to William F. Rogers; to the Committee on Pensions.

By Mr. DAVEY: A bill (H. R. 12499) granting an increase of pension to Elmira A. Adams; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12500) granting an increase of pension to Sarah J. Kramer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12501) granting an increase of pension to Tamsen A. Wells; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 12502) granting a pension to Edwin G. Farrar; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 12503) granting an increase of pension to Olive Jane Maloon; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 12504) granting an increase of pension to Carolina Schoettlin; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 12505) granting an increase of pension to Emma J. Mandigo; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 12506) granting an increase of pension to Susan McWhorter; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12507) granting an increase of pension to Bertha Akin; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 12508) granting an increase of pension to Alice M. Walters; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12509) granting a pension to Marie L. Abernathy; to the Committee on Pensions.

Also, a bill (H. R. 12510) granting an increase of pension to Emily Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12511) granting an increase of pension to Anna E. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12512) granting an increase of pension to Hannah M. Beckwith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12513) granting an increase of pension to Flora S. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12514) granting an increase of pension to Esther Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12515) granting a pension to Josephine Henderson; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 12516) granting a pension to Amy E. Spare; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12517) granting a pension to Levi P. Stone; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 12518) granting an increase of pension to Frances H. Hart; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

2310. By Mr. ROY G. FITZGERALD: Petition of 80 citizens of Dayton, Ohio, protesting against enactment of any compulsory Sunday observance law, and especially House bills 10311, 10123, 7179, and 7822; to the Committee on the District of Columbia.

2311. By Mr. GALLIVAN: Petition of Shoe and Leather Reporter, 166 Essex Street, Boston, Mass., urging adoption by Congress of minority report of the Joint Subcommittee on Postal Rates; to the Committee on the Post Office and Post Roads.

2312. By Mr. KVALE: Petition of American Legion Auxiliary Unit of Oscar Lee Post, No. 177, Dawson, Minn., urging

immediate action on the following bills: Johnson, Green, Fitzgerald, Capper, Knutson, Goodwin; to the Committee on Rules.

2313. By Mr. MICHAELSON: Petition of citizens of Chicago, Ill., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2314. By Mr. NELSON of Maine: Petition of citizens of Waterville, Me., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2315. By Mr. O'CONNELL of New York: Petition of the Southern Hardware Jobbers' Association, protesting against the passage of the Federal inheritance tax and requesting Congress to repeal the same; to the Committee on the Judiciary.

2316. By Mr. CONNOLLY of Pennsylvania: Memorial of the Philadelphia Board of Trade, urging consideration and passage of House bill 8997; to the Committee on Ways and Means.

2317. By Mr. ZIHLMAN: Petition signed by Gordon D. Walker, Charles Swartz, Cecil G. Coram, and other residents of Detroit, Mich., in opposition to H. R. 7179 and other Sunday observance bills; to the Committee on the District of Columbia.

SENATE

SATURDAY, *May 29, 1926*

(Legislative day of Wednesday, May 26, 1926)

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

Mr. CURTIS obtained the floor.

Mr. SIMMONS. Will the Senator yield to me for a moment?

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

Mr. CURTIS. I yield to the Senator.

ADDRESS OF HON. WILLIAM G. M'ADOO

Mr. SIMMONS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by Hon. William G. McAdoo at the convention of the Cooperative Club International, Des Moines, Iowa, May 25, 1926, upon the subject of "State Rights and the Jeffersonian Idea." This is a very wonderful utterance. It is not partisan. It is an utterance upon questions and subjects of current discussion and of vital importance to the whole people of the United States.

The VICE PRESIDENT. Without objection, leave is granted. The address is as follows:

ADDRESS DELIVERED BY HON. WILLIAM G. MCADOO AT THE CONVENTION OF THE COOPERATIVE CLUB INTERNATIONAL, DES MOINES, IOWA, MAY 25, 1926

Mr. Chairman, ladies, and gentlemen, it is an honor and a privilege as well to be permitted to participate in this convention of the Cooperative Club International. The cooperative clubs have a great and well-deserved future, because they have been conceived in the right spirit, their purposes and activities are wholesome, and they have been fortunate not only in the choice of a good name but they have proven already that they are worthy of it. "Cooperation" has a meaning which can not be too greatly emphasized in any consideration of economic and social conditions. It points out the course, and the only course, through which we may obtain the maximum benefit from the great opportunities and the lavish resources God has so mercifully put at our disposal and from the social order we have established. The idea of cooperation brings insistently to mind the interdependence of all parts of modern life. To-day all wealth and welfare are the result of the harmonious cooperation of widely separated factors. If there were no coal mines and no iron mines, there could be no railroads; nor could the railroads maintain themselves without a vast tonnage of agricultural and manufactured freight. If agriculture is depressed, the market for manufactured goods is restricted, and railroads and banks and business in general feel the pinch of the depression. This is clear to all who take a long-range view of the situation. To rest upon a solid basis the prosperity of every class in the community must go hand in hand with the prosperity of every other class. They must all cooperate.

When, instead of cooperating, one class or group seeks to engross more than its share of the product of their mutual effort, the result is strife, and, instead of productiveness, waste of energy and resources. There is too much of this sort of waste to-day, but happily we are beginning to awaken to the fact, and are seeking to remedy it. It is only a shortsighted view of things that makes noncooperation seem profitable.

COOPERATION MUST EXTEND TO ALL

Unfortunately, the need for cooperation is often envisaged in too narrow a form. Our great business interests have more and more learned the lesson of cooperation for themselves, but they have frequently been tempted to use the power produced by their internal cooperation to the disadvantage of other elements in the community, like the farmers and the consuming public, which, because of the number of individuals involved, have found it difficult to organize.

It is for this reason that the recent movement for agricultural cooperation is a vital and healthy thing. Farmers, like business men, are not only entitled to pool their forces for their common objectives, but they must do so if they are to have the weight in our economic system which, in a well-balanced national economic life, it is necessary that they should have. Nothing is more unfair than the criticism which has been heaped upon the so-called farm bloc in Congress. The farm bloc is simply an indication that the farmers are beginning to do what the business men of the country have done for so long a time—organize their industry along cooperative lines for a better conservation of their resources and a proper reward for their toil and contribution to the national welfare. It is a healthy sign that the farmers are commencing at last to mobilize their resources in order to exercise a power commensurate with their importance in our national life.

So long as the principle of cooperation is not adopted by any group or interest in the community, that group or interest will be at the mercy of other and better-organized interests. Sometimes, because of the inherent difficulties of the task, it becomes impossible for large portions of the population to exert the weight to which they are entitled in the economic system. This is particularly true of our farmers. The conditions under which they must produce and market their output place them at a disadvantage, even if they cooperate, as contrasted with the much smaller and more compact groups which control the transportation and distribution of their products.

Whenever there is a maladjustment of this kind between competing factors in the economic life of the Nation there is a failure of cooperation, in the national sense of the term, and in such a case it is the function of government to step in and protect the public against the power which relatively small and well-organized interests are able to exert for their own selfish ends. To allow these groups to aggrandize themselves at the expense of the rest of the community is, in the long run, not to their own advantage, for they are themselves dependent upon the prosperity of the community as a whole; but if they are too shortsighted to see this for themselves, it is the place of government to take the longer view. Democratic government is, after all, nothing but nation-wide cooperation. Its highest duty is to protect all the individuals and classes of a community in their fundamental interests against the invasion of those interests by any other individual or class; in short, to preserve social, political, and economic equality.

THE MEANING OF GOVERNMENT

The nature and meaning of government, its purpose and functions, and its place in the life of the Nation, is a subject which suggests itself as peculiarly appropriate for our consideration as thoughtful Americans at this time. A little over a month from now—on the Fourth of July—we shall celebrate the one hundred and fiftieth anniversary of the Declaration of Independence, that great charter which embodies the earliest expression of characteristic American ideas about government. It is well that we should turn back to that basis of our liberties and undertake to discover its abiding and vital principles and the living message which it holds for our guidance to-day. We must approach this task in no mechanical or legalistic spirit, but with an eye to penetrate to the deep central principles beneath the special forms which were dictated by the problems of the Revolutionary era.

Americans are sometimes prone to fall into one or the other of two errors about government. There are some who regard it as an instrumentality for the accomplishment of everything without understanding of its necessary limitations and without offering concrete and definite specifications of ways and means. There are others who look upon it with apprehension as a sort of unnatural element in the life of the community, and while feeling under an obligation to keep it in existence are reluctant to give it anything important to do. Both views are fallacious, because they conceive government as something external, some power existing above and outside of the community, instead of looking on it as merely the servant of the people for their common purpose. They are a survival of the days when government meant monarchy, instead of meaning representative democracy. If we would get away from these false views we must look back to the basic ideas of the Declaration of Independence and of its great author, Thomas Jefferson, the possessor of the profoundest mind in the field of social and political philosophy among all the constitutional fathers.

There was a time when partisanship tended to view Jefferson in an exclusively partisan spirit, with the result that his significance as an outstanding representative of the American attitude toward life and toward politics was unfairly obscured. Of recent years he has more and more been coming into his own, and in this present year the focusing of public attention upon the Declaration of Independence, the greatest product of his pen, can not fail to set him at last before the American people as a leading exponent of all that is most peculiarly their own in the realm of ideas and ideals. Fitly and appropriately it is around the figure of Jefferson that much of the current interest in the political ideas of the Declaration centers.