October 10-13, 1926, that we appeal to the Government of the United States to accept the moral responsibility which, before, the nations of America and the world, we should have toward the people of Mexico, and in loyalty to our national traditions we demand that our Government express, in terms that are clear and unmistakable, the abhorrence in which people of our country hold the attempt that is being made in Mexico by a government, not representative and which has no mandate from the Mexican people, to root out in that great nation, the principles of liberty and justice and the institutions of democracy which we hold sacred; to the Committee on Foreign Affairs.

3285. Also, petition of New York State Bankers Association, favoring the passage of the McFadden banking bill, without the Hull amendments; to the Committee on Banking and Currency.

3286. Also, petition of the Chamber of Commerce of the United States of America, favoring the passage of the Federal judges salary increase legislation; to the Committee on the Judiciary.

3287. Also, petition of Moses H. Grossman, of 115 Broadway, New York City, favoring the passage of the Federal judges salary increase legislation; to the Committee on the Judiciary.

3288. By Mr. ROBSION of Kentucky: Petition of Hardin County Medical Society, protesting against the proposed amendment to the narcotic act; to the Committee on Ways and Means.

3289. By Mr. SMITH: Petition signed by Edward Tolmie and 11 other citizens of Blackfoot, Idaho, protesting against the enactment of legislation providing for compulsory Sunday closing; to the Committee on the District of Columbia.

3290. Also, petition signed by J. A. Isaacson and 28 other citizens of Blackfoot, Idaho, protesting against the enactment of legislation providing for compulsory Sunday closing; to the Committee on the District of Columbia.

3291. By Mr. STALKER: Petition of citizens of Elmira, N. Y., urging the enactment of legislation granting an increase in pension for veterans of the Indian wars, their widows, and dependents; to the Committee on Pensions.

SENATE

THURSDAY, *December 9, 1926*

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

Our heavenly Father, lover of our souls and ever ready to help us in time of need, we return to Thee thanks for another morning opening before us. For every service that may be rendered we beseech of Thee to give Thy necessary guidance, so that everything shall be done agreeably to Thy mind and will. Be near unto us and grant unto each the wisdom necessary for this day's duties. We ask in Christ Jesus' name. Amen.

RALPH H. CAMERON, a Senator from the State of Arizona, JAMES A. REED, a Senator from the State of Missouri, ELLISON D. SMITH, a Senator from the State of South Carolina, and JAMES E. WATSON, a Senator from the State of Indiana, appeared in their seats to-day.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on December 8, 1926, the President approved and signed the joint resolution (S. J. Res. 125) limiting the time for which licenses for radio transmission may be granted, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. WILLIAM BROWN MCKINLEY, late a Senator from the State of Illinois.

ENROLLED BILL SIGNED

The message announced that the Speaker had affixed his signature to the enrolled bill (H. R. 11662) authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claim against the United States, and it was subsequently signed by the Vice President.

SENATOR FROM IOWA

The VICE PRESIDENT laid before the Senate the certificate of election of SMITH W. BROOKHART, of Iowa, which was read and ordered to be placed on file, as follows:

STATE OF IOWA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1926, SMITH W. BROOKHART was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States, for a term of six years, beginning on the 4th day of March, 1927.

Witness: His excellency our governor, John Hammill, and our great seal hereto affixed at Des Moines this 7th day of December, in the year of our Lord 1926.

JOHN HAMMILL,
Governor.

By the Governor:
[SEAL.]
W. C. RAMSAY,
Secretary of State.

SENATOR FROM UTAH

Mr. KING. I send to the desk and ask to have read the certificate of election of my colleague [Mr. SMOOT] for the term commencing March 4, 1927.

The credentials were read and ordered to be placed on file, as follows:

STATE OF UTAH,
EXECUTIVE DEPARTMENT.

I, H. E. Crockett, secretary of state of the State of Utah, do hereby certify that on Tuesday, the 2d day of November, A. D. 1926, at a general election held within and for said State, REED SMOOT was duly elected to the office of United States Senator of the State of Utah for the term of six years, as appears from the returns of said election, which have been duly canvassed and certified.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 1st day of December, A. D. 1926.

[SEAL.]
H. E. CROCKETT,
Secretary of State.

COMMITTEE SERVICE

Mr. ROBINSON of Arkansas. With the approval of the chairman of the majority conference I ask consent for the consideration of the following orders.

The orders were read and agreed to as follows:

Ordered, That the Senator from Missouri, Mr. HAWES, be assigned for the minority on the Committee on Interstate Commerce; and

Ordered, That the Senator from Massachusetts, Mr. WALSH, be assigned for the minority on the Committee on Finance.

THE BUDGET

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Appropriations:

To the Congress of the United States:

Herewith is transmitted the Budget of the United States for the fiscal year ending June 30, 1928. The receipts and expenditures shown in detail in the Budget are summarized in the following statement:

Summary (exclusive of postal revenues and postal expenditures paid from postal revenues)

	Estimated, 1928	Estimated, 1927	Actual, 1926
Receipts:			
Customs	$601, 800, 000. 00	$616, 800, 000. 00	$579, 430, 092. 86
Income tax	2, 090, 000, 000. 00	2, 190, 000, 000. 00	1, 982, 040, 088. 58
Miscellaneous internal revenue	568, 985, 000. 00	619, 685, 000. 00	855, 599, 289. 26
Miscellaneous receipts	511, 968, 077. 00	600, 295, 688. 00	545, 686, 219. 44
Total receipts	3, 772, 753, 077. 00	4, 026, 780, 688. 00	3, 962, 755, 690. 14
Total expenditures (including reduction of the public debt required by law to be made from ordinary receipts)	3, 572, 049, 214. 00	3, 643, 701, 593. 00	3, 584, 987, 873. 50
Excess of receipts	200, 703, 863. 00	383, 079, 095. 00	377, 767, 816. 64

In carrying out the purposes of the Budget system so wisely prescribed by the Congress in June, 1921, the executive branch and the legislative branch of the Government have been colaborers. It has been a great demonstration of cooperation made possible by our form of government. The results of this united effort have gone directly to the people of this Nation.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The real object back of this united effort has been to make the greatest possible return to the people of the money which was taken from them to finance the World War. And this has been accomplished not to the detriment of the Federal service, not by the withholding of funds for necessary and worthy purposes, but to the advantage of that service and of the business of the people. It has required us to put our house in order and to provide for its management in a scientific business way, not alone for its current operations but also for its future requirements.

In the span of a little more than five years there have been three substantial reductions in taxes. The direct result of this has been that the people have been permitted to retain more of their own earnings for their own use and productive investment. And from this, and probably to a greater extent than from any other cause, has come the great prosperity which now exists in almost all lines in this country.

In considering the question of further tax reduction there are many factors which should be taken into account. During the past five fiscal years the Treasury has had the benefit of receipts aggregating $950,000,000 representing returns from moneys theretofore expended by the United States, and in addition there has been received $400,000,000 from income taxes for past years in excess of refunds. In the present fiscal year the net income from these items represents about $250,000,000 of our expected receipts. They are now about at an end, and in the fiscal year 1928 it is estimated the net return from this source will amount to less than $50,000,000. We have come to the point, therefore, where we will have to rely for the future entirely upon current taxes. The yield from current taxes of the Federal Government is measured by the prosperity of the American people. When business is good and national income is high, our revenue from income taxes based upon a percentage of income is also high. But should the national income decline, the Government would experience a material loss of revenue even under existing rates of tax. Miscellaneous taxes and custom duties are dependent upon the purchasing power of the people, which also is subject to variation with prosperity, and we must expect a decrease in Government revenue from these sources with any drop in the purchases of the American people. Under these conditions our estimated surplus of $200,000,000 for 1928 is none too large an operating margin in a business involving an annual expenditure of more than three and one-half billions of dollars payable from ordinary receipts, or more than four billions of dollars when we include our postal expenditures payable from postal receipts.

The revenue act of 1926 has been in effect but nine months, and the reduction in miscellaneous taxes has not yet been fully reflected in revenue. We have had too short an experience with the new law to permit an intelligent permanent reduction of tax rates. It must be clear to all that a permanent reduction of rates affects not only the current fiscal year, in which, as I have said, there are included nonrecurring items aggregating $250,000,000, but the next and succeeding fiscal years in which nonrecurring items will no longer be material and when current taxes may feel the effect of any change in our prosperity. Business can easily adjust itself to less expenses brought about by less taxes, but it is much more difficult to make an adjustment for more expenses made necessary by more taxes. This is particularly true with respect to Federal taxes, since the necessity of imposing additional taxes would arise from a decline in prosperity which would decrease governmental revenue below governmental expenditures, a decline which must also affect all taxpayers. Increased taxes to meet Government requirements would come at a time not of prosperity but of depression, and would aggravate the depression. For these reasons I do not advise the present session of Congress to reduce permanently our tax rates or abolish any particular tax. Each of the three reductions in taxes which have been enacted by the Congress since the fiscal year 1921 have been predicated on an assurance that our financial condition warranted it. No such assurance can be given to-day as a warrant for future permanent tax reduction.

With our still enormous national debt amounting to nearly nineteen and one-half billion dollars, a surplus can be no embarrassment, since it can be applied without difficulty to the reduction of the interest-bearing obligations of the Government and thus effect a saving in interest costs. Interest is the largest single item of Government expenditure, and its decrease offers the most fruitful subject for permanent reduction of governmental expenditure. We have had since the close of the war an established program of debt reduction through the sinking fund and application of receipts from foreign debt settlements. This should not be disturbed. But surplus is a factor in debt reduction in addition to the items I have just mentioned. In considering the question of a lessening of the surplus for the current fiscal year it is necessary to weigh the desirability in the present of temporary relief to the American taxpayer against desirability in the future of greater debt reduction now. Should Congress be of the opinion that the surplus estimated for the current fiscal year based upon receipts expected to be received under the existing law is too large, then I suggest a temporary tax-reduction measure which will cut down this expected surplus by leaving the excess in the pockets of the American taxpayers.

In determining the form such temporary tax reduction should take, if the Congress proposes one, I believe we should adopt the simplest practical plan which will do equity. It is administratively difficult to consider any arrangement affecting the December 15, 1926, tax payment. Many individuals have already paid their income taxes in full, and time is too short for action by Congress and by the Bureau of Internal Revenue before the December payment. It would not be practicable, either, to postpone the date of the December payment, since there are $452,000,000 of United States certificates of indebtedness maturing on December 15, 1926, and the Treasury is relying upon cash to be received during that month to assist it in meeting this maturity. It has seemed to me, therefore, that the most practicable way of preventing the accumulation by the close of this fiscal year of a surplus larger than the Congress deems desirable is to authorize a reduction in the taxes which become due in the first six months of the next year; that is, a reduction on the quarterly tax payments due March 15 and June 15, 1927. The amount of this relief should depend upon the surplus which Congress may desire to divert from debt reduction to tax reduction. It is a problem on which the House under the Constitution must originate action.

With the experience of another year's test of the revenue act of 1926, and with a more accurate knowledge which the year will give of what the future has in store for a continuance of our prosperity, we can determine what our permanent policy of taxation shall be. In times of peace we must meet governmental expenditures out of governmental revenues. We should not take by taxation more than our requirements. But also we should not take less than our requirements.

In the Budget for the fiscal year ending June 30, 1927, transmitted to the Congress December 7, 1925, the estimated receipts for the fiscal year 1926 were $3,880,716,942 and the estimated expenditures $3,618,675,186. Actual receipts for that year were $3,962,755,690.14, while actual expenditures totaled but $3,584,987,873.50—an increase of $82,038,748.14 in receipts over the Budget estimate, and a decrease in expenditure of $33,687,312.50 below that estimate, which is approximately 1 per cent of the total expenditure. This increase in receipts and reduction in expenditure increased the estimated surplus by $115,726,060.64—from $262,041,756, the Budget estimate, to $377,767,816.64, the actual surplus.

This brings us to the current fiscal year, of which five full months are now completed. The Budget for 1927 forecast for that year receipts $3,824,530,203, and expenditures $3,494,222,308.44, and indicated a surplus of $330,307,894.56. This favorable forecast made one year ago now may be made even more favorable. With five months of the current year completed, the estimate is now that our receipts will amount to $4,026,780,688 and our expenditures $3,643,701,593, thus forecasting a surplus of $383,079,095.

While the revised estimate for 1927 shows an increase of $52,771,200 in the surplus, it also shows a net increase of $149,500,000 in the estimated expenditure for that year.

This net increase embraces a number of items in which changes, both increases and decreases, have occurred in the year which has ensued since the original estimate was made. On the increase side of the new estimate the principal items are: Pensions, $41,000,000; construction of public buildings and vessels under the Treasury Department, $25,000,000; vocational rehabilitation, insurance, and compensation under the Veterans' Bureau, $41,000,000; public debt reduction, $50,000,000. The last-mentioned item was due to a corresponding increase in the estimated receipts of funds that are required by law to be applied to debt reduction as a result of new foreign funding agreements made during the year. The other items of increase are due principally to new legislation enacted during the year. On the decrease side the major items are adjusted-service certificate fund, $24,000,000; increased receipts of the War Finance Corporation, applied to a reduction of expenditure, $15,000,000; and interest on public debt, $10,000,000. Part of the increase in estimated expenditure was provided by appropriations made during the last session of Congress. There remains to be provided at the present session of the Congress for the 1927 requirements of the Veterans' Bureau $28,000,000, and for pensions $41,000,000.

We now come to the estimates of appropriations for the fiscal year 1928. These are summarized in the following statement, in which they are compared with the appropriations for the fiscal year 1927:

Estimates of appropriations for 1928 compared with appropriations for 1927

	Estimates of appropriations, 1928	Appropriations, 1927
Legislative establishment	$16,174,988.76	$17,834,919.57
Executive Office	438,460.00	819,460.00
Independent establishments:		
Alaska Relief Funds	15,000.00	15,000.00
Alien Property Custodian	98,000.00	130,650.00
American Battle Monuments Commission	600,000.00	800,000.00
Arlington Memorial Bridge Commission	$2,500,000.00	$2,500,000.00
Board of Mediation	390,000.00	[1] 285,220.00
Board of Tax Appeals	570,000.00	614,224.64
Bureau of Efficiency	210,350.00	210,350.00
Civil Service Commission	1,002,742.00	1,001,592.00
Commission of Fine Arts	7,300.00	5,295.00
Employees' Compensation Commission	2,694,740.00	2,744,540.00
Federal Board for Vocational Education	8,165,230.00	8,210,620.00
Federal Power Commission	42,500.00	32,400.00
Federal Trade Commission	984,350.00	997,000.00
General Accounting Office	3,783,000.00	3,859,960.00
Housing Corporation	564,236.00	673,398.00
Interstate Commerce Commission	6,104,967.00	6,153,157.00
National Advisory Committee for Aeronautics	523,000.00	513,000.00
Public Buildings Commission		260,000.00
Public Buildings and Public Parks of the National Capital	2,422,950.00	2,306,850.00
Smithsonian Institution and National Museum	909,871.00	893,301.00
Tariff Commission	682,000.00	699,000.00
United States Geographic Board	3,945.00	345.00
United States Shipping Board	12,290,000.00	24,198,574.00
United States Veterans' Bureau	475,400,000.00	462,965,000.00
Other independent offices, etc.		161,000.00
Total, Executive Office and independent establishments	520,402,641.00	521,049,936.64
Department of Agriculture	144,487,820.00	139,635,823.00
Department of Commerce	35,240,430.00	30,632,847.00
Department of the Interior	285,717,596.00	252,962,318.00
Department of Justice	25,895,349.50	25,628,707.00
Department of Labor	8,558,540.00	9,561,305.00
Navy Department	313,815,500.00	322,061,975.00
State Department	11,969,119.41	17,357,062.64
Treasury Department	170,468,453.00	176,637,465.63
War Department, including Panama Canal	366,722,142.00	354,345,801.16
District of Columbia	38,519,869.00	36,532,128.00
Total ordinary	1,937,972,448.67	1,904,240,288.64
Reduction in principal of the public debt:		
Sinking fund	354,157,085.00	336,058,208.26
Redemption of securities from Federal reserve bank and Federal intermediate credit bank franchise tax receipts	800,000.00	1,000,000.00
Redemption of bonds, etc., received as repayments of principal and as interest payments on obligations of foreign governments	208,672,475.93	232,923,596.58
Principal of the public debt	563,629,560.93	569,981,804.84
Interest on the public debt	755,000,000.00	785,000,000.00
Total payable from the Treasury	3,256,602,009.60	3,259,222,093.48
Post Office Department and Postal Service, payable from postal revenues	757,969,115.00	738,805,303.00
Total, including Post Office Department and Postal Service	4,014,571,124.60	3,998,027,396.48

[1] Appropriations for the Railroad Labor Board for 1927 were made available for expenses of the Board of Mediation.

This statement indicates that the estimates of appropriations for 1928 payable from the Treasury are $2,600,000 less than the appropriations for 1927. The estimates for 1928 do not include the amount which will be required in that year, in addition to existing appropriations, for carrying out the public building act of May 25, 1926. An estimate for this purpose, which will amount to approximately $20,000,000, will be submitted to the Congress later, as all of the essential data has not yet been assembled. On the other hand, the appropriations for 1927 do not take into consideration certain lawful obligations for that year for which it will be necessary to present supplemental estimates to the Congress.

TAX REFUNDS

The appropriations for 1927 and the estimates for 1928 make no provision for tax refunds. There will be needed for the balance of the current year $119,000,000 and for 1928 the sum of $152,000,000, approximately. There has been spent this year for this purpose $34,775,000, so that the expenditures for the two years will fairly balance. The appropriations for this purpose have been completely exhausted. A supplemental estimate to provide for refunds up to and including December, 1927, will be presented to Congress.

NATIONAL DEFENSE

The estimates for the War and Navy Departments total $680,537,642. In addition to this they provide for availability through contract authorizations and allotments from the naval supply account of $5,900,000. Eliminating all nonmilitary items, including the retired lists, this Budget provides $574,000,000 for our national defense. This is a very considerable amount to spend for protection in time of peace. No threatening cloud at the present time darkens the sky. Our intent and attitude is one of peace and friendly regard toward all nations and peoples. This, however, is not sufficient warrant to neglect our defense and default on necessary precautions. In recommending the amount herein carried for the Army and Navy and other national-defense factors, I am fully satisfied that with the wise administration we have reason to expect from those charged with its expenditure it will give us an adequate defense program.

With regard to personnel the estimates provide for the Army an average of 11,961 commissioned officers, 1,153 cadets, 1,219 warrant officers, and 115,000 enlisted men, exclusive of the Philippine Scouts, for which provision is made to the number of 6,882. For the Navy provision is made for an average of 7,231 commissioned officers, 1,479 warrant officers, 1,545 midshipmen, and 82,500 enlisted men; and for the Marine Corps 1,020 commissioned officers, 155 warrant officers, and 16,800 enlisted men. These, with our highly trained and efficient National Guard, for which the estimates make provision for an average personnel of 180,000, give us the rather formidable strength of 426,945. But we do not stop here. The estimates contain funds for the War Department for the training of 12,924 reserve officers, for the attendance of 30,000 men at civilian military training camps, and for the enrollment of 116,141 students in the units of the Reserve Officers' Training Corps. Under the Navy Department provision is made in the estimates for 14,142 fleet and assigned fleet reserve of the Navy and Marine Corps and the training of 11,145 Navy and Marine Corps reserves.

Taking all of these into account, we are really making provision for military and naval strength of more than 610,000 men. And this does not take into consideration the military and naval retired lists which embrace 14,167 officers and men, or the Coast Guard of 11,969 officers and men which, in time of emergency, becomes an integral part of our national defense. I am in favor of adequate military preparedness, and so far as personnel is concerned we should certainly have this from the funds carried in these estimates.

While on the subject of our national defense it is proper to state that no provision is made in the estimates for the Navy Department for commencing the construction of the remaining three of the eight light cruisers which the act of December 18, 1924, authorizes to be undertaken prior to July 1, 1927. This country is now engaged in negotiations to broaden our existing treaties with the great powers which deal with the elimination of competition in naval armaments. I feel that it would be unfortunate at this time and not in keeping with our attitude toward these negotiations to commence the construction of these three cruisers. Rather do I recommend to the Congress the enactment of legislation which will extend the time for beginning their construction.

With regard to the improvement of Pearl Harbor, Hawaii, an appropriation of $1,000,000 is available this year for commencing dredging operations. Bids covering the completion of this Navy project will be opened during the current month. A supplemental estimate will be submitted should it be found that additional funds for 1928 are needed for the orderly prosecution and early completion of this important project.

AVIATION IN NATIONAL DEFENSE AND IN COMMERCE

The Congress has recently prescribed a well-digested and orderly program for the further development of the Air Services of the Army and Navy. The estimates herewith make adequate provision for carrying this program into effect. They provide for the immediate availability of certain amounts for the Air Corps of the Army so as not to delay the inauguration of the five-year program. As the act defining the Army aircraft program was not approved until July 2, 1926, there was no opportunity to present to the Congress at its last session an estimate for funds fully to carry into effect the first increment during the fiscal year 1927. The estimates submitted herewith make ample provision for carrying into effect that part of the program for 1927 and 1928 which orderly and efficiently can be accomplished. They do not, however, make provision of funds for two full yearly increments, as I do not believe it is the desire of the Congress that we attempt to crowd into less than one and one-half years a full two-year increment. The act of July 2, 1926, increases the authorized commissioned strength of the Air Corps of the Army by 403 officers in yearly increments over

the period of the five-year program. No provision for any of these additional officers is made in these estimates, as the Air Corps should first absorb the additional 328 officers necessary to bring its actual strength—919—up to the authorized strength—1,247—under the old law. These 328 additional officers are to be provided from the commissioned force for which provision is made in these estimates. The additional enlisted men authorized for the Air Corps are provided for in the enlisted strength of 115,000 men.

The Navy five-year air program approved June 24, 1926, authorized the construction of two rigid airships of approximately 6,000,000 cubic feet volume, the two to cost not in excess of $8,000,000. The act provides that the building of one of these ships shall be undertaken as soon as practicable and prior to July 1, 1928. Having in mind that the Congress recently appropriated $300,000 for the construction of an all-metal airship for experimental purposes, to determine by practical demonstration the type of construction and character of material to govern in the future in the making of lighter-than-air craft, it is thought the part of wisdom to wait upon this determination, even though it may be found necessary to ask for an extension of the time limit placed on the initiation of work on one of the ships.

Briefly summarized, provision is made in this Budget under the appropriation items for the Air Services and other items which enter into the cost thereof for a total of $73,477,380 for aviation of the Army and the Navy. This amount embraces $20,600,000 for the procurement of new planes and $2,400,000 for the construction of barracks and quarters at aviation fields. It does not, however, include the value of supplies available from war surplus, which would increased this total by a number of millions of dollars.

While discussing the subject of our Air Services, it is proper here to refer to the other provisions made in this Budget for air navigation. To carry into effect the act to encourage and regulate the use of aircraft in commerce, approved May 20, 1926, the estimates carry for the Department of Commerce $796,250 for the promotion of air commerce and regulatory work, which includes funds for the procurement of not to exceed 10 airplanes, and $3,219,500 for the establishment and maintenance of aids to air navigation. The estimates carry $523,000 for the National Advisory Committee for Aeronautics. Under the Department of Agriculture they provide $50,000 for the maintenance and operation of airplane patrol in the national forests and $120,000 for special weather observations for the benefit of air navigation. The estimates for the Postal Service carry for the operation of the air mail service between New York and San Francisco $2,350,000, with provision that a part of this sum be made available for contract service if the route be leased to private operators and for the contract air mail service $2,000,000. The estimates for the Coast Guard carry $186,151 for the operation of its seaplane fleet.

The proper development of the aeronautical industry in this country is essential both to our national defense and commercial aviation. The Federal requirements for aircraft alone are strengthening this industry. The program which the Congress has prescribed for our air forces will assure the industry continuing Federal business and an increase from other sources should accrue to the industry from the legislation for the encouragement of commercial aviation and from the policy which we are following of making contracts with private operators for the air transportation of mail. The Government is operating but one air mail route and proposals have been issued by the Post Office Department with a view of placing this route under contract for operation by private interests. In the production of airplanes and accessories there is no competition between the Federal Government and private industry. It is a fortunate situation when the needs of the Government can be met by affording an orderly stimulation of the industry upon which we depend to supply our needs. The present sound condition of the aeronautical industry in this country shows the wisdom of the policy which we are following. If there is any question as to the failure of our Government to recognize the importance of aviation in national defense and in commerce the answer can be found in the vast sums which heretofore have been appropriated and the legislation enacted by the Congress. The estimates contained in this Budget carry alone for this purpose a total of more than $82,500,000.

SHIPPING BOARD

There is included in this Budget $12,000,000 for the operating deficit of the Shipping Board. It is believed this amount, reenforced by certain receivables and other available resources, with reduction of losses through sales of lines as opportunity offers, as contemplated by the Congress, will permit necessary operation of the Government's merchant marine during the fiscal year 1928. From 1921 to 1926, inclusive, the total net loss incurred in the operation of its various lines was $238,157,582.18. These figures represent losses sustained through the operation of the active fleet and the maintenance of inactive vessels. I mention this to show that in the six fiscal years from 1921 to 1926, inclusive, the Government has spent in the operation of its merchant marine an average of nearly $40,000,000 a year. The losses have been gradually diminishing each year. Provision is also made for continuing the availability of the $10,000,000 defense fund appropriated in the first session of this Congress.

With regard to the operation of vessels by the Shipping Board, the merchant marine act of 1920 contemplates that such operation shall be maintained unless it shall appear within a reasonable time that the lines or parts thereof can not be made self-sustaining. None of the lines now being operated are self-sustaining, and while the reduction in cost has been helpful from the standpoint of the Treasury, there is no immediate prospect that any part of these lines can be operated without loss to the Government.

Under the joint resolution of July 3, 1926, the United States Shipping Board will present to the Congress not later than January 1, 1927, two plans for building up and maintaining an adequate merchant marine for commerce and national security—one through private capital and under private ownership and the other through construction, operation, and ownership by the Government. The time is approaching, if it has not already been reached, when the Congress should give consideration to the formulation of a more definite policy regarding our merchant marine. Such definite policy, I trust, is foreshadowed in the resolution to which I have referred.

ERADICATION OF TUBERCULOSIS

For the eradication of tuberculosis in animals an estimate for $5,853,000 is included in the Budget. This is an increase of $1,200,000 over the amount provided for the current year. The continuing increase in the number of cities which have placed embargoes against milk from dairy herds which have not passed the Federal tuberculin test is placing a heavy burden on the owners of dairy herds, since slaughter of infected animals is the accepted method of eradication. The furnishing of pure milk is of vital importance to the health of the people. Because of its interstate character, it is entirely proper that the Federal Government share with the States the cost of protecting the purity of this great food supply. The amount included in the estimates should permit adequate prosecution of the work of eliminating tubercular cattle from dairy herds.

The results of the work already done warrant the belief that we can confidently expect the complete elimination of this menace to health. With this hope and probability in mind there certainly is no excuse or warrant for State or Nation to withhold the funds necessary to effectively carry on this important campaign.

FOREST CONSERVATION

The estimates carry a total of $22,037,984 for the protection, preservation, and conservation of our forests. The forest acreage in the United States is approximately 372,426,000 acres, of which 158,000,000 acres are in the national forests. With such generous forest resources we have been prone to consider the supply of forest materials inexhaustible. The constantly increasing demands to meet our growing needs, however, and the destruction of forests by fire are arousing apprehension that in the comparatively near future industry may be seriously handicapped for lack of forest products. Important remedies to meet this situation are fire prevention and reforestation. Throughout the forest regions cooperative work in connection with protection of timber and reforestation of lands has been highly developed. In many of the States it is compulsory on private owners. The Clarke-McNary law contemplates that the Federal Government as beneficiary in this cooperative work contribute approximately one-fourth the cost. Since forest products enter so largely into the necessities of all of our people, it is proper that the Federal Government stand ready to bear its share of the needed conservation of our timber resources. The increased estimates for forest activities now submitted have that end in view. The recent heavy losses by fire must be met by a deficiency appropriation, which will approximate $2,000,000. With further protective measures, it is hoped such large deficiency appropriations may be avoided in the future.

The estimates also include $1,000,000 for the acquisition of land at the headwaters of navigable streams. While this item is primarily for the conservation and control of water, the project bears an important relation to forest conservation. There is now pending in Congress a bill to authorize an appropriation of $2,000,000 a year for the fiscal years 1928 and 1929 for this purpose. In the event of the passage of this bill

consideration will be given to the submission of a supplemental estimate of $1,000,000 for this purpose.

RURAL POST ROADS

For cooperative construction of rural post roads to June 30, 1928, the amount of $765,000,000 has been authorized by the Congress. The estimates carry $75,000,000 for 1928, which is the total authorization for that year. This amount would bring total appropriations to $666,200,000—$98,800,000 less than the amount authorized. In view of the authority granted the Secretary of Agriculture to enter into contractural obligations for the total authorization, it is necessary only to appropriate in each fiscal year the funds required to pay for current work. The construction program is not delayed by this method. In view of the increasing ability of the States to finance their own road construction, due to the general adoption of the gasoline tax, I renew my recommendation of a year ago that future legislation restrict the Federal Government's participation in State road construction to primary or interstate highways, leaving it to the States to finance their secondary or intercounty roads. This would operate to diminish the amount of the authorizations after the fiscal year 1929, when the present authority expires.

MATERNITY AND INFANCY

No estimate is submitted for carrying on the work under the maternity and infancy act, approved November 23, 1921, inasmuch as the authorization of appropriations for this purpose was fulfilled with the appropriation for 1927. A bill is now pending before the Congress extending the provisions of that act to the fiscal years 1928 and 1929. If and when that measure becomes law I propose sending to the Congress a supplemental estimate for an appropriation to make its provisions effective. I am in favor of the proposed legislation extending the period of operation of this law with the understanding and hope that the administration of the funds to be provided would be with a view to the gradual withdrawal of the Federal Government from this field, leaving to the States, who have been paid by Federal funds and schooled under Federal supervision, the privilege and duty of maintaining this important work without aid or interference from the Federal Government.

I have referred in previous Budget messages to the advisability of restricting and curtailing Federal subsidies to the States. The maternity act offers concrete opportunity to begin this program. The States should now be in a position to walk alone along this highway of helpful endeavor, and I believe it in the interest of the States and the Federal Government to give them the opportunity.

ENFORCEMENT OF PROHIBITION

For the enforcement of prohibition nearly $30,000,000 is provided in the Budget by direct and indirect appropriations. The Coast Guard has been enlarged and strengthened to enable it to prosecute effectively its part of the campaign of enforcement, while the other enforcement agencies have been amply financed. Whatever is necessary to put into effect the expressed will of the people as written into the eighteenth amendment of the Constitution of the United States and the will of the Congress as expressed in the Volstead Act will be done. Whatever funds may be necessary to vindicate the law and secure compliance with all its provisions should be provided. The constitutional duties of the President and the Congress make any other course indefensible.

RIVER AND HARBOR WORKS

This Budget carries $66,347,600 for the improvement and maintenance of existing river and harbor works, flood control, operation and care of canals, and other works of navigation. This does not include the maintenance and operation of the Panama Canal, for which $7,600,000 is recommended. For rivers and harbors proper the sum of $50,000,000 is asked. To complete approved projects, $195,000,000 will be required. Of the $50,000,000 contained in the Budget slightly more than $30,000,000 will be available for improvement and new construction. At this rate we will complete authorized projects in something less than seven years. We are providing $50,000,000 annually for river and harbor work and $10,000,000 annually for Mississippi flood control. Commitment of the Federal Government at this time to a more ambitious and generous annual spending program should not be made without the most careful study of the financial condition of the country and the plight of the taxpayer.

RELIEF OF VETERANS

For the relief, care, and comfort of the veterans of our various wars and their dependents I am recommending in this Budget a total of nearly $705,000,000. This total includes pensions, adjusted compensation, and all other factors, direct and indirect, that enter into this great patriotic service the Government owes its defenders. There can be no thought of curtailing this work of appreciation, this willing attempt to pay the Nation's debt. It may be wise, however, to call a halt at this time with regard to additional legislation for the veterans. It may be in the interest of the beneficiaries to permit existing provisions for their care and the care of their families to rest undisturbed for a period, at least until we can definitely determine what deserving need is unprovided for. What the veterans need it is a privilege to give, and the giving should crowd the heels of the need when determined.

CIVIL SERVICE RETIREMENT

Neither the estimates of expenditure nor the estimates of appropriations contained herein include any amount for meeting the accrued liability of the Government to the civil service retirement and disability fund. The pay-as-you-go policy should apply to this fund and an appropriation be made to meet the accrued liability of the Government. The act of Congress approved July 3, 1926, provides for the annual submission of a Budget estimate of appropriation for this purpose. Such an estimate, however, requires an actuarial valuation of the fund under the new law. This valuation is under way but is not yet completed. When completed, I shall submit to the Congress an estimate of the amount required for the fiscal year for this purpose.

FEDERAL BUILDING

The Congress has made wise and substantial provision for the construction of much-needed Federal buildings, both at the seat of government and in the States. Contemporaneously with this the Congress made similar provision for our foreign building requirements and also for permanent housing at our military posts and stations. These measures give us a much-needed construction program. The funds which we spend to complete this program will be a good investment and bring us adequate return.

SPECIAL FUNDS AND ACCOUNTS

In addition to the usual statements giving information of the financial transactions of the establishments of the Government for which annual appropriations are made, the 1928 Budget carries a comprehensive summary of the financial status of a considerable number of special funds, accounts, and authorizations operated either by Government agencies direct or under some form of Government supervision and responsibility. This summary makes available information concerning the financial condition of various Government institutions not heretofore published in readily available form.

THE NATIONAL DEBT

The reduction in the total gross debt for the fiscal year 1926 was $872,977,572.71. This was effected by (1) $487,376,050.69 on account of the sinking fund and other debt retirements chargeable against ordinary receipts; (2) application of the entire surplus of $377,767,816.64; and (3) reduction in the general fund balance of $7,833,705.38 below the balance at the close of the previous fiscal year.

In the past five fiscal years the debt reduction aggregated $4,334,000,000, and in June, 1926, reached a level below twenty billions for the first time since November, 1918. The short-dated debt required to be paid or refunded in three and one-half years, which includes the third Liberty loan, amounted on June 30, 1926, to 4.7 billions, as compared with 6.1 billions at the close of the previous fiscal year. The decrease of 1.4 billions in this part of the debt has strengthened the position of the Treasury for the refunding operations necessary in connection with the third Liberty loan, which matures on September 15, 1928, and is not callable before that date.

The interest payment on the debt, the largest single item of our expenditures, amounted to $832,000,000 in 1926, as against $999,000,000 in 1921, a decrease of $167,000,000, or nearly 17 per cent. For 1927 the estimated expenditures are $785,000,000 and for 1928, $755,000,000.

The World War Foreign Debt Commission has substantially completed the duties imposed upon it by Congress. Eliminating certain debtors with which negotiations are not now practical, funding agreements have been signed with all of those nations owing the United States on account of loans made during and after the war. All of the settlements have been ratified by Congress except those with France and Yugoslavia, and in these cases the House of Representatives has acted, but the bills are still pending in the Senate. But the French settlement has not yet been taken up by their Parliament. In general, uncertainty with respect to war debts has ended.

ALIEN PROPERTY LEGISLATION

By the Paris agreement the United States has participated officially in the restoration of Germany. Through the Federal reserve system and through our bankers and private

American citizens, we have been of assistance in the progress of financial restoration of many countries in Europe. The American spirit, characteristic of construction, will, I feel sure, be an active help in further plans to put other countries in sound condition. Europe is progressing and is reaching again peace condition.

There remains still for the United States to settle a series of related questions now unanswered, but which already have the attention of Congress. These questions are three, and have to do principally with Germany, although similar matters, but lesser in amount, also involve Austria and Hungary. As a war measure the President, through the Alien Property Custodian, seized the private property of enemy nationals, and to a large extent this property is still held by the custodian awaiting disposition by Congress. Under her treaty of peace with us, Germany undertook to reimburse American nationals and the United States Government for losses and damages occasioned by Germany. By the treaty the property of German nationals seized and held in this county is pledged as security for the payment of the claims of American nationals against Germany, and by arrangement between the two countries a mixed German-American commission has been constituted to pass upon the merits of the claims and is now completing its awards.

Germany's obligations to pay reparations were in excess of her immediate capacity, and her creditors devised for her reorganization a plan and method of payment a part of which accrues to the United States. This plan, in the opinion of its framers, constitutes the maximum that Germany can immediately pay to her former enemies and of necessity represents holding in abeyance some of Germany's obligations. Under this plan the amount applicable to the immediate payment of the American claims is as a practical matter inadequate. Some other way will have to be found to insure prompt payment to our nationals for their losses.

Also as a war measure the United States seized and used ships, radio stations, and patents belonging to German nationals and found in the United States. The moral obligation to return the private property or its proceeds in the hands of the Alien Property Custodian to its German owners is equally applicable to the payment of compensation for the ships, radio stations, and patents or proceeds received from their disposal. We should treat the two situations alike.

Congress should enact into law during the present session a fair and comprehensive plan for the settlement of these three questions. Without here suggesting the details of any particular plan, I believe that a correct solution of the problem is controlled by two principles. The Supreme Court of the United States has held in effect that it is within the legal rights of Congress to make such use of the property of German nationals which the United States has seized as Congress may desire. It might, therefore, apply the proceeds of this property belonging to German nationals to the payment of the obligations of the German Government to the United States and to our nationals, thus satisfying American claims. In my opinion such a course is not consistent with the American ideal of the sanctity of private property of nationals, even though their Government may be at war with us. Sound American policy is opposed to the application of the property of German nationals to the payment of the debt of their Government. This is the first principle. If the policy I have just mentioned is right, as I believe it to be, then the cost of its adoption must be borne by the whole people, and the policy can not be affirmed at the sacrifice of the rights of only a part of the people—the American claimants against Germany. The alien property is pledged as security for the payment of the American claims. If the United States deprives the American claimants of their security it can only do so fairly if it substitutes for this security practical assurance of ultimate payment of the American claims. The United States should do justice to German nationals, but it must not do justice to Germans by doing injustice to our own American nationals. This is the second principle. Within these principles I feel sure that means will be found to accomplish a solution of the questions fair to all and consistent with American policies.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 6, 1926.*

REPORT OF THE NATIONAL COMMISSION OF FINE ARTS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Library:

To the Congress of the United States:

I transmit herewith for the information of the Congress the Tenth Report of the National Commission of Fine Arts covering the period July 1, 1921–December 31, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

PORTO RICAN PUBLIC SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of nine franchises granted by the Public Service Commission of Porto Rico. The franchises are described in the accompanying letter from the Secretary of War transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Naval Affairs and ordered to be printed:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the twelfth annual report of the committee for the fiscal year ended June 30, 1926.

Attention is invited to Part V of the committee's report presenting a summary of the present status of aviation with special references to technical development and to the aeronautical situation as affected by the constructive legislation enacted at the last session of Congress. Although it will take time to accomplish results under the air commerce act and the approved five-year aircraft building programs of the Army and Navy, it is gratifying to note the committee's opinion that America leads the world in the private ownership and operation of aircraft, is keeping pace with other nations in the technical development of aircraft for military purposes, and has the technical knowledge necessary, at least, to equal the commercial developments abroad.

I concur in the committee's opinion that the development of commercial aviation on a sound business basis depends primarily upon the solution of the basic problems of reduction in cost and increase in safety, which are, in turn, in the last analysis largely dependent upon the continuous prosecution of scientific research on the fundamental problems of flight. I believe that the American aviation program is sound in principle and when carried into effect will go far toward making America first in the development of aircraft for military and civil purposes.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

REPORT OF THE GOVERNOR OF THE PANAMA CANAL

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals:

To the Congress of the United States:

I transmit herewith for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

ACTS OF THE ELEVENTH LEGISLATURE OF PORTO RICO

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of acts and resolutions enacted by the eleventh legisla-

ture of Porto Rico during its first special session (June 28 to July 14, 1926).

These acts and resolutions have not previously been transmitted to the Congress and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

REPORT OF THE GOVERNOR GENERAL OF THE PHILIPPINES

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government, for the fiscal year ended December 31, 1925.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

REPORT OF THE UNITED STATES BUREAU OF EFFICIENCY

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1925, to October 31, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

STUDY AND INVESTIGATION OF BATTLE FIELDS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Military Affairs:

To the Congress of the United States:

In compliance with section 2 of the act approved June 11, 1926, entitled "An act to provide for the study and investigation of battle fields in the United States for commemorative purposes," I transmit for the information of the Congress the preliminary plan of the Secretary of War by which the purpose of the said act can, in his opinion, be most economically carried out.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

REPORT OF THE CIVIL SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service:

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States, approved January 16, 1883, I transmit herewith the Forty-third Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

CLAIMS OF JOHN ADOLF, HERMANN PEGEL, ET AL.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Claims and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report concerning the claims against the United States presented by the German Government on behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechentsreiter, for various amounts aggregating $461.59, which have been covered into the general fund of the Treasury Department as required by the statutes relating to the disposition of effects and unpaid wages of deceased seamen on American vessels, it appearing that each of the German nationals referred to lost his life while in the status of seaman in the American merchant marine. The report requests that the Congress be asked to authorize the appropriation of the sum necessary to pay these claims.

I recommend that, in order to effect a settlement of these claims in accordance with the recommendation of the Secretary of State, the Congress authorize an appropriation of the sum of $461.59.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

THE CUSTOMS SERVICE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Commerce:

To the Congress of the United States:

The sundry civil act approved August 1, 1914, contains the following provisions, viz:

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided,* That the whole number of customs collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further,* That hereafter the collector of customs of each customs collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated, and the President is authorized from time to time to change the location of the headquarters in any customs collection district as the needs of the service may require: *And provided further,* That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirements of the third proviso to the said provision, I have to state the following changes in the organization of the Customs Service have been made by Executive order since the last report:

By Executive order dated December 15, 1925, Boothbay was abolished as a port of entry in customs collection district No. 1 (Maine and New Hampshire) and the port limits of Bath were extended to include Boothbay and Wiscasset, with headquarters at Portland, Me., effective January 1, 1926.

By Executive order dated February 25, 1926, Koloa, on the Island of Kauai, was abolished as a port of entry and Port Allen created a port of entry in customs collection district No. 32 (Hawaii), with headquarters at Honolulu, Territory of Hawaii, effective 30 days from the date of the order.

By Executive order dated March 23, 1926, Darien was abolished as a port of entry in customs collection district No. 17 (Georgia), with headquarters at Savannah, Ga., effective 30 days from date of the order.

By Executive order dated April 19, 1926, Baudette, Minn., was created a port of entry in customs collection district No. 36 (Duluth and Superior), with headquarters at Duluth, Minn., effective 30 days from the date of the order.

By Executive order dated August 12, 1926, the limits of the port of Wilmington, Del., a port of entry in customs collection district No. 11 (Philadelphia), with headquarters at Philadelphia, Pa., were extended to include the towns of New Castle, Newport, and Claymont, in the State of Delaware, and Carneys Point and Deepwater Point, in the State of New Jersey, effective September 1, 1926.

By Executive order dated September 1, 1926, Orange, Tex., and Beaumont, Tex., were created ports of entry in customs collection district No. 21 (Sabine), with headquarters at Port Arthur, Tex., effective 30 days from the date of the order.

By Executive order dated October 2, 1926, the name of the port of Tia Juana, Calif., in customs collection district No. 27 (Los Angeles), with headquarters at Los Angeles, Calif., was changed to San Ysidro, Calif., effective 30 days from the date of the order.

By Executive order dated October 2, 1926, Sitka, Alaska, was created a port of entry in customs collection district No. 31 (Alaska), with headquarters at Juneau, Alaska, effective 30 days from the date of the order.

By Executive order dated November 13, 1926, the limits of customs collection district No. 27 (Los Angeles), with headquarters at Los Angeles, Calif., were extended to include all that part of the State of California lying south of the north

boundaries of San Luis Obispo, Kern, and San Bernardino Counties, and the limits of customs collection district No. 28 (San Francisco) were modified to comprise all of that part of the State of California lying north of the north boundaries of San Luis Obispo, Kern, and San Bernardino Counties, effective December 1, 1926.

All of the above changes were dictated by considerations of economy and efficiency in the administration of customs and other statutes, with the enforcement of which the Customs Service is charged, as well as the necessities and convenience of commerce generally.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

REPORTS OF THE SECRETARY OF THE TREASURY

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, reports, which with the accompanying reports, were referred to the Committee on Finance, as follows:

A report with respect to the cumulative sinking fund showing appropriations available for certain fiscal years together with the expenditures of each class of securities retired; and

A report showing the amounts expended in accordance with the first and second Liberty bond acts for expenses of loans to foreign governments.

REPORT OF COMPTROLLER GENERAL OF THE UNITED STATES

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of the number of publications ordered, received, and distributed by the General Accounting Office for the fiscal year ended June 30, 1926, and the cost thereof, which, with the accompanying report, was referred to the Committee on Printing.

He also laid before the Senate three communications from the Comptroller General of the United States, transmitting, pursuant to law, reports for the fiscal year ended June 30, 1926, which, with the accompanying reports, were referred to the Committee on Appropriations.

A report showing in detail the travel expenses of certain officers and employees of the General Accounting Office on official business from Washington to points outside the District of Columbia;

A report showing the exchanges of typewriters, adding machines, and calculating machines; and

A report of the work of the General Accounting Office for the fiscal year ended June 30, 1926, with recommendations for certain legislation.

REPORT OF SURGEON GENERAL OF PUBLIC HEALTH SERVICE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Surgeon General for the fiscal year ended June 30, 1926; which, with the accompanying report, was referred to the Committee on Finance.

REPORTS OF THE SECRETARY OF WAR

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a report of a commission created in accordance with the provisions of an act approved May 21, 1926, entitled "An act providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia," recommending the purchase of 1,050 acres of land, covering a portion of the Kennesaw Mountain battle field; which, with the accompanying report, was referred to the Committee on Military Affairs.

He also laid before the Senate two communications from the Secretary of War, transmitting, pursuant to law, reports, which were referred to the Committee on Appropriations, as follows:

A report of expenditures under the appropriation for the encouragement of breeding riding horses suitable for the Army and for the purchase of animals for breeding for the fiscal year ended June 30, 1926; and

A statement showing in detail the civilian officers on the regular roll who have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1926.

REPORT OF NATIONAL FOREST RESERVATION COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, ex officio president of the National Forest Reservation Commission, transmitting, pursuant to law, a report of the said commission for the fiscal year ended June 30, 1926; which, with the accompanying report, was referred to the Committee on Public Lands and Surveys, and ordered to be printed with the illustrations.

REPORTS OF THE ATTORNEY GENERAL

The VICE PRESIDENT laid before the Senate two communications from the Attorney General, transmitting, pursuant to law, the following reports, which were referred to the Committee on the Judiciary:

The annual report of the Department of Justice for the fiscal year ended June 30, 1926; and

A report of expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1926.

INDICTMENT OF NONRESIDENTS

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to Senate Resolution 264 (submitted by Mr. HARRELD and agreed to June 30, 1926), information relative to indictments and trials of persons in certain cases, which was referred to the Committee on the Judiciary.

REPORTS OF THE POSTMASTER GENERAL

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a schedule of papers and documents which are not needed in the transaction of public business and which have no permanent value or historic interest, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments; and the Vice President appointed Mr. MOSES and Mr. MCKELLAR members of the committee on the part of the Senate.

He also laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, reports relative to special mail contracts entered into by the Government with the following railroad companies, which, with the accompanying papers, were referred to the Committee on Post Offices and Post Roads.

The Denver & Salt Lake Railroad Co., for carrying mails between Denver and Craig, Colo.;

The Copper River & Northwestern Railway Co., for carrying the mails between Cordova and Kennecott, Alaska;

The Alaska Railroad, for carrying the mails on the Government railroads in Alaska;

The Pacific & Arctic Railway & Navigation Co., for carrying the mail between Skagway and White Pass, Alaska; and

The Hudson & Manhattan Railroad Co., for carrying the mail between Hudson Terminal Station, N. Y., and Journal Square, Jersey City, N. J.

FLEET SUBMARINE (S. DOC. NO. 165)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, certain information on general plans of two types of fleet submarines, one of the mine-laying type and one of the cruiser type, which was referred to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF SECRETARY OF THE INTERIOR

The VICE PRESIDENT laid before the Senate communications from the Secretary of the Interior, transmitting, pursuant to law, statements and reports for the fiscal year ending June 30, 1926, which, with the accompanying reports, were referred to the Committee on the District of Columbia, as follows:

A report of the surgeon in chief of the Freedmen's Hospital, showing the expenditures of the said institution for professional and other services; and

A report of the surgeon in chief of the Freedmen's Hospital, showing the receipts and expenditures of the said institution on account of pay patients.

He also laid before the Senate certain communications from the Secretary of the Interior, transmitting, pursuant to law, statements and reports for the fiscal year ended June 30, 1926, which, with the accompanying reports, were referred to the Committee on Indian Affairs, as follows:

A report showing the cost and other data with respect to Indian irrigation projects compiled to the end of the said fiscal year;

A report of expenditures made for the purpose of encouraging industry among Indians of the various reservations from the appropriation "Industry among Indians, 1926"; and

A report of expenditures from the appropriation "Indian schools, support, 1926," together with a statement that no part of the said appropriation was used in the construction or repair of schoolhouses.

A report of expenditures at each Indian school and agency from the appropriation for the construction, lease, purchase, repair, and improvement of agency buildings;

A statement of expenditures on account of the Indian Service from the appropriation "Industrial work and care of timber, 1926";

A report of expenditure from the $150,000 authorized from the funds of the Apache, Kiowa, and Comanche Indians;

A report of expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont.;

A statement that no expenditures were made during the fiscal year for the construction of hospitals from the appropriation "Relieving distress and prevention of disease among Indians, 1926";

A statement of expenditures of money carried on the books of the Interior Department under the caption "Indian moneys, proceeds of labor";

A report of expenditures from the tribal funds of the Chippewa Indians of Minnesota;

A report of expenses made for the purpose of encouraging industry among the Indians on the Tongue River Indian Reservation, Mont.;

A report of expenditures made from tribal funds of the Confederated Bands of Utes;

A statement of the cost of all survey and allotment work on Indian reservations;

A report showing the diversion of appropriations for the pay of specified employees in the Indian Service;

A report of all moneys collected and deposited under the appropriation "Determining heirs of deceased Indian allottees, 1926"; and

A report of expenditures made from the permanent fund of the Sioux Indians.

He also laid before the Senate a Communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing exchanges of typewriters, adding machines, and other labor-saving devices made by the Department of the Interior during the fiscal year ended June 30, 1926, in part payment for new machines, which, with the accompanying report, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Interior, dated September 15, 1926, transmitting, pursuant to law, a final report of administration of the so-called war minerals relief act, approved March 2, 1919, together with a communication dated December 6, 1926, transmitting a copy of the former report with the statement that since that date no change has taken place in the administration of said act and the status remains the same, which, with the accompanying reports, was referred to the Committee on Mines and Mining.

REPORTS OF THE SECRETARY OF AGRICULTURE

The VICE PRESIDENT laid before the Senate communications from the Secretary of Agriculture, transmitting, pursuant to law, the following annual reports for the fiscal year ended June 30, 1926, which were referred as indicated:

A report of expenditures of the Department of Agriculture;

A report showing the proceeds from sales of waste paper and obsolete worthless documents, amounting to $1,986.76;

A report showing in detail travel from Washington to points outside the District of Columbia performed by certain officers and employees of the Department of Agriculture;

A report of revenues received at Center Market, Washington, D. C.; and

A report showing exchanges of typewriters, adding machines, and other similar labor-saving devices; to the Committee on Appropriations.

A report showing the publications issued and distributed, giving cost of paper, printing, and preparation; to the Committee on Printing.

A report on the agricultural experiment stations;

A report showing the names of all persons employed, together with their designations and rates of pay, in the Bureau of Animal Industry, other than those whose salaries were paid exclusively from the meat-inspection appropriation;

A report showing the number of motor-propelled and horse-drawn passenger-carrying vehicles purchased by the Department of Agriculture for use outside of the District of Columbia;

A report showing the number of motor-propelled and horse-drawn passenger-carrying vehicles purchased by the Department of Agriculture from the appropriation of $35,000 for the Bureau of Public Roads for use outside of the District of Columbia;

A report showing the cost of maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles owned by the Department of Agriculture and operated outside of the District of Columbia;

A report of refunds to depositors of excess deposits for the purchase price of timber or other use of national-forest resources;

A report showing the payment to officers or other persons employed by State, county, or municipal governments from sums allotted to the Bureau of Chemistry; and

A report showing contributions received on account of cooperative work with the Forest Service; to the Committee on Agriculture and Forestry.

REPORTS OF THE SECRETARY OF COMMERCE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to Senate Resolution 149, agreed to February 16, 1926, certain information concerning the circumstances attending the discovery of multiplex telegraphy and telephony and its use, which, with the accompanying papers, was referred to the Committee on Patents.

He also laid before the Senate a communication from the Secretary of Commerce, transmitting, pursuant to law, a complete set of general rules and regulations prescribed by the Board of Steamboat Inspection Service at the meeting of January, 1926, approved by the Secretary of Commerce, which, with the accompanying documents, was referred to the Committee on Commerce.

REPORTS OF THE INTERSTATE COMMERCE COMMISSION

The VICE PRESIDENT laid before the Senate two communications from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, reports which were referred to the Committee on Appropriations, as follows:

A report showing the travel expenses of all officers and employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) of the said commission on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1926; and

A report showing the make, model, and serial number of typewriters, adding machines, and other similar labor-saving devices purchased and exchanged during the fiscal year ended June 30, 1926.

He also laid before the Senate two communications from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, reports which were referred to the Committee on Interstate Commerce, as follows:

A report showing the official valuations of the Tooele Valley Railroad Co., and certain other carriers subject to the Interstate Commerce Commission act; and

A report showing the employment under the appropriation for the valuations of carriers for the fiscal year ended June 30, 1926, names of persons employed thereunder and State from which each was appointed, the compensation of each and how the moneys appropriated for the fiscal years 1913 to 1926, inclusive, have been expended.

REPORTS OF UNITED STATES VETERANS' BUREAU

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, the following reports for the fiscal year ended June 30, 1926, which were referred as indicated:

A report of printing in the bureau; to the Committee on Printing;

The annual report of the Director of the Bureau; and

A report showing the receipts and expenditures from the special fund for vocational rehabilitation; to the Committee on Finance.

A report showing the travel expenses of officers and employees of the said bureau on official business from Washington to points outside of the District of Columbia;

A report of typewriters and other labor-saving devices purchased and exchanged during the said year; and

A report showing by location, salary range, and bureau designation of employees receiving an aggregate annual salary of $2,000 and over as of November 1, 1926; to the Committee on Appropriations.

ANNUAL REPORT OF THE TARIFF COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Tariff Commission, transmitting, pursuant to law, a copy of the tenth annual report of the commission, being for the fiscal year ended June 30, 1926, which, with the accompanying report, was referred to the Committee on Finance.

REPORT OF GRAIN TRADE

The VICE PRESIDENT laid before the Senate a communication from the acting chairman of the Federal Trade Commission, transmitting, pursuant to law, a report of the commission on the grain trade, volume 7, entitled "Effects of Future Trading," which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

TYPEWRITERS FOR FEDERAL TRADE COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the secretary of the Federal Trade Commission, transmitting, pursuant to law, a statement showing the number of typewriters, adding machines, and other labor-saving devices exchanged by the commission during the fiscal year ended June 30, 1926, which was referred to the Committee on Appropriations.

TYPEWRITERS FOR CIVIL SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the secretary of the United States Civil Service Commission, transmitting, pursuant to law, a statement showing the exchanges of typewriters, adding machines, and other similar labor-saving devices during the fiscal year ended June 30, 1926, which, with the accompanying statement, was referred to the Committee on Appropriations.

UNITED STATES BOARD OF MEDIATION

The VICE PRESIDENT laid before the Senate a communication from the secretary of the United States Board of Mediation, stating, that in view of the fact that the board was organized on July 8, 1926, it therefore had no report to submit for the fiscal year ended June 30, 1926, which was referred to the Committee on Education and Labor.

REPORT OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate a communication from the president of the Board of Commissioners of the District of Columbia, transmitting, pursuant to law, a report of the official proceedings of that government for the fiscal year ended June 30, 1926, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORT OF PUBLIC UTILITIES COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Public Utilities Commission of the District of Columbia, transmitting, pursuant to law, a report of the official proceedings for the fiscal year ended December 31, 1925, with other information relative to the regulation and operation of certain public utilities in the District of Columbia, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORTS OF DIRECTOR OF PUBLIC BUILDINGS AND PUBLIC PARKS

The VICE PRESIDENT laid before the Senate a communication from the Director of Public Buildings and Public Parks of the National Capital, transmitting, pursuant to law, a report showing revocable licenses for the use of public parks in the District of Columbia entered into by his office during the fiscal year ended June 30, 1926, which, with the accompanying reports, was referred to the Committee on Public Buildings and Grounds.

He also laid before the Senate three communications from the Director of Public Buildings and Public Parks of the National Capital, transmitting, pursuant to law, reports as follows, which, with the accompanying reports, were referred to the Committee on Appropriations:

A report showing exchanges of typewriters and adding machines and other labor-saving devices for the fiscal year ended June 30, 1926;

A report showing in detail expenditures of the office of Public Buildings and Public Parks of the National Capital for the fiscal year ended June 30, 1926; and

A report of the travel expenses performed by employees of the foregoing office during the said fiscal year.

REPORT OF NATIONAL PARK AND PLANNING COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the executive disbursing officer of the National Park and Planning Commission, transmitting, pursuant to law, the annual report of the commission for the fiscal year ended June 30, 1926, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORT OF BELLEAU WOOD MEMORIAL ASSOCIATION

The VICE PRESIDENT laid before the Senate a communication from the president of the Belleau Wood Memorial Association, transmitting, pursuant to law, the report of the association for the fiscal year ended December 31, 1925, which, with the accompanying report, was referred to the Committee on Military Affairs.

REPORTS OF THE SERGEANT AT ARMS

The VICE PRESIDENT laid before the Senate two communications from the Sergeant at Arms of the United States Senate, transmitting, pursuant to law, the following reports, which were ordered to lie on the table and to be printed:

A report of all property in his possession on December 6, 1925; and

A report showing sales of condemned property and the proceeds therefrom since December 7, 1925.

REPORT OF THE ARCHITECT OF THE CAPITOL

The VICE PRESIDENT laid before the Senate a communication from the Architect of the Capitol, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1926, which, with the accompanying report, was referred to the Committee on Public Buildings and Grounds.

REPORTS OF LIBRARIAN OF CONGRESS

The VICE PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1926, which, with the accompanying report, was referred to the Committee on the Library.

He also laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a report of travel expenses of officers and employees of the Library of Congress on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1926, which, with the accompanying report, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a report giving the aggregate number of publications issued by the Library of Congress during the fiscal year ended June 30, 1926, cost of paper, cost of printing, and the cost of preparation, and the number distributed, which, with the accompanying report, was referred to the Committee on Printing.

REPORT OF THE DIRECTOR OF THE BOTANIC GARDEN

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Botanic Garden, transmitting, pursuant to law, a report of travel expenses performed by officers and employees of the Botanic Garden on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1926, which, with the accompanying report, was referred to the Committee on Appropriations.

JUDGMENTS OF COURT OF CLAIMS

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by the Court of Claims for the fiscal year ended December 4, 1926, amounts thereof, in whose favor rendered, and a brief synopsis of the nature of the claims, which, with the accompanying statement, was referred to the Committee on Appropriations.

CHILD LABOR

The VICE PRESIDENT laid before the Senate a communication from the Governor of the State of Kentucky, transmitting a concurrent resolution of the legislature of that State rejecting the so-called child labor amendment to the Constitution, which was referred to the Committee on the Judiciary, as follows:

OFFICE OF THE GOVERNOR,
Frankfort, November 12, 1926.

Hon. CHARLES G. DAWES,
President of the Senate, Washington, D. C.

MY DEAR MR. DAWES: As is required by Kentucky laws, I am forwarding to you the inclosed Senate Resolution No. 12, providing for the rejection of the proposed twentieth amendment to the Constitution of the United States.

Yours very truly,

W. J. FIELDS.

Senate Resolution 12

A concurrent resolution providing for the rejection of the proposed twentieth amendment to the Constitution of the United States, being the so-called child labor amendment to said Constitution.

Whereas the Congress of the United States has proposed an amendment to the Constitution of the United States of America in the following words, to wit: "Joint resolution proposing amendment to the Constitution of the United States of America in Congress assembled, two-thirds of each House concurring therein, that the following article is proposed as an amendment to the Constitution of the United States, which when ratified by the legislatures of three-fourths of the several

States, shall be valid to all intents and purposes as a part of the Constitution."

SECTION 1. That Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

SEC. 2. That power of the several States is unimpaired by this article except that the operation of the State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress; and

Whereas, in the opinion of the majority of the members of the General Assembly of Kentucky, said proposed measure violates the principle of local self-government, inasmuch as the States are asked to surrender a power which is peculiar to the States; and

Whereas, in the opinion of the members of the General Assembly of Kentucky, there can be no real liberty where such important personal right may be limited, regulated, and prohibited to the extent proposed in the twentieth amendment to the Constitution of the United States, in which it is sought to give Congress the power to enter the homes for the purpose of regulating the child life, even to the extent of actually prohibiting all labor of persons under 18 years of age: Therefore be it

Resolved by the Senate of Kentucky (the House of Representatives concurring therein):

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, rejected by the General Assembly of the Commonwealth of Kentucky.

SEC. 2. That certified copies of this concurrent resolution be forwarded by the Governor of this Commonwealth to the Secretary of State in Washington, D. C., and to the Presiding Officer of the United States Senate and the Speaker of the House of Representatives of the United States.

HENRY H. DENHARDT,
President of the Senate.
G. L. DRURY,
Speaker of the House of Representatives.

Approved March 24, 1926.

W. J. FIELDS, *Governor.*

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE SECRETARY OF STATE.

Certificate

I, Emma Guy Cromwell, secretary of state for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as secretary of state and remaining on file in my office, and found to be a true and correct copy of senate resolution No. 12, passed by the General Assembly of the Commonwealth of Kentucky at its session which was begun in the city of Frankfort, Ky., on Tuesday, January 5, 1926, and ended Wednesday, March 17, 1926, and which was approved by the Governor of this Commonwealth on March 24, 1926.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done at Frankfort this 10th day of November, 1926.

[SEAL.] EMMA GUY CROMWELL,
Secretary of State.

PETITIONS AND MEMORIALS

Mr. WILLIS presented the petition of Wesley P. Hanry and sundry other citizens of Youngstown, Ohio, praying for the passage of the so-called alien deportation bill, which was referred to the Committee on Immigration.

Mr. SHIPSTEAD. I present a letter in the nature of a petition and resolutions favoring the repeal of paragraph B, section 11, of the immigration act of 1924, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

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

DANISH BROTHERHOOD IN AMERICA,
OFFICE OF SUPREME SECRETARY,
Omaha, Nebr., November 25, 1926.

Hon. HENRIK SHIPSTEAD,
United States Senate, Washington, D. C.

DEAR SIR: We, the undersigned citizens of the United States, representing the unanimous wish of the Danish Brotherhood in America, being strongly in favor of restriction of immigration respectfully urge that you introduce in the Senate and have passed through Congress a bill to unconditionally repeal the so-called Reed amendment to the immigration law (national origin), restoring the 2 per cent provision based upon the United States census of 1890, and thus carry out the recommendation of the United States Commissioner General of Immigration in his annual report for the year ended June 30, 1925.

Yours respectfully,

DANISH BROTHERHOOD IN AMERICA,
SOREN IVERSEN,
Supreme President.
JOHN CHRISTENSEN,
Supreme Vice President.
FRANK V. LAWSON,
Supreme Secretary.
ROLF RASMUSSEN,
Supreme Treasurer.
CLAUS JENSEN,
Chairman Supreme Trustee.
JUL. ANDERSEN,
Supreme Trustee.
L. FRED MULLER,
Supreme Trustee.

THE EVANGELICAL LUTHERAN AUGUSTANA
SYNOD IN NORTH AMERICA,
OFFICE OF THE SECRETARY, BALATON, MINN.

Copy of resolution adopted by the Lutheran Augustana Synod in regard to immigration act of 1924

At its sixty-seventh annual convention, held in Philadelphia, Pa., June 8–13, 1926, the Augustana Synod unanimously adopted the following resolution:

"The Augustana Synod of the Evangelical Lutheran Church, the largest single organization in the United States of Americans of Swedish birth or ancestry, consisting of 304,043 members and 1,256 congregations, in sixty-seventh annual convention assembled in Philadelphia, Pa., June 8 to 13, inclusive, passed unanimously the following resolution:

"'The synod disapproves of the immigration act of 1924 and in particular section 11 of that act, which, if put into operation, would react inequitably against the immigrants to the United States coming from northern Europe.'

"In support of this motion the synod respectfully submits a few brief facts. When the first immigration law went into effect after the close of the World War, the Swedish quota was 20,042 immigrants per year, the Norwegian 12,202, and the Danish 5,619. Under the present operating quota law Sweden is allowed 9,561, Norway 6,543, and Denmark 3,789. But on the national origin basis, under section 11 of the act of 1924, if put into operation on July 1, 1927, Sweden's quota will be reduced to 3,072, Norway's to 2,053, and Denmark's to 945 per year.

"Although the total annual quota for all countries will be reduced only from 167,667, the present total quota, to 150,000 beginning July 1, 1927—a comparatively insignificant reduction—yet Sweden, Norway, and Denmark will, as a result, lose annually two-thirds of their present quotas in favor of England, Hungary, Austria, Russia, and Italy, whose quotas will be almost doubled and in some cases almost trebled.

"It is, therefore, evident that the Augustana Synod, representing as it does the largest Swedish-American constituency, goes on record against said section 11 and respectfully appeals to you and to others in our Federal Congress to use your best efforts to have the above provision annulled."

This is to certify that the above and foregoing resolution, quoted on this and preceding sheet, is a verbatim and true copy of the original resolution as adopted by the Evangelical Lutheran Augustana Synod at its sixty-seventh annual convention, held in the city of Philadelphia, Pa., on June 8–13, 1926.

Witness my hand and the official seal of the Augustana Synod. Dated at Balaton, Minn., this 2d day of December, in the year of our Lord nineteen hundred and twenty-six.

[SEAL.] N. J. W. NELSON,
Secretary of Augustana Synod.

Immigration law resolution adopted by the Supreme Lodge of the Sons of Norway on July 17, 1926

Whereas under the provision of section 11 of the immigration law going into effect July 1, 1927, the quota of immigrants from the Scandinavian countries to the United States will be reduced as follows:

From Sweden, annually	3,072
From Norway, annually	2,053
From Denmark, annually	945

and other countries in Northern Europe, like Germany and the Irish Free State, are also losing heavily, while gains will be made by Austria-Hungary, Italy, and Russia, and the number allowed from England and Ulster will be increased 15 per cent; and

Whereas under the new law more than one-half of all the immigrants to be admitted to the United States will be from England and Ulster, while those from the Scandinavian countries will be reduced to less than one-third of the quota under the present law; and

Whereas the United States Commissioner of Immigration recommended in his annual report for 1925 that the present quota be continued and that the new law be repealed; and

Whereas we believe that the new law is contrary to the true American spirit and treats unjustly the Scandinavian countries, the immigrants from which have been largely instrumental in populating and building up the great Northwest, materially contributing to the building of large cities, establishing and maintaining factories, building churches and schools, and have been imbued with a genuine American spirit, having fought to preserve the Union, participated in the World War, and have proven to be useful, thrifty, peaceful, and law-abiding citizens supporting and maintaining our Government and our institutions at all times: Now therefore be it

Resolved, That the Supreme Lodge of the Sons of Norway, in convention assembled at Minneapolis, Minn., on July 17, 1926, commend the United States Commissioner of Immigration for the stand he has taken in behalf of justice, and, on the other hand, condemn any attempt to treat unfairly any of the countries mentioned; and, be it further

Resolved, That as loyal and fair-minded American citizens we ask our Senators and Congressmen to amend section 11 of the immigration law, which goes into effect July 1, 1927, so as to preserve the present quota based on the census of 1890; and, be it further

Resolved, That copies of these resolutions be printed and a copy forwarded to each Senator and Representative in Congress.

I hereby certify that the above is a true and accurate copy of the resolution adopted by the Supreme Lodge of the Sons of Norway, in convention assembled, on July 17, 1926.

Minneapolis, Minn., November 26, 1926.

[SEAL.] L. STAVNHEIM,
Supreme Secretary.

THE MATERNITY ACT—CORRECTION

Mr. SHEPPARD. Mr. President, last June I secured the insertion in the Record of a telegram from Dr. Charles H. Mayo to the junior Senator from New York [Mr. COPELAND] in behalf of the maternity act. An error occurred in the publication of the telegram in the RECORD. I now send to the Secretary's desk a correction from Doctor Mayo and ask that his letter be inserted in the RECORD as a part of my remarks.

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

The letter is as follows:

ROCHESTER, MINN., HEALTH DEPARTMENT,
November 16, 1926.

Senator SHEPPARD,
Washington, D. C.

DEAR SENATOR SHEPPARD: On June 16, 1926, I sent a Western Union telegram, addressed to Senator COPELAND:

"Congratulations on your stand. Without doubt hundreds of lives of new and expectant mothers and infants have been saved by the work carried on by the States by reason of the Sheppard-Towner Act. In Minnesota I know the work is unobjectionable and effective. America's death rates compare unfavorably with other countries. The work must be done.

"CHARLES H. MAYO."

This appears in the CONGRESSIONAL RECORD of the Senate, June 23, 1926, on page 11797.

Somewhere a mistake was made in the second last line of the telegram as published in the RECORD, which reads, "American birth rates compare unfavorably with other countries." It should read "American death rates compare unfavorably with other countries," and, of course, I am referring to the death rates in connection with new and expectant mothers and infants.

I would appreciate it very much if you would take the proper steps to have this correction made.

Yours sincerely, CHARLES H. MAYO.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. COUZENS:

A bill (S. 4662) to authorize members of the Civil Service Commission and its duly authorized representatives to administer oaths of office to prospective officers and employees in the civil service; to the Committee on Civil Service.

By Mr. NEELY:

A bill (S. 4664) granting a pension to A. M. Nestor; to the Committee on Pensions.

A bill (S. 4665) to provide for the payment of war-risk insurance to Nancy J. Underwood, the beneficiary designated in the war-risk insurance policy of Shirley S. Underwood; to the Committee on Finance.

By Mr. McKELLAR:

A bill (S. 4666) granting a pension to Laura Barker (with accompanying papers); to the Committee on Pensions.

By Mr. BRATTON:

A bill (S. 4667) granting an increase of pension to Sarah J. Sparr (with accompanying papers); and

A bill (S. 4668) granting a pension to Jose Padilla (with an accompanying paper); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 4669) for the relief of the Kentucky-Wyoming Oil Co. (Inc.); to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A bill (S. 4670) to amend sections 4, 10, 13, 14, 15, and 16 of the immigration act of 1924, and to provide for the forfeiture of vessels, vehicles, or other conveyances engaged in violating the laws pertaining to the admission of aliens, and for other purposes; to the Committee on Immigration.

By Mr. WILLIS:

A bill (S. 4671) granting an increase of pension to Annette A. McCormick (with accompanying papers);

A bill (S. 4672) granting an increase of pension to Amanda Reber (with accompanying papers); and

A bill (S. 4673) granting an increase of pension to Catharine Sponsler (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 4674) to amend sections 2325 and 2326 of the Revised Statutes prescribing the method of obtaining patent to mining claims; to the Committee on Public Lands and Surveys:

By Mr. DU PONT:

A bill (S. 4675) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. EDGE:

A bill (S. 4676) for the relief of William R. Boyce & Son on account of storage charges; to the Committee on Claims.

By Mr. PITTMAN:

A bill (S. 4677) granting a pension to Clarence E. Carpenter; to the Committee on Pensions.

A bill (S. 4678) authorizing an appropriation to enable the Secretary of the Interior to purchase a tract of land, with sufficient water right attached, for the use and occupancy of the Temoak Band of homeless Indians, located at Ruby Valley, Nev.; to the Committee on Indian Affairs.

By Mr. GILLETT:

A bill (S. 4679) granting an increase of pension to Frances Grant Stoddard; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4680) granting a pension to Mary Elizabeth Crowe (with an accompanying paper); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4681) to authorize and direct the Secretary of War to receive evidence with respect to a charge of desertion affecting certain soldiers who served in the Confederate Army; to the Committee on Military Affairs.

A bill (S. 4682) granting permission to Lieut. Col. Harry N. Cootes, United States Army, to accept certain decorations tendered him; and

A bill (S. 4683) granting permission to Commander Jules James, United States Navy, to accept the decoration of the Legion of Honor tendered him by the Republic of France; to the Committee on Foreign Relations.

By Mr. OVERMAN:

A bill (S. 4684) for the relief of William J. Cocke; to the Committee on Claims.

A bill (S. 4685) granting a pension to McKinley Cook; and

A bill (S. 4686) granting a pension to Susan Hines Parker; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4687) for the relief of Paul D. Carlisle (with accompanying papers); to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4688) to amend the immigration act of 1924; to the Committee on Immigration.

A bill (S. 4689) to amend the act of June 25, 1910 (36 Stat. 851), as amended by the act of July 1, 1918 (40 Stat. 705), to promote economy in Government expenditures in the settlement and other disposition of certain patent claims against the United States (with accompanying papers); to the Committee on Patents.

A bill (S. 4690) for the relief of the owners of the steamship *Exmoor;* to the Committee on Claims.

A bill (S. 4691) to further amend section 90 of the national defense act of June 3, 1916, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

A bill (S. 4692) to amend the act approved June 1, 1926 (Public 318, 69th Congress), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes;

A bill (S. 4693) for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925; and

A bill (S. 4694) to amend section 47–d, national defense act; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 4695) granting an increase of pension to Helen M. Campbell (with accompanying papers);

A bill (S. 4696) granting an increase of pension to Drusilla M. Chase (with accompanying papers);

A bill (S. 4697) granting an increase of pension to Mary M. De Pew (with accompanying papers);

A bill (S. 4698) granting an increase of pension to James S. Pendergast; and

A bill (S. 4699) granting a pension to Wealthy F. Wagg (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4700) granting a pension to Oliver C. Sell (with accompanying papers); and

A bill (S. 4701) granting an increase of pension to Mary Viola Grubbs (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A joint resolution (S. J. Res. 130) to authorize an examination of Harlem River, N. Y.; to the Committee on Commerce.

By Mr. KENDRICK:

A joint resolution (S. J. Res. 131) authorizing the making of surveys, plans, and estimates for the irrigation of certain lands in the State of Wyoming, under terms of the Colorado River compact, and for other purposes; to the Committee on Irrigation and Reclamation.

PUBLIC BUILDINGS IN THE DISTRICT

Mr. SMOOT. I introduce a bill authorizing the Secretary of the Treasury to acquire certain lands in the District of Columbia to be used as sites for public buildings.

The bill (S. 4663) authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. SMOOT. In this connection I desire to give notice that to-morrow I shall ask the Senate to allow me to address it upon the bill, and I shall also have certain plans showing the lands proposed to be purchased under the bill and certain improvements or buildings proposed to be erected upon the lands to carry out the complete program of public buildings in the District of Columbia.

Mr. KING. Mr. President, will my colleague yield for a question?

Mr. SMOOT. Certainly.

Mr. KING. I noticed in the newspapers yesterday that organizations or individuals have agreed upon a plan for the construction, at a point which it is unnecessary to mention now, of a police-court building to cost at least a million dollars. I should like to know under what authority that agreement was reached, and I hope that my colleague and the commission with which he is connected will make an inquiry into that subject, to determine the wisdom and the propriety, in view of the appropriation which has been made for municipal buildings, of expending that amount of money for a building for the police court in this city.

Mr. SMOOT. I will state that the Public Buildings Commission has no authority over that subject matter. That is a question that comes under the jurisdiction of the Committee on the District of Columbia, and it is for that committee to consider the matter. The only thing that the Public Buildings Commission has authority to act upon is the erection of buildings for the Government of the United States. The proposed police-court building will be a District building, and therefore does not come under our authority at all. I understand my colleague is a member of the District Committee, and any bill with regard to the police-court building, of course, will have to go to that committee.

Mr. KING. I appreciate that; but my understanding was that the Fine Arts Commission and another organization that is functioning in the District in connection with the activities of the other commission has had this matter under consideration, and I was wondering if the Public Buildings Commission, of which my colleague is chairman, had taken into account the municipal building to which I just referred.

Mr. SMOOT. No; that does not fall within the jurisdiction of the Public Buildings Commission at all.

PRESIDENTIAL POWER OF REMOVAL FROM OFFICE

Mr. KING. Mr. President, I introduce a joint resolution proposing an amendment to the Constitution of the United States restricting the powers of the President of the United States in the matter of removal from office, and ask that it may be printed at length in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint resolution (S. J. Res. 129) proposing an amendment to the Constitution relating to the removal of public officers was read the first time by its title and the second time at length, and referred to the Committee on the Judiciary, as follows:

Joint resolution (S. J. Res. 129) proposing an amendment to the Constitution relating to the removal of public officers

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid as a part thereof when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —

"The Congress shall have power to provide for the removal of officers of the United States, except judges of the courts of the United States and heads of departments, in accordance with such limitations as it may provide, and to vest the power of removing such officers in the Congress or either House thereof, or in such courts of law or officers of the United States as it may designate."

THOMAS MALEY

On motion of Mr. WADSWORTH, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 8852) for the relief of Thomas Maley, and it was referred to the Committee on Naval Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. EDGE and Mr. BRUCE each submitted an amendment, and Mr. FLETCHER submitted two amendments, intended to be proposed to the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were ordered to lie on the table and to be printed.

FEDERAL APPOINTMENTS IN GEORGIA

Mr. HARRIS. I submit a resolution and ask that it lie on the table. I wish to state that, while the resolution relates to Federal appointments in Georgia, it does not in any way reflect on the Postmaster General, whom I consider to be one of the ablest and most conscientious officials that I have known in public life.

The resolution (S. Res. 285) was read and ordered to lie on the table, as follows:

Whereas it is reported that the national committeeman of the Republican Party in the State of Georgia has engaged in the barter of Federal offices or of his influence in respect of appointments to such offices: Therefore be it

Resolved, That the President of the Senate is authorized to appoint a special committee of three Members of the Senate to investigate and report to the Senate as soon as practicable the facts in respect of the barter of Federal offices, or of influence in respect of appointments to such offices, in the State of Georgia. For the purposes of such resolution, such committee is authorized to hold hearings, to sit and act at such times and places, to employ such clerical and stenographic assistants, to require, by subpœna or otherwise, the attendance of such witnesses and the production of books, papers, and documents, to administer oaths and to take testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee shall be paid from the contingent fund of the Senate. The committee shall make a final report to the Senate as to its findings at the beginning of the first regular session of the Seventieth Congress.

USES FOR COTTON AND COTTON PRODUCTS

Mr. HARRIS submitted the following resolution (S. Res. 286), which was ordered to lie on the table:

Whereas there exists from time to time a surplus of cotton; and

Whereas new uses for cotton and cotton products will facilitate the disposition of such surplus; and

Whereas jute, a foreign product, used for cotton bagging and such bagging is deducted as tare in weighing baled cotton, causing a loss to the cotton producer: Therefore be it

Resolved, That the Secretary of Commerce is authorized and directed to investigate (1) the development of new uses to which cotton and cotton products can be placed; (2) the possibility of using the lower grades of cotton in the manufacture of cloth and other cotton products for use by the Federal Government; and, (3) with the cooperation of the Secretary of Agriculture, the possibility of using the lower grades of cotton for cotton bagging. The Secretary of Commerce shall make a final report to the Senate as soon as practicable of the results of such investigation and such preliminary reports from time to time as he deems advisable.

CODIFICATION OF INTERNATIONAL LAW

Mr. BORAH submitted the following resolution (S. Res. 287), which was referred to the Committee on Foreign Relations:

Resolution

Whereas war is the greatest existing menace to society, and has become so expensive and destructive that it not only causes the stupendous burdens of taxation now afflicting our people but threatens to engulf and destroy civilization; and

Whereas civilization has been marked in its upward trend out of barbarism into its present condition by the development of law and courts to supplant methods of violence and force; and

Whereas the genius of civilization has discovered but two methods of compelling the settlement of human disputes, namely, law and war, and therefore, in any plan for the compulsory settlement of international controversies, we must choose between war on the one hand and the process of law on the other; and

Whereas war between nations has always been and still is a lawful institution, so that any nation may, with or without cause, declare war against any other nation and be strictly within its legal rights; and

Whereas revolutionary war or wars of liberation are illegal and *criminal, to wit*, high treason, whereas, under existing international law, wars between nations to settle disputes are perfectly lawful; and

Whereas the overwhelming moral sentiment of civilized people everywhere is against the cruel and destructive institution of war; and

Whereas all alliances, leagues, or plans which rely upon war as the ultimate power for the enforcement of peace carry the seeds either of their own destruction or of military dominancy, to the utter subversion of liberty and justice; and

Whereas we must recognize the fact that resolutions or treaties outlawing certain methods of killing will not be effective so long as war itself remains lawful; and that in international relations we must have not rules and regulations of war but organic laws against war; and

Whereas in our Constitutional Convention of 1787 it was successfully contended by Madison, Hamilton, and Ellsworth that the use of force when applied to people collectively; that is, to states or nations was unsound in principle and would be tantamount to a declaration of war; and

Whereas we have in our Federal Supreme Court a practical and effective model for a real international court, as it has specific jurisdiction to hear and decide controversies between our sovereign States; and

Whereas our Supreme Court has exercised this jurisdiction without resort to force for 137 years, during which time scores of controversies have been judicially and peaceably settled that might otherwise have led to war between the States, and thus furnishes a practical exemplar for the compulsory and pacific settlement of international controversies; and

Whereas an international arrangement of such judicial character would not shackle the independence or impair the sovereignty of any nation, and would not involve or affect the right of self-defense against invasion or attack, such right being inherent and ineradicable, but should not be a mere subterfuge for the traditional use of war: Now, therefore, be it

Resolved, That it is the view of the Senate of the United States that war between nations should be outlawed as an institution or means for the settlement of international controversies by making it a public crime under the law of nations and that every nation should be encouraged by solemn agreement or treaty to bind itself to indict and punish its own international war breeders or instigators and war profiteers under powers similar to those conferred upon our Congress under Article I, section 8, of our Federal Constitution, which clothes the Congress with the power "to define and punish offenses against the law of nations"; and be it

Resolved further, That a code of international law of peace based upon the outlawing of war and on the principle of equality and justice between all nations, amplified and expanded and adapted and brought down to date, should be created and adopted.

Second, that, with war outlawed, a judicial substitute for war should be created (or, if existing in part, adapted and adjusted) in the form or nature of an international court, modeled on our Federal Supreme Court in its jurisdiction over controversies between our sovereign States; such court shall possess affirmative jurisdiction to hear and decide all purely international controversies, as defined by the code, or arising under treaties, and its judgments shall not be enforced by war under any name or in any form whatever, but shall have the same power for their enforcement as our Federal Supreme Court, namely, the respect of all enlightened nations for judgments resting upon open and fair investigations and impartial decisions, the agreement of the nations to abide and be bound by such judgments, and the compelling power of enlightened public opinion.

EMPLOYMENT OF ADDITIONAL PAGE

Mr. CURTIS submitted the following resolution (S. Res. 288), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ an additional page from the 6th day of December, 1926, to the 31st day of March, 1927, to be paid from the contingent fund of the Senate at the rate of $3.30 per day.

PAY OF SENATE PAGES

Mr. KEYES submitted the following resolution (S. Res. 289), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate 22 pages for the Senate Chamber, at the rate of $3.30 per day each, from the 1st to the 5th of December, 1926, both dates inclusive.

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. 54) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building; requested a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ELLIOTT, Mr. TAYLOR of Tennessee, and Mr. LANHAM were appointed managers on the part of the House at the conference.

CONFERENCE COMMITTEE SERVICE—RADIO LEGISLATION

Mr. WATSON. I ask unanimous consent that the Senator from Idaho [Mr. GOODING] may be substituted for the late Senator CUMMINS as a member of the conference committee on the part of the Senate on the disagreeing votes of the two Houses on the measure proposing to regulate radio communication.

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

Mr. BORAH. Mr. President, I wish to ask the Senator from Indiana a question. He has just referred to radio legislation, which is now in conference, as I understand?

Mr. WATSON. Yes.

Mr. BORAH. Is there any way to get the bill in reference to that subject back into the Senate so that we may consider it on its merits?

Mr. WATSON. We hope to have a meeting of the committee of conference on Monday, I will say to the Senator from Idaho. I have no idea, however, what the present status in relation to the matter is.

Mr. BORAH. The Senator from Indiana knows that the radio bill went through in the closing days of the last session rather hurriedly.

Mr. WATSON. It did.

Mr. BORAH. And, for one, I should like to have the bill back in the Senate, if the committee, in its wisdom, could bring it back here.

Mr. WATSON. Would not the Senator be satisfied to have the bill come back on the report of the conference committee? I have no idea what the conference committee will do, if anything. I will say to the Senator that the conference committee met, but we had only three hours to give it consideration before the conclusion of the session last July.

Mr. BORAH. Exactly.

Mr. WATSON. In so short a time we knew we could not agree, and therefore we asked to have a resolution passed.

Mr. BORAH. We had even less time to consider the measure here.

Mr. WATSON. No; I think the Senator from Idaho is in error about that.

Mr. BORAH. Of course not as to time, but, as a matter of fact, we did not have a real opportunity to consider the bill here, and it was so stated by the Senator in charge of the measure.

Mr. WATSON. That is quite true; I agree to that.

Mr. NORRIS. Mr. President, may I suggest to the Senator from Idaho that, as I understand the parliamentary situation,

the Senator from Indiana would not have authority to bring the bill back here.

Mr. WATSON. Not the slightest.

Mr. NORRIS. If we get the bill back here, it will have to come from some action of the Senate requesting that it be sent back.

Mr. BORAH. Of course, the Senate would have to act. If the committee were willing that the bill should come back, it would aid us to get proper action here.

Mr. WATSON. It may be that the bill will come back here by and by on a disagreement.

Mr. NORRIS. If the Senator will permit me, if the bill shall come back in the shape of a conference report, that will not give Senators an opportunity then to offer amendments, as I understand the Senator from Idaho [Mr. BORAH] really wishes to do.

Mr. WATSON. That is quite true.

Mr. NORRIS. The vote will be in favor of the adoption or the rejection of the report.

Mr. WATSON. That will be quite true if the conferees shall agree on a report.

Mr. NORRIS. I have no particular interest in the proposed legislation, but if there is a desire on the part of the Senator from Idaho or other Senators to offer amendments to the bill, and that the measure shall again be considered, action should be taken by the Senate that would discharge the conference committee and thereby bring the bill back before the Senate. We should have to reconsider the action that has been taken; otherwise the bill never will come back here in such shape that amendments may be offered to it.

RECLAMATION AND SETTLEMENT LAW

Mr. KENDRICK. Mr. President, I have here a copy of the International Review of Agricultural Economics, which is published in Rome. It contains an article on reclamation, embodying a brief summary of our reclamation laws. Because of the information which the article contains, I ask that it be printed in the RECORD.

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

THE RECLAMATION AND SETTLEMENT OF LAND IN THE UNITED STATES

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Government aid on irrigation projects. Hearings before the Committee on Irrigation and Reclamation, United States Senate, on S. 3779. A bill to provide for aided and directed settlement on Government land in irrigation projects. Sixty-eighth Congress, second session. Washington, D. C., 1925.

Aided and directed settlement on proposed Government irrigation projects. Hearings before the Committee on Irrigation and Reclamation, House of Representatives, on H. R. 11171 and H. R. 12083. Bills to provide for aided and directed settlement on Government land in irrigation projects. Sixty-eighth Congress, second session. Washington, D. C., 1925.

Federal reclamation by irrigation. Message from the President of the United States transmitting a report submitted to the Secretary of the Interior by the committee of special advisers on reclamation. Sixty-eighth Congress, first session. Senate Document No. 92. Washington, D. C., 1924.

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Land reclamation is nothing less than a later phase of the general colonizing process which every country goes through, and the con-

siderable prominence which it has attained in many countries in recent years is largely due to the growth of population or to the land settlement and home-colonization schemes which have been set on foot during the last few decades. A further stimulus to the reclamation movement has been given by the extensive settlement schemes, especially soldier settlement, which were initiated in many countries, amongst them the United States, after the close of the war.

Reclamation, chiefly in the form of irrigation, has had a high place from very early times. Many of the ancient civilizations—Egypt, Assyria, and Babylon, for example—grew up on lands of arid soil or scanty rainfall, and irrigation was of the greatest importance. The whole of Mesopotamia at different times was irrigated, and the very existence of Egypt depended upon the Nile.

On the American Continent irrigation was practiced in both Mexico and Peru. In the southwestern United States, in the State of Arizona, remains exist of an extensive irrigation system which supported a flourishing civilization 3,000 years ago. This system, lying along the Gila and Salt Rivers, near where the town of Phoenix now stands, was constructed with only stone implements, but it irrigated, it is estimated, more than 100,000 acres. Owing to climatic changes and the failure of the rainfall and the river supply, about 2,000 years ago the region was abandoned. At the present time this same site is occupied by the Salt River irrigation project.

Throughout the Middle Ages in northern and western Europe, with the growth of population, much reclamation was carried out. River beds were straightened and cleared and their sides embanked, ditches were made and marshes were drained, and a tradition of land improvement began to be formed. Reclamation work of a greater magnitude was undertaken later; in some countries this became a matter of national importance and in one country it was a vital necessity. Holland's epic struggle with the sea, with its successes and reverses and achievements, is one of the most romantic pages of history and has been a stirring example to other countries. The draining of the English fens was, too, a remarkable achievement; this was carried out chiefly in the seventeenth and eighteenth centuries and reclaimed nearly 700,000 acres of highly fertile land.

In the world to-day reclamation, so far from losing in importance, seems to be gaining. Holland is now embarking on a gigantic scheme to reclaim the land now covered by the Zuyder Zee, an area capable, it is estimated, of supporting a population of 300,000. In nearly every country of Europe and in the British Isles drainage work is still going on, and land improvement in the form of improving or reclaiming sandy, peaty, or heath soils is also making considerable progress. Irrigation is going on in Egypt as in the centuries gone by, and in India and the Sudan great new irrigation works are being built. In newer lands, too, in the United States, Australia, and South Africa, irrigation is being actively pursued, and miles of desert land are being reclaimed. In some of the newer lands, especially in the United States, drainage is very important, and in all countries the question of reforestation is becoming increasingly pressing.

In the newer countries the relation between reclamation and the general process of colonization is clearly seen. In Australia irrigation is being directly developed in connection with the closer settlement schemes and it is being encouraged in South Africa with a similar purpose. In the United States one of the chief reasons which induced the Government to undertake Federal reclamation work was the desire to provide another "frontier" by irrigation when the historic one had gone, and the Federal reclamation act of 1902 was a direct outcome of the homestead act through the desert land acts. At the present time it is the need of further land for settlement which has turned attention to the swamp lands.

Although cut-over land, abandoned farms, and soil erosion come within the direct sphere of reclamation, and the question of dry farming is closely connected, land reclamation in the United States up to the present has been practically confined to irrigation and drainage. The other forms of reclamation must be mentioned, however, in order to show the problem of reclamation in its full implication.

1. NATURE AND SITUATION OF WASTE LAND IN THE UNITED STATES

In the United States the three main classes of waste land are arid and semiarid land, swamp and wet land, and cutover or deforested land. This last may be either dry or wet.

All the arid and semiarid land is contained in the 17 Western States and practically all lies west of the one hundredth meridian. This region includes the whole western mountain system and the plains lying at the foot of the Rocky Mountains. The rainfall generally speaking is limited or scanty. The arid and semiarid land is not wholly unproductive, for some is covered with forest and large areas serve as rough cattle pasture. Though it seems that much of this land must necessarily remain desert, it is not improbable that the improvement in dry-farming methods may result in considerably reducing the area so condemned, and in any case irrigation has already converted large amounts of this land, even though a small proportion of the whole, into highly fertile areas. Irrigation has been going on in the West ever since Utah was settled nearly 80 years ago, and by its means over 19,000,000 acres have been reclaimed from the waste. At the present time it is estimated that there are 15,000,000 to 20,000,000 acres still in the hands of the Government which may be reclaimed by irrigation, and that altogether there are 30,000,000 acres, or more, of irrigable land which is not yet irrigated, making a total irrigable area of about 51,000,000 acres. It is thought that the total may be even higher than this.

In contrast to the arid lands, which lie wholly in the western half of the country, the swamp lands occur very largely in the eastern half (including the States which lie immediately across the Mississippi, viz, Minnesota, Iowa, Missouri, Arkansas, and Louisiana). The swamp lands stretch in a wide belt along the South Atlantic and Gulf coasts, up the valley of the Mississippi as far as the junction of the Ohio River, and about Lakes Superior and Michigan. They fall into two main groups, one in the South, including all the States from Virginia to Texas and the South Central States, and the other in the three Lake States, Michigan, Wisconsin, and Minnesota. Swamps also occur along the rivers of central California. The southern group is much the more important and the problem of the swamp lands is particularly a problem of the South.

The reclamation possibilities presented by the swamp lands are very great. It was stated by the Secretary of the Interior in 1918 that the area of swamp lands amounted to 80,000,000 acres, whilst the Department of Agriculture Yearbook for 1921 gave the area of reclaimable wet lands as 90,000,00 acres, of which amount 30,000,000 acres required drainage only and 60,000,000 acres were in timber or cut over requiring both drainage and clearing. The Yearbook for 1923 gives the total of swamps and wet lands as 91,543,000 acres and states that it is estimated that 75,000,000 acres, about 68 per cent of which is in timber or cut over, can be reclaimed. Some States possess very large areas of swamp lands; in Florida alone there are 16,846,000 acres.

But great as is the area of reclaimable arid land or of the swamp lands the area of the cut-over land is far greater and it is increasing rapidly each year.

In 1918 the Secretary of the Interior stated the area of cut-over lands at no less than 230,000,000 acres, although to some extent the cut-over lands and the swamp lands overlap. The cut over is increasing at the rate of six to seven million acres a year so that at the present time the area of cut-over land must be nearly 300,000,000 acres. Some estimates put the area even higher than this. In its present condition the cut-over land lies unused and desolate but the reclamation possibilities are enormous. Reforestation must of necessity be the chief object in the reclamation of these areas, but cultivation will also be important and large areas will be cleared and reclaimed for agriculture.

The abandoned farms are a feature of the East and South especially in New England and the Atlantic States and in the older lands of the South. The opening up of the West led to wholesale emigration westwards partly through love of adventure and partly for the prize of the rich, level prairie lands. The fertility of the old lands moreover was becoming impoverished and part of the farm population was attracted to the cities. Thus many farms in the older settled lands have been left derelict or are only roughly farmed. The area of this land amounts to many thousands of acres. Large areas of abandoned land occur within short distances of large cities.

Considerable loss through soil erosion is taking place on many of the hillsides of the eastern mountain region. This is largely a result of deforestation. These slopes were once thickly forested and the trees protected the soil, but they have been laid bare in many places and soil erosion is setting in. The remedy is reforestation, or terracing if agriculture is required.

Dry-farming practice is steadily improving, and this branch of agriculture bids fair to become of considerable importance in the future. There are possibly 116,000,000 acres of semiarid land, lying for the most part east of the Rocky Mountains, which could, if necessary, be utilized for dry-land crops. At present this land is mostly in pasture.

In the reclamation of waste land of whatever kind, reclamation work on a large scale is generally required. Individual reclamation work has been going on for many years and much of the land which could be reclaimed by individual settlers or groups of settlers has already been reclaimed, but more than that, the extent and the difficulties of the work and the fact that the waste land often occurs in large areas make reclamation in the United States a matter for large-scale enterprise. Combined with this is the fact that reclamation and settlement is not merely a sectional problem but a problem of interest to the Nation as a whole. Thus reclamation should be looked at from the point of view of the country as a whole and the work in the different sections coordinated as far as possible to form part of a general plan. These two principles—large-scale enterprise and coordination of effort—are in large measure the key to the solution of the reclamation problem.

2. THE ARID AND SEMIARID LANDS

During nearly all the time that the far West had been undergoing settlement, irrigation had been practiced and legislation enacted to facilitate irrigation work. This legislation was a development of the homestead legislation and was rendered necessary by the conditions existing in the West. The homestead act, 1862, which gave to each

settler the right to 160 acres of public land free of charge, worked well in the Middle West where the land was fertile and the rainfall adequate and where, therefore, a quarter section was enough to support a family, but it proved unsuitable when applied to the dry lands of the western plains and the mountain region where grazing had to be the chief occupation and where consequently 160 acres was not enough to support a family.

Two lines of modification were introduced into the homestead legislation; the first dealing with the lands which were dry but not arid, by which the area of a homestead was increased, this being important for the extension of dry farming, and the second dealing with the arid lands in connection with which the importance of irrigation was emphasized. In 1875 an experiment with granting lands for irrigation was made by the Federal Government in California, land being granted on payment of the minimum Government price if water was brought and all the land reclaimed within two years. Following this in 1877 the first desert land act was passed. This act applied to 11 States and Territories and provided for the sale of a section of land (640 acres) to any settler who would irrigate it in three years. The price to be paid was $1.25 an acre, 25 cents to be paid at the time of filing the claim and $1 at the time of proving compliance with the law. But a section was too large for irrigation purposes and too small for grazing purposes and irrigation was expensive and altogether only a small amount of irrigation was carried out under the act. By an act of 1890 the area was reduced to 320 acres and by an act of 1891, which is still in force, the legislation was revised and at the same time persons were enabled to form themselves into associations for the purpose of irrigating their land.

The desert land acts had aimed at the reclamation of the arid lands by private enterprise, but by the Carey Act, 1894, an attempt was made to enlist the separate States with the settlers in this work. Besides this, in many of the Western States legislation was enacted enabling land to be formed into irrigation districts and bonds issued and the necessary works carried out to secure the irrigation of the land.

In 1902 the sphere of operations was further extended by the intervention of the Federal Government; with the object of further developing the West the reclamation act, 1902, was passed, and the Federal Government itself took up active irrigation work. The Government, however, was only the latest entrant into the reclamation field, and in emphasizing its activities the work of others must not be overlooked; the area reclaimed by the Government, for example, is less than a tenth of the total area irrigated.[1]

Of the irrigation work accomplished, by far the greater part has been done by individual settlers, cooperative effort, and private enterprise. The first settlers, settling along the river valleys and by the side of streams, found that they could get quite satisfactory results by diverting water by ditches or throwing across temporary dams and flooding their land from time to time. Much temporary irrigation of this kind was practiced, but as settlement developed more permanent works were constructed and a recognized irrigation practice grew up. Settlers formed themselves into private irrigation districts or associations, and many prosperous communities grew up on irrigated land along the river valleys. The more difficult propositions and the high-lying "bench lands," however, were beyond their means, but these offered openings to large-scale business undertakings. Between 1880 and 1890 there was a veritable boom in speculative irrigation enterprises. Companies were formed and stocks and bonds sold, and many reclamation projects were undertaken. The work proved more difficult than many promoters had imagined, and nearly all of the enterprises failed. Nevertheless a considerable amount of land was reclaimed; whereas in 1880 about 1,000,000 acres were being irrigated, by 1889 this area had grown to 3,631,381 acres. During the following decade the irrigated area doubled in extent, this being due rather to the extension and enlargement of the many canals already existing and to the better system of irrigation then followed on the land already under irrigation than to the construction of large new irrigation systems. Development continued steadily, and by 1919, out of a total of 19,191,716 acres under irrigation, 15,252,208 acres were irrigated by private, cooperative, or commercial means.

The settlement and development of Utah is one of the most important and interesting of irrigation enterprises in the United States and one of the most romantic episodes in the colonization of the West. Going so far west at such an early date (1847), the Mormon pioneers were thrown upon their own resources. Not only had they danger from Indians to encounter, but they were forced also to overcome the natural disabilities of soil and climate for cultivation. Irrigation played a vital part. The land in the region of the Great Salt Lake possessed great irrigation possibilities. Irrigation was immediately commenced and extended rapidly. Barren land became fertile, and the desert bloomed in no mere figure of speech, flourishing communities grew up, and a prosperous State came into being out among the mountains of the far West. By 1865, 277 canals had been constructed, having a total length of 1,043 miles, and 153,949 acres were being irrigated. A great development has gone on since then; canals have been built in all directions and many thousands of acres previously considered worthless have been brought under cultivation. There are few parts of the world, it is stated, where irrigation has been pushed forward more systematically and with better results than in Utah.

Action by the different States with regard to irrigation development has been taken under the Carey Act and by means of the various irrigation district acts of the different States. Under this legislation the States have not been concerned with the actual process of settlement, but, in the case of the Carey Act, with enabling private enterprises to reclaim land for settlers and, under the irrigation district acts, with enabling reclamation to be carried out by organizations of landowners wishing to irrigate their land. A notable State experiment in reclamation settlement, however, has been carried out in California, where two irrigated farm colonies have been established; and although of only a few thousand acres, these colonies are of the greatest interest.

Under the Carey Act the Federal Government granted to certain States, 10 in number, the right to an area of arid and semiarid land, not exceeding 1,000,000 acres each, which they should cause to be settled, irrigated, and in part cultivated. When thus settled Congress would grant patents to the land either to the States or to the settlers direct. It was stipulated that such land was to be used only for reclamation and settlement and that no person might hold more than 160 acres. It was allowed that settlers might have their reclamation work carried out by contract.

The operations in the different States under this act are regulated by the State laws and carried out under the supervision of State boards. The reclamation work is done by construction companies under contract with the State. Companies wishing to undertake reclamation under the act apply to the board of the State in question, specifying the land which they desire to have segregated for reclamation and describing the proposed plan for reclaiming the land. After the application has been approved by the State board and confirmed by the Department of the Interior the land selected is segregated and withdrawn from entry under the public land acts. The contract made between the State and the company allows the company to sell water rights in advance in order to provide funds for the work, and an agreement is reached as to the terms upon which the water rights will be sold. The State, on its side, agrees to sell the land only to parties who have contracted with the company for the purchase of water rights. Land and water rights thus go together, and the water rights when sold carry an interest in the works so that when payments for the rights are completed both works and rights become the property of the water-right purchasers, the enterprize thus becoming cooperative. As soon as the State furnishes satisfactory proof that the land is irrigated, reclaimed, and actually occupied by settlers the Federal Government issues patents to the land to the State which, in turn, issues patents to the settlers when conditions as to residence and improvements have been fulfilled and the full purchase price paid.

A considerable element of speculation has been present in the undertaking of Carey Act enterprises, and failures of promoters have been numerous. In recent years, however, the Department of the Interior has discouraged the undertaking of enterprises having little chance of success, and an amendment to the Carey Act was passed in 1921 still further to prevent hasty and ill-considered segregation by the States. The amendment in question provides that actual construction work on segregated land must be commenced within 3 years and the land must be actually irrigated within 10 years, the land in either case being liable to be restored to the public domain if these provisions are not fulfilled.

The results achieved by the Carey Act, considerable though they are, are not so great as was anticipated when the measure was passed. Under the act 14,000,000 acres are subject to withdrawal, the original amount having been increased by additional allowances of 1,000,000 acres each to Wyoming and Colorado and 2,000,000 acres to Idaho, and up to June 30, 1923, the area withdrawn amounted to 3,815,000 acres, or a little over one-quarter of the total. Of the area taken a considerable amount has reverted to the Government, leaving not more than 3,000,000 acres segregated. In 1909 only 288,553 acres were being irrigated, but by 1920 the area had increased to 523,929 acres; this, however, is only about one-sixth of the area withdrawn for irrigation. The amount of land patented to private individuals at June 30, 1923, was 1,069,623 acres.

[1] The total area of irrigable land in the United States, estimated at 51,000,000 acres, is divided among the States as follows:

California	10,000,000
Montana	6,000,000
Idaho	5,500,000
Colorado	5,000,000
Wyoming	4,000,000
Oregon	3,000,000
Texas	3,000,000
Utah	2,500,000
New Mexico	2,000,000
Nevada	1,500,000
Other States	8,500,000

Of this the total area under irrigation in 1919 was 19,191,716 acres.

But the chief State activity has gone on under the irrigation district laws, the first of which was enacted in Utah in 1865. These laws are intended to provide a means for making the lands liable for the cost of their own reclamation and have been generally adopted in the Western States. The irrigation district laws, as described in Bulletin No. 1257 of the Department of Agriculture, give to irrigation districts the power to issue bonds to secure funds for the reclamation of their land. The first law of this kind was that enacted in California in 1887, and since that date similar laws have been enacted in all the States in which irrigation is generally practised. These laws provide that a district may be organized only upon petition from at least a majority of the owners of land in the proposed district; this must also represent more than half of the acreage included, and there must also be a favorable vote of these landowners varying from a bare majority to two-thirds. If these conditions are fulfilled land can be included in the district against the will of its owner and made liable for its share of the cost of a water supply.

Under the early irrigation district laws many districts were organized which were not economically and financially feasible and bonds were issued. Many failures consequently resulted. Further legislation was therefore enacted, and public investigation of the plans and projected undertakings was provided for.

Other developments followed, and provisions were introduced in order to make district bonds legal investments for trust and public funds and for investors such as insurance companies and banks. The first law of this type was enacted in California in 1913. Under this a bond commission was established, which investigates thoroughly the whole projected undertaking, inquiring into the water supply, soil, costs, land prices, and the nature and number of the bonds to be issued. If the commission reports favorably on all the different points, the bonds are certified by the State comptroller and become legal investments as mentioned above. Similar laws have been enacted in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, and Utah; the Utah law was repealed in 1923, owing, it is stated, to the fact that its object was already being achieved in other ways. State certification, however, does not carry a State guarantee. In California many districts have been organized under the law and their bonds certified and sold. Oregon has gone a step further than California, for that State, besides certifying the bonds, advances interest on them for periods varying from one to five years. Washington State does not certify bonds, but, instead, has created a special reclamation fund of $5,000,000 to be used in the purchase of district bonds. Irrigation district laws have also been enacted in Alberta, Canada; this province goes even further than the American States, for it provides for guaranteeing both the principal and interest of district bonds.

The latest laws providing for State certification of irrigation-district bonds seem to go as far as is possible to go in public supervision without involving public liability. Some certified bonds are in default, however, and some of the districts have failed. The proportion of failures has been higher in the case of districts formed to undertake new enterprises than of those formed to take over existing ones, in the former case the proportion being 70 per cent, in the latter 20 per cent. But the area irrigated in 1919 by districts organized under these laws amounted to 1,822,887 acres, and this figure represented 9.5 per cent of the total area in the United States irrigated in that year.

Although bearing in mind the far greater area of land brought under irrigation by private enterprise, it is around the reclamation work of the Federal Government that the greatest interest lies. The Federal reclamation act was passed in 1902; but, previous to that, for a quarter of a century there had been a demand for Government action, and the Federal Government had given a good deal of help to the reclamation movement. Funds had been granted for the purpose of carrying out investigations and surveys in connection with the arid lands; the services of Government engineering and agricultural experts had been given, and money had been provided for the sinking of experimental artesian wells.

The reclamation act provided that the proceeds from the sale of public lands in the 16 Western States (the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming) should be set aside as a fund to be utilized by the Federal Government in reclamation work. All moneys received from such sale or disposal after July 1, 1901, therefore, instead of going into the Treasury, were appropriated as a special fund for the examination, survey, construction, and maintenance of irrigation works for the reclamation of arid and semiarid lands in those States. This reclamation fund, moreover, was to be a revolving one, and on repayment by the water users of the cost of the works the money was to remain part of the fund and to be again invested in the construction of further projects. The fund was thus to be an invested sum, which would continuously increase. By this means it was hoped that the reclamation of the arid lands would be accomplished without burdening the general taxpayer. The act gave more favorable terms to prospective water users than the other acts aiming at the irrigation of the arid lands had done, in effect giving them a subsidy by providing that they should repay only the cost of the irrigation works, as interest was not to be demanded. The provisions of the act were extended to the State of Texas by an act of June, 1906.

It was the intention of the act that the Government should carry out only the main constructional works, such as building the reservoirs and the main canals and that the subsidiary work, such as making the smaller canals and channels and preparing the land for cultivation, should be performed by the settlers. It was intended too that the reclamation fund should be recruited only from the sale of public lands and that the settlers should repay the cost of construction of a project in not exceeding 10 annual instalments. Considerable modification of the act in these respects, however, has been necessary. Part of the provisions of the homestead act were continued and residence upon the land for three years was required.

After the passing of the act work was immediately begun. The undertaking of this important new activity was intrusted to the Department of the Interior and the Reclamation Service was established under the Geological Service as a special organization to carry out the work.

Investigations into the irrigation possibilities of the arid lands and surveys for the location and construction of reservoirs and other irrigation works had already been going on for a number of years, so that in 1902 a considerable amount of information was available for the new reclamation organization. With the help of this knowledge work was pushed forward rapidly and selections for projects were quickly made. Within one year of the passing of the act four projects had been authorized, in 1904 seven other projects were authorized, in 1905 nine, in 1906 three, and in 1907 one, making a total of 24 major irrigation projects authorized within five years of the passing of the reclamation act. Since 1907 three others have been selected and authorized, bringing the total up to 27.

Not only were selections quickly made but rapid progress was made in constructional work in spite of the fact that some projects presented very great engineering difficulties in the construction of dams and reservoirs. Some of the reservoirs are of great size, the Arrowrock Reservoir on the Boise project, Idaho, completed in 1915, has a capacity of 280,000 acre-feet, the Roosevelt Reservoir on the Salt River project, Arizona, opened in 1911, has a capacity of 1,635,000 acre-feet, and the Elephant Butte Reservoir on the Rio Grande project in New Mexico and Texas, opened in 1916, has a capacity of 2,638,000 acre-feet. Not only were main dams and reservoirs built but subsidiary diversion dams and main canals were constructed, and also the construction of subsidiary canals by the Reclamation Service was found necessary. The engineering work was thoroughly done; much of it is of a really monumental character, as was testified by the special advisory committee set up in 1923 to investigate Federal reclamation work.

As projects or divisions of projects were completed they were opened for settlement. Settlers came, farms were laid out, and communities, villages, and towns sprang up upon the irrigation projects. By the end of 1923 on the lands reclaimed by the Reclamation Service there were 34,936 farms and a farm population of 127,654. The service was in a position to irrigate 1,718,400 acres, apart from supplemental irrigation of private lands adjoining the projects, and 1,213,700 acres were actually irrigated. During 1923 the total crop value for all the projects was $65,046,300, and from the beginning of operations up to the end of 1923 the total value of crops produced on the irrigation projects exceeded $575,000,000, and not including the crops produced on lands receiving supplemental irrigation.

In spite of such success, however, there was serious cause for anxiety. Problems had been steadily appearing for a number of years and an acute situation had developed on the projects. Many settlers were overwhelmingly in debt and payments for construction costs and water charges were in many cases hopelessly in arrears. Three projects had been or were about to be abandoned. Settlers could not be attracted to the irrigation projects in the numbers necessary. Relief measures were tried. In 1914 the period of repayment of the construction costs was extended from 10 to 20 years, and in 1921 the Secretary of the Interior was permitted to supply water to applicants who were more than one year in arrears with operation and maintenance charges.

But relief measures proved of little avail. The situation became worse, and it became unmistakably apparent that a serious defect existed in the Federal reclamation method. This defect was neglect of the settlement side of reclamation work. The reclamation act had looked almost entirely to the constructional work and had made very little provision for settlement. The Reclamation Service, therefore, had devoted practically the whole of its attention to the purely engineering work, settlement had been neglected, no selection of settlers had been made, and very little assistance given them when they came. The engineering works, splendid though they were, were found to be but the first step, and without adequate provision for settlement, Federal reclamation would be a failure.

The situation was made overwhelmingly clear by the special advisory committee appointed by the Secretary of the Interior in 1923.

This committee consisted of six members, experts on irrigation matters or possessing a wide knowledge of western conditions, and carried out a most thorough investigation of Federal reclamation work in all its branches. Its survey thus covered primary and secondary projects, engineering works, soils, climate and seepage, markets and transportation facilities, problems of settlement, and financial matters, including the granting of assistance and relief to settlers.

With the report of the advisory committee settlement came into its own. The committee stated in no uncertain terms that "a fundamental error was made in believing that the construction of irrigation works would of itself create irrigated agriculture," and that the reclamation act had been based on the assumption that it would. Part of the distress of the settlers was due, as the committee recognized, to the fact that construction charges were in almost every instance larger, and in some cases several times larger, than the original estimates, due largely to the fact that works had been enlarged beyond the original plan or that unexpected difficulties had arisen, and accordingly settlers were called upon to pay much more than they had expected or that they had been told they would have to pay. But the plight of the settlers was due to more than this. Settlers had been accepted without capital or experience and instead of being organized to work together had been left to struggle on without sufficient aid or direction to complete what the Government had only begun, and while the engineering works had been substantially built and maintained, the farmers' needs had not been met. It was pointed out that the heterogeneous body of water users on the projects needed both assistance and advice; that the inexperienced farmer should have been given more and better information and advice; that the poor farmer, with honest courage, but little or no capital, should have been provided with proper credit facilities; that farms with a rough, rolling surface should have been leveled; that speculation and greedy trading upon the hardworking farmers should have been prevented; that cooperative organizations for buying and selling should have been set up; and that all the settlers should have been supplied with intimate advice on all farm matters by competent and official advisors and assisted in every way possible. (The difficulties experienced by settlers in breaking in their land may be gauged from the fact that the present cost of changing raw land into farms often equals or exceeds the cost of canals and reservoirs.)

The committee advised that a thorough overhauling and revision of Federal reclamation organization was urgently necessary and made a number of recommendations for reorganization. The committee recommended that the work already in hand should be completed as far as possible before new projects or extensions of projects were undertaken, and that new projects or extensions should only be undertaken after full information had been secured concerning all the factors upon which their success would depend. It advised, too, that the lands in the existing projects should be surveyed, and classified according to their productive power and that construction charges should be levied according to the ability of farm units to support a family as well as pay the charges.

The committee recommended that adequate provision for settlement should be made. It pointed out the great importance of selection of settlers, by which means full consideration could be given to capital, experience, and character, and only applicants having reasonable prospects of success could be approved. Such selected settlers would then be the right material upon which measures of assistance and encouragement could be based. The committee urged that trained agricultural and economic advisors who would give sound agricultural and business advice to the settlers should be maintained upon the projects; that there should be a wider dissemination of agricultural knowledge among the water users; that scientific research into the problems of irrigation agriculture should be carried on, and that the type of agriculture best adapted to the various conditions on the projects should be practiced. It urged also that loans should be made to settlers, and that a credit fund should be formed from which loans might be obtained for permanent improvements or for the purchase of equipment or livestock.

It had been the intention under the reclamation act that the management of projects should be turned over by the Reclamation Service to the settlers as soon as possible, but this had not been done, except on two of the projects. The committee stated that this was not satisfactory and recommended that whenever two-thirds of the irrigable area of any project should be covered by water-right contracts between the water users and the Government, as a condition of receiving the benefits of the relief measures recommended by the committee, the care, operation, and maintenance of the project works should be taken over by a legally authorized water-users' association or irrigation district on the project concerned.

The committee also urged that a scientific and adequate plan of repayment should be adopted, and it recommended that the basis for the annual repayments of construction costs should be the productive power of the land, or, in other words, the ability of the land to pay. For this purpose the productive power of the land should be defined as the average gross annual acre income from the irrigated lands of a project or division of a project for the preceding 10 years, or as many years as were available if less than 10, and that the annual acre repayment charge should be 5 per cent of the productive power of the land as so defined.

With this comprehensive plan thus ready, reorganization of Federal reclamation work was speedily undertaken, and the substance of the recommendations of the committee was put into effect as early as possible. The Reclamation Service had undergone a partial reorganization in the summer (July 1) of 1923 and had become the Bureau of Reclamation, and in the spring of 1924, following on the recommendations of the committee, further important changes were made. The bureau was divided into three main departments, under the supervision of the Commissioner of Reclamation, namely, the Divisions of Engineering, Finance, and Farm Economics. The Engineering Division, under the charge of a chief engineer, was given charge of the operation of irrigation works and all engineering work, including reconnaissance, investigation, design, and construction. The Division of Finance, under a director of finance, was given general supervision of the collection of water charges and all other financial matters in the bureau pertaining to and including irrigation works, field counsel, chief clerks of irrigation works and their forces, and traveling fiscal inspectors. The Division of Farm Economics, under a director of farm economics, was given charge of the production, handling, and marketing of crops, improvement of farm conditions, industrial betterment, and settlement of lands. Each division has its office fixed at Denver, Colo., and each head is required to report to the Commissioner of Reclamation at Washington. The commissioner in turn reports to the Secretary of the Interior.

An act dated December 5, 1924, brought into operation many of the recommendations of the committee of advisors. Financial relief and repayment and the selection of settlers were especially provided for. The act provided for contracts between the water users and the Federal Government to be adjusted and for the funding of delinquent charges in such cases. As a prerequisite to the execution of such contracts the Secretary of the Interior may require compliance with any reasonable condition, such, for example, as the payment of operation and maintenance charges, and, if possible, of construction charges for the two preceding years, 1924 and 1925, if the financial ability of the water user permit. Overdue construction and operation and maintenance charges accruing prior to 1924 will be funded. The adjustment policy was given general application and a board of survey and adjustments was set up to consider all applications for such adjustment.

The same act made provision for the selection of settlers for the projects. Under it the Secretary of the Interior was authorized to require from applicants "such qualifications as to industry, experience, character, and capital as in his opinion are necessary to give reasonable assurance of success by the prospective settlers." The Secretary was authorized to appoint boards, composed in part of private citizens, to assist in determining such qualifications, and boards were set up for various projects. It was decided that to be selected an applicant must possess good health and vigor and have had at least two years' actual experience in farm work and farm practice, and that he must possess at least $2,000 in money, free of liability, or the equivalent in livestock, farming equipment, or other assets deemed by the examining board to be as useful to the applicant as money.

A novel feature, introduced directly from the California State irrigation colonies, was the provision of farm-workers' holdings, known as "fractional farm allotments." These holdings are of 10 acres or less in extent, and an applicant for such an allotment is required to show to the satisfaction of the examining board that the development of the farm is feasible from the capital the applicant might reasonably be expected to obtain as a wage earner.

The question of credit for the settlers has been taken up and provision is now made for the settlers to obtain loans from the Government through the Secretary of the Interior. Credit is now also available under the Federal farm-loan system.

Other reforms were carried out, one of which was that hopeless debts were written off by the Government and the way cleared for a fresh start. Provision was also made for the Government to assist private irrigation districts in case of need, even to the extent of rebuilding and enlarging their works, at the expense of the owners.

A thorough overhauling of reclamation methods and most earnest attention to settlement were indeed necessary if success on the Federal projects is to be assured.

The old pioneering days, when a man with only gun, ax, and plow went into the wilderness and carved himself a farm are gone. In those days strength and courage carried the settler through, but at the present day capital is essential. The free lands are gone and land is dear. Horses, implements, and livestock are dear, too, and a settler must have these if he is to make a living and pay for his land, for he can no longer maintain himself by hunting or forestry until he has put his land into a producing position. One of the greatest difficulties of all is for a settler to maintain himself until his land is producing, and it is on helping the settler at this point that attention is now being concentrated. Irrigation costs are very high and the project settler from the very beginning must carry a heavy burden. Not only the cost of the water right but clearing and leveling costs and

operation and maintenance charges are very heavy, too. If the settler is to bear his burden and pay his way all inefficiency must be avoided and all the information, advice, and assistance possible given to him.

Not only are present costs very high but they are much higher, in some cases several times higher, than they were 20 years ago when Federal reclamation was beginning. The acre-costs of new Federal projects are far higher than those of any projects hitherto constructed. On none of the projects completed up to the end of 1923 was the cost of constructing the irrigation works more than $96 an acre, many were much lower and one was as low as $29 an acre, but there are no new projects to-day where such costs are possible. The estimated costs of new projects vary from $125 to $160 per acre. The land is unimproved and it will cost about $100 an acre more before it is cleared, leveled, fenced, and converted into farms. The settlers will therefore have to face an investment of between $225 and $260 an acre. Added to this, the farm must be equipped, and equipment costs are high. It was stated by the special advisory committee that experience and investigations show that in addition to project costs from $100 to $200 an acre must be expended by the farmer in improving and equipping his farm. Under the plan proposed for the Columbia Basin project, Washington, for example, the cost of the irrigation works alone, including drainage, will be $158 per acre; besides this, the cost of changing the raw land into farms will average $100 an acre.

In describing the work carried out under the reclamation act two important features of Federal reclamation work were passed over. One is the importance of cooperation among water users and the other the supplemental irrigation furnished by the Federal irrigation projects to private water users. Settlers on the different projects formed themselves into organized groups for the purpose of undertaking collectively the duties in connection with the operation and maintenance of the irrigation works and to enter into a collective agreement with the Government regarding the payment of water charges. It had always been the intention of the Government that the ownership and control of the irrigation works on the different projects should pass into the hands of the settlers, organized as water-users' associations or irrigation districts. For both these reasons the Reclamation Service had encouraged the formation of such organized bodies, and great emphasis was laid upon their future rôle. Reorganization confirmed their importance, and the committee of special advisers recommended that all the projects should be taken over by the organized water users as early as possible. Water users on the different projects have also joined hands, and in January, 1923, the Federal Association of United States Reclamation Project Water Users, representing a number of projects, was formed.

The other feature, that of supplemental irrigation, became of considerable importance after 1911. It was found on a number of the projects that a greater volume of water was available for irrigation than was needed by the Federal water users on those projects. There were, however, numbers of private water users on land adjoining the projects who were in need of water and who would greatly benefit by the surplus water impounded by the Federal works. Representations were made with this in view, and in 1911 the Warren Act was passed enabling uch water to be used. Private water users were enabled to enter into contracts with the Federal Government for the supplying of this water. On the one hand the water users had the great benefit of the water without the cost of constructing expensive irrigation works, and on the other the payments made by these private users for the surplus water helped to ease the burden upon the settlers on the Federal projects. This supplemental irrigation has been of great help in the development of the irrigation areas. The area thus served has always been large and in 1924 it amounted to 1,231,400 acres.

Federal reclamation work, although it has made mistakes and encountered difficulties, has achieved substantial results. At June 30, 1924, the net investment from the reclamation fund stood at $141,102,796; to that date there had been a reexpenditure of funds paid back by the water users and others amounting to $52,238,213, making a gross investment up to that date of $193,341,009. This investment, it was estimated, had created taxable values amounting to several times its own amount. Since the beginning of Federal reclamation up to the end of 1923 more than $575,000,000 worth of crops had been produced on the projects, not including the value of crops grown on the lands receiving supplemental irrigation. At the end of 1923 there were on the projects, as already mentioned, 34,936 farms, with a population of 127,854. In addition there were 206 towns and cities on or adjacent to the projects with a population of 337,873, a considerable part of whom derived their support indirectly from the activities of these projects. A comprehensive social organization had come into being, for there were on the projects 609 schools, 621 churches, and 157 banks, as well as many manufacturing enterprises utilizing the products of the settlers.

The California irrigated farm colonies: Meanwhile in California an experiment in irrigation settlement had been going on of the greatest interest, not only in itself but also for the influence which it has had upon subsequent reclamation policy. This is the California State irrigation farm settlement scheme initiated in 1917, to which reference has already been made.

The California scheme was based largely upon the experience of the successful State settlement schemes in Australia and in European countries, and it came into being in an attempt to introduce better colonization methods into California. Private colonization methods—i. e., through colonization and land companies—had not proved a success. The chief defects of the companies' methods were that the cost of the land was very high, that the time allowed for payment for the land was too short, varying usually from three to eight years, and that the interest rate charged was too high, ranging from 6 to 10 per cent, which was especially burdensome, in view of the high land values. In many cases settlers failed to become established, and even where they were successfully established the colonization methods followed by the companies were not such as to lay the foundation of a high rural civilization for the future. It was these considerations which led to the State experiment in colonization. Farm tenancy in California was increasing and the need for checking this was another reason for State intervention.

The California plan (see Mead (Elwood): Helping Men Own Farms) was a new departure in settlement policy in the United States and was based upon the assumption that under present conditions of irrigation settlement, with high costs and other difficulties, it was not sufficient merely to place a man upon the land and not help him further, for this method had failed again and again, but that the true policy to pursue was to place the right man upon the land and help him by all means to succeed. The California plan was based upon three main points, namely, selection of settlers, community settlement, and adequate assistance to the settlers. It was held that only by selecting settlers could the proper material be secured for a successful settlement and only by effective community action could adequate assistance and advice be given and fully put into practice. It was held that the community should contain at least 100 families, as was the case in some other countries—for example, Australia and England—for if the colony was smaller some, at least, of the advantages of community action would be lost.

The plan was brought into operation by the California land settlement act, 1917, and under it a State land settlement board was set up to direct the operations. A suitable site for the proposed colony was selected at Durham, in Butte County, in the Sacramento Valley, and 6,400 acres of land, of which a little over 5,000 were irrigable, were bought.

All the different factors affecting the colony were carefully studied. A soil survey was carried out, and on the basis of the information thus obtained farms were laid out according to the nature of the cultivation to be practiced on the different classes of land, farms for wheat growing, for example, being large and for fruit growing being small. The size of the farms varied from 10 acres to 160 acres, but the most usual size was 40 acres. The productive value of the land determined the price of the farm; prices, therefore, varied with the class of land, and they ranged as widely as from $48.50 to $235 an acre. Payment for the farms is made in 36½ years, with interest at 5 per cent on deferred payments.

The board considered it very important that the land should be leveled and prepared as far as possible for the settlers, and much in this direction was done. The surface of the land was rolling and uneven and required extensive work before it could be irrigated or planted.

It was held that leveling and preparing land for irrigation is the work of an engineer and not of a farmer, and that the board could get this work done far more easily and more cheaply than the individual farmers could do. Furthermore, in order to avoid the great difficulty experienced by settlers taking up new land of having to wait a considerable time before the land has produced a marketable crop, during which time the settlers have no income, extensive planting operations were carried out by the board before any settlement took place. On each farm for immediate settlement a certain proportion of the land was sown with alfalfa or grain, and by June 15, 1918, when the land was opened for settlement, about 1,000 acres of alfalfa and 1,200 acres of grain had been sown. Farmers were thus not only relieved from the difficult and expensive work of leveling and preparing their land but were able to take farms on which crops were already growing. Payment for this was made by the settlers according to the nature of the work done.

Special emphasis was laid upon selection of settlers, the board considering this the chief factor in making the enterprise a success. Settlers were required to be of good character and to have had previous farming experience. Possession of capital was insisted on, and since a farm of 30 to 40 acres could not be improved and equipped for less than $4,500, and the board could not lend more than $3,000, a minimum of $1,500 was required. Other considerations such as willingness to work and liking for farm life were taken into account and every effort made to determine whether an applicant could succeed or not. The farms were eagerly sought, and there was no lack of applicants. The value of the

selection conditions was fully demonstrated, and the results of the first year's work showed that the selection standard should have been higher rather than lower. By September 1, 1922, there were 139 families in the colony, 105 of which were farmers and 34 farm laborers. By that date all the farms had been sold and practically all the land was in use. Promptness in payment of purchase-price installments and water charges is insisted on.

Great help was given to the settlers in the planning of their farms and in the building of their houses and farm buildings. This work was directed by an architect and farm engineer. Fields were planned with a view to crop rotation, house and farm-building sites were chosen so as to be as advantageous as possible, and plans were drawn up and gardens were laid out around the houses. Materials for buildings, fences, and irrigation structures were bought by the board in large consignments. The board also assisted settlers in building if necessary, but not until the settlers' own money had been expended.

Cooperation and community action among the settlers has been one of the main causes of their success. A notable example of this was in regard to dairying. When the colonists wished to undertake dairying a committee of five was set up to purchase stock. It was decided that from the start the colony would keep only tubercular-free cows. Thus united action was essential. A stockbreeders' association was formed, and it was made compulsory for every settler to be a member. Great care was taken in the purchase of stock, and as a result of the efforts made high-class tubercular-free herds were established in the colony. The stockbreeders' association made arrangements for the sale of the milk; it was shipped to Chico and Sacramento, where it fetched a good price. The same policy was followed with pigs and sheep, and only good-class stock was kept. The colony soon began to be known for the high quality of its stock, and the pedigree stock fetched a good price when sold.

Other branches of community activity covered the education of the settlers' children and the instruction of the settlers and the provision of recreation facilities. For recreation purposes an area of 22 acres was reserved as a park and community center, and a community hall was erected, where meetings and entertainments are held and where dancing and music and other amusements take place.

A novel feature of the settlement is the provision of farm-laborers' allotments. This feature is now included in the legislation relating to the Federal irrigation project. These allotments were provided in order to insure a permanent supply of efficient labor for the settlers, but also to assist farm workers to get land and homes of their own and to give the farm worker a recognized and honorable place in the community. Under the land-settlement act the land of a farm allotment could have a value of up to $400. The board was empowered to lend a farm worker $800 for buildings and improvements or could build a house to cost this sum if desired. Twenty-one allotments were first provided. Their size was 1¾ to 2 acres, being kept small in order to leave the man free for other employment. Such a holding enabled a worker to keep a cow, some pigs and poultry, as well as have a garden and grow a large part of his food.

The wives took a great share in this work, and in some cases found employment in other work, such as the canning factory which was set up in the colony. The conditions under which the land is sold and loans made are the same for the farm workers as for the farmers. In 1919 the limit of value of the land for a farm worker's allotment was raised to $1,000.

The farm laborers' allotments have been one of the most successful features of the whole settlement experiment. Many more allotments could have been advantageously provided, and in the second State settlement later formed at Delhi a higher proportion was provided. The farm workers were soon in a sound position and remarkable for their promptness in repayments to the land settlement board. Besides the financial success, however, and apart from the fact that a holding was a stepping-stone to a farm, the provision of farm workers' allotments had the great result that farm workers and their wives became an integral part of the community and shared in its life as such, attending community meetings and discussing plans for future development, without social distinction between farmers and farm workers being made. In the words of the State division of land settlement, "the farm laborers' allotment is the greatest contribution to economic democracy and rural life which has been made since the disappearance of free land."

About a year after the establishment of the Durham settlement preparations were made for a second colony, and a tract of about 8,000 acres of land situated in the San Joaquin Valley was bought for this purpose. This settlement at Delhi encountered difficulties which the earlier colony did not meet, being established during a period of very high prices, when reclamation and other work was very costly, and faced with a great fall in agricultural prices almost immediately afterwards. This colony, however, is making satisfactory progress and is on a fair way to success. In July, 1923, the area of the two settlements of Durham and Delhi was approximately 15,000 acres, and of this the area of the farms sold up to that date was approximately 11,500 acres.

The California State experiment in irrigated settlement has had a great influence on subsequent reclamation settlement. It has given a new direction to settlement policies and has directly influenced methods on the Federal irrigation projects. A specially noteworthy feature of the California colonies was the speedy settlement and use of the land. When the Federal reclamation methods were reorganized in 1924–25 the California plan was much discussed, much of the California experience was utilized and many of its features adopted, and the whole plan itself gave considerable inspiration and direction to the remodeling of the Federal system. Selection of settlers, settlement as communities and not as numbers of individuals, preparation of the ground by the Government, and even of planting part to crops, adequate assistance, advice and control, prompt payments—all these features, which had been found so successful in the California colonies, found a place in the new Federal legislation. While the California colonies have especially valuable lessons for irrigation settlement and for reclamation settlement in general, they are a valuable experiment in land settlement in any form. The colonies were soon a great center of interest and have been visited by people interested in reclamation and settlement from all parts of the United States and from countries all over the world.

Irrigation results: The total area of land actually irrigated (the total area which all enterprises together were capable of irrigating was 26,020,477 acres) in the United States in 1919, the latest year for which complete figures are available, was 19,191,716 acres, and comprised 231,541 farms. The total irrigated in 1909 had been 14,433,285 acres, with 162,723 farms. Land was under irrigation in all States west of the Mississippi except three, and the areas in the different States varied from the 2,969 acres of Oklahoma to the 4,219,040 acres of California. The areas irrigated in the different States were as follows:

	Acres
Arizona	467,565
Arkansas	143,946
California	4,219,040
Colorado	3,348,385
Idaho	2,488,806
Kansas	47,312
Louisiana (irrigation is not necessary in Louisiana for ordinary cultivation, but is practiced in certain special cases, chiefly rice growing)	454,882
Montana	1,681,729
Nebraska	442,690
Nevada	561,447
New Mexico	538,377
North Dakota	12,072
Oklahoma	2,969
Oregon	986,162
South Dakota	100,682
Texas	586,120
Utah	1,371,651
Washington	529,899
Wyoming	1,207,982

The distribution of the area irrigated in 1919 between the different types of irrigation enterprise was as follows:

	Acres
Individual and partnership	6,848,807
Cooperative	6,581,400
Irrigation districts	1,822,887
Carey Act	523,929
Commercial	1,822,001
United States Reclamation Service	1,254,569
United States Indian Service	284,551
Other	53,572

With such work already accomplished, irrigation is still steadily going on. Federal projects are being completed or extended, and important new projects are in view. One important new project proposed refers to the basin of the Columbia River, Wash.; reports have been made upon the irrigation possibilities of this river, and a special commission, after making an investigation, has drawn up a plan whereby it is estimated that 1,224,000 acres of land, providing about 20,000 farms, may be irrigated, though it advised that the project should not be undertaken for the present. An even greater scheme is in mind with reference to the Colorado River, and investigations to determine its possibilities and the problems involved are already being carried out. This river is already irrigating 2,000,000 acres, but it is estimated that when all its waters are conserved and used 6,000,000 acres will be irrigated from it.

Too much stress should not be laid upon the difficulties encountered in the past by Federal reclamation, for in many cases the Federal Government has developed projects which were impossible or unprofitable for private enterprise to undertake. "There is no doubt," said the special advisory committee in 1924, "of the successful outcome of the Federal experiment in irrigation if the experience now gained is applied to existing and coming projects."

Reclamation failures, whether private, State, or Federal, stand out and take too great a prominence, whilst the remarkable achievements in

reclaiming the arid lands are overlooked. Irrigation has been one of the chief factors in the building up of the Western States. Its achievement in Utah has already been mentioned and its value in a State like Nevada, which in 1920 had only 77,407 people spread over its great area but had 561,447 acres under irrigation, can be readily seen. Irrigation, in the words of the Secretary of the Interior, "develops a potential resource, increases taxable wealth, creates an agriculture to supplement the best use of grazing lands, builds up local centers of business and industry, and increases the traffic of transcontinental railways." It makes homes and creates communities as well as irrigates land.

3. THE SWAMP AND WET LANDS

Although the swamp and wet lands of the United States offer such great possibilities for reclamation, they have until quite recently been comparatively neglected. During the westward expansion of the Nation large areas have been drained and reclaimed for cultivation and have produced some of the most fertile land of the whole country, but this reclamation has been done by means of a large number of small-scale operations carried out by individuals, drainage districts, counties, or at best by States, and drainage has been looked upon as a matter of local concern. The Federal Government, in contrast to its policy toward the arid lands, has taken no direct part in the reclamation of the swamps and wet lands, and the States to which the swamp lands have been granted have been prodigal with them and have often preferred to grant them away or sell them at almost nominal prices than to take measures to secure their reclamation. But all this is changing and the importance of the swamp lands for agriculture and settlement is now being realized.

As already mentioned, the swamp lands fall into two main groups, namely, those of the South and those of the three lake States, and contain land of several types. In some cases these lands occur as permanent swamps covering large areas, in others as large areas of land periodically overflowed, in others as water-logged land, and again in other cases as tidal marsh subject to inundation by the sea.

Some of the swamps of the South are very large and in some cases extend into more than one State. Lying partly in Virginia and partly in North Carolina is the Great Dismal Swamp, in North Carolina is the Great Green Swamp, and in Georgia the Okefinokee or "trembling earth" Swamp. In Florida to the south of Lake Okeechobee lie the Everglades, covering about 4,900,000 acres. In Louisiana there are very extensive swamps and flooded lands, especially in the southern portion of the State about the Mississippi Delta, and there are very extensive swamps in the St. Francis Valley, which lies partly in Arkansas and partly in Missouri.

In their natural state the permanent swamp lands produce very little, except perhaps a little poor pasture for cattle, but the lands that are only periodically swampy in addition to yielding some timber, afford a fair pasture for stock and in some cases support good grasses for either pasture or hay. The wet or water-logged lands also in some cases give pasture of a good quality.

The tidal marsh and the low-lying lands subjected to flooding by the sea are found in many places along the Atlantic and Gulf coasts, occurring at different places from New England to Texas. The total area has been said to be about 4,400,000 acres. Tidal areas yield a little marsh hay or poor pasture. Large areas especially occur along the coast of Louisiana and Texas, and there dikes and embankments have to be built and other protective measures taken very much as is done in Holland.

Especially along the lower course of the Mississippi, but also along the lower courses of other southern rivers on the Atlantic as well as the Gulf coast, there are large areas of land subject to periodic overflow. In the case of the Mississippi this is particularly so along the lower courses of its tributaries and at their junction with the main stream. The region is one of fairly heavy rainfall, ranging in some places to over 80 inches a year, and, lying flat and rather low, there is naturally considerable need of drainage. But the region is also subject to very severe rainstorms, sometimes followed by continued heavy rains, and as a result the rivers overflow and the surrounding lands are flooded or water-logged. On the Texas coast plain 9.26 inches have been known to fall in a day, and in Arkansas 9.4 inches have fallen in three days. This irregular flooding greatly complicates the drainage problem. Not only has the land to be drained of the rainwater and other water which naturally lies upon it, but it has also to be protected against the intermittent river floods, and before the reclamation work can be begun extensive protection work must be carried out and embankments and levees built, and canals must be provided to take away the flood water. The works also must be sufficient to provide for the heaviest storms.

Flood-protection work has been going on in Louisiana for over a hundred years and much has been done to control the floods of the Mississippi. There the flood problem was acute, particularly in the Delta area, but extensive embankments have been built and in time all the area will be securely protected. In both Louisiana and other States this work is being actively pushed forward. The heaviest rains often occur between March and September; in some cases during March, April, and May—that is, during the growing or cropping season—and extensive damage to crops is thus possible where the land is under cultivation.

In contrast to the swamp and wet lands of the South the swamp lands of the Lake States are the result of glacial action, for all the area lying immediately to the south of the Great Lakes was covered by the Canadian Glacier and when the glacier receded swamps were formed. These swamp lands once covered a much more extensive area than at present, and included large areas in the States of Ohio, Indiana, Illinois, and Iowa, but during the last hundred years they have been successfully reclaimed in these four States and constitute some of the most fertile and best farmed land in the country. The swamp land of the Lake States is of a peaty character and is not generally timbered or cut-over; it consists largely of unforested peat bogs.

Except for the Everglades and prairies of Florida, the tidal marshes, and the Gulf coastal prairies, nearly all the wet lands of the South are timbered or cut over. The clearing thus necessary greatly complicates the problem of the swamp lands. The cut-over swamp lands present a picture of desolation. Not only is the land wet and the soil thickly set with stumps and tree roots but in many cases saplings and young trees are growing up and the land also is often covered with a thick undergrowth of brushwood and vegetation. Apart from the soil not being wet, such a condition is common to all cut-over land, but in the case of swamp and wet lands, which must be cleared for cultivation, it is of especial importance, making reclamation a long and laborious task.

There are certain methods, however, of dealing with the cut-over swamps, possible in some cases, which make their reclamation a less expensive task than may at first sight appear. One method is to burn as much of the undergrowth, saplings, logs, and stumps as possible in the spring of the year and immediately to plant Indian corn in the soft soil with a stick. The corn is harvested in the autumn. The burning process is repeated in the following spring, corn is again planted, and the whole process repeated. This method takes about three years, and it is claimed that the cost is practically met by the corn produced during the process. A second method is the by-product clearing practiced in some of the long-leaf pine areas of the South.

The cut-over pine lands of the South are one of the most important sources of organic oils known, for the stumps, especially those of the long-leaf pine, give very valuable organic oils, chiefly turpentine, pine oil, and rosin, and other products such as charcoal. The industry is not yet developed, however, and has not been undertaken primarily with agriculture in view, but it contains considerable possibilities both in itself and as part of a systematic plan of clearing for agriculture. In any case the increased value of the land when cleared is a factor of considerable importance.

Florida and Louisiana are far above the other States in their area of swamp lands. The 91,543,000 acres of land unfit for cultivation without drainage are distributed among the States as follows:

	Acres
Florida	16,846,000
Louisiana	10,431,000
Georgia	6,876,000
Texas	6,824,000
Minnesota	5,909,000
North Carolina	5,390,000
Michigan	5,111,000
Mississippi	4,752,000
South Carolina	4,589,000
Arkansas	4,222,000
Other States	20,595,000

As previously mentioned, the amount of this land which it is estimated can be profitably restored for agriculture is 75,000,000 acres. Apart from the land unfit for cultivation without drainage it is estimated that there are 113,537,000 acres of land in need of community drainage.

Up to the present the reclamation of the swamp lands has been purely a matter for the separate States and individuals and organizations. The Federal Government has confined itself simply to granting all the swamp lands to the States in which they lay. This generosity on the part of the Government was due to the idea that the individual States were better able than the Federal Government to reclaim their swamp lands and that their interest and also their possibilities for doing so would be considerably increased if these lands were made their own property. The question of flood protection was also involved, and the Federal Government was not then able or prepared to undertake the work required in this connection. Agitation for Federal action had been going on since 1826, and attempts had been made by Missouri and Illinois to secure the granting to them of the public swamp lands within their borders. A similar attempt was made by Florida in 1847. Besides this there was a considerable

amount of activity in the Middle West regarding flood protection, and various conventions were held to discuss the problems involved. Financial considerations also had a considerable influence in inducing the Federal Government to grant away the swamp lands. Some States had already spent a considerable amount of money on flood-protection work and were greatly in need of further funds to carry on the work. The State of Louisiana, for example, had undertaken an extensive system of artificial embankment, which, in addition to giving protection from floods, had resulted in large areas of land being reclaimed, and further funds were needed to complete it. The Federal Government, therefore, with the intention that the swamp lands should furnish the means for their own protection and reclamation, decided to grant them to the States, and the swamp land acts of 1849 and 1850 were accordingly passed. Other considerations leading to the grant were the desire to improve the public health by the drainage of the extensive malarial swamp areas and to develop settlement and cultivation.

The first swamp land act was that of 1849 and applied only to Louisiana. This act granted to that State "the whole of those swamps or overflowed lands which may be or are found unfit for cultivation." The following year the swamp land act of 1850 extended similar provisions to other States. This act set out the object of the Government in granting these lands and the duties of the States regarding them, providing that the proceeds of these lands should be "applied exclusively as far as necessary to the purpose of reclaiming said lands by means of levees and drains." Later this act was extended to include other States having public swamp lands within their borders.

When the Government passed these acts large areas of land were still very imperfectly surveyed, and the total amount of swamp and wet lands was not known; but Congress never expected that such large areas would be claimed as actually proved the case. Only six years after the act had been passed the different States had selected no less than 52,000,000 acres of land to be claimed under the swamp land acts, of which 38,000,000 acres had been approved, and of these 18,000,000 acres had been actually patented. The States took advantage of their opportunity and placed a very liberal interpretation upon the meaning of "swamp and overflowed lands." Claims were made for large areas which were neither swampy nor subject to more than an occasional inundation, and in some cases for considerable areas which later were proved to be dry.

Where it had been the intention of the Federal Government merely that land that was excessively wet or swampy should be granted, the result was that much land not in this condition has become the property of the States. Swamp land selections under the terms of the grant have been going on continuously and up to June 30, 1922, the area actually granted was 63,931,060 acres. The total area applied for was 83,000,000 acres. In addition, 754,385 acres have been granted as indemnity swamp land in connection with conflicting or unsatisfied claims. At the present time operations are practically completed and there is little further land to be selected or patented under the grant. (The claims and grants are administered through the Land Office.)

The States disposed of large areas of their swamp land almost as easily as they had acquired it. Naturally they needed money. Not only were the flood protection works and other measures expensive but the States were growing rapidly and needed hospitals, schools, and public buildings. Land, too, was plentiful and cheap and the need for reclaiming the swamps was not pressing. The States were not in a position to develop the swamp lands and therefore disposed of them to others to develop. Large areas were sold to private individuals and drainage companies and other corporations, and large areas were granted to railway companies to assist them in financing construction. A large part of swamp-land proceeds went to provide for education and schools, hospitals, and public buildings. The sale or the cession of these lands did not secure their reclamation, for although it was intended that they should be reclaimed or improved by their new owners little reclamation or improvement was done.

The complete cession of the swamp land by the Federal Government has had a great influence upon the swamp-land policy as well as upon the actual work of reclamation. The transference resulted in excluding the Federal Government from active participation in the reclamation of the swamps and placed the whole problem in the hands of the individual States. This is one of the reasons for the lack of national interest in the swamps for, whereas Federal intervention in irrigation was originally inspired by the desire to reclaim the arid public lands, in the case of the swamps there were no public lands and therefore no apparent reason for Federal action. Complications, too, result from the alienation of these lands, especially in cases where swamp areas lie in more than one State; and the prodigal and very shortsighted policy of many States in disposing of enormous areas of swamp land at practically nominal prices has not only resulted in these lands becoming private property, thus further complicating the problem of their reclamation, but has squandered the patrimony which would have provided the means for its own reclamation. With the small amount of reclamation done and the sacrificing of the swamp land proceeds to other purposes, the object of the swamp land acts has been largely defeated. At the present time nearly all the swamp lands are in private hands.

Many small areas of swamp land or wet land have naturally been reclaimed during the ordinary process of settlement but State drainage laws were necessary before extensive or coordinated measures could be undertaken. At the present time general State drainage laws authorizing the establishment of drainage enterprises have been passed in most of the States, especially in those in which the question of swamp-land reclamation is important. Many of these laws have been passed or reenacted upon a more adequate scale during the present century (before the enactment of the general drainage laws many enterprises were authorized by special drainage acts of the State legislatures, each act creating a special district, but most of these early districts have been abandoned or reorganized under later statutes. A number of special districts have been authorized later, however, especially in Arkansas, California, and Florida, either because the general drainage laws were defective in some way or were untried or for other reasons were not judged as suitable as special acts), and in many of the States progress in drainage reclamation has been largely proportional to the adequacy of the drainage laws. In many of the Southern States it is only since the beginning of the present century that adequate drainage laws have been passed and suitable provision made for drainage reclamation work. Alabama did not have a general drainage law until 1915 and all the drainage accomplished in that State until then was experimental in character and confined to small tracts owned by individuals.

The drainage laws are designed to regulate the drainage and flood protection work in the different States and to enable drainage districts to be organized, and in addition to other reasons they are rendered necessary in the case of land which can not be drained or protected from flood by its owners without ditches being built or embankments raised across the land of others or the property of others in some way affected. Drainage and overflow protection is essentially a matter for united action on the part of landowners and unless the matter is guarded against by law the drainage of a whole district might be prevented by a few owners refusing to allow an outlet for the surplus water, embankments, or other works to be built across their land. The drainage laws guard against this by preventing owners from obstructing such work when the purpose to be served is a public one. Together with these provisions the laws provide for indemnity to landowners for loss or damage through drainage or flood protection operations and for the assessment of costs against the land to be benefited. They also provide for intervention or supervision on the part of the local or State authority.

It is usually considered a public purpose if the area to be drained is sufficiently large or if the general health or the public roads will benefit by the work, but statutes authorizing the drainage of swamp land have been frequently upheld simply as "reasonable regulations" for the general advantage of the owners of the land to be benefited.

Drainage enterprises consist largely of public and private corporations and local improvement districts organized to secure the drainage of land to be used for agricultural purposes, but they also include Government projects and other organizations engaged in extensive land drainage work. Drainage work is therefore carried on in a number of ways, but the organizations of landowners (i. e., the drainage districts) and the county are by far the most important, and in 1919 these two types represented 96 per cent of all the land included in organized drainage enterprises. Drainage by the county is carried out through the construction of county drains, which are constructed by the county the same as other local improvements, and are managed by county officials.

Where the drainage district or the county is the unit, district or county officers are appointed under the law to assist and supervise the work. County boards can also be set up. Apart from direct intervention the county may also make advances to drainage districts for drainage work. In Florida and Minnesota State boards have been set up and are actively engaged in drainage work.

The State drainage laws contain the principle common to all Federal and State laws dealing with reclamation, namely, that of making the land supply its own means of reclamation. Thus provision is made enabling drainage districts to raise money for drainage work by the issuing of bonds and to assess the lands benefited by their work. The cost of drainage is nearly always met by assessments against the land benefited and usually the laws provide that districts may be organized only when benefits exceed costs. The assessments for benefits may be made a first lien upon the property benefited and are usually collected in installments over a number of years. The money collected from the assessments is used to repay the county for any money advanced to the drainage district and to pay off the bonds issued by the district.

The crops grown upon the drained lands vary somewhat in different parts of the country, but the chief are Indian corn, wheat, cotton,

hay, and sugar beets. Indian corn is grown extensively in both north and south. The chief crops on the drained lands in the North Central States are corn, wheat, and hay, with sugar beets in some parts, and in the South especially corn and cotton, but vegetables are also extensively grown in Florida and in parts of Texas. Wheat, oats, sugar cane, and rice are grown in the South according to the soil and climate.

At January 1, 1920, the total area of land included within organized drainage enterprises in the United States was 69,419,859 acres. Of this 3,924,821 acres were in "nonoperating" enterprises, i. e., enterprises in process of organization, and the remainder, 65,495,038 acres, were in operating enterprises. The distribution among the different classes of enterprise was as follows:

	Operating enterprises	Nonoperating enterprises
	Acres	*Acres*
Drainage districts [1]	22,069,597	3,260,104
County drains [1]	37,870,803	596,694
Township drains	195,133	423
State drainage projects	1,422,844	
United States Reclamation Service	287,899	7,000
Irrigation districts [2]	175,200	
Commercial developments	212,421	50,000
Individual ownerships	432,397	10,600
Not reported [1]	2,828,744	

[1] All of the statistics for which character of enterprise was not reported, except 35,062 acres, relate to either drainage districts or county drains in Indiana.
[2] The drainage carried out by irrigation districts is largely in connection with land damaged by seepage or alkali as a result of the irrigation.

The organization of enterprises had begun by the middle of last century, but it is during the past two decades that the greatest development has taken place. The rate of organization has been as follows:

	Area contained in enterprises	
	Acres	Percentage
Before 1860	97,319	0.1
1860–1869	783,357	1.2
1870–1879	2,077,717	3.2
1880–1889	5,424,294	8.3
1890–1899	6,026,937	9.2
1900–1904	7,606,753	11.6
1905–1909	14,530,397	22.2
1910–1914	17,344,098	26.5
1915–1919	11,374,619	17.4
Not reported	229,547	.4
Total	65,495,038	100.0

These figures show that about two-thirds of the area included is in districts organized since 1905 and that nearly half is in those organized since 1910.

Of the total area contained within the enterprises at January 1, 1920, works had been completed in respect of 56,763,751 acres and were still under construction in the case of 8,731,287 acres. As already mentioned, 3,924,821 acres were in process of being organized. The expression "land with the works completed" may be taken to mean that the farms in those areas are at least fairly well provided with main or outlet drains. In some regions it is customary for the drainage districts to construct the drainage systems in such detail that a public drain will reach each farm; in other regions where there is much unimproved land not in farms a large district may construct only the main ditches that will serve the area as a whole, leaving the branch drains to be constructed by subdistricts to be organized as the landowners in those sections to be benefited by the respective branches may desire.

Land in all drainage enterprises, classified as between operating and nonoperating enterprises by geographic divisions at January 1, 1920

Division	All enterprises		Operating enterprises				Nonoperating enterprises	
	Area	Percentage of total	Area	Percentage of total	Works completed	Works under construction	Area	Percentage of total
	Acres		*Acres*		*Acres*	*Acres*	*Acres*	
East North Central	32,073,734	46.2	31,627,176	48.3	30,475,905	1,151,271	446,558	11.4
West North Central	19,936,111	28.7	19,217,367	29.3	16,959,103	2,258,264	718,744	18.3
South Atlantic	3,436,887	5.0	2,385,384	3.6	861,312	1,524,072	1,051,503	26.8
East South Central	2,796,830	4.0	2,323,595	3.5	1,732,586	591,009	473,235	12.1
West South Central	9,062,480	13.1	7,924,197	12.1	5,750,958	2,173,239	1,138,283	29.0
Mountain	888,809	1.3	810,076	1.2	236,872	573,204	78,733	2.0
Pacific	1,225,008	1.8	1,207,243	1.8	747,015	460,228	17,765	.5
Total	69,419,859	100.0	65,495,038	100.0	56,763,751	8,731,287	3,924,821	100.0

By far the greatest drainage activity has gone on in the North Central States, especially in Michigan, Indiana, Minnesota, Ohio, and Iowa, while in the New England and the Middle Atlantic States no organizations have been formed. Out of the total of 65,495,038 acres included in the enterprises operating at January 1, 1920, no less than 50,844,543 acres were in the North Central States. In the Southern States, however, organization is now proceeding actively, while in the North Central States practically all the works in connection with operating enterprises are completed and organization of new enterprises is proceeding slowly. The following figures show the distribution of the area of land within the drainage enterprises in the different geographic divisions of the country:

In the North Central States, therefore, drainage work is far advanced, but in the Southern States it is only just commencing. Michigan, Indiana, and Minnesota each have more than 9,000,000 acres in organized drainage enterprises, Ohio has over 8,000,000 acres and Iowa over 5,000,000. Of the area in process of roganization (i. e., nonoperating enterprises), however, Arkansas and Louisiana together make up 1,138,283 acres, while Florida has 1,000,000 acres itself.

More than two-thirds of the land included in drainage enterprises is "improved" land; that is, land already included in farms or which lies adjacent to farms and can be included when drained. This is especially a feature of the North Central States. In the Southern States, however, the larger part consists of unimproved land, much of which is swampy or cut-over, or both.

In the North Central States enterprises are usually of a relatively small size, while those in the Southern States have, in general, been organized to reclaim rather large areas. The 1920 Census figures showed that in Michigan, for example, there were 10,543 enterprises, with an average size of 1,508 acres, and in Indiana 12,004 enterprises, with an average of 1,251 acres, while Florida had 94 enterprises, with an average size of 18,723 acres, and Louisiana 111, with an average of 21,099 acres. In Florida only five enterprises included less than 1,000 acres each, while in Indiana there were 2,345 with less than 200 acres each. The nature of the country, too, has contributed to this result, for in the North Central States the swampy land is generally broken into smaller tracts by the slightly rolling nature of the ground, while in the South the swamp land occurs in large level stretches.

The nature of the land included within the drainage enterprises at January 1, 1920, was as follows:

	Operating enterprises		Nonoperating enterprises	
	Area	Percentage	Area	Percentage
	Acres		*Acres*	
Improved land	44,288,235	67.6	1,376,495	35.1
Timber and cut-over land	11,283,532	17.2	1,294,018	33.0
Other unimproved land	9,923,271	15.2	1,254,308	31.9

The area of swampy and wet land actually included within the enterprises amounted to 7,224,213 acres, or 11 per cent, in the case of operating enterprises, and to 2,299,562 acres, or 58.6 per cent in the case of the nonoperating. This refers to swampy land, or land subject to overflow and generally too wet for cultivation, and comprises seeped and alkali land in irrigated regions and is irrespective as to the condition of the land as regards improvements or timber.

The reclamation work carried out by the organized drainage enterprises may thus be divided into two general classes—that of draining

land already included in farms or lying adjacent to farms or otherwise improved, and that of draining swamps and other wet and unimproved land not yet used for agriculture. In the first case no settlement is needed, but in the latter case the land must usually be actually settled as well as reclaimed. Up to the present, as has been shown, by far the greater part of the work has related to improved land, the problem of settlement accordingly not entering; but the center of development is now shifting to the South, where the great areas of swamp lands lie and where, accordingly, settlement will be of great importance. There, moreover, reclamation work may be undertaken on a large scale. (In the northern parts of Minnesota, Wisconsin, and Michigan the swamp land occurs in large level stretches, as in the Southern States, and large-scale reclamation work is possible there also.)

The nature of the drainage work carried out in the different divisions of the country is well illustrated in the following table, which gives the amounts and percentages of improved and unimproved land in the drainage enterprises in the different groups of States.

Nature of the land in all drainage enterprises in the different geographic divisions of the United States at January 1, 1920

Division	Total area	Improved land		Unimproved land			
				Timber and cut-over land		Other unimproved land	
		Area	Percentage of total	Area	Percentage of total	Area	Percentage of total
Operating enterprises:	*Acres*	*Acres*		*Acres*		*Acres*	
East North Central	31,627,176	25,282,065	79.9	4,457,151	14.1	1,887,960	6.0
West North Central	19,217,367	11,630,279	60.5	2,530,012	13.2	5,057,076	26.3
South Atlantic	2,385,384	388,345	16.3	862,234	36.1	1,134,705	47.6
East South Central	2,323,595	1,349,791	58.1	914,404	39.3	59,400	2.6
West South Central	7,924,197	3,877,166	48.9	2,506,431	31.6	1,540,600	19.5
Mountain	810,076	635,808	78.5	87	0	174,121	21.5
Pacific	1,207,243	1,124,721	93.2	13,113	1.1	69,409	5.7
Total	65,495,038	44,288,235	67.6	11,283,532	17.2	9,923,271	15.2
Nonoperating enterprises:							
East North Central	446,558	270,083	60.5	77,653	17.4	98,822	22.1
West North Central	718,744	406,744	56.6	89,443	12.4	222,557	31.0
South Atlantic	1,051,503	36,800	3.5	314,640	29.9	700,063	66.6
East South Central	473,235	198,494	41.9	223,185	47.2	51,556	10.9
West South Central	1,138,283	398,471	35.0	587,147	51.6	152,665	13.4
Mountain	78,733	56,729	72.0	1,950	2.5	20,054	25.5
Pacific	17,765	9,174	51.6	----------	----------	8,591	48.4
Total	3,924,821	1,376,495	35.1	1,294,018	33.0	1,254,308	31.9
Combined total	69,419,859	45,664,730	65.8	12,577,550	18.1	11,177,579	16.1

These figures show the contrast between the different divisions as regards the nature of the drainage work carried out. In the case of the operating enterprises it is seen that in the east North Central State 79.9 per cent of the land included is improved and therefore not in need of settlement. In the west North Central, the east South Central, and the west South Central the proportions of improved and unimproved are more even, and in the South Atlantic States the other extreme is found. In the Mountain and Pacific States the proportion of improved land is very high, but swamp land reclamation is of relatively small importance in those sections. The figures showing the amount of land in timber or cut over are interesting, too, as further illustrating the kind of work to be carried out; whereas in the east and west North Central States the timber and cut-over land amounts to 14.1 and 13.2 per cent, respectively, in the South Atlantic and east and west South Central States it amounts to no less than 36.1, 39.3, and 31.6 per cent, respectively.

The nonoperating enterprises show a smaller percentage of improved land in every division than the operating enterprises, the difference in some cases being very considerable. The case of the South Atlantic States is especially notable, the proportion of improved land included within the nonoperating enterprises being no more than 3.5 per cent. Settlement will therefore be much more a feature of the drainage now being undertaken than it has been in the past.

Returns for the nonoperating enterprises when compared with those for the operating enterprises throw a good deal of light upon the present trend of development. The figures of the swamp and wet land included in the enterprises are also given—in the following table—according to regions to show still further the contrast between the older and the newer enterprises. These figures, as mentioned previously, refer to swampy land and land subject to overflow (including seeped and alkali land) irrespective of condition regarding improvements or timber.

Swampy and overflowed land in the operating and nonoperating enterprises, by geographic divisions, as of January 1, 1920

Division	Operating enterprises			Nonoperating enterprises		
	Total area	Area swampy or subject to overflow	Percentage of total	Total area	Area swampy or subject to overflow	Percentage of total
	Acres	*Acres*		*Acres*	*Acres*	
East North Central	31,627,176	2,012,248	6.4	446,558	144,363	32.3
West North Central	19,217,367	2,007,511	10.4	718,744	441,137	61.4
South Atlantic	2,385,384	849,342	35.6	1,051,503	719,579	68.4
East South Central	2,323,595	434,602	18.7	473,235	239,554	50.6
West South Central	7,924,197	1,670,037	21.0	1,138,283	709,355	62.3
Mountain	810,076	194,437	24.0	78,733	31,258	39.7
Pacific	1,207,243	56,036	4.6	17,765	14,316	80.6
Total	65,495,038	7,224,213	11.0	3,924,821	2,299,562	58.6

From the various figures given it is seen that in contrast with the high proportion of improved land in the operating enterprises, amounting to 67.6 per cent, or slightly over two-thirds, only 35.1 per cent, or slightly over one-third, of the land in the nonoperating enterprises is improved, while about one-third is in timber or cut over and nearly one-third is other unimproved land. In contrast, moreover, with the preponderance in the operating enterprises enjoyed by the North Central States of the land in process of organization 2,663,021 acres—i. e., 67.85 per cent, or slightly over two-thirds—is situated in the South Atlantic and South Central States. Furthermore, of the total area in process of organization 2,299,562 acres—i. e., 58.6 per cent, or nearly three-fifths—is swampy or subject to overflow (including seeped or alkali land and irrespective of improvements or timber) as compared with a proportion of 11 per cent in the case of the operating enterprises, and of these 2,299,562 acres no less than 1,668,488 acres lie in the South Atlantic and South Central States. Thus it

is seen, firstly, that in all parts the organizations now being formed are much more concerned with the drainage or unimproved land than organizations formed previously and that the question of settlement is accordingly more important, and, secondly, that the center of new drainage activities has shifted to the South. Further, it is seen that in the South itself new activity is being especially concentrated upon the swamps and the wet timber and cut-over land.

Up to the present the settlement side of drainage reclamation has been of little importance and special provision on a large scale has not been needed. This has been due not only to the steady rate at which the work has been carried out and to the small-scale nature of the operations, but also to the fact that much of the land reclaimed has been "improved" land lying adjacent to or actually within farms and thus easily occupied as soon as reclaimed. This method of gradual and natural settlement, however, will not apply in the case of the large swamp areas of the South. These must be reclaimed as units and when reclaimed will, like the land on the Federal irrigation projects, be thrown open for settlement in large blocks, and as on the irrigation projects also the whole problem of settlement must be provided for.

It is intended that the settlement of the reclaimed lands of the South shall take place on the best lines possible and that all available knowledge shall be made use of to prevent mistakes. Special emphasis is laid on the settlers becoming owners of their land and the whole question of settlement is now receiving considerable attention. A most interesting experiment in land settlement is being carried on in North Carolina by Mr. Hugh McRae, a large landowner, who has drained part of the swamp coastal plain in the southern part of the State near Wilmington to demonstrate what can be done by suitable methods of reclamation and settlement. In its relation to the settlement of the swamp lands of the South this settlement enterprise may be compared with the Californian farm colonies in their relation to the settlement of the arid lands of the West. When drained, Mr. McRae selected settlers and established farm colonies upon the land. In time all the settlers become owners of their farms.

The three chief principles upon which Mr. McRae has based his activities are that the fundamental object of settlement is to create farm homes and not to make money; secondly, that settlement shall take place in the form of communities and that community action shall be as close as possible, with bankers, farmers, and others working together to make the settlement a success; and thirdly, that the whole work shall be carried out in as thorough a manner as possible, with expert and experienced men to direct the operations and with all suitable information made available for the settlers. Great forethought has been practiced all through; not only was the site carefully chosen and the settlers selected, but care was taken that the right kind of credit should be provided so that all worthy settlers could be helped, that the type of agriculture best suited to the locality should be practiced, and that the most suitable method of marketing should be followed. These farm colonies are a most interesting demonstration in intensive community settlement farming and are especially important for their influence upon the methods to be followed in the settlement of the great areas of the South which the future will reclaim. The success of the colonies is undoubted; at a time, for example, when the South was going through a period of acute depression after the recent war and farmers were suffering severely the settlers on Mr. McRae's colonies were in a prosperous condition.

Apart from considerations of agriculture and settlement considerations of health and communication urge that the swamp areas shall be drained. The great southern swamps are a source of danger to the health of the people of those districts, for they are often malarial or a cause of yellow fever or other maladies. The South, however, is naturally a healthy country and with efficient drainage and suitable preventive measures against mosquitoes the swamp and wet lands become not only fertile agricultural lands but healthy places where people can live in perfect safety and families be brought up under the best natural conditions.

The question of communication, too, is important, for in many swampy and water-logged regions the public highways are often endangered by the wet or swampy nature of the ground and in some places the construction of suitable highways is impossible or very difficult.

The South is now looked upon by many as the pioneer section of the United States. The tide of westward expansion, it is stated, has reached the Pacific and is now turning back upon itself. Certain it is that the South has advantages to offer for agriculture and settlement quite fit to stand alongside those of the West. Not only does the South have the advantage over the West in the matter of rainfall, soil fertility, and length of the growing season, but it is at a great advantage in the matter of reclamation, for the acre-cost of irrigation works is often several times as high as the cost of drainage works, and operation and maintenance is a much more expensive matter in the former case than in the latter. The cost of drainage reclamation naturally varies greatly according to the nature of the work to be carried out, but, on the whole, it is considerably less expensive than the cost of irrigation reclamation. Besides these considerations the South has an advantage over the West in the matter of proximity to markets.

Steps are being taken to secure the active collaboration of the Federal Government in the work of drainage reclamation. Such collaboration would be of the greatest service. With many of the larger swampy areas considerable interstate problems are involved because the areas extend into two or more States or because their drainage requires agreement between two or more States regarding drainage outlets or interstate waterways. The help of the Federal Government would secure that interstate problems would be satisfactorily and quickly overcome.

It would also coordinate State activities and bring about a unified plan of action where several State interests were involved. Besides this, active Federal participation in drainage reclamation would be most welcome in view of the heavy expense entailed in the construction of drainage works. The Government, too, has much information relating to the swampy areas of the country already in its hands, and this, as well as the experience of its surveyors and engineers, could be fully utilized.

The settlement of the swamps, however, requires the assisting and coordinating authority of the Federal Government on the broad ground that the swamp and wet land problem is a national problem and that the reclamation and settlement of these lands touches the Nation's interest very closely. It is only natural that the Federal Government should enter the field to insure that the work shall be carried out in such regions and at such a rate as will best serve the interests of the whole Nation. Attempts have been made in the past to secure the participation of the Federal Government very much on the lines of its participation in irrigation work and bills to this effect have been laid before Congress, but without success. At the present time the attempt is being renewed and a bill to extend the Federal reclamation policy to include drainage, as well as irrigation, is now before Congress. Whether this bill becomes law or not it seems that the entry of the Federal Government into the field of drainage reclamation is only a matter of time.

During the past few years of agricultural depression concern has been expressed in some quarters at the undertaking of new reclamation projects on the ground that the bringing of additional land under cultivation will only complicate the farmer's problem still further by adding to the overproduction of farm products which already exists. The farmers of the Middle West see new competitors on the arid lands of the West or the swamps of the South. It is said, too, that at the present time it is better to concentrate on improving the land already under cultivation than to bring in other land for which, at the moment, there is no urgent need. But reclamation is essentially a slow process and the population of the United States is continuously growing. By the time the land is reclaimed it will be needed for settlement and the products of the reclaimed lands will be readily absorbed both by the increased population of the country and by the new markets which the projects themselves will create. "Our population is steadily increasing," said the Secretary of Agriculture at the conference on reclamation and land settlement held in Washington in December, 1925, "and within the next 10 to 15 years we shall probably reach the stage where greater agricultural production will be needed. What we should do now is to make plans, lay out a policy, for the time when further reclamation will be needed." Moreover, the problem of overproduction in the United States is temporary, and with the recovery of Europe's purchasing power and the return to more stable and prosperous conditions in the world it will disappear.

F. L. TOMLINSON.

THE WORLD COURT

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read:

The Chief Clerk read the resolution (S. Res. 282) submitted by Mr. TRAMMELL on the 7th instant, as follows:

Whereas on January 16 (calendar day, January 27), 1926, the Senate adopted Senate Resolution 5, providing that the Senate advise and consent to the adherence on the part of the United States to the Permanent Court of International Justice; and

Whereas it was expressly provided in said resolution that the signature of the United States to the said protocol of December 16, 1920, and the adjoining statute for the Permanent Court of International Justice should not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the reservations and understandings set forth as part of and a condition of adherence by the United States to the said protocol; and

Whereas a very large majority of the powers signatory to such protocol have not indicated their acceptance of the said reservations and understandings; and

Whereas it is now deemed advisable to rescind the said Resolution 5: Therefore be it

Resolved, That the Senate Resolution 5 be, and the same is hereby, rescinded and revoked, and the President and the Secretary of State be, and are hereby, requested and directed to withdraw all notes and communications addressed to the powers signatory to the said protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice referred to in the said Senate Resolution 5.

Mr. CURTIS. Mr. President, I think that resolution should go to the Committee on Foreign Relations.

Mr. TRAMMELL. Mr. President, this is a very important matter; and as the original resolution, which this one seeks to rescind, was considered by the Committee on Foreign Relations, I do not know but that that probably would be the proper course. While it is my desire to get a vote on the question as soon as I can, I shall not resist the motion to have it referred to the Committee on Foreign Relations. I desire, however, to express the hope that the committee will take up the resolution for consideration at an early date, and report it back to the Senate.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Foreign Relations.

INVESTIGATION OF OFFICE OF ALIEN PROPERTY CUSTODIAN

Mr. BORAH. Mr. President, I ask the indulgence of the Senate for a moment to call attention to the resolution which was passed in the closing hours of the last session, authorizing an investigation of the Alien Property Custodian administration.

The law provides that a resolution of inquiry and investigation shall suggest a limit of cost for such investigation, which limit shall not be exceeded except by a vote of the Senate authorizing an additional amount. This resolution failed to make any suggestion which would comply with that law; hence, the committee did not proceed with the investigation.

I presume that at some time or other the Senate will desire to take up the question as to whether we should pass a resolution conforming to the law and make the investigation. I do not desire now to take time to discuss it; but before the resolution is acted upon again there are some facts which I shall want to submit to the Senate which I think might be helpful in determining the wisdom or unwisdom of an investigation. For the present, I simply content myself with saying that the committee can not go forward until a resolution is passed authorizing the expenditure of the money with which to make the investigation.

PRIMARY ELECTIONS IN PENNSYLVANIA AND ILLINOIS

Mr. DILL. Mr. President, I desire to submit two resolutions, but, before doing so, I wish to say just a few words about them. They relate to the subject of the primary and particularly to the recent primary elections in Pennsylvania and Illinois.

Mr. President, in the days when political conventions were the means for the nominations of all candidates for public office, big business and political bosses often managed to nominate the candidates of both the leading parties. Then, regardless of who lost, big business and the political bosses won.

Those who led the movement for the adoption of the direct primary throughout the country some years ago believed the primary would end that practice. Taken as a whole, the primary has generally brought the expected results. But there have been exceptions to that rule from time to time.

During the past few months we have had some of the most flagrant violations of the spirit and purpose of the primary in the history of American politics. Candidates for the nomination for the United States Senate in Pennsylvania and Illinois have spent more money to secure nominations for the Senate than national campaign committees have ordinarily spent in the whole country to bring about the election of a President.

A special committee of the Senate, appointed to investigate the expenditures of candidates for the Senate, has investigated the expenditures in the senatorial primary in Pennsylvania. The evidence before the committee, as given in the sworn testimony by WILLIAM S. VARE and his associates, proves that Mr. VARE expended and permitted to be expended more than $800,000 to bring about his nomination for the United States Senate. According to the official count, Mr. VARE received a majority of the votes at the November election and his credentials will no doubt be offered to the Senate. Such a state of facts, in my judgment, demands the earnest consideration and prompt action by the Senate at as early a date as possible.

The expenditure of such an enormous sum of money to secure the nomination tainted Mr. VARE's credentials with political corruption before they ever came into being. They are sticky with money. Their acceptance or recognition as valid by this Senate would be a dangerous precedent. The Senate should prevent even the presentation of credentials so conceived and so secured by adopting a resolution that will close the doors of the Senate in Mr. VARE's face when he or his representative arrives with them.

Therefore, Mr. President, I send to the desk a resolution which I ask to have read and to lie on the table for the present, although I shall want to call it up for early consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 290) was read, as follows:

Whereas the special committee of the Senate appointed to investigate primary and election expenditures of candidates for the Senate has investigated the expenditures of WILLIAM S. VARE, a candidate for the nomination for the United States Senate in Pennsylvania at a primary election held May 18, 1926, and the testimony under oath by WILLIAM S. VARE and those associated with him in securing the nomination for the Senate at said primary proved that the said WILLIAM S. VARE had expended and permitted to be expended in his behalf for the purpose of securing said nomination an amount of money in excess of $800,000; and

Whereas the expenditure of such an amount of money to secure a nomination for the United States Senate is contrary to sound public policy, harmful to the honor and dignity of the Senate, dangerous to the perpetuity of free government, and taints with political corruption credentials for a seat in the Senate to which the said WILLIAM S. VARE has been elected from the State of Pennsylvania at the election November 2, 1926, following said primary election: Now, therefore, be it

Resolved, That the Senate hereby declares the said WILLIAM S. VARE disqualified as a Senator elect from the State of Pennsylvania to present to the Senate or to have presented to the Senate for him credentials of his election to the Senate from the State of Pennsylvania as a result of the primary election held May 18, 1926, and the election held November 2, 1926, and the Senate hereby directs the officers of the Senate to refuse to receive said credentials, and should said credentials be in the possession of any officer of the Senate at the time of the passage of this resolution or come into his possession at any time thereafter he shall immediately return the same by registered mail to the said WILLIAM S. VARE, together with a copy of this resolution, and the presentation of said credentials by any Member of the Senate is hereby forbidden.

Mr. REED of Pennsylvania. Mr. President, what action does the Senator ask to have taken?

Mr. DILL. I only ask that the resolution be read and lie on the table for the present, with the understanding that I shall call it up at an early date.

The VICE PRESIDENT. That order will be made.

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

Mr. DILL. I yield.

Mr. ASHURST. In my judgment the Senator's resolution is not premature, for the reason that the standing orders of the Senate—I read from page 126 of the Manual—provide as follows:

That Senators elected, whose term of office begins on the 4th day of March, and whose credentials in due form of law shall have been presented in the Senate but who have had no opportunity to be qualified, may receive their compensation monthly, from the beginning of their term until there shall be a session of the Senate.

Unless, therefore, the Senator's resolution shall be adopted, Mr. Smith, of Illinois, and Mr. VARE, of Pennsylvania, to whom the Senator has referred, would, on March 4 next, become Senators de facto, would be on the Senate rolls, and would begin receiving compensation as Senators on that date.

Mr. DILL. And in addition their clerks would be appointed according to law.

Mr. ASHURST. Quite so; and it seems to me that the Senator's resolution is not premature; the Senate must meet the question.

Mr. DILL. I may say to the Senator that that is the purpose I had in mind in submitting the resolution.

Mr. President, it will be noted that the resolution simply forbids the presentation of the credentials of Mr. VARE to this Senate. The present membership of the Senate has no authority to decide whether or not Mr. VARE is qualified to sit in the new Senate. This Senate can not prevent the presentation of credentials in the Senate of the next Congress. But this Senate can and should declare Mr. VARE disqualified as a Senator elect and prohibit him from exercising the privileges to which Senators elect whose credentials are not so tainted are ordinarily entitled.

In the State of Illinois the testimony before the Senate's special investigating committee proved that Frank L. Smith,

the nominee for the Senate who received a plurality of the votes at the November election, expended and permitted to be expended in his behalf more than $400,000 to secure the nomination. Not only that, but he accepted a contribution of $125,000 from Samuel Insull, the largest owner and manager of public-utility corporations in Illinois. Mr. Smith at that time was chairman of the Illinois Commerce Commission, which fixes rates for railroad and public utilities in the State of Illinois.

The acceptance of that contribution in itself shows such a lack of consideration for sound public policy on the part of a man aspiring to high public office that the Senate should declare him disqualified on that ground alone.

I desire, therefore, to offer the resolution which I send to the Clerk's desk, and ask that it be read and lie on the table, with the understanding that I shall call it up for discussion and a vote at a later date.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 291) was read and ordered to lie on the table, as follows:

Whereas the special committee of the Senate appointed to investigate the expenditures of candidates for the United States Senate has investigated the primary-election expenditures of Frank L. Smith, a candidate for the United States Senate in Illinois at a primary election held April 13, 1926, and the undisputed testimony under oath by Frank L. Smith and those associated with him in securing the nomination for the Senate at said primary proved that he had expended and permitted to be expended in his behalf for the purpose of securing said nomination an amount of money in excess of $400,000 and that he accepted a contribution of $125,000 to his campaign fund from Samuel Insull, the owner and manager of a large number of transportation and public-utility corporations in Illinois, while he, the said Frank L. Smith, was chairman of the Illinois Commerce Commission, which has control of transportation and public-utility rates in Illinois; and

Whereas the expenditure of such an amount of money to secure a nomination for the United States Senate and the acceptance of such a large contribution to his campaign fund from one individual under the circumstances hereinbefore stated is contrary to sound public policy, harmful to the honor and dignity of the Senate, dangerous to the perpetuity of free government, and taints with political corruption credentials for a seat in the Senate to which the said Frank L. Smith has been declared elected in the State of Illinois at the election of November 2, 1926, following said primary election: Now, therefore, be it

Resolved, That the Senate hereby declares the said Frank L. Smith disqualified as a Senator elect from the State of Illinois to present to the Senate, or to have presented to the Senate for him, credentials of his election as Senator from the State of Illinois as a result of the primary election held April 13, 1926, and the election held November 2, 1926, and the Senate hereby directs the officers of the Senate to refuse to receive said credentials, and should said credentials be in the possession of any officer of the Senate at the time of the passage of this resolution or come into his possession at any time thereafter he shall immediately return the same by registered mail to the said Frank L. Smith, together with a copy of this resolution, and the presentation to the Senate of said credentials by any Member of the Senate is hereby forbidden.

Mr. DILL. Mr. President, so far as I have been able to learn, there is no precedent for the presentation of resolutions such as these. Ordinarily Senators elect are permitted to present their credentials and take their seats, and then if there be charges against a Senator or a contest is filed, proceedings are instituted to unseat that Senator. There are no doubt some men who were elected to the Senate last November against whom such contests and charges will be filed in this usual manner, and those cases will be considered by the next Senate in the ordinary way.

I have presented these resolutions against Mr. VARE and Mr. Smith because their cases are unusual and different. The Senate appointed a committee to investigate the expenditures made in the primary elections by which they were nominated. That committee has held hearings and the evidence is undisputed. The violations of the spirit of free government are so flagrant and if not rebuked, so dangerous to the perpetuity of our free institutions, that it seems to me the Senate should take action at an early date and by a most decisive vote, close the doors of the Senate against those men before they even arrive here.

Mr. BORAH. The Senator says we have the facts. Has a report been made by the committee investigating that matter?

Mr. DILL. No report has officially been made, but the sworn testimony is printed and available to every Member of the Senate.

I shall not at this time enlarge upon the discussion of these resolutions other than to say that while there have been other instances of attempted purchases of seats in the Senate, these are the most serious. They are not the first, but they are the worst.

Of all the States in this Union, Pennsylvania should be the last to so besmirch itself by such a money-spending orgy at the primary. The primary is one of the latest methods devised by the American people to bring their Government more directly under their control. It is one of the newest weapons of democracy, and American democracy might well be said to have been born in Pennsylvania, because Pennsylvania is the State in which the Declaration of Independence was written. Pennsylvania is the State where the Constitution was drafted and submitted to the world. Pennsylvania is the State in which is located the battle field of Gettysburg where the tide of the Civil War was turned toward victory for the Union cause. Pennsylvania is the State where the direct primary was invented and first placed in operation under the name of the Crawford County plan as early as 1864.

And Illinois—Illinois is known in the sisterhood of States as the home of Abraham Lincoln, that American who, more than any other man that ever reached the highest heights of power, is known as supremely a man of the people.

When these States are guilty of permitting such abuses of the free franchise of their citizens, it is high time the Senate makes an example by barring from this Chamber those chosen as a result of such abuses.

I shall not discuss these resolutions further at this time, but desire to make some remarks regarding the direct primary as a method of making nominations of candidates.

COLUMBIA RIVER BRIDGE

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Morning business being closed, the calendar under Rule VIII is in order.

Mr. JONES of Washington. Mr. President, I wanted to ask unanimous consent to take up order of business 673, Senate bill 3804, granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

I have sent for the Senator from Oregon [Mr. MCNARY], because I know he is interested in this measure. It is a bridge bill, to which I know the Senator from Oregon, whom I saw in the Chamber just a moment ago, has objection. I do not want to take advantage of his absence, which I know is only temporary.

It is a bridge bill in the usual form. As a matter of fact, it is much stronger in the interest of a section of the public than any similar bill that has been presented to the Senate, but I know there is opposition to the measure in the State of Oregon, and the Senator from Oregon is voicing that opposition by an objection to the consideration of the bill. I intended to ask unanimous consent for the consideration of the bill, and expected, of course, that he would object. Then I desired to move that, notwithstanding his objection, the Senate proceed to the consideration of the bill.

POTASH DEPOSITS IN NEW MEXICO

Mr. BRATTON. Mr. President——

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

Mr. JONES of Washington. I yield.

Mr. BRATTON. While the Senator is waiting for the Senator from Oregon, if he will yield to me, I desire to call attention to a press report of yesterday, which stated that the Geological Survey had announced the discovery of the richest potash deposits yet found in America. It is said that they compare with the deposits of Germany and will have much to do with the industry of producing fertilizer, phosphates, and nitrates in the future. Those deposits are located in eastern New Mexico and, of course, have a direct bearing upon the prosperity of that State. I ask unanimous consent that the press report touching the subject matter be inserted in the RECORD as a part of my remarks.

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

RICH POTASH FIND IS MADE IN WEST—DEPOSITS IN NEW MEXICO MAY MAKE AMERICAN FARMERS INDEPENDENT OF EUROPE

The American farmer may be definitely relieved from paying tribute to Germany and France by the discovery, announced to-day by the Geological Survey, of rich potash deposits in eastern New Mexico.

These fields, it is said, may approach those of Stassfurt, in Germany, which now have practically a world monopoly on potash and which were the subject of a recent Franco-German understanding by which the American market was divided between industrialists of the two countries.

Potash is one of the three essential ingredients of fertilizer, the others being nitrates and phosphates. America has plenty of phosphates, and the Muscle Shoals project promises to place her in a position to secure her own nitrates. Hitherto she has had no known extensive potash resources.

SMALL DEPOSITS IN CALIFORNIA

The postash imports from Europe now amount to about $17,000,000 annually. A small amount is produced at Searles Lake in California, the bed of a dried-up sea, but this barely meets 10 per cent of the requirements.

The potash used in fertilizer, known by the chemical symbol K_{20}, exists in a number of mineral combinations, the most important of which is polyhalite. In the New Mexico beds were found also sylvite, langbeinite, kainite, and halite.

The existence of these beds, from 750 to 1,800 feet below the surface, was discovered by core drillings by an oil prospecting company, which plans to push the researches further. The beds, thick enough for mining, average about 12.5 per cent of K_{20}, it was stated, while the average run of the mine materials at the Stassfurt beds have a potash content of only 8 to 10 per cent.

HIGH PERCENTAGE FOUND

At about 1,430 feet a 17-inch bed of langbeinite was struck which, samples showed, contained about 18 per cent K_{20}. Langbeinite at Stassfurt is merely a mineral curiosity. The richest bed disclosed was a 2-foot layer of sylvite 1,365 feet below the surface and containing 18.5 per cent pure potash.

Ten beds in all were revealed. They ranged between 11 inches and 5 feet in thickness.

SOUTH CAROLINA BOND ISSUES

Mr. BLEASE. Mr. President——

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

Mr. JONES of Washington. I yield.

Mr. BLEASE. On June 11, 1926, I had inserted in the CONGRESSIONAL RECORD an article entitled "Repudiated debts of Southern States." Since then articles have appeared in some newspapers stating that South Carolina had defaulted in the payment of certain bond issues of the State.

October 28, 1926, I addressed a communication to the Hon. A. J. Beattie, comptroller general of my State, and on November 10 received his reply, which I ask unanimous consent to have printed in the RECORD as a part of my remarks, so that those who are interested, as well as those who attempted by insinuations and otherwise to charge my people with having repudiated an honest debt, may read, after which all fair-minded men should admit that South Carolina has never repudiated any honorable debt.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

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

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
OFFICE OF COMPTROLLER GENERAL,
Columbia, November 10, 1926.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Herewith I am returning two newspaper clippings relating to repudiated bond issues of South Carolina, which you sent me on October 28.

I have given considerable time and study to these long-drawn-out fraudulent bond issues, and in order to give you the history of the whole case a rather lengthy letter is required. After you have read this carefully you will find that this whole question has been passed upon by both the State and United States Supreme Courts, and the principles embodied in the decision of the Supreme Court may be summarized as follows, viz: "The State can not take advantage of the irregularities of its own agents, but can not incur an obligation not raised according to its fundamental law and laws made in pursuance thereof. The State can not owe a debt which its officials are not competent to contract, and can not be required to pay what it does not owe."

A history of the debt of South Carolina and of some of the frauds and irregularities practiced under the post bellum Republican administration in this State will be found in a supplement to the Tenth Census, United States, entitled "Statistics of Public Indebtedness." And from this I shall quote liberally in reviewing the history of these bonds. I would also state that under the provisions of the reconstruction acts of Congress the State was prohibited from the funding of any scrip or bonds issued in aid of the Confederacy. Article IX, section 16, of the State constitution of 1868 provides that "No debt contracted by the State in behalf of the late rebellion, in whole or in part, shall ever be paid," which is in accord with the act of Congress. Bonds issued in 1861 were for this purpose.

With regard to South Carolina's portion of the $75,000,000, referred to in the British newspaper report, I find this history: In 1838 a disastrous fire destroyed a large part of the city of Charleston, rendering homeless many of its citizens. For the purpose of rebuilding and rendering aid to the homeless, the general assembly passed on June 1, 1838, "An act for rebuilding the city of Charleston," whereby the governor of the State was authorized to issue $2,000,000 of bonds for the purpose of procuring a loan on the credit of the State to rebuild the burned section of Charleston.

The governor was authorized to command such agent or agents as the president and directors of the Bank of the State of South Carolina (which was established in 1812 and of which the State was the only stockholder) to receive the bonds and make all such arrangements as in his or their judgment might be deemed expedient for procuring the money and placing to the credit of the State, subject to the draft of the president of the Bank of the State of South Carolina.

One million dollars of these bonds were made payable at the expiration of 20 years, and the other $1,000,000 at the expiration of 30 years, bearing 6 per cent interest. A large portion of these bonds was sold to Dabney, Morgan & Co., bankers in London, and the proceeds deposited in the Bank of the State of South Carolina as provided by law.

Under the terms of the act half of the bonds matured in 1858 and were paid. The other half matured in 1868, and would have been paid but the Bank of the State of South Carolina had been wrecked by the Confederate war and the radical government.

There being not enough money left to take care of the second $1,000,000 of bonds, Dabney, Morgan & Co. brought suit against the bank, and the court turned the assets of the bank over to a receiver, who sold them and distributed the proceeds pro rata to the creditors of the bank. Dabney, Morgan & Co. being the largest creditors, got the greater portion of the assets of the bankrupt institution.

The bank also emitted bills for the redemption of which the faith and credit of the State were pledged. These were later funded, as will be shown in this report. This is all I have been able to find with reference to any foreign bonded obligation.

The history of the debt of South Carolina, from its organization up to 1861, reveals nothing of any special interest.

Until the beginning of the Civil War the credit of the State was good, and the bonded debt, as reported by the comptroller general in November, 1860, was $4,046,000, representing bonds issued for various purposes, namely, the Charleston fire loan, to aid the Blue Ridge Railroad, and for the new statehouse. The assets of the State were ample, however, to meet all liabilities.

LATER BOND ISSUES

On December 22, 1860, certificates in the the sum of $500,000 were issued, the proceeds to be devoted to the military defense of the State. In January, 1861, an act was passed authorizing the loan of $400,000 for the purpose of continuing the construction of the statehouse.

On December 21, 1861, an act authorizing a loan to pay the Confederate war tax was passed. Just what amount was issued appears to be uncertain. On the same day a loan of $1,800,000 for the military defense of the State was authorized, for which stock was to be issued bearing 7 per cent interest.

On September 21, 1866, an act to provide for the funding of the debt of the State was passed, which was supplemented by an act of December 20, 1866, to pay interest then past due on bonds issued in 1856, 1857, 1858, 1859, and 1861, issued for the building of the new statehouse, and $1,000,000, issued in 1854, in aid of the Blue Ridge Railroad Co. December 21, 1865, and September, 1866, acts were passed authorizing the issue of bills receivable to the amount of $500,000, and to redeem these, as well as for the payment of bonds or other obligations of the State (except those created for the military defense of the State during the Civil War), the faith and credit of the State were pledged by an ordinance adopted by the constitutional convention on January 29, 1868.

On August 26, 1868, two acts were passed, one authorizing the loan of $500,000 to redeem, with interest, outstanding bills receivable of the State; the other authorizing a loan of $1,000,000, or so much thereof as might be necessary, to pay interest on the public debt.

On September 15, 1858, an act was passed to close the operations of the Bank of the State of South Carolina. It provided for the funding of the bills of the bank issued prior to December 20, 1860, and accumulated interest, into bonds to be issued January 1, 1869, payable in 20 years at 6 per cent. On the same day an act authorizing additional aid to the Blue Ridge Railroad Co. was passed. This company had been granted aid in 1854 to the extent of $1,000,000 upon certain conditions, which, as appears by the act of 1868, were not complied with. This act authorized the guaranty by the State of $1,000,000 of the bonds of the company and the further guaranty of $3,000,000 from time to time as the company made contracts for the completion of the road. This was subsequently declared unconstitutional by the South Carolina Supreme Court. (Shiver *v.* Comptroller General, sus-

tained by the United States Supreme court in 1904; Lee v. Robinson, vol. 25, p. 180.)

An act entitled "An act to authorize a loan for the relief of the treasury" was passed on February 17, 1869, which provided that $1,000,000 might be borrowed upon coupon bonds within 12 months from the date of the act, to bear 7 per cent interest. The supreme court decided that the class of bonds issued under this act were not valid obligations of the State, because the act would conflict with section 7 of Article IX of the constitution, which provides:

"For the purpose of defraying extraordinary expenditures the State may contract public debts; but such debts shall be authorized by law for some single object to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the general assembly, to be recorded by yeas and nays on the journals of each house, respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt."

On March 23, 1869, what is known as the "conversion act" was passed. It authorized the treasurer, on application of any person holding stock of the State, to take the same and issue, in lieu thereof, coupon bonds in the sums of $100, $500, and $1,000, bearing 6 per cent interest, principal within 20 years. On December 18, 1869, an act was passed, which provided for the payment, in gold or silver coin, of all interest due on bonds and stocks of the State, except those issued during the period from December 1, 1860, to April 19, 1865, with the further provision that the interest on the new statehouse bonds should also be paid in coin. The treasurer was authorized to make the necessary exchanges, through the financial agency at New York, to effect the purpose of the act.

Another act was passed on March 7, 1871, known as the "Sterling funded debt," which provides that the issue of bonds amounting to $1,200,000 to bear 6 per cent interest, but this loan was never placed on the market.

Charges of monstrous fraud in the issue of the bonds of the State of South Carolina having been freely circulated throughout the State and published widely over the country, the governor, in his annual message, deemed it necessary to say in a preface to the debt statement: "It shows the present debt of the State in its entirety, suppressing nothing." The statement showed a total of $22,540,000 of bonds and stocks having been printed by the American Bank Note Co.

The legislature was not satisfied with these statements and appointed a committee to investigate the financial condition of the State, who submitted an elaborate report covering several hundred pages, and from that report it appears that the State was virtually bankrupt and unable to meet its large debt, for the existence of which no adequate reason could be given to the people.

In the report to the legislature at the session 1871–72 the financial investigating committee after setting forth the testimony of the financial agent, governor, and others, say:

"Here the examination of the financial agent, and the books of his office, virtually ended. Not content, however, with the information obtained with the question: 'How many bonds have been issued or put upon the market?' still unanswered, the committee, about the last of October, obtained a tabular statement from the books of the American Bank Note Co."

From this statement, which will be appended, it will be seen that there has been printed by this company since September 19, 1868, and delivered into the hands of the governor, state treasurer, and comptroller general bonds amounting to $17,990,000 and registered stock amounting to $2,550,000, making an aggregate of $20,540,000. Besides this the company have printed, and in their possession, ready for signature and subject to the order of the proper authorities, the balance of the sterling loan bonds, viz, $2,500,000, which makes the entire total of bonds and stocks ordered, printed, and delivered on account of the State of South Carolina, $22,540,000.

Of this amount there has been sent by the American Bank Note Co. to the governor $2,350,000, to the treasury $17,490,000, to the comptroller general $200,000, and there remains in the hands of the Bank Note Co., subject to order, $2,500,000.

What was the object of printing these bonds, has been asked, if it was not the intention to use them? If there is no information in the transaction, why let the credit of the State be hazarded by withholding the actual amount of these bonds now upon the market? Why need such a sum be in the hands of the State authorities? What object have they in possessing more than the laws authorizing the respective loans have called for? Is there any statute authorizing an indefinite printing of bonds, "to be in the possession of the State authorities," to be used at will? Can the acts of the legislature to pay the indebtedness of the State, or for the conversion of its securities, be construed into such a wholesale prerogative?

Is there a necessity to provide more bonds than there are needs for them? Plainly, must we declare we can not believe other than the fearful truth that stares us in the face, that the bonds and stock printed by the American Bank Note Co. represent the liabilities of the State, for which the faith and credit of the State, however unlawfully presented, have been pledged for the payment. That, instead of the debt of the State of South Carolina being, as the comptroller general, in his report for the fiscal year ending October 31, 1871, says, $7,665,708.98; or, as Mr. Trenholm, of the taxpayer's convention, gives it, viz, $9,869,108; or as the governor in his statement to the congressional committee makes it, viz, $9,528,964.10; or, as the present committee for the investigation of erroneous accounts have, in the previous pages, shown, viz, $9,865,908.98; it is, allowing all the deductions to be made that in October last, while in New York, were claimed should not be less than $14,040,000, without the addition of the present contingent liabilities of the State, viz, $6,787,608.20, which would represent a debt of $20,827,608.20.

The committee made a very extended report exceedingly severe upon the officials through whom the State had been brought into such a condition.

On December 22, 1873, an act was passed known as the consolidation act, authorizing and requiring the State treasurer to receive from the holders willing to surrender the same, in exchange for and in lieu of said bonds and stocks so surrendered, and issue to said holders other coupon bonds or certificates of stock as they may desire equal in amount to 50 per cent of the face value of the bonds or certificates of stock so surrendered. This included stock issued in 1794, 1838, 1856 to 1863, and bonds issued during the same periods, and a few subsequent issues.

The act declared bonds known as conversion bonds, amounting to $5,965,000, and which were put upon the market without any authority of law, to be absolutely null and void.

Soon after the consolidation act was in force it was reported by a legislative committee that coupons which had been clipped from the bonds before the sale thereof and which should have been canceled were transferred to third parties and funded under the act of 1873.

From the comptroller's report, dated November 23, 1875, and submitted to the legislature at the session of 1875–76, it appears that there had been funded under the act of 1873 bonds and stocks amounting to $5,233,000.

By joint resolution adopted June 8, 1877, a commission was appointed to investigate the indebtedness of the State and also to ascertain "whether there is in the State treasurer's office on file as vouchers canceled bonds, coupons, and certificates of stocks of the issues described" in the act of 1873 which were issued in accordance with law, and to report whether any stocks, bonds, or coupons had been unlawfully or otherwise improperly issued under said act, together with the evidence upon which illegality or nonconformity to law rests.

Under this authority the commission (who were in session from August 1, 1877, until February 7, 1878) made their report, setting forth that $5,184,062 of vouchers had been issued according to law and authorized to be consolidated under the act of 1873, and that there were in the treasury vouchers amounting to $3,608,707, which were not issued in accordance with law and authorized to be funded by the act of 1873.

The commission also reported the evidence taken, as well as their conclusions of the law relating to these bonds and stocks.

As a further example of the manner in which the financial affairs of the State had been conducted, we cite substantially from the "report of the commission to investigate the indebtedness of the State," made to the general assembly on February 7, 1878. (See House Journal of 1877–78, p. 341.)

The act to authorize a State loan for the payment of interest on the public debt, approved August 26, 1868, empowered the governor of the State to borrow, on the credit of the State, on coupon bonds, within 12 months from the passage of the act, a sum not exceeding $1,000,000, or as much thereof as he might deem necessary for the purpose contemplated by the act.

The testimony of the governor who signed these bonds and of the State treasurer, supported by the evidence developed in the examination of the vouchers for conversion and consolidation bonds, and by other evidence, leave no room for doubt that $2,000,000 bonds were issued, or $1,000,000 in excess of the amount authorized by the act.

The "first issue" of $1,000,000 was printed in September, 1868, the bonds of this issue being designated and indorsed as "loans to pay interest on the public debt"; the bonds of the "second issue" of $1,000,000, printed in August and November, 1869, were designated and indorsed as "issued under act approved August 26, 1868."

The report says:

"The commission are of the opinion that the whole of the second issue was fraudulently issued and placed upon the market without authority of law, and were null and void ab initio. Nor can there be any pretense that the second issue was in any wise necessary for the purpose of the act."

As a result of this investigation, the legislature created a court, known as the court of claims, by a joint resolution passed March 22, 1878.

This court was established with jurisdiction to hear and determine any case or cases, to test the validity of any of the consolidated bonds, coupons, and certificates of stock, or any of the various classes of them mentioned in the report of the bond commission as resting on vouchers not issued in accordance with law.

A number of cases were brought before this court, involving constitutional questions, as well as questions of fact, and upon the latter the proof was convincing as to the illegal funding of certain coupons. The cases were determined in that court, and upon appeal to the Supreme Court (12 S. C. Reports, pp. 202, 213) the cases were consolidated and there determined, and the following decision was rendered by said court:

1. That all the bonds issued under an act entitled "an act to reduce the volume of the public debt and provide for the payment of the same," are valid obligations of the State of South Carolina, except as follows: 1. Such as were issued in exchange for bonds issued under the act entitled "an act to authorize a loan for the relief of the treasury" or for the coupons of said bonds.

2. Such as were issued in exchange for the second issue of bonds under an act entitled "an act to authorize a State loan to pay interest on the public debt," or the coupons of such bonds.

3. Such as were issued in exchange for those conversion bonds which were issued in exchange for either of the two classes of bonds last mentioned, viz, bonds for the relief of the treasury, and the second issue of bonds to pay interest on the public debt or in exchange for the coupons of such conversion bonds.

The supreme court decided that the class of bonds issued under the act for the relief of the treasury (February 17, 1869) were not valid obligations of the State, because the act is in conflict with section 7 of Article IX of the Constitution.

The court say:

"This act (act of February 17, 1869) we regard as liable to two constitutional objections:

1. It purports to create a debt which was not "for the purpose of defraying extraordinary expenditures"; and

2. The debt therein sought to be created is not "for some single object," and such object is not "distinctly specified therein."

Money borrowed for the relief of the treasury might and would be applied to as many different objects as there were demands upon the treasury. We think, therefore, that this act clearly violates both the clauses of the constitution above referred to, and * * * every bond, together with its coupons, issued under the authority of this act, is absolutely void, even in the hands of a bona fide holder, because issued without any authority whatever, and hence every consolidation bond resting upon such bonds or coupons, is, to the extent that it does rest upon such bonds or coupons, not a valid debt of the State of South Carolina.

In determining the question as to the validity of the second issue of bonds under the act of August 26, 1868, the Supreme Court says:

"In the case of the second issue of bonds for the payment of the interest upon the public debt * * * there does not seem to have been the shadow of authority of any kind, and which, therefore, are absolutely void, no matter in whose hands they may be, for if the act be construed as giving authority for a second issue, there is no conceivable reason why a third or fourth or an indefinite number of issues could not have been made upon the same construction, and certainly a construction leading to such a result can not be a correct one."

The court further decides that—

"If any consolidation bond rests wholly upon any of the three objectionable classes of bonds or coupons * * * mentioned, then it is wholly void; but if it rests only in part upon such objectionable bonds or coupons, then it is only void to the extent which it does rest upon such objectionable bonds or coupons, and for the balance it is a valid obligation of the State."

In these cases the court adjudged the validity of all consolidated bonds which rest upon the following obligations that had been in question: For funding bills of the bank of the State; for payment of interest on the public debt (first issue); for redemption of bills receivable, conversion bonds (act March 23, 1869), except such conversion bonds as were issued for the relief of the Treasury, and for the second issue of bonds to pay interest on the public debt; land-commission bonds, 1869, and land-commission bonds, 1870.

The acts creating this indebtedness were all assailed by the State, but the result has been as above stated.

At the next session of the legislature an act was passed creating the office of special commissioner, whose duty it was to ascertain and establish the validity, or the percentage and amount of invalidity, of each and every consolidated bond and stock certificate, and of the interest thereon, under the decision of the Supreme Court after referred to. This act was approved December 23, 1879, and in pursuance thereof the commissioner, on November 26, 1880, made a report from which the following extracts are taken:

"All the consolidated bonds and certificates of stock issued by the State up to February 12, 1880, have been examined and reported to the State treasurer.

The total invalidity in bonds and stocks outstanding February 12, 1880, was shown as $1,126,762.99, and the total valid consolidated debt February 12, 1880, in accordance with decision of the Supreme Court, was shown to be $4,479,048.05.

This principal only includes the consolidated debt, under the act of December, 1873, and has no reference to other valid outstanding bonds which had not been converted into consols under said act.

The special commissioner also reports the examination of valid bills of the bank of the State amounting to $710,136.45.

This examination of these bills, with a view to the funding of same, was done under the act of December 24, 1879.

This act as amended provides that every holder of any consol bond or certificate of stock, or of the unpaid interest thereon to July 1, 1878, reported by the special commissioner as wholly valid, or as partially invalid, shall have the right to surrender the same for cancellation, and to receive from the State treasurer a new consol bond or certificate of stock bearing interest at 6 per cent for the exact amount of the valid portion of such bond or certificate or coupon or interest; that the same privilege of exchanging or refunding shall be extended to embrace detached coupons and interest orders due on or before July 1, 1878; that the interest due and unpaid to July 1, 1878, on the valid portion of the consols reported by the commissioner partially invalid, and on the consols so reported wholly valid, shall be "funded" in new consols bearing interest from July 1, 1878; and that the new consols issued in exchange for those surrendered as above, and all consolidated bonds and certificates of this State that may at any time hereafter be issued (viz, after February 19, 1880) shall be distinguished by their color from the consols formerly issued, but shall be in other respects (except as above provided) of the same class and character, mature at the same date (1893), bear the same rate of interest, and have the same rights and privileges as do the bonds and stocks authorized to be issued under the original consolidation act of December 22, 1873.

SETTLEMENT OF THE FLOATING OR UNFUNDED DEBT

An act "to provide for the settlement of the unfunded debt of the State incurred before the 1st of November, 1876," approved March 22, 1878, and amended December 24, 1878, established a "court of claims," to be held by a commissioner for the purpose of ascertaining all legal and just claims, which had not been funded in bonds or stocks, and which were in existence on November 1, 1876. This court had jurisdiction to adjudicate upon all claims of this character (other than for bonds, or stocks, or coupons, or interest thereon), and including the bills of the Bank of the State, and so much of the funded debt as is known as the "Little Bonanza," the warrants drawn by the comptroller in pursuance of act December 24, 1875, providing for the settlement and payment of "certain claims against the State," and the liability of the State by guarantee of the Spartanburg & Union Railroad bonds, the balance due thereon by judgment of the court after applying the proceeds of the sale of said bonds.

The act required that all claims provided for therein should be duly sued or brought for adjudication before the said court prior to April 1, 1879.

This act also authorized the issue of bonds and stock certificates, to be known as "deficiency" bonds and certificates, in the settlement of a portion of such claims as were adjudicated by this court; the other portion of claims so adjudicated was authorized to be paid out of appropriations made or to be made for that purpose.

"Deficiency" coupon bonds (in denominations of $1,000, $500, and $100) and deficiency stock are redeemable in 10 years, and bear 6 per cent interest, payable semiannually and accruing as follows, viz: From July 1, 1878, in cases brought before the commissioner court of claims prior to November 1, 1878, and from July 1, 1879, in cases brought before said commissioner from November 1, 1878, to April 1, 1879.

The amount of "deficiency" bonds and stock outstanding on October 1, 1881, after deducting amount retired by purchase of commissioner of the sinking fund, was $562,577.50.

Practically all bonds fundable under the foregoing acts have been surrendered, so that there are now outstanding only fraudulent bonds so declared by the Supreme Court in the above cases.

I trust that this information is sufficient to enable you to make satisfactory reply to any criticisms which you may hear regarding these transactions.

With kindest regards, I am,

Yours very truly,

A. J. BEATTIE,
Comptroller General.

WILLIAM O. MALLAHAN

Mr. WALSH of Montana. Mr. President——

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

Mr. JONES of Washington. I yield.

Mr. WALSH of Montana. Referring to order of business 916, Senate bill 860, a bill for the relief of William O. Mallahan, reported adversely by the Committee on Military Affairs, I ask unanimous consent that the bill be recommitted to the committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill will be recommitted to the Committee on Military Affairs.

Mr. WALSH of Montana. I desire to be heard on the bill.

COLUMBIA RIVER BRIDGE

Mr. JONES of Washington. Mr. President, in order to get the Senator from Oregon [Mr. McNARY] here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Ashurst	Ferris	King	Sackett
Bayard	Fess	McKellar	Schall
Bingham	Frazier	McLean	Sheppard
Blease	George	McNary	Shipstead
Borah	Gerry	Mayfield	Smith
Bratton	Gillett	Metcalf	Smoot
Broussard	Glass	Moses	Steck
Bruce	Goff	Neely	Stephens
Cameron	Gooding	Norris	Stewart
Capper	Gould	Oddie	Swanson
Copeland	Greene	Overman	Trammell
Couzens	Hale	Pepper	Tyson
Curtis	Harris	Phipps	Underwood
Dale	Heflin	Pittman	Wadsworth
Dill	Howell	Ransdell	Walsh, Mass.
du Pont	Jones, N. Mex.	Reed, Mo.	Walsh, Mont.
Edge	Jones, Wash.	Reed, Pa.	Watson
Edwards	Kendrick	Robinson, Ark.	Wheeler
Ernst	Keyes	Robinson, Ind.	Willis

Mr. CURTIS. I desire to announce the absence of the senior Senator from Illinois [Mr. DENEEN] on account of illness. I ask that this announcement may stand for the day.

Mr. NORRIS. I wish to announce that the junior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness. I ask that this announcement stand for the day.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, there is a quorum present.

Mr. JONES of Washington. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 673, Senate bill 3804.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIS. Let us know what it is.

Mr. McNARY. It will not be necessary to inform the Senator from Ohio. I shall object.

Mr. JONES of Washington. I move that the Senate, notwithstanding the objection, proceed to the consideration of Senate bill 3804.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

Mr. McNARY. Mr. President——

Mr. JONES of Washington. I make the point of order that the motion is not debatable.

The PRESIDING OFFICER. The point of order is well taken. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3804) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., which had been reported from the Committee on Commerce with amendments.

Mr. BORAH. Mr. President, is there any advice which can be given us as to how long it will take to dispose of the bill?

Mr. McNARY. I think the Senator from Idaho might go and get his lunch. The bill has not been read.

Mr. JONES of Washington. I suppose the bill should be read.

Mr. McNARY. I have so requested.

The Chief Clerk read the bill.

The PRESIDING OFFICER. The first amendment will be stated.

The first amendment of the Committee on Commerce was, on page 2, line 21, to strike out the words "particular location" and insert in lieu thereof the words "Pacific Ocean," so as to read:

That the consent of Congress is hereby granted to W. D. Comer and Wesley Vandercook, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, between a point at or near the city of Longview, in the county of Cowlitz, in the State of Washington, and a point at or near the city of Rainier, in the county of Columbia, in the State of Oregon, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced nor shall any alterations of such bridge be made either before or after its completion until the plans and specifications for such construction or alterations have been first submitted to and approved by the Secretary of War, the Secretary of Commerce, and the Secretary of Agriculture, acting jointly, and they, acting jointly, shall determine whether the types, designs, and specifications thereof are adequate, based upon the proposed use, volume, and weight of traffic passing over such bridge, and whether the height and clearances of such bridge are adequate to protect the commerce on said Columbia River, and whether the location selected is feasible for the erection of such bridge without obstructions in navigation and without being detrimental to the development of interstate and foreign as well as domestic commerce moving to and from the Pacific Ocean on the Columbia River to the inland waters of the States concerned, and whether public convenience will be served by such bridge as a connecting link between the Federal-aid highway systems of the States of Oregon and Washington.

Mr. McNARY. Mr. President, a parliamentary inquiry. This proceeding is in the morning hour?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). It is in the morning hour.

Mr. McNARY. Then, under the rule, the consideration of the bill now made the order of business at the present time will be discontinued when the hour of 2 o'clock is reached?

The PRESIDING OFFICER. There being no unfinished business at present on the calendar, the consideration of the bill will continue at 2 o'clock and beyond unless and until displaced by motion.

Mr. McNARY. I had thought that the senior Senator from Idaho [Mr. BORAH] had not only given notice but had asked that a certain treaty be made the unfinished business at 2 o'clock.

The PRESIDING OFFICER. That refers to executive business, and such request, if granted, would suspend but would not displace the pending business.

Mr. McNARY. If the executive business were made the order operative at 2 o'clock, would it of necessity under the rule displace the pending bill?

The PRESIDING OFFICER. The present occupant of the chair thinks it would not.

Mr. McNARY. Has the present occupant of the chair familiarized himself with any of the precedents of the Senate on that question?

The PRESIDING OFFICER. The present occupant of the chair has examined the precedents. An executive session simply suspends pending legislative business and does not permanently displace it.

Mr. McNARY. But that is a privileged motion, is it not?

The PRESIDING OFFICER. The motion to go into executive session is privileged and may be made at any time, but when carried it does not permanently set aside the business pending in the regular session. It suspends that business temporarily, as heretofore indicated.

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

The motion was not agreed to.

Mr. McNARY. I am sorry the distinguished Senator from Idaho [Mr. BORAH] is not present.

I do not know what haste prompted the Senator from Washington [Mr. JONES] to propose the consideration of the bill at this time. I have not my files or papers here, and consequently am not in position to present the attitude of the people of Portland, Oreg., against this bridge proposition, particularly unless certain amendments are written into the proposed legislation. I address myself to the Senator from Washington to request that he advise me as to a date upon which to present this matter.

Mr. JONES of Washington. I do not know whether I could do that or not. The Senator knows I spoke to him about the matter several days ago.

Mr. McNARY. Yes; I appreciate that.

Mr. JONES of Washington. He understands I have tried to get the bill up before. Our people are very anxious to have action taken on the measure. If the Senator has any suggestion to make, I am not disposed to be unreasonable in the matter at all. I am perfectly willing, in view of the ruling of the Chair, which I think is correct, that this measure shall be made the unfinished business; and if the Senator from Idaho [Mr. BORAH] wishes to take up his treaty in executive session and the Senator from Oregon will be prepared to consider the unfinished business when it comes up again and to take it up to-morrow, that course will be agreeable to me.

Mr. McNARY. The Senator from Washington was very courteous and told me that he wanted to take up the bill at an early date. There was an amendment which I wanted to present, to which I have not given sufficient thought, and for that reason it occurred to me that possibly we could agree upon some future date to take up the bill.

Mr. JONES of Washington. I will say to the Senator that if the Senator from Idaho [Mr. BORAH] would like to have the Senate proceed to the consideration of executive business, I

know he can make a motion to that effect at any time. I know he has the right to do that. I am perfectly willing to let the unfinished business go over until to-morrow or until any time the Senator from Oregon sees fit so that he may have time to prepare himself. If that would be agreeable to the Senator from Oregon, I am perfectly willing. I am willing that the Senator from Idaho shall now submit a motion to proceed to the consideration of executive business, and we will proceed with the unfinished business to-morrow at 2 o'clock when it comes up in the regular way.

Mr. McNARY. Very well. I want time to state the objections of the people of Portland, Oreg., to the pending legislation.

Mr. JONES of Washington. Certainly; and I want the Senator to have the time to do it.

Mr. McNARY. There is a principle involved which I think the Congress should very seriously consider and give more attention than they have usually given to bridge bills. This bill involves a question of navigation and the policy of the country, and I am willing that the Senate vote upon it, of course. I have no intention of going beyond that point.

Mr. JONES of Washington. I want to accommodate the Senator in every way possible, and that procedure would be agreeable to me. I will say to the Senator that my colleague [Mr. DILL] desires to address the Senate and is ready to do so now. He might do that, and if the Senator from Idaho comes in and moves for an executive session, it will be all right. We can then take this bill up to-morrow at 2 o'clock.

Mr. McNARY. Very well.

Mr. JONES of Washington. That will be entirely agreeable to me.

Mr. DILL. Mr. President, I want to understand just what disposition has been made regarding the bridge bill.

Mr. JONES of Washington. It is still before the Senate.

Mr. DILL. It is not to be displaced if I make a speech?

Mr. JONES of Washington. Oh, not at all.

Mr. DILL. I do not want to use any time that might run against the bridge bill, because I am very anxious to have it passed.

Mr. JONES of Washington. The Senator from Idaho is anxious to take up a treaty in executive session and whenever he is ready to do that it will be all right, of course. It is understood that the unfinished business will go over until to-morrow and we will take it up at 2 o'clock in the ordinary way.

THE DIRECT PRIMARY

Mr. DILL. Mr. President, it is my purpose to discuss the subject of the direct primary, not in connection with the resolution which I introduced a few minutes ago, but rather as a system of nominating candidates for office.

PRIMARY LATEST PROGRESSIVE POLITICAL MACHINERY

The direct primary is the latest and most effective form of governmental machinery which the progressive political forces of the United States have devised for the selection of elective governmental officials by the rank and file of the people.

It does not provide a pure democracy. That is neither desirable nor practicable in a country so large as ours. It simply empowers the voters to lift from among themselves to the position of candidate certain citizens, from among whom on election day the people will choose their public servants.

FRUITION OF 100 YEARS OF EXPERIMENTATION

The direct primary is the fruition of more than a century of political experimentation to develop the missing link under the Constitution for the transformation of private citizens into sovereign rulers through the exercise of the people's will.

The Constitution gave the people but little direct control in the selection of Federal officials. The only officials the people could elect were Members of the House of Representatives. The Constitution made no provision for their nomination. That was left to the people to devise.

Senators were chosen by legislators elected by the people. Their nomination, of course, was a State matter. The President was elected by electors. The method of their selection was also left entirely to the States. The judicial branch of the Government the Constitution removed furthest of all from the people's control. Federal judges were appointed by the President, who was chosen by electors who were elected by the States. The officials of other branches of the Government were selected for limited periods of time, but Federal judges were to serve during good behavior. This has meant for life, and even if their behavior be bad they could not be removed except by two-thirds vote of both the House and Senate.

FEAR OF PEOPLE AND DEMOCRACY

I call attention to these provisions of the original Constitution to show two things: First, how fearful the framers of the Constitution were about permitting the people to have direct control of their Government; and, second, to contrast the lack of direct control of the Federal Government as then provided, with the democracy which 135 years of struggle and development has brought to the American people.

HISTORY OF METHODS OF NOMINATION

I desire now to trace the development of the methods of nomination from colonial days to the present time. Officials were not numerous then. Communities were small and means of transportation slow and difficult. The activities of Government officials were few and limited.

In the South, candidates were self-announced or selected by agreements among influential planters. In the Middle and New England colonies the leading citizens would gather in private residences and make nominations. These meetings became known as "parlor caucuses." In addition to these methods Connecticut and Massachusetts set up an official system of nominating, under which the deputies from each town nominated two candidates, and a "court of election" could nominate additional candidates.

FIRST STEP TOWARD DEMOCRATIZATION

The first step toward the democratization of the method of making nominations was to make the "parlor caucus" public and to enlarge the private agreements of a few leading men of a community into a public meeting. These public meetings became known as political caucuses and town meetings. They were later enlarged into conventions to nominate district and State candidates. These constituted about all the methods of nominating used previous to and during the revolution.

At the inauguration of the new Government Washington became President by general agreement. However, the election of Senators and the selection of presidential electors by State legislatures developed the legislative caucus for the purpose of making nominations in each State. The next step was the organization of the congressional caucus for the nomination of candidates for President.

PEOPLE DEMANDED MORE DIRECT CONTROL

The framers of the Constitution failed to provide a method for nominating candidates for President. It was intended that electors selected by the States would meet and elect a President not previously nominated. But almost immediately following the adoption of the Constitution the people began to demand more control over the selection of the Chief Executive.

During the fight over the adoption of the Constitution and especially during the eight years of Washington's administration, two schools of political thought developed. Alexander Hamilton was the recognized leader of one of these political crowds, and Thomas Jefferson, the leader of the other. While there is no record of a regular congressional caucus in 1796 the party members of both the House and Senate jointly held a congressional caucus and nominated the candidates for President in 1800.

Those who were seeking to enlarge the power of the people objected to Senators participating in the congressional caucus, because they were not elected by the people, so that the congressional caucus was soon restricted to Members of the House. But this method of nominating did not satisfy the advocates of more direct control of the Government by the people for any appreciable length of time.

OPPOSITION TO CONGRESSIONAL CAUCUS

Niles Register states that in 1812 supporters of DeWitt Clinton, who bolted the Republican Party caucus, said:

> The nomination of a candidate for the presidency by an association of Members of Congress, convened at the seat of Government, is hostile to the spirit of the Federal Constitution, dangerous to the rights of the people and to the freedom of election.

In 1814 Mr. Gaston, of North Carolina, attacked the congressional caucus as a direct violation of the Constitution. Many demands for bringing the control of the presidential nomination closer to the people were made from time to time, but the congressional caucus continued to function as the only means for that purpose until 1822, when an informal meeting of the members of the Tennessee Legislature nominated Andrew Jackson for President and the Kentucky Legislature nominated Henry Clay.

The legislatures of Maryland, Alabama, and Tennessee condemned the congressional caucus, and in January, 1824, Mr. Ingram, of Pennsylvania, organized the anticaucus group. A few months later the Democratic Convention of Lancaster County, Pa., urged a convention of all the States in the Union to nominate candidates for President and Vice President. Nevertheless the congressional caucus was held February 14, 1824, which nominated Mr. Crawford. His repudiation at the polls ended the congressional caucuses as a method of nominating candidates for President.

TRANSITION TO NATIONAL CONVENTIONS

It should be added here that the year 1824 not only marked the end of the congressional caucus but also the time when the people voted directly for electors. This was indeed a big step toward bringing the selection of the President more directly under the people's control. The advocates of popular government did not stop with that. They demanded that nominees for President be selected by delegates fresh from the people.

In 1828 there was such a unanimous sentiment for Andrew Jackson that his nomination was generally accepted as a result of the submission of his name by a number of State legislatures. The agitation for the convention system continued, and there were a number of so-called national conventions during 1830 and 1831, but the first national convention to nominate a candidate for President was called in Baltimore in 1831. The formal call of the Maryland Legislature for this convention, issued to the opponents of the Jackson administration, invited the several States to send "delegates equal in number to the electors for President to which their States are respectively entitled." This convention nominated Henry Clay.

Major Lewis, of Jackson's "kitchen cabinet" induced the New Hampshire Legislature to call a national convention in Baltimore in May, 1832—

to nominate a candidate for Vice President and take such other measures in support of the reelection of Andrew Jackson as may be deemed expedient.

This convention nominated Jackson and Van Buren.

CONVENTION SYSTEM UNWRITTEN PART OF CONSTITUTION

From that time until now the national convention has been the accepted method of nominating candidates for President. It has functioned now for nearly 100 years. Although it is not mentioned in the Constitution nor recognized by any Federal statute, it can be said to be as firmly fixed as a free institution as those provided for by law.

While the people have changed this unwritten part of our governmental machinery from time to time, it has been almost as difficult to change as the written law. Let me review these changes briefly.

First. There was the change from the party caucus of both Houses of Congress to the party caucus of only the Members of Congress elected directly by the people.

Second. The party congressional caucus was overturned because the people desired that presidential candidates be nominated by representatives more closely in touch with the people. The nomination by State legislatures rather than Congress, and the direct election of presidential electors by the people were the new methods developed in the transition period from the congressional caucus to the establishment of the convention of delegates chosen for the express purpose of nominating presidential candidates. It was during this period also that the principle of male white suffrage was adopted, and thus the number of voters greatly increased.

DIRECT CONTROL INCREASED

In more recent years many of the States have provided for the choice of delegates to the conventions by the voters themselves at a primary election for that purpose. There has been much agitation also for the abolition of the national convention itself, and the nomination of presidential candidates directly by the people. There are so many practical difficulties of carrying out this proposal that Congress as a whole has never considered it seriously as a legislative proposal.

While the electoral college still exists it has become less and less important as a part of our political institutions. Its meetings are a mere formality. Barring the refusal of an elector to vote for Monroe so Washington might be the only President elected unanimously, no elector has been known to violate the will of his party by voting for other than his party candidate for President. Such an act would be treason against those who elected him. Thus by means of the national convention and the direct election of delegates to these conventions, the people have entirely overridden the spirit of the Constitution without formally amending it, because of their determination to bring the Chief Executive more directly under their control.

Although the demands for popular control of the nomination of candidates has not been written into the Federal law, we find the various States have practically all provided some kind of legal machinery for nomination of both State and Federal officials.

CREATION OF MORE OFFICES

Not only did the popular enthusiasm for democratization of the Government during the wave of Jacksonian democracy destroy the congressional caucus, bring about the direct election of presidential electors, and establish the nominating convention composed of delegates fresh from the people and chosen for the purpose of selecting nominees, but it greatly enlarged the number of elective offices. It was during this period that the elective judiciary was first established in a number of Southern States. That movement spread all over the country during the next 50 years, and to-day there are only four States whose judges are appointed without election by the legislature or by the people themselves.

This demand for popular control of the Government has continued down through all our history. Prof. Charles Merriam, of the University of Chicago, estimates that we have nearly 200,000 elective officials in the United States, as follows: Federal, 500; State, 500; legislative, 7,500; county, 45,000; city and town, 125,000.

AGITATION AGAINST CONVENTION

The caucus and convention system continued to be the accepted method of making nominations until the Civil War. Before its close, however, the agitation started for making the method of nomination more democratic. In 1864 a form of primary was being tried in Crawford County, Pa. In 1866 the Union League of Philadelphia offered a prize for the best essay on the subject of party nomination, and the Crawford plan won as the best plan yet proposed. It provided for the nomination of all candidates by direct vote on the same day, the primary election to be conducted by the party officials under the same rules as governed elections.

FIRST PRIMARY LAW

California actually passed the first primary law in 1866, and New York passed the second primary law late in the same year. Ohio and Pennsylvania enacted primary laws in 1871, and in 1875 Missouri enacted a similar law for counties of more than 100,000 population. These early statutes all provided for optional primaries under control of the party officials. During the next few years the Southern and Middle Western States gradually enlarged the use of the primary.

SPREAD OF PRIMARY SYSTEM

Between 1880 and 1890 primary election laws to regulate caucuses and conventions were passed in Connecticut, North Dakota, Ohio, Colorado, Delaware, Georgia, Maine, Michigan, Minnesota, New York, Massachusetts, South Carolina, and Indiana. During the same decade optional direct primary laws were enacted in Nevada, South Carolina, Georgia, and Nebraska, with a local compulsory direct primary law being enacted for the city of St. Louis, Mo.

Between 1890 and 1895 an optional plan was adopted in Washington whereby the Australian ballot system of voting for the selection of delegates to a convention was used. Oregon, California, and Massachusetts adopted a similar measure, but made it compulsory. In 1892 Kentucky adopted an optional direct primary. The compulsory direct primary of Missouri, applicable to cities of 300,000, was amended in 1893 to include all cities over 100,000.

Optional direct primaries were enacted in Virginia, Georgia, Mississippi, and Arkansas by 1896. The Virginia and South Carolina Legislatures amended their optional direct primary laws to provide for a complete party regulated direct vote. A declaration of party affiliation was required by a law passed in Missouri in 1897. The same year Florida joined the ranks of those States having optional direct primary laws.

In 1898 compulsory laws applying the Australian ballot method to the selection of delegates to conventions were passed in New York and Illinois. Ohio in the same year passed legislation to correct some of the abuses which had developed as a result of the extra-legal position of the direct-vote system. In 1899 Utah, Alabama, and Nebraska enacted optional direct primary laws.

COMPULSORY PRIMARIES ADOPTED

The year 1901 witnessed the most phenomenal demand for compulsory direct primary laws. Bills providing for the nomination of all officers of the State by direct vote were introduced in 19 States—Wisconsin, Minnesota, Michigan, Indiana, Illinois, North Dakota, South Dakota, Washington, California, Oregon, Montana, Kansas, Missouri, Colorado, New York, New Hampshire, New Jersey, Maryland, and Pennsylvania. All of these States adopted the proposed legislation within a decade.

As Ernest Christopher Meyer in his book, "Nominating Systems," page 94, declared:

These States comprise by far the most important part of the Union. They lead in every branch of life. They represent the best of education and of progressive thought. Their wealth, power, and influence dominate the policies of the Nation and determine the administration

of its greatest Commonwealths. The direct-primary movement is hence identified with what is strong, progressive, and foremost in this country.

THE RULE OF THE PEOPLE VS. THE BOSSES

The progressives of all parties supported the compulsory primary movement. It represented the revolt of the people of all parties against the rule of the political machines of both parties, and especially against the rule of officials who cooperated with the great industrial corporations and the railroads to levy tribute on the masses of the people for the benefit of the few.

They believed the primary would bring larger numbers of voters to participate in the selection of candidates than the caucus and convention system and, best of all, make the nominees who were chosen and later elected responsible to the rank and file of the people rather than to political bosses or the great corporations of the country.

The extent of the adoption and present operation of the primary law as a method of nomination of the 200,000 elective officials in this country is shown in detail by a table prepared by a young man from my State, Mr. Andrew G. Haley, of Tacoma, and I desire to insert that table at this point in my address:

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

The matter referred to is as follows:

RÉSUMÉ OF PRIMARY ELECTION LAWS

(By Andrew G. Haley, Tacoma, Wash.)

The following digest of primary election laws is comparative in the sense that the citations and context of the material in the first paragraph indicates the earliest tendencies of primary legislation, while the remaining citations and context is a digest of the present laws.

It should be noted that the digest is divided into two parts, the first detailing the States having mandatory primary laws and the second indicating the States having optional primary laws. In Florida, however, the primary law is mandatory for some offices and optional for others; therefore this State appears under the two headings. In Idaho and Utah the mandatory primary law is not applicable to Members of Congress, and the same is true under the optional system in Delaware.

Connecticut, Delaware, New Mexico, and Rhode Island may be noted as those States having no primary law, and the Utah law applies only to municipal officials. Of these Connecticut did pass a primary law in 1887. (Act of May 1, 1887.) It applied to the entire State, was mandatory, and contained restrictive regulations only.

A number of Southern States require run-off primaries so the party nominee will have a majority of the party votes.

Appended to the digest of American primary laws will be found a brief outline of the methods of nominating in some of the English-speaking commonwealths. Included in their number are New Zealand, Australia, Quebec, and Ontario as being representative.

Many of the more detailed features of the State primary laws have been omitted due to a lack of space, the purpose of this table being only to indicate the general tenor of primary legislation. The legislative reference staff of the Library of Congress furnished most of the citations appearing herein. The Digest, by Charles Kettleborough, as supplemented by Raymond Manning, was also extensively referred to.

The States having mandatory primary election laws are:

Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Kansas, Louisiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

The following States have optional primary election laws:

Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, and Virginia.

Digest, by States, of the mandatory primary election laws

ARIZONA

Citation and provisions of original primary election laws	Citation of subsequent legislation	Office for which it is necessary that a declaration be made	Number of adherents required for effective nominating petition	When petition and acceptance must be filed	Parties falling within the scope of the law	Date on which primary is held
Laws of First Special Session of 1912, ch. 84.	Amended by Laws of 1915, pp. 95, 97; Laws 1921, pp. 245, 248.	Officers of the State, United States officers, and presidential electors.	Not less than 1 per cent nor more than 10 per cent of the party vote in the State and must be at least 1 per cent of party vote in at least 3 counties.	Nominating petitions filed 20 to 60 days before primary. Nomination paper filed 30 to 90 days before regular primary and 10 days before special primary.	Parties that cast 5 per cent or more of the vote in any sector of the State, or in the whole State.	Not less than 30 days prior to town election; eighth Tuesday before any general or special election.
		Judges of the superior court; members of the State legislature; county officers.	3 to 10 per cent of party vote in the county.			
		Justices of the peace, constables, and precinct committeemen.	5 per cent of party vote in the precinct.			
		City and town officers.	At least 5 per cent of party vote in one-sixth of the precincts, and from 5 to 10 per cent of the party vote.			

CALIFORNIA

Laws of 1865–66, p. 438, applied to entire State; optional with political parties; prescribed the method of conducting primaries	Political Code of 1874, title ii, ch. iv; act of Mar. 26, 1879; act of Mar. 27, 1895; act of Mar. 13, 1897; acts of 1913, p. 1379; acts of 1917, p. 1341; acts of 1919, pp. 39 and 381; acts of 1921, p. 1217.	State officer; members of State legislature; district officers; and United States Senators and Representatives.	When these officers are elected by the vote of the entire State, one-third to 2 per cent of the party vote for governor.	Must be filed 40 days before August or May primary and 25 days before municipal primary.	Parties casting 3 per cent or more of entire vote for candidate elected from whole State; or 6 per cent for a joint candidate.	35 days before August or May primary and 25 days before any other primary.
		Township and municipal officers; the judiciary; school officers.	One-half to 2 per cent of total vote cast at last election in unit affected.			
Acts of 1915, ch. 137.....	Amended, acts of 1916 and acts of 1923, ch. 23.	Delegates to the national convention are elected by party voters from the whole State. Delegates so selected elect the alternates. Voters may vote for individuals or for a group of delegates.	One-half to 2 per cent of party vote for governor.	Preference for President may be announced. Personal declaration must be filed 35 days before May primary of presidential year.	Same as above.....	First Tuesday in May of the presidential year.

Digest, by States, of the mandatory primary election laws—Continued

COLORADO

Citation and provisions of original primary election laws	Citation of subsequent legislation	Office for which it is necessary that a declaration be made	Number of adherents required for effective nominating petition	When petition and acceptance must be filed	Parties falling within the scope of the law	Date on which primary is held
Laws of 1887, p. 347, applied to entire State; mandatory; contained restrictive regulations only.	Laws of the Special Session of 1910, p. 15; Laws of 1921, p. 292.	All elective offices both State and Federal, city, county and district officers; precinct officers.	Name placed on ballot either by petition signed 300 or more voters for national, state and district officers, and 100 for other officers, but by not more than 10 per cent of vote cast for governor in last election; or by certificate of designation by a party convention.	Petition is filed 30 to 60 days before the primary; and in city elections 20 to 30 days before the primary. Acceptance if filed with the nominating petition. If a convention designates him, acceptance must be filed by the candidate in 7 days.	Parties casting 10 per cent or more of total vote in the State for the governor at the last election.	First Tuesday in September of even years. Any other primary 4 weeks before the election.

FLORIDA

Laws of 1897, p. 62, applied to entire State; optional with political parties; prescribed the method of conduction.	Acts of 1913, ch. 6469; acts of 1915, ch. 6874; Revised Statutes of 1920, sec. 299-367.	State and county officers; United States Senators and Representatives.	None required	30 days before primary for State or district officers; 20 days before primary for county officers.	Parties casting 5 per cent or more of total vote for the highest officer in State, county or congressional district. Optional in other cases.	First Tuesday after first Monday in June of even years.

IDAHO

Laws of 1919, p. 372	Same	Members of State legislature, district judges, prosecuting attorneys, county officers, municipal officers.	None required	Must file his paper 30 to 60 days before primary and swear that he is a party member, and has not signed nomination paper of an independent candidate.	Parties casting more than 10 per cent of total vote for any office and having at least 3 candidates in last election.	First Tuesday in August of even years.

ILLINOIS

Laws of 1885, p. 188; Laws of 1889, p. 140; Laws of Extra Session of 1898, p. 11; Laws of 1898 applied to entire State; mandatory in counties of 125,000 and over, making the conduct of primaries a State function.	Laws of 1910, p. 46, as amended by Laws of 1913, p. 310; Laws of 1921, p. 432; Laws of 1910, p. 77, as amended by Laws of 1921, p. 433; Laws of 1923, pp. 348, 350; Laws of 1925, p. 373; Revised Statutes of 1921, secs. 452-545.	State officers; Senators and Congressmen; all officers holding office through election.	1,000 to 2,000 for State offices; 100 for State central committeeman; one-half of 1 per cent of voters for other offices; and 10 electors for minor officers in their jurisdiction.	For State and district officers 40 to 50 days before primary; for municipal officers 20 to 30 days before primary. Delegates to presidential convention may or may not state preference for President.	Parties casting 2 per cent or more of vote in State or subdivision for highest candidate thereof.	Second Tuesday in April prior to November election. Last Tuesday in February prior to April election. Second Tuesday in March for election on third Tuesday in April. Six weeks prior to election of superior court judges of Cook County and circuit judges in third-class counties; all other 3 weeks before election.

IN[illegible]A

Act of Mar. 9, 1889, applied to entire State; mandatory; contains restrictive regulations only.	Laws of 1915, p. 359, as amended; Laws of 1925, p. 354; Burns' Stat., sec. 7054a-7054k-2.	City and county officers; local judges; members of State legislature; prosecuting attorneys; Senators and Representatives.	None required	60 to 30 days before primary.	Casting 10 per cent or more of total vote.	First Tuesday after first Monday in May of years in which general, State, and city elections are held.

IOWA

Laws of 1898, p. 59. Applied to entire State; mandatory; contained restrictive regulations only.	Code of 1924, secs. 527-675; secs. 6492-6514; Laws of 1925, p. 27.	United States Senators; cities of first class, and over 15,000 with special charter holding partisan elections; superior court judges in cities that hold primaries; and all officers elected biennially except judges.	State offices and United States Senator 1 per cent of party vote in 10 counties, and one-half of 1 per cent of State party vote; 2 per cent of party voters in one-half district for district officers, Representatives in Congress and State senators; 2 per cent of party vote for county or municipal offices.	For State officers and United States Senator and Representative. State officers and members of general assembly not more than 60 nor less than 40 days before the primary; for county officers 30 days before primary.	Parties casting 2 per cent of entire vote of State for governor.	First Monday in June of even years, last Monday in February in cities and second Tuesday preceding general municipal election in commission-government cities.

Digest, by States, of the mandatory primary election laws—Continued

KANSAS

Citation and provisions of original primary election laws	Citation of subsequent legislation	Office for which it is necessary that a declaration be made	Number of adherents required for effective nominating petition	When petition and acceptance must be filed	Parties falling within the scope of the law	Date on which primary is held
Act of Mar. 10, 1891, applied to entire State; optional with political parties; prescribes the method of conducting primaries.	Laws of 1908, ch. 54, as amended; Gen. Stat. 1915, art. 4, p. 815; secs. 4213, 4235; Laws of 1917, ch. 153, 178, and 182; Laws of 1920, ch. 19; Laws of 1921, ch. 179, 180.	Precinct committeemen. County and township officers, subdistrict officers. United States Congressmen, members of legislature, district offices. Presidential electors, United States Senators, State officers.	10 per cent of party vote in precinct. 3 per cent of party vote in one-fourth of the precincts and 3 to 10 per cent of total party vote in subdistrict or county. 2 per cent of party voters in one-fourth of precincts in one-half the counties of the district, and 2 to 10 per cent of total party vote cast. At least 1 per cent of total party vote in 20 counties, or 1 per cent of party voters in 10 counties, but 1 to 10 per cent of total party vote in State.	Nominating petition filed 40 days before primary. Declaration of intention in lieu of a petition may be filed 40 days before primary, but a fee must be paid.	Provisions are applicable to all parties.	In even numbered years the first Tuesday in August. In cities over 10,000, annually on the first Tuesday in March. In first and second class commission-governed cities, on second Monday before election of odd-numbered years.

LOUISIANA

Act of July 5, 1890, applied to entire State; mandatory; restrictive regulations only.	Laws of 1922, act 97, as amended by Laws of 1924, acts 155 and 215.	Parochial, ward, city, town, and village officers. United States Senators, Congressmen, State officers; district officers.	No regulations..... .....do.....	10 days before primary. 20 days before primary.	Parties casting 5 per cent of total vote for governor or presidential elector at last election.	Third Tuesday of January for State, district, parochial, and municipal officers and legislators; second Tuesday of September for United States Senator, Congressmen; 60 to 70 days before election for municipal and ward officers. Not less than 10 days after order of special election.

MAINE

Act of Mar. 3, 1887, applied to cities of 25,000 and over; mandatory; prescribed rules to be observed at primaries; act of Mar. 26, 1897, the same, but applied to cities of less than 25,000.	Revised Statutes of 1918, ch. 6, as amended by Public Laws of 1923, ch. 208; Laws of 1925, ch. 62.	United States Senators, Congressmen, State legislators; State officers; county officers.	1 to 2 per cent of the vote cast for governor at the last election.	The third Monday in April.	Parties casting 1 per cent of vote for governor.	Third Monday in June.

MARYLAND

Laws of 1908, ch. 737, sec. 160a.	Laws of 1910, ch. 741, sec. 160a, 249; Laws of 1912, ch. 2 and 134; Laws of 1914, ch. 163, sec. 160a, 261, 475, 761, 772, 774; Laws of 1920, p. 114, 184.	United States Senators, Congressmen, county officers, judges; does not apply to local officers in Howard County.	No regulations.....	20 days for local officers and 30 days for State officers.	Casting 10 per cent or more of total vote.	First Monday in May in presidential year. First Tuesday of April for Baltimore; other times determined by agreement.

MASSACHUSETTS

Act of May 29, 1888, applied to entire State, optional with political parties, prescribed rules to be observed at caucuses: Act of June 6, 1890, administrative provision; act of June 5, 1893, applied to entire State; mandatory; prescribed the method of conducting caucuses. Act of June 22, 1894, applied to certain towns; act of June 5, 1895, prescribed system of party organization; act of June 21, 1898, laws relating to caucuses and elections codified.	General Laws of 1921, ch. 52 and 53; acts of 1921, ch. 387; acts of 1922, ch. 214, 186, 302; acts of 1924, ch. 201; acts of 1925, ch. 76.	Applies to all State, local, and National elective offices. At each election the question of adopting or discontinuing the primary is voted upon. Presidential electors may designate their preference for President.	For State officers 1,000 voters; all other officers 2 signers for each 100 voters but not less than 50 nor more than 1,000; for city officers, not less than 50 nor more than 250; town officers 1 signer for each 50 voters but not less than 20.	Filed ninth Monday before primary for State officers; 11 days before primary for special election.	Parties polling 3 per cent of entire vote of State or other political subdivision.	Eighth Tuesday before State election; last Tuesday in April for presidential election; second Tuesday before special election. Fixed by party in cities, with no two parties holding caucus on same day.

Digest, by States, of the mandatory primary election laws—Continued

MICHIGAN

Citation and provisions of original primary election laws	Citation of subsequent legislation	Office for which it is necessary that a declaration be made	Number of adherents required for effective nominating petition	When petition and acceptance must be filed	Parties falling within the scope of the law	Date on which primary is held
Act of June 28, 1887, applied to the entire State; mandatory; prescribed a few positive rules, but mainly restrictive. Act of May 13, 1895, applied to cities of 15,000–150,000 mandatory; prescribed the method of conducting primaries. Act of May 16, 1895, same as above, but applied only to Wayne County.	Laws of 1925, ch. 351.	United States Senators and Congressmen, governor, and lieutenant governor; circuit judges; city and ward officers; and if petitioned for, township and village officers.	From 1 to 4 per cent of party vote.	Filed fifth Tuesday before primary.	All parties.	First Monday in April for President; second Tuesday in September preceding general elections; first Monday in March prior to spring elections. Third Tuesday prior to charter elections in cities.

MINNESOTA

Act of Mar. 8 1887 applied to entire State; mandatory; prescribes a few positive rules but mainly restrictive. Act of Apr. 25, 1895, applied to entire State; mandatory; prescribes the method of conducting primaries.	R. L., sec. 181; Amended Laws of 1912, ch. 2; R. L. 184, Amended Laws of 1907, ch. 226; Laws of 1909, ch. 95; Laws of 1912, ch. 2; Law of 1913, ch. 389; Laws of 1921, ch. 38, 322; Laws of 1923 ch. 127.	State officers. Congressional and judicial district officers. County legislative and municipal. United States Senators and delegates to county convention. Judges of supreme court judges of district probate and municipal courts; county officers; municipal officers in first and second class cities.	1 per cent of total vote at general election. 5 per cent of entire vote cast in the district: 10 per cent of entire vote cast in county or city. Nonpartisan primary ballot not less than 50 nor more than 100. Supreme court, 500; district court, 250.	---------- 15 to 20 days. 40 days. 40 days.	Parties casting 5 per cent of total vote and having candidates in last preceding election.	Third Monday in June preceding general election, 7 weeks before city elections.

MISSISSIPPI

Annotated Code of 1892, applied to the entire State; mandatory; prescribed the method of conducting primaries and the system of party organization.	Laws 1908, ch. 136; Laws 1910, chs. 208, 209; Laws 1914, chs. 149, 150; Laws 1916, ch. 161; Code 1917, secs. 538–6431.	State officers, District officers, county officers, county district officers, Congressmen, United States Senators, municipal officers, railroad commissioners, circuit court judge, chancery court judge, supreme court judge.	Not noted.	Not noted.	Not noted.	First: Between 1st and 10th of August preceding any regular election. Second: 3 weeks after first primary. First Congressional primary held third Tuesday in August. Second congressional primary 3 weeks after first. Municipal primaries are held at time fixed by municipal executive committee. Second to be held not later than 7 days after first.

MISSOURI

Rev. Stat. of 1889, art. 4, ch. 60, applied to entire State; mandatory; contained restrictive regulations only. Act of Apr. 18, 1891, applied to cities of 300,000 and over; mandatory; made the conduct of primaries a State function. Act of Apr. 19, 1893, the above act made to apply to cities of 100,000.	R. S. 1908, secs. 7833–6238; Amended Laws 1919, pp. 326–330; Laws 1917, pp. 269–272, 281, 293; Laws 1911, pp. 242–246; Laws 1915, pp. 282–285; Laws 1913, pp. 335, 344; Laws 1921, pp. 308 and 379; R. S. 1919, secs. 4802–5266.	State officers, Representatives in Congress, court of appeals, circuit judges, legislators, county delegates and county officers in counties of 175,000 to 300,000, city officers in cities 100,000 or over and cities of 400,000 or more.	1 per cent of the total vote cast in the district but not less than 50 nor more than 1,000.	60 days before primary.	Parties casting 3 per cent of total vote. Nonpartisan ticket.	First Tuesday of August in even-numbered years. Counties of over 175,000 and less than 300,000 hold primaries 40 days before general election and 3 days before any convention.

MONTANA

Montana Annotated Code (1895) vol. 1, p. 179, applied to the entire State; mandatory; contained a few positive rules, but mainly restrictive.	Revised Code of 1921, sec. 631–676; Laws, 1923, ch. 123.	United States Senators, State officers, district officers, county officers, city and town officers (3,500 or more), delegates to constitutional convention, presidential electors.	At least 2 per cent of party vote, not exceeding 1,000 for State and district and 500 for any other office. Filed 40 days before primary for State and 30 days for local offices.	Filed when nomination petition first begins to circulate.	All parties.	70 days before any general election and 14 days before city elections. Last Tuesday of May of presidential years.

Digest, by States, of the mandatory primary election laws—Continued

NEBRASKA

Citation and provisions of original primary election laws	Citation of subsequent legislation	Office for which it is necessary that a declaration be made	Number of adherents required for effective nominating petition	When petition and acceptance must be filed	Parties falling within the scope of the law	Date on which primary is held
Act of Mar. 26, 1887, applied to whole State; mandatory; prescribed a few positive rules, but mainly restrictive.	Acts 1907, p. 202; 1909, p. 246; 1911, p. 220; 1921, p. 302;[1] 1915, p. 102; 1905, p. 338; 1918, sp. sess., p. 33; 1917, p. 113; 1923, pp. 207, 210, 212, 214, 216; 1923, p. 305.	State offices, United States Senator, Member of Congress. City and county offices. Delegates and alternates to national convention and national committee. Township offices, precinct offices, ward offices.	Not more than 5 per cent of voters need sign. Not less than 1,000. Not less than 200 and not exceeding total number of voters. Not less than 500 from each district or the district and from two-thirds of counties therein. Not less than 50, and not to exceed one-fourth total number of voters.	Within 30 days before primary.	Parties polling at least 5 per cent of entire vote at last election.	Second Tuesday in even-numbered years. Presidential primaries are held on second Tuesday in April. Special primaries are held on Tuesday 4 weeks before election; cities on Tuesday, 5 weeks before election.

NEVADA

Act of Feb. 5, 1883, applied to entire State; mandatory; prescribed a few positive rules, but mainly restrictive.	Laws 1913, p. 476; amended Laws 1920–21, p. 388; Rev. Laws 1919, p. 2713–2723; Laws 1923, p. 49; Laws 1925, p. 18.	United States Senator, Congressmen, State senators, State officers, assemblymen, justice of supreme court, district judge, district officers, county officers, town officers, township officers, justices of the peace, presidential electors.	10 or more voters.....	40 to 60 days before the primary.	Parties casting 5 per cent of total vote for Representative in Congress.	First Tuesday of September.

NEW JERSEY

Act of Mar. 27, 1878, applied to entire State; mandatory; restrictive regulation. Act of Mar. 23, 1883, applied to entire State; mandatory; contained restrictive regulations only. Act of May 9, 1884, applied to entire State; mandatory; required primary election officers to qualify.	Laws 1920, ch. 349; Laws 1925, ch. 8; Laws 1919, ch. 32; Laws 1916, chs. 41, 277; Laws 1915, ch. 319; Laws 1914, ch. 108; Laws 1912, ch. 388; Comp. Stat. 1910, p. 2162	Delegates and alternates to the national convention, members of State, county, and municipal committees; Congressmen, United States Senator, Governor, State representatives, city commissioners.	President, 1,000; governor and United States Senator, 1,000; Representatives, 200; delegate or alternates, 100. City commissioners, one-half of 1 per cent of total vote cast at general election; township and ward, 25.	30 days before primaries for offices voted upon by whole State; 25 days for county and municipality; Apr. 1 of presidential year for delegate or alternate.	Parties polling 10 per cent of total State vote at election for member of general assembly.	Third Tuesday of June before general election. Third Tuesday in May in presidential years. Not earlier than 30 days nor later than 20 days prior to special elections.

NEW HAMPSHIRE

Comp. Stat. of 1910, p. 2162; basically the same as now.	Public Stat., supplement, 1901–1913, p. 48; laws, 1921, p. 165; laws, 1923, p. 63.	State officers; congressmen, councilors, State senators, State representatives, county officers.	Governor, 200; congressmen, 100; councilor, 50; county officers, 20; State senator, 15; State representatives, 5; town officers, 5.	Not more than 60 days nor less than 35 days before primary, when they have to be filed with secretary of State; others not less than 40 days.	Parties polling 3 per cent of total vote for governor.	First Tuesday of September biennially in the even numbered years.

NEW YORK

Act of Apr. 24, 1866, applied to entire State; mandatory; contained restrictive regulations only; act of May 13, 1882, applied to counties containing cities of 200,000 and over, except the county of New York; mandatory; prescribed rules to be observed at primaries; act of May 11, 1883 extended above to entire State; act of May 2, 1887, applied to cities of 10,000 and over; act of Mar. 29, 1898, mandatory in cities of the first and second class, optional in cities of third and fourth class; prescribed system of party organization; made the conduct of primaries a public function.	Consolidated Laws of 1923, p. 547; Laws 1924, ch. 30, 444.	All candidates for public office except presidential electors, officers voted on by entire State and justice of Supreme Court; town officers; city officers; village officers.	3 per cent of total number of enrolled voters except in New York City need not exceed 1,500; officers in other first-class cities counties and boroughs of 250,000 population, 1,000; county and borough offices (25,000–250,000 inhabitants) 500; second-class cities, 500; congressional and senatorial district offices, 500; municipal court districts in New York City, 1,500; other county officers, 250; third-class cities, 250; assembly district offices, 250; aldermanic districts of New York City, 250.	Signatures for petition can not be gathered earlier than 11 weeks before the primary. Must be filed within the week of the fifth to fourth Tuesday before the primary.	Parties polling at least 25,000 votes at last gubernatorial election.	Fall primary is held seventh Tuesday before general election and in addition a spring primary is held the first Tuesday in April in years of presidential election.

[1] This act was defeated on referendum.

Digest, by States, of the mandatory primary election laws—Continued

NORTH CAROLINA

Citation andprovisions of original primary election laws	Citation of subsequent legislation	Office for which it is necessary that a declaration be made	Number of adherents required for effective nominating petition	When petition and acceptance must be filed	Parties falling within the scope of the law	Date on which primary is held
	Laws of 1915, ch. 101; Laws of 1917, ch. 218; Laws of 1923, p. 286.	Congressmen, judge of supreme court, solicitors of judicial districts, State officers, legislators, county officers, United States Senators.	None noted.....	Six weeks before first and 2 weeks before second primary.	All parties having candidates voted for at general election in 1914 and others which may be declared a party by 10,000 voters. Act does not apply to 39 designated counties as to county officers and members of lower house of State legislature, but on petition of one-fifth of voters question of holding a primary may be submitted to voters and if a majority are favorable, the primary afterwards applies to such county.	First Saturday in June preceding general election. Second or run-off primaries are held 4 weeks after the first primary, only as between the two highest candidates.

NORTH DAKOTA

Act of Mar. 13, 1885, applied to entire State; mandatory; restrictive regulations; act of Mar. 20, 1890, applied to entire State; mandatory; restrictive regulations.	Laws of 1913, sec. 851; Laws of 1915, p. 192; Laws of 1923, p. 271, 272.	County officers; district assessors; judges of supreme and district courts; legislators; county commissioners; United States Senator.	District officers, 5 per cent of total party vote, but not to exceed 200; municipal officers names of at least 5 per cent of the votes cast for mayor the preceding election; municipal officers on nonpartisan ticket; 10 per cent of electors in the ward or precinct for which the officer is to be elected.	35 days; special election, 25 days; nominees for municipal offices must give notice of not more than 20 nor less than 10 days; nominees for municipal offices on nonpartisan tickets must file petition at least 20 days before election.	Casting 5 per cent of total vote for governor.	General election years last Wednesday in June; first Tuesday of March for municipal primaries.

OHIO

Act of Feb. 24, 1871, applied to entire State; optional with political parties; prescribed the method of conducting primaries; act of May 17, 1886, supplemented existing laws, applied to cities of the first grade and class; optional with parties, made conduct of primaries a public function.	General Code of 1921, ch. 6, p. 1226; laws of 1923, p. 143.	Senators, Congressmen, State officers, district officers, county officers, municipal officers, committees of political parties.	5 electors.....	Not less than 60 days before primaries.	Casting 10 per cent of total vote for governor.	Last Tuesday in April for presidential election and all other officers second Tuesday in August; primaries for special elections are held at least 2 weeks prior to election.

OKLAHOMA

	Revised Statutes of 1910, secs. 449–454, 3024–3076; Laws of 1915, p. 245; Laws of 1925, ch. 29.	State officers, district officers, county officers, township officers, precinct officers, United States Senators, member of legislature, presidential electors, Congressmen, district judges, city officers, town officers.	None required.....	Not more than 100 nor less than 50 days before primary. In special primary election not less than 10 days before. For county and township officers not more than 90 nor less than 30 days before.	Each political party entitled and intending to make nominations for the next general election.	First Tuesday in August of each even-numbered year. Special primaries on a day fixed by the governor. Cities and towns third Tuesday in March in year when municipal elections are held.

OREGON

Act of Feb. 11, 1891, applied to cities of 2,500 and over; mandatory; prescribed the method of conducting primaries.	Oregon Laws of 1921, sec. 3955.	United States Senators, Congressmen, State officers, District officers, county officers, city officers, town officers, precinct officers, local judges, prosecuting attorneys, members of legislature.	For municipal and single county offices signed by electors in one-fifth of precincts of such city or county. For State or district officers, electors in one-sixth of precincts in each of 2 counties in district. For State at large, electors in one-tenth of precincts in each of counties. For congressional district, electors in one-tenth of precincts in one-fourth of counties in district. In each case 2 per cent of party vote in electoral district, but not to exceed 1,000 for State or congressional or 500 for other offices. Filed for State and district officers 35 days and for local officers 30 days before primary.	Each candidate files personal declaration.	All parties casting 20 per cent of entire vote for presidential electors at last general election.	Third Friday in May of even years.

Digest, by States, of the mandatory primary election laws—Continued

PENNSYLVANIA

Citation and provisions of original primary election laws	Citation of subsequent legislation	Office for which it is necessary that a declaration be made	Number of adherents required for effective nominating petition	When petition and acceptance must be filed	Parties falling within the scope of the law	Date on which primary is held
Act of June 8, 1881, applied to entire State; mandatory; restrictive regulations only. Act of June 29, 1881, applied to entire State; mandatory; requires primary election officers to qualify. Act of June 13, 1883, applied to entire State; mandatory; restrictive regulation.	Comp. Stat. 1920, sec. 9664-9724; Laws 1881, ch. 128; Laws 1917, ch. 244; Laws 1919, chs. 836, 839; Laws 1913, ch. 719; Laws 1921, p. 423; Laws 1923, No. 165; Laws 1925, No. 214.	United States Senator, Congressmen, State officers, county officers, city officers, ward officers, borough officers, township officers, school district officers, and all other election offices, except presidential electors.	President and United States Senator in each of at least 10 counties, State officers, Congressmen at large, delegates at large to national convention and national committeemen, judges supreme and superior courts, 100 electors in 5 counties, Congressmen, delegates to national convention, judges, State senators, municipal officers elected from senatorial districts by 200 electors, State representatives, State committeemen, county officers, 100 electors, inspector of elections, 5 electors; all other, 10 electors.	President, United States Senators, Congressmen, State officers, delegates to national convention, State or National committeemen, 50 days prior to primary; all other cases, 4 weeks prior to primary.	Each party which polled in at least 10 counties 2 per cent of largest vote in those counties for any officer and 2 per cent of largest entire vote in State for any candidate; any party which polled 5 per cent of largest entire vote in any county for officers for that county.	Third Tuesday in September in odd-numbered years; third Tuesday in May in even-numbered years, except presidential year, when held fourth Tuesday of April.

SOUTH CAROLINA

Act of Dec. 22, 1888, applied to entire State; mandatory; prescribed a few rules to govern primary. Act of Mar. 9, 1896, applied to counties of 40,000 and over; mandatory; supplements the above act.	Code of 1912, vol. 1, ch. 13; amended by Laws of 1915, pp. 163 and 81.	Governor, lieutenant governor, State officers; circuit solicitors; United States Senators and Congressmen.	None required	Not noted	All parties	Last Tuesday in August of each election year; second and third primaries, each two weeks successively thereafter.

SOUTH DAKOTA

	Laws 1917, ch. 234; Laws 1897, ch. 60, Amended Laws 1918, ch. 44, 46; revised code, 1919, sec. 7097-7209.	President, Vice President, Congressmen, State officers, county officers, legislative officers, district officers, United States Senators, supreme judges, circuit judges.	200 or more for State, county, or district office; 5 or more for township office; not less than 1 per cent of the electors of the party vote cast for governor at the last general election in the State, county, or district from which the candidate is proposed.	On or before Jan. 1 preceding the primary; for State offices, 90 days; for county officers, 70 days.	Any political organization which has had candidates for State offices on the official ballot at the last general election, or which now has or shall hereafter effect a national organization.	Fourth Tuesday in March in each even-numbered year; second Tuesday in November of each odd-numbered year for the election of 1 committeeman and 3 proposal men, and 3 proposal men from each precinct, known as the initiatory precinct election.

TENNESSEE

	Laws of 1901, ch. 39; Shannon's Code of 1919, sec. 1307a-1 to 1307b-29.	Members of State legislature, governor, railroad commissioners, Congressmen, United States Senators.	25 voters	Filed 60 to 30 days before primary.	Parties casting 10 per cent of entire vote for governor.	First Tuesday in August of even-numbered years.

TEXAS

Act of Apr. 8, 1895, applied to entire State; mandatory; contained restrictive regulations only.	Complete Statutes 1920, sec. 3084-3174; Laws 1905, special session, p. 542; Laws 1918, special session, ch. 60, 90; Laws 1911, p. 18; Laws 1907, p. 328; Laws 1915, ch. 16; Laws 1909, 2, special session, p. 452; Laws 1923, ch. 140; Laws 1923, 2d Ex., ch. 32; 1923, 3d Ex., ch. 14.	Governor, State officers, Congressmen, district officers, county officers, United States Senators, city officers, town officers.	Signed by candidate or by 25 voters.	Not later than first Monday in June preceding primary; county officers not later than Saturday before third Monday in June.	Parties casting 100,000 votes in last general election.	Fourth Saturday in July in even-numbered years; second primary, fourth Saturday in August, if necessary; special primary date determined by party committee; city and town primaries, 10 days before election.

UTAH

	Compiled Laws of 1917, secs. 2150, 2151, 2325.	Municipal officers in first and second class cities, mayor, commissioner, and auditor.	100 qualified voters	10 days prior to primary election for mayor, commissioner, or auditor.	Not noted	Second Tuesday preceding general municipal election.

Digest, by States, of the mandatory primary election laws—Continued

VERMONT

Citation and provisions of original primary election laws	Citation of subsequent legislation	Office for which it is necessary that a declaration be made	Number of adherents required for effective nominating petition	When petition and acceptance must be filed	Parties falling within the scope of the law	Date on which primary is held
	General Laws, secs. 95 to 161, Laws of 1919, chs. 1, 2, and 4; Laws of 1921, chs. 7, 8, 9, and 10.	All officers required to be chosen at general election except presidential electors and justices of peace. Does not apply to town, village, school, or fire district officers.	For governor, United States Senator and offices to be voted for by whole State, 500 signers. Representative to Congress, 250; county offices, 2 per cent of highest vote for that office last election. Representative general assembly, 3 per cent of total vote for all candidates for that office, last election.	For State, congressional, and county offices, not less than 30 days before primary; for representatives not less than 14 days.	Parties polling 5 per cent of entire vote of State for governor at preceding election.	Second Tuesday in September in each even year; special primary is held 20 to 30 days before special election.

WASHINGTON

Act of Mar. 27, 1890, applied to the entire State; optional with political parties; prescribed the method of conducting primaries. Act of Mar. 21, 1895, applied to incorporated cities and towns; mandatory; prescribed the method of conducting primaries.	Remington's compiled Statutes of Washington, 1922, ch. 4, secs. 5167 to 5213.	United States Senators and Congressmen, district officers embracing more than one county, the State legislature, judges of the superior court, county, and city officers.	Personal declaration only required.	30 days before the primary.	Any party at last city or general election which was listed on the ballot, or any candidate or group of candidates who polled 10 per cent of the vote in the last general or city election.	Second Tuesday of September, biennially. Special primaries held 4 weeks before election.

WEST VIRGINIA

Act of Mar. 5, 1891, applied to the entire State; optional with political parties; contained a few positive rules but mainly restrictive.	Laws of 1915, as amended by the laws of 1916 and 1919.	President, United States Senator, Congressmen, State officers, county officers, members of legislature, District officers, all other elective officers except judges; city and town officers of over 10,000.	One per cent of entire vote cast at last general election in the State, district, county, etc., for which the nomination is made; not to exceed 1,000 nor less than 25.	At least 30 days before primary.	Casting 10 per cent of party vote for governor.	Last Tuesday in May before a general election in presidential years; other years, the first Tuesday in August; cities and towns fix the primary day by ordinance, at least 25 days before election.

WISCONSIN

Act of Apr. 24, 1891, applied to counties of over 150,000; mandatory; prescribed the method of conducting primaries; act of Apr. 23, 1887; mandatory in counties of 200,000 and over, and in cities of the first and second class; optional in cities of the third and fourth class; similar to foregoing act.	Laws 1913, sec. 11-1; Laws 1915, chs. 381, 65, 604; Laws 1919, ch. 352; Laws 1913, secs. 35-20, 35-21; Laws 1916, ch. 92, spec. sess., 1916, ch. 1; Laws 1917, ch. 566; Laws 1915, ch. 479; Laws 1911, ch. 515; Laws 1919, ch. 671; Laws 1923, ch. 14, 17, 18, 71, 237; Laws 1925, ch. 317; ch. 448.	United States Senators, State officers, Congressmen, city officers, members of legislature, county officers (in counties of 250,000 population nominated on nonpartisan ballot.)	1 per cent of voters in each of at least 6 counties and 1 per cent to 10 per cent of total number of voters of State for State officers, Congressmen, 2 per cent of voters in one-half of the counties of the district and 2 per cent to 10 per cent of total vote; all others, 3 per cent of party vote in one-sixth of election precincts and 3 per cent to 10 per cent of total vote; city, 2 per cent of vote cast at last election, filed 20 days before primary.	Filed not later than the last Tuesday of July.	Casting 5 per cent of party vote at last election; new parties filing a petition signed by one-sixth of voters in any election unit will be given a place on the ticket.	First Tuesday of September for general election; any other primary two weeks before election.

WYOMING

Act of Jan. 7, 1891, applied to entire State; optional with political parties; prescribed positive rules to govern primaries.	Laws of 1911, ch. 23; Laws of 1915, ch. 160; Laws of 1917, ch. 83; Compiled Laws of 1920, sec. 2488ff.	United States Senator, all other election officers, State, county, district; members of legislature; municipal officers in cities and towns of 6,000 or more, judges and county superintendents are nominated at primary but on a nonpartisan ballot.	3 per cent of party vote for State officers United States Senators and Congressmen; 4 per cent for district officers; all others, 5 per cent.	Not noted.....	Parties casting 10 per cent of total vote.	First Tuesday after third Monday in August; 3 weeks prior to elections in cities and towns.

Optional primary

ALABAMA

Date and provisions of original primary election laws	Citation of subsequent legislation	Date of primary	Parties to which applicable	Declaration of option	Offices for which candidates are nominated	
					Mandatory	Petitions
	Laws 1915, p. 218, as amended by Laws 1919, p. 969.	Second Tuesday in May of presidential years, and second Tuesday in August of every even-numbered year.	Casting more than 25 per cent of vote in county. Casting more than 25 per cent of vote in State.	The executive committee of the State, county, district, or other political subdivision effected decides whether a primary shall be held, and gives published notes thereof.	State officers, district officers, county officers, municipal officers.	None required.

ARKANSAS

Act of Apr. 20, 1895, applied to entire State; optional with political parties; contained a few positive rules but mainly restrictive. Act of Mar. 3, 1897, applied to entire State; mandatory; contained restrictive regulations only.	Laws 1909, p. 505; Laws 1917, p. 2287 as amended by Laws 1919, p. 12; Digest of the Statutes, 1921, Secs. 3754-3782.	Second Tuesday in August preceding general elections.	Any organized party may avail itself of the act, but must print its own ballots and pay all expenses of the primary.	Apparently by the party committees	United States Senator, Congressmen, members of legislature, judges, State offices, district offices, county offices, township offices, municipal offices, circuit offices.	None required.

DELAWARE

Act of Mar. 29, 1887; applied to New Castle County; mandatory; prescribed the method of conducting primaries. Act of May 27, 1897, similar to above.	20 Del. Laws, ch. 393; 27 Del. Laws, ch. 66; 21 Del. Laws, ch. 36; 28 Del. Laws, ch. 46; 23 Del. Laws, chs. 274 and 285; acts 1915, pp. 267, 268; acts 1919, pp. 232, 233; 1917, pp. 266, 296; Laws 1925, p. 259; R. C. 1915, secs. 1678-1713.	No two political parties may hold primary on the same day, and each party may hold primaries on not more than two days in any one year. Date determined by party authority calling a primary; must be after last registration day in August and in Wilmington in month of May.	Casting 10 per cent of vote of State or any subdivision thereof.	The governing authority of the party determines whether a primary shall be held and gives proper notice.	City officers; also any other elective officer; also delgates to a convention to nominate candidates for office. If a primary is held to elect delegates to a State convention, the party pays all expenses.	None required, but any person desiring to be a candidate must notify the party committee 10 days before the primary.

FLORIDA

Noted previously.....	Laws 1901, ch. 5014, as amended by Laws 1905, ch. 5471.	Held in all respects like general primary.	Held in all respects like general primary.	By city or county committee.	City officers only.	

GEORGIA

Act of Oct. 22, 1887, applied to entire State; mandatory; contained restrictive regulations only. Act of Oct. 21, 1891, applied to the entire State; mandatory; prescribed a few rules to govern primaries.	Laws 1917, p. 183; Laws 1890-91, p. 210; Laws 1908, p. 55; Laws 1907, p. 98; Political Code, 1914, secs. 127-138.	Second Wednesday of September of general election years. If no candidate for United States Senator or governor receives a majority of the county unit votes throughout the State, a second primary on such candidates is held on the first Wednesday in October. Only the two highest candidates appear in the second primary. Special primaries to fill vacancies are held on a date fixed by party authority and a second primary within 15 days thereafter.	Any party may avail itself of the law.	The decision whether a primary shall be held is made by the proper party authority and is conducted according to rules prescribed by the party authorities.	United States Senator, governor, State officers, judges of supreme court, judges of court of appeals, Congressmen, judges of superior courts, solicitors - general, members of legislature, city officers (cities of 75,000), county officers.	No provision.

KENTUCKY

Act of Apr. 19, 1880, applied to certain counties; optional with political parties; prescribed method of conducting primaries; act of June 30, 1892, applied to entire State; mandatory; prescribed the method of conducting primaries.	Laws 1912, ch. 7, amended by Laws 1914, ch. 83, amended by Laws 1920, ch. 72, 156, 99; Laws 1910, ch. 50; Carroll's Statutes, 1922, sec. 1549a-1-1551. Laws 1922, p. 276.	Annually, first Saturday in August; third Saturday before elections in cities.	Casting 20 per cent of total vote at presidential election.	Governing authority of each party may determine whether primary shall be held for State officers and United States Senators; on all others, mandatory. Decision must be made 75 days before primary.	Optional with parties as to State officers and United States Senators 40 days prior to primaries, and mandatory as to county, city, and district officers, 30 days prior to primaries. The notification and declaration must be filed by each candidate and witnessed by 2 voters.	None required. In cities petitions are filed 10 days before primary and signed by 50 voters.

Optional primary—Continued

VIRGINIA

Date and provisions of original primary election laws	Citation of subsequent legislation	Date of primary	Parties to which applicable	Declaration of option	Offices for which candidates are nominated	
					Mandatory	Petitions
Act of Mar. 3, 1892, applied to localities; mandatory; prescribed the method of conducting primaries.	Laws 1912, p. 611; 1914, p. 513; 1918, p. 96; Laws 1924, p. 8, 415, 648.	First Tuesday in August next preceding the general election. First Tuesday in April next preceding municipal elections.	Polling at least one-fourth of the total vote cast at presidential election next preceding the primary.	The governing authority of the party of any unit determines whether a primary election shall be held therein.	United States Senator, State officers, Congressmen, general assembly, city offices, county offices, town officers.	At least 60 days before the primary, a candidate must file a declaration of candidacy; 250 signers for United States Senators, State offices, and Congressmen; 50 for general assembly, city offices, and county offices.

NOMINATIONS UNDER THE LAWS OF NEW ZEALAND

(Citation: Consolidated Statutes of the Dominion of New Zealand, Vol. III, p. 539, as amended by the Statutes of the Dominion of New Zealand, I George V, p. 268.)

A man may be nominated upon fulfilling the following requirements and regulations:

(1) Any man duly qualified may, with his consent, be nominated as a candidate for any district by not less than two electors of that district by a nomination paper in the proper form transmitted to the returning officer so as to reach him not later than noon of the 10th day before the day appointed for the poll.

(2) The consent of any man to be nominated may be signified to the returning officer by letter sent by post or affixed to the nomination paper, or by ordinary message by telegraph, which shall be deemed to be delivered in time if delivered at the telegraph office for transmission within the time hereinbefore limited.

(3) No elector may nominate more than one candidate.

(4) On receipt of every proper nomination the returning officer shall immediately forward to the chief electoral officer at Wellington, by expeditious means, the names of the several candidates nominated, and shall also advertise the same in some newspaper circulating within the district in such manner as he deems most likely to give full publicity thereto.

(5) Any candidate may withdraw, not later than the time limited for making nominations, by giving or transmitting by letter to the returning officer a notice in the proper form.

(6) If only one candidate is nominated, or if any candidate who has been nominated withdraws in manner hereinbefore provided, and there remains only one candidate, the returning officer shall, by public notice on or before the day appointed for taking the poll, declare that candidate to be duly elected.

NOMINATIONS UNDER THE LAWS OF AUSTRALIA

(Citation: The acts of the Parliament of the Commonwealth of Australia, Vol. XX, page 227)

A person may be nominated upon fulfilling the following requirements and regulations:

(1) A person to be nominated as a Senator or a Member of the House of Representatives must be qualified under the Constitution.

(2) A nomination must be made on the proper form and must name the candidate, his place of residence, and occupation; and it must be signed by not less than six persons entitled to vote at the election for which the candidate is nominated.

(3) No person shall be nominated to become a Member of the Parliament of the Commonwealth who—

(a) Is at the date of nomination a member of the Parliament of a State; or

(b) Was at any time within 14 days prior to the date of nomination a member of the Parliament of a State; or

(c) Has resigned from the Parliament of a State and has the right, under the law of the State, if not elected to the Parliament of the Commonwealth, to be reelected to the Parliament of the State without the holding of a poll.

(4) No nomination shall be valid unless:

(a) The person nominated consents to act if elected, and declares that he is qualified under the Constitution to be elected as a Senator or a Member of the House of Representatives, as the case may be;

(b) The nomination paper is received after the issue of the writ and before the hour of nomination; and

(c) At the time of the delivery of the nomination paper the person nominated or some person on his behalf deposits with the Commonwealth electoral officer or divisional returning officer, as the case requires, the sum of £25 in money or in Australian notes or in a banker's check.

(5) A candidate may withdraw his consent to his nomination at any time before the hour of nomination by lodging with the Commonwealth electoral officer for the State in the case of a Senate election, or with the divisional returning officer for the division in the case of a House of Representatives election, a notice of withdrawal in the prescribed form, and thereupon the nomination shall be canceled and the deposit lodged shall be returned.

NOMINATIONS UNDER THE LAWS OF QUEBEC

(Citation: The Revised Statutes of the Province of Quebec, vol. 1, p. 262 (1925).)

A person may be nominated upon fulfilling the following requirements and regulations:

(1) The lieutenant governer shall fix the day for the nomination of candidates.

(2) The place fixed for the nomination of candidates shall be the courthouse or town hall, or some other public or private building, in the most central or most convenient place for the majority of the electors of the district.

(3) Any 25 electors of the electoral district for which the election is held may nominate a candidate for such electoral district by signing a nomination paper in the proper form, stating therein the name in full, residence address, and profession or occupation of the person proposed in such manner as sufficiently to identify such candidate, and by producing or by causing the said nomination paper to be produced to the returning officer at the time and place indicated in the proclamation.

(4) At the close of the time for nominating the candidates the returning officer shall deliver to every candidate, or agent of a candidate applying therefor, a duly certified list of the names of the several candidates who have been nominated.

(5) No nomination paper shall be considered valid unless it is accompanied by the consent of the person nominated, with the exception of a person who is absent from the Province, such absence being noted on the nomination paper.

(6) Any candidate nominated may withdraw at any time before the closing of the poll by filing with the returning officer a declaration in writing to that effect signed by himself in the presence of two electors for the electoral district, who shall also sign the same as witnesses.

NOMINATIONS UNDER THE LAWS OF ONTARIO

(Citation: Statutes of the Province of Ontario, 16 George V (1926), p. 78)

A person may be nominated upon fulfilling the following requirements and regulations:

(1) The nomination shall be by writing on the proper form, signed by at least 100 duly qualified electors of the electoral district, and stating the name, residence, and legal addition, occupation, or description of the person proposed in such manner as sufficiently to identify him. A person shall be deemed to be a duly qualified elector if he is qualified to be entered on the list of voters as entitled to vote at the election.

(2) Each candidate shall be nominated by a separate nomination paper. A duly qualified elector may sign the nomination paper of different candidates.

(3) The nomination paper may be produced to and filed with the returning officer at the time and place fixed by the proclamation, or on either of the two days next preceding that on which the meeting for the nomination of candidates is to be held.

(4) The nomination paper shall be accompanied by the consent in writing of the person therein nominated, except where such person is absent from Ontario, when such absence shall be stated in the nomination paper.

(5) A candidate may withdraw at any time after his nomination and before the opening of the poll, by delivering to the returning officer a declaration in writing to that effect, signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn shall be null and void, and if, after the withdrawal, there

remain but one candidate, the returning officer shall return as elected the candidate so remaining.

Mr. DILL. This table shows that the American people have definitely adopted the primary as the accepted method of nominating candidates. It is in continual operation, and while not perfect, is the most satisfactory system of popular control of nominations we have yet devised.

POPULAR VOTE AGAINST REPEAL OF PRIMARY

Only two States have repealed their primary laws; namely, New York and Idaho, and the repeal only applies to State and Federal officials there. These repeals were not submitted to the voters. In several States the legislatures have tried to repeal the primary laws, but when the people have had a chance to vote at a referendum, they have voted overwhelmingly for the primary. In 1920 Montana voted 77,000 to 60,000 against repeal. South Dakota voted 82,000 to 65,000 against repeal. Nebraska voted 133,000 to 49,000 against repeal. My own State of Washington voted 140,000 to 57,000 against repeal.

The buying of nominations for the Senate recently in Pennsylvania and Illinois has furnished one kind of political leaders, and those inclined to the reactionary view, that the people can not be trusted to control their Government officials, and excuse for attacking the primary as a system of nomination.

QUESTION FOR DEBATE IN HIGH SCHOOLS

The question of whether or not the results of the primary have been such as justify its continuation as a method of nomination has been made the question for debate in the high schools of my own State and in other States.

Owing to the fact that the primary has been in operation for from 10 to 25 years in nearly all of the States, the younger generation know little of any other system for making nominations, except that of which they can read. Their parents and teachers have forgotten many of the evils of the old convention system. Thus instead of discussing the operation of the primary versus the actual operation of the convention they find themselves discussing the operation of the primary against the theories of the convention and other plans of nomination.

CONVENTION IN THEORY AND PRACTICE

In theory the convention plan appears to have many desirable features. In theory the delegates are elected by the popular vote of their precincts to transmit and interpret the will of the voters in the convention hall. In practice from two to a dozen active partisans meet in precinct caucuses and name as many of themselves as their particular precincts are permitted to have as delegates. Or, if the choice be by ballot under election laws, possibly a few more than that will vote; but in either case the active partisans control the naming of the delegates. There are exceptions to this general rule, but three-fourths of the delegates are hand-picked, machine-controlled men and women, whose first purpose must be to exalt the party with which they are identified by working with the leaders and bosses of that party.

In theory the convention brings the best elements of the party together for consultation, cooperation, and promotion of party enthusiasm which will help to assure party victory at the polls and just, responsible, and efficient administration of the Government by those elected to office.

In practice it often brings the worst elements of the party together. At best it brings the political henchmen of the party leaders, the puppets of those with wealth and power who desire personal favors from Government officials and also special-privilege legislation. With bands playing, galleries cheering and hooting, and the offers of future preferment as well as the insistence upon the duty owed for past favors, the candidates of the leaders are put across. It is during the white heat of a convention that bosses can do their best work, and once the candidate is nominated the delegates go home to carry their precincts. If the candidate wins, he owes victory to the leaders who nominated him. Without nomination, he could never have been elected.

In theory the delegates will search out men of special merit, lift them from unknown characters into positions of leadership, and this, too, without much loss of time or great expense. In this way, in theory, poor yet capable men may win nominations who would never be known otherwise. Representing all communities and all classes, they will be able to formulate a platform that will insure victory.

In practice the leaders decide upon candidates from two standpoints: First, whether or not they are good party organization men; and second, as to their value to the party ticket in getting voters for the party as well as for themselves. If a poor man is nominated, he is forever obligated to the bosses who named him.

Instead of representative delegates writing the platform many towns and communities are represented by proxies, held by the manipulators of the political machine. They prepare a platform to catch votes, and their disregard of it so often during the old convention days fully justified the clever characterization of the old colored man to the effect that "Platforms is not made to stand on; they's made to get in on."

CONVENTION NEGATION OF PEOPLE'S WILL

The convention system served its purpose as the method of nomination during the earlier period of our history. But it outlived its desirability years ago and has been tolerated as a means of nominating Presidents largely because the primary system seems almost impossible of operation with so many candidates as would file in 48 States, scattered over a country so large as ours.

But the actual operation of the convention system is almost the negation of the people's will in the selection of presidential nominees. I have attended all of the national conventions of both leading parties since 1908, with the exception of one Republican convention. In addition I attended the two Progressive conventions in 1912 and 1916. The truth is that unless the political party is united on a candidate, as it was for Wilson in 1916 and Coolidge in 1924, the convention almost entirely disregards the people's will.

In 1920 the Republican convention nominated Mr. Harding not because there was any popular demand for his nomination but because former Senator Penrose and a few other Republican bosses chose him. His administration had two Cabinet officers who betrayed their trust and the trail of scandal that has been revealed is the worst in the history of the Republic. In 1924, after the Democrats had wearied themselves and the whole country almost to desperation fighting over Smith and McAdoo, some leaders decided on John W. Davis, who had no popular support previous to the nomination, and he was the worst defeated nominee since the Civil War. The convention system is no longer representative of the people as a whole, but simply representative of party leaders.

ADVANTAGES AND BENEFITS OF PRIMARY

The experiences of the people with the primary have proved its advantages and benefits to be so great that it seems like a proposal to turn the wheels of the chariot of democracy backward, even to suggest a return to the convention system.

What are those benefits and advantages?

DESTROYED PARTY SLAVERY

The direct primary has destroyed party slavery. It has freed the voters from the power of party names and turned their attention to the candidate himself. The old slogan of the party bosses, "Vote the ticket straight," seems as out of date now as "The king can do no wrong" and "The sun do move."

Fifty years ago voters who dared to scratch the ticket were termed "mugwumps" in derision. To-day it is considered one of the best traits of good citizenship to "vote for the man instead of the party."

The convention system, with its worship of party, has not produced a single great national leader in 50 years, with the exception of William J. Bryan in 1896, and it was his oratory that swept all the leaders aside and made him the popular idol for the rest of his life. Roosevelt, Wilson, Hughes, and La Follette were products of the independent voters and not of the party system such as the convention fosters.

FREED CANDIDATES AND OFFICIALS FROM BOSSES

Not only has the direct primary freed the voters from party slavery but it has freed candidates before election and public officials after election from the control of the party bosses. The fact is that the direct primary has practically destroyed party bosses in all the States where it operates. It compels a public official to make a record satisfactory to the people, because he must go to the people for renomination. He is not bound by the platforms written by partisan leaders, but must carry out the pledges made by himself when asking for votes.

INCREASES NUMBER OF VOTERS

Another benefit of the primary is that it causes a much larger number of voters to participate in the nomination and election of public officials. Our civilization is fast changing from a political and social institution to an industrial and commercial institution. More and more the masses of the American people find that their daily struggle for existence leads them to think in terms of industry and commerce instead of public affairs. They find it makes little difference to them

who is in public office, whether it be in the courthouse or the statehouse, or the Capitol or the White House.

They do not stop to consider the fact that the Government operates so smoothly that they find it unnecessary to concern themselves seriously about who holds public offices is in itself the greatest tribute to the stability of the Government, and makes it all the more important that men of high integrity, big ability, and real statesmanship should be elected to the offices of big responsibility in order that the Government may continue to function so well.

STAY-AT-HOME VOTES

The stay-at-home vote in this country has been gradually increasing year by year. Mr. Simon Michelet, of Washington, D. C., has made a most complete and detailed study of the facts. His report shows the stay-at-home vote since 1880 as follows:

Year	Stay-at-home vote	Per cent stay-at-home	Per cent voting
1880	1,800,000	16	84
1884	2,400,000	19	81
1888	2,400,000	18	82
1892	3,200,000	21	79
1896	2,800,000	19	81
1900	5,100,000	23	77
1904	6,600,000	33	67
1908	7,200,000	33	67
1912	8,800,000	37	63
1916	6,900,000	30	70
1920	25,705,000	49	51
1924	26,000,000	46	54

It will be noted that, with the exception of 1896 and 1916, the percentage of the stay-at-home vote has steadily increased. In those elections there was a greater interest on the part of the voters in the issues raised, which were really economic rather than merely governmental. The tremendous increase in the stay-at-home vote in 1920 is due in part, of course, to the enfranchisement of the women, many of whom did not desire the right to vote and naturally failed to exercise that right. Had it not been for the operation of the primary laws to keep interest aroused in voting, the stay-at-home vote would have been even greater.

Mr. Michelet gives the figures of the stay-at-home vote in foreign countries, as follows:

Year	Stay-at-home vote	Per cent stay-at-home	Per cent voting
ENGLAND			
1922	3,000,000	18	82
1924	6,000,000	24	76
GERMANY			
1919	10,000,000	25	75
1924	8,000,000	18	82
CANADA			
1921	11,300,000	30	70
FRANCE			
1919	3,000,000	33	67

In Australia the stay-at-home vote during the 20-year period, 1900 to 1920, has averaged about 30 per cent, ranging as high as 45 per cent in 1901 to as low as 17 per cent in 1917.

Queensland and New Zealand have champion voting records with only 15 per cent stay-at-home voters.

Belgium has stay-at-home vote of 20 per cent to 30 per cent. Switzerland in 1922 had 24 per cent stay-at-home voters. Denmark in 1924, 23 per cent stay-at-home; Norway, 30 per cent; Sweden, 35 per cent in 1919, and 44 per cent on the prohibition question in 1922; Italy in 1923, 36 per cent stay-at-home votes; Argentina, 37 per cent; and Uruguay, 40 per cent.

I cite these figures because they show the lack of interest in the use of the franchise throughout the world, where the people have some real control of certain branches of their government. Here in the United States, where we boast of democracy, it is particularly important that every means of enabling the people to maintain more direct control shall be adopted and retained.

MORE VOTE IN PRIMARY THAN ELECTION IN SOME STATES

According to Simon Michelet, of Washington, D. C., of the 35 States that made nominations by state-wide primaries this year, about a dozen cast a larger primary vote than the vote for President in those States in 1924. Pennsylvania and Wisconsin stand out as the most striking instances.

Reviewing the situation, Mr. Michelet says that the 1,451,537 votes cast in the Pennsylvania Republican senatorial primary in 1926 is 50,000 more than Coolidge and Dawes received in 1924. Wisconsin Republican primaries in 1926 brought out 466,637 votes, as against 311,614 for Coolidge and Dawes. This is explained in part by calling attention to the fact that much of the La Follette-Wheeler vote moved into the Republican primary.

States where the Democratic primary vote approximates or exceeds the Davis-Bryan vote are in the South or on the border, where nomination is often equivalent to election. They include Arizona, Florida, Georgia, Louisiana, Nevada, Oklahoma, South Carolina, Tennessee, and Texas. California and Wyoming also show larger Democratic primary votes in 1926 than the Democratic vote in the 1924 election. Minnesota cast 410,176 Republican primary votes, which is only 10,000 less than the Coolidge-Dawes vote. Illinois cast 1,146,708 votes in the Republican primary, which was 80 per cent of the Coolidge-Dawes vote in 1924.

In my own State of Washington the Republican primary vote of 206,508 this year compares favorably with the 220,224 for Coolidge and Dawes. In Oregon the Republican primary vote this year was 90 per cent of the Coolidge-Dawes vote, and in Nevada the Republican primary vote was 12,414 this year, against 11,243 for Coolidge and Dawes.

PEOPLE EDUCATED TO USE OF PRIMARY

What do these figures show? They show that the people are becoming well educated to the use of the primary. In those States where either party has an overwhelming majority and nomination means almost certain election, the people realize that if they are to have a voice in naming their public officials they must go to the primary. If the primary should be abolished and the convention system substituted, the people would have practically no direct control of the actual selection of their officials.

My own belief is that if we abolished the partisan requirements at the primary so that each voter could secure a blanket ballot of all party tickets, just as he does at the regular election, and then let the candidate receiving the highest vote on each ticket be declared the nominee, it would increase the interest in the primary still more and result in the nomination of stronger candidates on all tickets.

PRIMARY NOMINATES BETTER MEN

Even under the party primary system the candidates are better men than they were under the convention system. At least that has been our experience in the West. When I use the term "better men," I mean better for the people, because they are not under obligation to any boss, partisan crowd, or convention machine.

This leads me to make some observations regarding political parties. What is a political party? What is the test of party membership? Who is to pass on that question?

Mr. SHIPSTEAD. Mr. President——

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

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

Mr. SHIPSTEAD. The Senator is making a very interesting observation. A long time ago, when we had kings, it was said that the king had an infallible conscience, and could do no wrong; that his will was law. It was very convenient for the people to bow to that will and to that law. They could do it with a good conscience, because the king had an infallible conscience; at least, they thought so.

Through bitter experience humanity learned that it was not true that the king had an infallible conscience and could do no wrong, and for their own good they got rid of the king. But it seems that as a matter of our political existence humanity had to have something to bow down to. It was easier to have some one give orders than to investigate and arrive at a conclusion for ourselves. So we substituted a political party with an infallible conscience to give orders, something to which we could bow down, and which we could obey. The Senator undoubtedly recognizes the convenience of that arrangement, recognizes that it is much easier than for each citizen of the United States to do his own thinking. Some day we will discover that the party is just as fallible as the king was. Then what shall we bow to and obey? I simply wanted to call that to the Senator's attention.

Mr. DILL. I appreciate the observation of the Senator, because he always illuminates any subject on which he speaks, particularly when it touches the question of popular government.

Mr. President, the adage to which the Senator has referred, that "the king can do no wrong" and the fact of the king

being a character to whom the people could look up, has caused party leaders to assume that they were the kings of the organizations which bear the names with which they connect themselves.

Again I ask, Who constitute a political party in this country? Practically every American, with few exceptions, at one time or another has said that he is a Republican or a Democrat. Yet he would not think of allowing that statement to bind him to vote one ticket or the other regardless of what his desires might be. When you come to analyze just who constitute a political party you find you have a very nebulous kind of an organization. There are probably a hundred thousand members of precinct organizations and party committees in this country, but only a few of them are really active. National platforms are usually written by less than a hundred men. Then the great masses of the American people, running into the millions, go to the polls and vote. And who shall say but they themselves to which party they belong, and who shall say but a man himself, even in this body, to which party he belongs?

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

Mr. DILL. I yield.

Mr. SHIPSTEAD. I would like to call the Senator's attention to another comparison. In the olden days, if a man disobeyed the king, he might be expelled from the country and very often was. Now when a man disobeys the dictates of his party or party boss he is expelled from the party. Undoubtedly he would be expelled from the country if the party leaders could expel him from the country. It only shows that history is repeating itself.

Mr. DILL. The period of expulsion, however, seems to depend upon the expedient needs of the party concerned. I have noted some very distinct liberality coming over Republican leaders in this body. For instance, in the last year, or two years, certain Senators were thrown out of the party, deprived of their party chairmanships and their rank in committee assignments, but now they are not only welcomed with open arms but are invited to come in. Even the President at the White House, I understand, now recognizes the Senators from North Dakota as good party men. They are to be permitted now to name party appointees in the State of North Dakota.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The Senator will suspend a moment for an announcement. The hour of 2 o'clock having arrived and there being no unfinished business to be laid before the Senate, without objection the Senate will continue the consideration of the pending bill.

Mr. NORRIS. Mr. President——

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

Mr. DILL. I yield.

Mr. NORRIS. I had no intention of injecting myself into this debate if the Senator himself had not referred even to the White House killing the fatted calf and bringing the degenerates back into the party. Has the Senator observed that just recently—I suppose the nomination is pending before the Senate now—the President of the United States has appointed a man in the District of Columbia, whose name I will not undertake to pronounce because I am fearful that I might get it wrong, but who acknowledges the fact that he is a Democrat? I understand he has never concealed it but boasts of it. When the Senator is talking about the change of heart that is coming over the people along these lines I would like to call his attention to the fact that I have heard from a very reliable authority that the action taken by the Republicans in the Senate a couple of years ago, in which they demoted some Republicans who had not held up to the faith on all occasions, is to be used as a precedent; that, instead of the world getting better, it is getting worse; that that episode is going to be used as a precedent, and the President of the United States himself is going to be brought "on the carpet"; that the fact that the leader of the Republican Party has so far forgotten his allegiance to the party as to appoint a Democrat to the position of commissioner of this great city is going to result in the same action being taken that was taken with reference to those four Senators; and that the Senator from North Dakota [Mr. FRAZIER] is going to be chairman of the committee which shall see that proper action is taken for such disloyalty to the Republican Party.

Mr. BORAH. Let us not say too much about that until we get them back into the party.

Mr. DILL. All of these examples that are cited only bring us back to this position, that the nebulous nature of a political party is such that no man or set of men have the right to set themselves up as being the simon-pure, to decide that they alone shall be permitted to enter the inner shrine of the star chamber. The fact of the matter is that political parties are entirely voluntary organizations, and a man has a right to call himself anything he desires, and to vote as he pleases and do as he pleases politically. Whenever any crowd of men set themselves up to say to others "You shall not be a part of this party," or "You shall belong to some other party," they have assumed an authority not permitted either by the written Constitution which I have discussed or the unwritten law which has been so widely adopted to insure popular control of this Government.

Mr. President, I was saying that the primaries bring about the nomination of better men than under the convention system. I want to define the term "better" in the sense of the interests of the people, because when a man secures his nomination by a primary he is under obligation to nobody except the people whom he will serve if elected. He wins his nomination by the votes of the rank and file. He is free to follow his convictions of right or wrong without taking the dictation of any party boss who helped to nominate him in the convention. This fact tends to make them more responsive to the people's will as well as more independent of party claims upon them.

Another advantage of the primary is that it compels those who expend excessive amounts of money to buy nominations to come out into the open instead of passing it from hand to hand in some back room of a convention hall. Any State desirous of preventing excessive expenditures can do so by the enactment of a law limiting the amount to be expended.

RIDICULOUS DEFENSE OF LARGE EXPENDITURES

Those who want to return to the convention system try to excuse the spending of hundreds of thousands and even millions of dollars in Pennsylvania and Illinois to buy nominations to the Senate this year by saying that so many people vote at the primaries that such expenditures are justifiable.

Where does the logic of such an argument against the primary lead? Why, to the abolition of elections as well as the abolition of the primary system. More people vote in an election than in a primary, so according to such reasoning it would cost more to be elected than to be nominated. This would mean we must have two conventions to nominate and one general convention to elect.

Of course, such a proposal is ridiculous, but it is no more ridiculous in reality than attempting to justify candidates for Senator who spend fifteen to fifty times as much for the nomination as the salary for the whole six-year term, on the ground that large numbers of voters make such expenditures necessary.

TAKE NO BACKWARD STEP

If we are to abolish the primary system, what method of nomination shall we adopt? Those opposed to the primary have but one answer—the convention.

Mr. President, that would be a backward step. The American people never have gone backward in the democratization of this Government. From the days when Patrick Henry, making a speech against the adoption of the Constitution, cried out:

> By what authority do the framers of the Constitution say "We, the people," instead of "We, the States"?

I say that ever since that day we have had those patriotic souls among us who feared to advance or to make changes in the Government. Sometimes the people have listened to the words of caution and conservation, but I do not recall when, once having adopted a principle of government which enlarges the direct control of the Government by the rank and file of the people, they have then gone backward to the less democratic and more indirect system of control.

The American people are progressive. They plan ahead. They work for the future. They go forward. The primary is not perfect. It needs improvement and should be changed to meet objections that develop; but we shall not abandon it or return to a system which our fathers found intolerable in most of the States. We endure the convention system for the nomination of President because as yet we have been unable to formulate a plan more satisfactory to the people as a whole.

RETAIN FULL RIGHTS OF SUFFRAGE

Patrick Henry believed that the "We the people" of the Constitution was a delusion and that the officials of the central government would not be responsive to the people's will as the officials of the State were. It has taken 135 years of experiment and struggle to reach the advanced position in popular control of the government we have now attained. To abolish the right to select candidates by popular vote as well as to elect

officials from among candidates, would be to establish a partial denial of suffrage.

KEEP SOURCE OF GOVERNMENT PURE

The control of nominations is the citizens' citadel. It is the source of power in government. Let us not destroy the fountain from which the blessings of good government may flow, but rather let us busy ourselves with the establishment of laws and conditions that will keep the sources pure.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The clerk will call the roll.

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

Ashurst	Fess	King	Schall
Bayard	Fletcher	McKellar	Sheppard
Bingham	George	McLean	Shipstead
Blease	Gerry	McMaster	Shortridge
Borah	Gillett	McNary	Smith
Bratton	Glass	Mayfield	Smoot
Broussard	Goff	Metcalf	Steck
Bruce	Gooding	Neely	Stephens
Cameron	Gould	Norris	Stewart
Capper	Greene	Oddie	Swanson
Copeland	Hale	Overman	Trammell
Couzens	Harreld	Pepper	Tyson
Curtis	Harris	Phipps	Underwood
Dale	Heflin	Pittman	Wadsworth
Dill	Howell	Ransdell	Walsh, Mass.
Edge	Johnson	Reed, Mo.	Walsh, Mont.
Edwards	Jones, N. Mex.	Reed, Pa.	Wheeler
Ernst	Jones, Wash.	Robinson, Ind.	Willis
Ferris	Kendrick	Sackett	

Mr. SHIPSTEAD. I desire to announce that the Senator from North Dakota [Mr. FRAZIER] is temporarily absent from the Chamber on official business.

Mr. McMASTER. I desire to announce that the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8128) to punish counterfeiting, altering, or uttering of Government transportation requests.

The message also announced that the House had passed without amendment the bill (S. 2858) to fix the salaries of certain judges of the United States.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 8128) to punish counterfeiting, altering, or uttering of Government transportation requests, and it was thereupon signed by the Vice President.

ALEXANDER GRAHAM BELL

Mr. SMOOT. Mr. President, at a meeting of the Chancellor and Regents of the Smithsonian Institution to-day there was presented to the Institution by Mr. Walter S. Gifford, president of the American Telephone & Telegraph Co., a bust of Alexander Graham Bell. I ask that the address made by Mr. Gifford on the occasion be printed in the RECORD. It is a historical recital of Mr. Bell's invention of the telephone.

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

PRESENTATION BY WALTER S. GIFFORD, PRESIDENT AMERICAN TELEPHONE & TELEGRAPH CO. OF THE BUST OF ALEXANDER GRAHAM BELL TO THE SMITHSONIAN INSTITUTION, DECEMBER 9, 1926

Mr. Chancellor, Regents of the Smithsonian Institution, and Mr. Secretary, the stately presence and the hearty genial smile of Alexander Graham Bell were for many, many years familiar to these halls. Now that he is gone, we of the telephone which he invented ask the privilege of seeing to it that as his memory will always remain here with you who were associated with him in the conduct of this great institution, so also his face and the spirit that always actuated him shall continue to be familiar to those who come in and out of this building, whether as workers, as students, or simply as visitors.

To us of the telephone, history presents the figure of Alexander Graham Bell as that of a young man of 29 with black hair. To you he is primarily the distinguished citizen of his later years with white hair and full white beard. But whether of few or of many years in age, his eye and his smile were always the same—keen, radiant, generous, genial, even jovial in his enthusiastic interest in all that concerned the welfare of his fellow men. Alexander Graham Bell was always young in spirit—young in his loyal companionship with others, young in his engrossing devotion to the service of the unfortunate, young in his absolute confidence in life. The years brought no difference in his spirit. His spirit was always the same.

But although our closest association with Alexander Graham Bell was in his earlier days, we of the telephone as a matter of fact usually think of him as you do in his later years. Accordingly we have asked our sculptor to present in this portrait the young spirit of this man, not in his early years when he invented the telephone and when he was only at the beginning of his great career, but in the full maturity of his riper manhood, in his large versatility, when he had accomplished so much, when he had gone forth into other fields and in every field had wrought fruitful achievement.

So, as we of the telephone see in this portrait the inventor of the telephone, may radio see no less the inventor of the photophone, the first wireless; may surgery see the inventor of that device which preceded the X ray in the merciful location of foreign substances in the body; may aviation see the friend and champion of Samuel P. Langley and the experimenter of the tetrahedral kite; may naval engineering see the inventor of the hydrodrome; may the deaf see him who all his life was their teacher and benefactor; and may all who work for the improvement of the human race see the tireless student of heredity, eugenics, and longevity.

Alexander Graham Bell was for nearly 30 years—from 1893 to his death in 1922—a regent of the Smithsonian Institution. For the same long period of time he was a member of the executive committee of this board. You know his services in this capacity better than I. But his earliest association with this institution is specially significant to us, and it is a common bond between the Smithsonian and the telephone. On that occasion this institution in the person of its great first secretary, Joseph Henry, rendered a most important service to humanity and the future. It was in March, 1875, before Bell invented the telephone. The incident happened in one of these rooms; possibly in this very room. Bell was at that time thoroughly worn out and very much discouraged. In all lines of work, in all the triumphs of life, great discouragement often precedes the splendid moment of final success. Let me read to you from Bell's own account of it in a letter to his father and mother written on his return from Washington to Salem:

"I am now beginning to realize the cares and anxieties of being an inventor. Flesh and blood could not stand much longer such a strain as I have had upon me. You seem to think that my anxieties are over, when in truth they are really only beginning.

"When I was in Washington," Bell goes on, "I had a letter of introduction to Professor Henry, who is the Tyndall of America. I had found that some of the points I had discovered in relation to the application of acoustics to telegraphy had been previously discovered by him. I thought I would, therefore, explain all the experiments and ascertain what was new and what was old. He listened with an unmoved countenance but with evident interest to all, but when I related an experiment that at first sight seems unimportant, I was startled at the sudden interest manifested. He started up, said, 'Is that so? Will you allow me, Mr. Bell, to repeat your experiments and publish them to the world through the Smithsonian Institution, of course giving you the credit of the discoveries?'

"I said it would give me extreme pleasure, and added that I had apparatus in Washington and could show him the experiments myself at any time. We appointed noon next day for the experiment. I set the instrument working, and he sat on a table for a long time with the empty coil of wire against his ear listening to the sound.

"I felt so much encouraged by his interest," Bell continues, "that I determined to ask his advice about the apparatus I have designed for the transmission of the human voice by telegraph. I explained the idea and said, 'What would you advise me to do—publish it and let others work it out, or attempt to solve the problem myself?' He said he thought it was 'the germ of a great invention,' and advised me to work at it myself instead of publishing. I said that I recognized the fact that there were mechanical difficulties in the way that rendered the plan impracticable at the present time. I added that I felt that I had not the electrical knowledge necessary to overcome the difficulties. His laconic answer was, 'Get it.' I can not tell you how much these two words have encouraged me."

Bell went ahead and "got it." A year later, on March 10, 1876, from his little laboratory on the top floor of his boarding house at 5 Exeter Place, Boston, Bell telephoned his assistant, "Mr. Watson, come here; I want you."

Alexander Graham Bell was grateful to Joseph Henry for that encouragement all his life. No less, I am sure, was he grateful to this institution. So, too, with us, the scientific sons and heirs of Alexander Graham Bell, with our reverence for the memory of Joseph Henry and our appreciation of this noble center of science and culture, I assure you, gentlemen, that as we come here to-day there is in our feeling something of gratitude for that vital encouragement from the great Secretary of the Smithsonian Institution to the young inventor of the telephone just at the time when he needed that encouragement most.

Mr. Chancellor, gentlemen of the Board of Regents of the Smithsonian Institution, and Mr. Secretary, in behalf of the American Tele-

phon & Telegraph Co., and in commemoration of the fiftieth anniversary of the birth of the telephone, I present to you this bust of Alexander Graham Bell.

PROHIBITION OF POISONOUS GASES IN WARFARE

Mr. BORAH. I move that the Senate proceed to the consideration of what is known as the poison-gas treaty in open executive session.

The PRESIDING OFFICER. The motion is not debatable. The question is on the motion of the Senator from Idaho.

The motion was agreed to; and the Senate in open executive session proceeded to the consideration of the protocol for the prohibition of the use in war of asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare, which had been reported from the Committee on Foreign Relations June 26, 1926, as follows:

The undersigned plenipotentiaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous, or other gases, and of all analogous liquids, materials, or devices, has been justly condemned by the general opinion of the civilized world; and

Whereas the prohibition of such use has been declared in treaties to which the majority of powers of the world are parties; and

To the end that this prohibition shall be universally accepted as a part of international law, binding alike the conscience and the practice of nations;

Declare:

That the high contracting parties, so far as they are not already parties to treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare, and agree to be bound as between themselves according to the terms of this declaration.

The high contracting parties will exert every effort to induce other states to accede to the present protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding powers, and will take effect on the date of the notification by the Government of the French Republic.

The present protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date.

The ratifications of the present protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding powers.

The instruments of ratification of and accession to the present protocol will remain deposited in the archives of the Government of the French Republic.

The present protocol will come into force for each signatory power as from the date of deposit of its ratification, and, from that moment, each power will be bound as regards other powers which have already deposited their ratifications.

In witness whereof the plenipotentiaries have signed the present protocol.

Done at Geneva in a single copy, this 17th day of June, 1925.

For Germany

H. VON ECKARDT.

For the United States of America

THEODORE E. BURTON.
HUGH S. GIBSON.

For Austria

E. PELĈGL.

For Belgium

——— ———

For Brazil

Contre-Amiral A. C. DE SOUZA E. SILVA.
Major ESTEVÃO LEITÃO DE CARVALHO.

For the British Empire

I declare that my signature does not bind India or any British dominion which is a separate member of the League of Nations and does not separately sign or adhere to the protocol.

ONSLOW.

For Canada

WALTER A. RIDDELL.

For the Irish Free State

——— ———

For India

P. C. COX.

For Bulgaria

——— ———

For Chile

LUIS CABRERA,
Général de Division.

For China

——— ———

For Colombia

——— ———

For Denmark

A. OLDENBURG.

For Egypt

——— ———

For Spain

EMILIO DE PALACIOS.

For Estonia

J. LAIDONER.

For Abyssinia

GUÉTATCHOU.
BLATA HEROUY HEROUY.
A. TASFAE.

For Finland

O. ENCKELL.

For France

J. PAUL-BONCOUR.

For Greece

VASSILI DENDRAMIS
D. VLACHOPOULOS.

For Hungary

——— ———

For Italy

PIETRO CHIMIENTI.
ALBERTO DE MARINIS-STENDARDO.

For Japan

M. MATSUDA.

For Latvia

COLONEL HARTMANIS.

For Lithuania

——— ———

For Luxemburg

CH. G. VERMAIRE.

For Nicaragua

A. SOTTILE.

For Norway

——— ———

For Panama

——— ———

For the Netherlands

W. DOUDE VAN TROOSTWIJK.
W. GUERIN.

For Persia

——— ———

For Poland

Général CASIMIR SOSNKOWSKI.
G. D. MORAWSKI.

For Portugal

A. M. BARTHOLOMEU FERREIRA.
AMERICO DA COSTA LEME.

For Rumania

N. P. COMNENE.
Général T. DUMITRESCU.

For Salvador

J. GUSTAVO GUERRERO.

For Siam

——— ———

For Sweden

——— ———

For Switzerland

LOHNER.
ED. MULLER.

For the Kingdom of the Serbs, Croats, and Slovenes

J. DOUTCHITCH.
Général KALAFATOVITCH.
Capt. d. frég. MARIASEVITCH.

For Czechoslovakia

Dr. VEVERKA, FERDINAND.

For Turkey

M. TEVFIK.

For Uruguay

ENRIQUE E. BUERO.

For Venezuela

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Mr. BORAH. Mr. President, this treaty was discussed at some length in executive session at the close of the last session of Congress, but I presume it is proper again to go over the terms of the treaty and the facts relative to its negotiation, although I do not propose to do so at any great length.

This treaty grew out of the Traffic-in-Arms Conference, which was held in Geneva in 1925. I will read the material part of the treaty, as it is brief:

The undersigned plenipoteniaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous, or other gases and of all analogous liquids, materials, or devices has been justly condemned by the general opinion of the civilized world; and

Whereas the prohibition of such use has been declared in treaties to which the majority of powers of the world are parties; and

To the end that this prohibition shall be universally accepted as a part of international law, binding alike the conscience and the practice of nations;

Declare:

That the high contracting parties, so far as they are not already parties to treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare, and agree to be bound as between themselves according to the terms of this declaration.

The high contracting parties will exert every effort to induce other states to accede to the present protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding powers, and will take effect on the date of the notification by the Government of the French Republic.

The present protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date.

The ratifications of the present protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding powers.

The instruments of ratification of and accession to the present protocol will remain deposited in the archives of the Government of the French Republic.

Mr. President, that is the material part of the treaty. The treaty has been signed by some 30 or 31 powers. This treaty seems to be something in the nature of a consummation of the efforts which have been put forth for the last 30 years to prohibit or control the use of certain instruments of warfare, poisonous instruments and poisonous gas. The effort began at the first Hague conference. It may be interesting to the Senate to go back briefly over the facts showing the effort which has been put forth, the things which have been accomplished, the nations which have been interested in the proposition, and those which now approve of the prohibition of poison gas, either in one form or another. I say "in one form or another." Some have signed treaties, some have signed this treaty, and some have ratified it.

At the first Hague conference there was signed on July 29, 1899, a declaration concerning asphyxiating gases, the substance of which was as follows:

The contracting powers agree to abstain from the use of projectiles, the sole object of which is the diffusion of asphyxiating or deleterious gases.

That declaration was signed and ratified by 25 powers, was subsequently adhered to by Great Britain and Nicaragua; in all 27. The United States did not sign that declaration, and did not agree to it on the part of its delegates. The objections made at the time were something in the nature of the objections which are made at this time in part.

In the first place it was contended that no shell emitting asphyxiating gases was then in practical use, and therefore any conclusions as to the results of the use of such shells would be premature. It was also contended that until such shells had been tested there was no way of knowing whether their use would be inhumane or not. Third, it was contended that the asphyxiation of combatants was not per se more inhumane than blowing them to bits by high explosives. These were the objections which were made, epitomized in my own language, by the delegates attending the convention upon the part of this Government. The United States did, however, sign and ratify The Hague conventions of 1899 and 1907 respecting the laws and customs of war on land. Article 23 of the 1899 convention provides:

Besides the prohibitions provided by special conventions it is especially prohibited (a) to employ poison or poisoned arms.

Article 23 of the 1907 convention provides:

In addition to prohibitions provided by special conventions, it is especially forbidden to (a) employ poison or poisoned weapons.

These declarations were indorsed and accepted by the United States.

Article 171 of the Versailles treaty contains the following provision:

The use of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, and devices being prohibited, their manufacture and importation are strictly forbidden in Germany.

The article is incorporated in the treaty proclaimed November 14, 1921, between the United States and Germany, restoring friendly relations.

Article 119 of the treaty of Trianon provides:

The use of flame throwers, asphyxiating, poisonous, or other gases, and all similar liquids, materials, or devices being prohibited, their manufacture and importation are strictly forbidden in Hungary.

That article is embodied in the treaty proclaimed December 20, 1921, establishing friendly relations between the United States and Hungary.

Article 135 of the treaty of St. Germain provides:

The use of flame throwers, asphyxiating, poisonous, or other gases, and all similar liquids, materials, or devices being prohibited, their manufacture and importation are strictly forbidden in Austria.

Thus the United States has exacted from Germany, Austria, and Hungary an obligation not to manufacture or import materials for chemical warfare, and recognized that a prohibition of the use of poisonous gas in warfare existed at least so far as those countries were concerned.

In November, 1921, what is known as the disarmament conference met in Washington. Mr. Hughes, the Secretary of State, prior to the opening of the conference suggested a tentative agenda for the Conference on the Limitation of Armaments. On this agenda was an item as follows:

Rules for control of new agencies of warfare.

At a meeting of the committee on program and procedure with respect to the limitation of armament Mr. Hughes proposed that among other subcommittees one should be constituted to study and report on the utilization of poisonous gases.

Mr. Hughes's statement I quote, I think in full, so far as it relates to this matter:

The committee might well come to a decision indicating an attempt to control such agencies. It might soon arrive at a position similar to that of the British delegates, but, nevertheless, the matter required examination and study, because the sense of humanity had been outraged. If nothing could be done, then the world should know why. Most of the trouble of this sort during the war arose from the utilization of contrivances which had not been used before, and from the resulting disputes as to analogy, etc. If the civilized world would make a declaration such as that a whole city should not be asphyxiated on any pretext whatsoever, or that women and children—no part of the armed forces—should not be killed by use of bombs against civilians on the pretext that the nation was at war, the conference would have achieved an important step which would win universal support. A start must be made and jurisconsults consulted, if necessary.

Committees should be set up on the questions herein above referred to, which, however, are extremely technical and therefore demanded technical advice—which certainly some of the delegates would manifestly not be in a position to give.

The report of the subcommittee was made to the Committee on Limitation of Armaments on January 6, 1922. The subcommittee's conclusions were, briefly, that the only limitation practicable was wholly to prohibit the use of gases against cities and other large bodies of noncombatants in the same manner as high explosives might be limited, but that there could be no limitation of their use against the armed forces of the enemy ashore or afloat.

When this report had been presented Mr. Hughes submitted to the conference the report adopted by the advisory committee of the American delegation upon the recommendation of its subcommittee on new agencies of warfare. The advisory committee's report reached the conclusion that there could be no actual restraint on the use by combatants of poisonous gases in warfare if it were permitted in any guise, and that the frightful consequences of the use of toxic gases if thrown from airplanes on cities staggered the imagination. It therefore recommended the total abolition of chemical warfare, whether in the army or in the navy, whether against combatants or against noncombatants. The committee pointed out that the United States was perhaps best equipped of all nations to use chemical warfare effectively, but that an indication of a willingness to refrain from the use of this method would be a true expression of the sentiment of the American people.

Another subcommittee of the advisory committee of the American delegation, under the chairmanship of Gen. John J. Pershing, submitted a report embodying the following recommendation:

Chemical warfare should be abolished among nations as abhorrent to civilization. It is a cruel, unfair, and improper use of science. It is fraught with the gravest danger to noncombatants and demoralizes the better instincts of humanity.

Upon another occasion questions were presented to the General Board of the United States Navy, and the following is the answer, with comments:

Question. Should gas warfare be prohibited?

Answer. Yes.

Comment: 1. The United States would undoubtedly give up a material advantage if gas warfare were abolished. The resources and scientific development of this country place it in the front rank of nations in the ability to wage efficient gas warfare and insure an adequate supply of special gases. Nevertheless, its abolition would be popular in this country even though its effectiveness as a weapon in war has been clearly proved when employed under special conditions.

2. The tendency of rules of modern warfare is toward restraint in the employment of weapons that produce unnecessary suffering. The limitations in the employment of the different weapons have that end in view. The dumdum bullet and the explosive bullet are well-known examples. Following this general principle, gases which produce unnecessary suffering should be prohibited.

3. Gas warfare has a peculiar quality different from any method heretofore employed, in that, though directed toward a particular target, its destructive effect is not limited to that target, but passes beyond control of the belligerent agent and may involve a sacrifice of innocent lives over a wide area. On account of this peculiarity the use of gas which causes death is objectionable, because not only the combatant is killed, a perfectly legitimate target, but many noncombatants may also be victims, and these innocent persons may deliberately be made the objects of gas attack by unscrupulous belligerents. Lethal gases should therefore be prohibited.

Mr. HALE. Mr. President, will the Senator tell me the date of that statement?

Mr. BORAH. It was in 1922, but I can not give the month. It was during the disarmament conference, as I understand. My understanding is that the committee which had this matter in charge submitted these questionnaires to the Navy, and that was during the disarmament conference.

The General Board of the Navy submitted to the American delegation a report on the subject of chemical warfare, the conclusion of which was as follows:

The General Board believes it to be sound policy to prohibit gas warfare in every form and against every objective, and so recommends.

After presenting the committee report cited above, Mr. Hughes said that despite the conclusion reached by the conference subcommittee to the effect that limitation of the use of gas by combatants was impossible, the American delegation, in the light of advice from its advisory committee, and the concurrence in that advice by General Pershing, the head of the American land forces, and of the special recommendations of the General Board of the Navy, felt that it should present the recommendation that the use of asphyxiating or poisonous gases be absolutely prohibited. The Hon. Elihu Root accordingly presented, on behalf of the American delegation, a resolution in the following terms:

The use in war of asphyxiating, poisonous, or other gases and all analogous liquids, materials, or devices having been justly condemned by the general opinion of the civilized world, and a prohibition of such use having been declared in treaties to which the majority of the civilized powers are parties;

Now, to the end that this prohibition shall be universally accepted as a part of international law, binding alike the conscience and practice of nations, the signatory powers declare their assent to such prohibition, agree to be bound, especially as between themselves, and invite all other civilized nations to adhere thereto.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BORAH. Certainly.

Mr. REED of Pennsylvania. I find that the injunction of secrecy still obtains as to the text of this particular treaty, although the Senator has just read it. Will not the Senator ask that that injunction be removed at this time?

Mr. BORAH. That was an oversight on my part. I assumed that as we were in open executive session it would not be necessary; but I ask that the injunction of secrecy be removed.

The PRESIDING OFFICER. Without objection, the injunction of secrecy is removed.

Mr. BORAH. It will be observed that this resolution which was proposed at the disarmament conference by Mr. Root, and which I have just read, is almost in the exact terms, if not the exact terms, which are embodied in the treaty which is now under consideration.

There was, of course, considerable discussion by the different delegations, which I do not propose at this time, at least, to read.

The resolution which had been offered by Mr. Root was adopted unanimously by the committee, and was later incorporated as Article V of the treaty signed by the five powers on February 6, 1922, in the following terms. This is the language of the treaty of February 6, 1922, as found in Article V:

The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world, and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties;

The signatory powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves, and invite all other civilized nations to adhere thereto.

This treaty was ratified by the Senate upon March 29, 1922.

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

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. Yes; in just a moment. The treaty which we are now considering carries no other provisions than those which are found in the treaty of 1922, which was ratified by the Senate upon the 29th of March; but, for reasons which I shall explain in a few moments, that treaty was not ratified by certain powers.

I now yield to the Senator from New York.

Mr. COPELAND. The Senator made no reference to the prohibition of the use of bacteriological methods of warfare.

Mr. BORAH. That was not incorporated in the resolutions which were considered in 1922. I should have so stated. That provision was inserted at the request of the delegation from Poland in 1925; and I shall come to that later. It was not in the resolution or the treaty which was offered by the delegates from the United States at the traffic in arms conference, but was inserted upon request of the Polish delegation.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from New York?

Mr. BORAH. I do.

Mr. COPELAND. Was it accepted by the other countries?

Mr. BORAH. Yes, sir. This treaty has been signed.

Mr. COPELAND. I mean, with this prohibition of bacteriological methods of warfare?

Mr. BORAH. Yes. It is in the treaty and has been signed by the other powers.

Article VII of the treaty of 1922 provides as follows:

The Government of the United States will further transmit to each of the nonsignatory powers a duly certified copy of the present treaty and invite its adherence thereto.

This is pursuant to the provisions of Article V, whereby the signatory powers agree to invite the adherence of all other civilized nations.

The principles of Article V of the Washington treaty have apparently influenced the conclusions of two important conferences in Latin America. At the conference of the Central American Republics which resulted in a convention which was signed at Washington on February 7, 1923, is found the following:

The contracting parties consider that the use in warfare of asphyxiating gases, poisons, or similar substances, as well as analogous liquids, materials, or devices, is contrary to humanitarian principle and to international law, and obligate themselves by the present convention not to use said substances in time of war.

The Fifth International Conference of American States, held at Santiago, Chile, March 25 to May 3, 1923, adopted a resolution the pertinent portion of which is as follows:

The Fifth International Conference of American States resolves: * * * To recommend that the Governments reiterate the prohibition of the use of asphyxiating or poisonous gases and all analogous liquids, materials, or devices, such as are indicated in the treaty of Washington dated February 6, 1922.

The Colombian delegation refrained from voting on this resolution, but made a statement in general sympathy with the objects sought to be attained. The United States attended the Santiago conference, and subscribed to the resolution just quoted.

Then, Mr. President, came the approaching conference designed to deal with the question of the traffic in arms between different nations. Certain instructions were given to the American delegates, and these instructions were framed after due consultation with the Department of War and the Department of the Navy.

Mr. WADSWORTH. Mr. President, will the Senator state who was consulted in the Department of War?

Mr. BORAH. Those names have been given to me, but——

Mr. WADSWORTH. I am not surprised that the Senator has forgotten it, because it was not the head of the department.

Mr. BORAH. I do not think it was the head of the department; but the present head of the department, as I understand, is in favor of this treaty.

Mr. WADSWORTH. Upon that I have no information which I can divulge to the Senate.

Mr. BORAH. I understand that the head of the department at that time was also in favor of it.

Mr. WADSWORTH. I make the same comment as to that.

Mr. BORAH. I also understand that the head of the Navy Department is in favor of it. Anyway, after consultation with the representatives of these two departments, assuming that they represented the departments by authority, the following instructions were given:

> In connection with the definition of categories, or wherever in the convention it might be considered most appropriate, the department would desire to see an article inserted absolutely prohibiting international trade in asphyxiating, poisonous, or other gases for use in war. In this connection you will recall that the treaty between the United States, Great Britain, France, Italy, and Japan, signed on February 6, 1922, contained in article 5 a prohibition against the use of such gases. This treaty, it may be noted, is not yet effective, as it has not been ratified by France.

The objection which France made was due, as I understand, to the submarine clause. France has signed this treaty and has notified the United States that she is ready to deposit ratifications. The objection going to the submarines does not obtain as to this treaty, of course.

> However, as this Government and various other governments are clearly committed to the principle that poisonous gases should not be used in warfare, there is every reason for you to press for the inclusion of an article prohibiting the shipment of such gases in foreign trade for possible use in time of war. The form which such an article might take, following in part the phraseology of the treaty of February 6, 1922, might be somewhat as follows.

Then follows what is practically the language of the resolution incorporated in the treaty of 1922 as Article V.

Apparently, it was found impracticable at Geneva to adopt any treaty with reference to traffic in poison gases or prohibiting the trade in poison gases. As I am informed, one of the principal objections was that certain nations being peculiarly fitted and prepared to produce poison gases and others not, a prohibition of trade or traffic was deemed unjust and impracticable.

Therefore they took up the question of prohibiting the use of poison gases, and instead of undertaking to deal with it in the matter of traffic they have dealt with it in the way of absolute prohibition.

Mr. President, that, so far as I am aware, covers the facts leading up to the signing of the protocol, or treaty, which we have before us. As I have stated, the same proposition now found incorporated in this treaty was in the treaty of 1922, and has already been ratified by the Senate. It became necessary to deal with the subject alone, however, by reason of the fact that the treaty of 1922 covered submarines, to which there was objection upon the part of France.

The treaty, so far as I see it, presents nothing new in the way of dealing with this subject other than that which we had when we passed upon the former treaty. For the present that is all I desire to say.

Mr. WADSWORTH. Mr. President, will the Senator before taking his seat answer one question? I am sure he has the material there. I was not quite certain, when he referred to it, whether the instructions given our delegation to this Geneva conference in this connection were confined to the matter of regulating or prohibiting the trade in poison gas.

Mr. BORAH. They were. The instructions in the first instance covered simply the proposition of prohibiting trade, but after it was found impractical to deal with it in that way the delegation communicated with the President or the Secretary of State, and afterwards received their instructions upon this specific provision with reference to prohibition.

Mr. WADSWORTH. Mr. President, it is with a good deal of hesitation that I address the Senate upon this question, because I have done so upon a former occasion. On that other occasion we were in closed executive session, and perhaps the fact that we have now opened the doors and that what may be said upon this proposed treaty will be printed in the CONGRESSIONAL RECORD and made available for public examination warrants repeating what I said in executive session.

I realize perfectly well that the United States, most unfortunately from my point of view, have established a precedent in this matter of attempting to prevent by treaty stipulation chemical warfare, or poison gases in war, as it is ordinarily called. It is true that in 1922, as a result of the deliberations of the Washington conference, the Senate did ratify such a treaty. I opposed the treaty at the time in open session, pointing out what I believed to be its essential fallacies, and it is for very similar reasons that I am opposing this treaty.

I count the country lucky that the other treaty has not yet been ratified in such a fashion as to compel the United States to adhere to its provisions. I hope that France will never deposit ratifications; that we will recover, at least to that extent, from the error we committed upon that occasion, and that we shall not ratify this treaty and shall thus avoid the danger which I see lying in this proposal.

I think it fair to say that in 1922 there was much of hysteria and much of misinformation concerning chemical warfare. I was not at all surprised at the time that the public very generally—not only in this country but in many other countries—believed that something should be done to prohibit the use of gas in warfare. The effects of that weapon had not been studied at the time to such an extent as to permit information about it to reach the public. There were many misconceptions as to its effects and as to the character of warfare involved in its use.

To-day we have much more information; in fact we have complete information, with the result that an entirely different picture is afforded in connection with the use of this weapon, and the facts with respect to it can be made so clear, I am certain, that the proponents of a suggestion of this kind will have a good deal of difficulty in defending their position.

Poison gas, so called, was new to the experience of the world when it was first used in 1915 by the Germans. It may be remembered that The Hague convention of 1907 forbade the use of poison gas. It should also be remembered that when war breaks out treaties and conventions perish, and a perfect example of that was the fact that one of the parties to The Hague convention of 1907 resorted to the use of a weapon forbidden in that convention. Germany's enemies were taken by surprise. Some military experts have stated that Germany nearly won the war in that surprise attack. The Allies had to reply to that weapon by defensive devices and to resort to its use in the offensive, and from then to the end of the war it became apparent that armies had hit upon one of the most effective military weapons ever known.

It may not be a pleasant thought, Mr. President, but I can not get it out of my mind that we shall never be able to prevent in war the use of a weapon which is militarily effective. When a nation is fighting for its life, like an individual, it will seize any weapon which will save its life.

There may be different degrees of cruelty, but we might just as well admit that war itself is cruelty, organized cruelty and destruction. All of us would like to reduce the cruelty inherent in war if it were possible, but we have to look things straight in the face and make up our minds whether we are going to accomplish anything by attempting to forbid an individual or a nation using a weapon which may save his or its life. I contend that you can not prevent it. It is inherent in human nature to use whatever weapon may save the life of the person using it.

I have objected to the first sentence in this treaty because it does not state a true fact. It reads:

> Whereas the use in war of asphyxiating, poisonous, or other gases, and of all analogous liquids, materials, or devices has been justly condemned by the general opinion of the civilized world.

As I said a moment ago, back in 1922 there was much of hysteria about this thing and much misinformation. We have the information now complete, based upon facts that are incontrovertible, which indicates very, very clearly that, compared with other weapons used in warfare, gas is the least cruel, not only in its effect at the time of its use but in its after effects. If we are to base our action upon relative cruelty of weapons, we would better go to the high-explosive shell and attempt to draw a convention which would prevent nations using it, for if we compare the effects of high explosives, bullets, and shrapnel on the one side with the effects of gas upon the other we can not help reaching the conclusion that gas, while an extraordinarily effective weapon from the military standpoint, is the least cruel of the lot.

That statement can be sustained by a report of the Surgeon General of the Army of the United States, in which the effects of gas warfare, so called, compared with the effects of high explosive, machine and rifle bullets, and shrapnel, are set forth in convincing fashion. I want to put some of those figures in the RECORD, Mr. President, to dispel, if I may, what little misconception there is left among those who have studied this question at all.

I refer to the casualty figures of the American Expeditionary Force. There were killed upon the field of battle 34,249 American soldiers. There were admitted to our hospitals as wounded 224,000. Of the 224,000 who were admitted as wounded, 70,000 were gas cases. About 30 per cent of all the casualties suffered in the American Expeditionary Force, as well as about 30 per cent of all the casualties suffered in the British Army and the French Army, were gas casualties, indicating the effectiveness of gas as a military weapon.

Mr. NORRIS. Mr. President, bearing directly on that subject, will the Senator tell us what time in the war gas was first put into use as a weapon?

Mr. WADSWORTH. It was put into use first in the famous attack of the Germans at Ypres, or in the neighborhood of Ypres, in 1915. It did not come into general use until several months later.

Mr. REED of Pennsylvania. In April, 1915, at the second battle of Ypres.

Mr. NORRIS. In the figures the Senator has given, 30 per cent, does he cover the entire period of the war?

Mr. WADSWORTH. No. I should have made it a little more clear. I am giving the figures for the American Army, which was in the war actively not more than a year.

Mr. NORRIS. The Senator referred to the British Army.

Mr. WADSWORTH. In the corresponding period the British Army suffered approximately 30 per cent of its casualties from gas, and the same applies to the French Army; 30 per cent of all casualties were gas casualties. It is to be presumed that the German Army suffered a similar proportion of gas casualties.

Subtracting 70,000 gas casualties from the 224,000 total wounded admitted to our hospitals, we have 154,000 American soldiers wounded as the result of high explosives, bullets, bomb, and shrapnel wounds.

Of those suffering from gas, there died in our hospitals 1,221 altogether, and the best estimate the department can give is to the effect that on the field of battle about 200 American soldiers, all together, died from gas. Sixty-nine thousand recovered out of the seventy-odd thousand that were gassed. They recovered unmaimed. Only 2 per cent of all the American soldiers who were gassed in this war died. The 98 per cent, nearly all of them, if they have not been taken from us by some other cause since that time, are with us now, and the medical profession is rapidly reaching the conclusion that there are no bad after effects.

Questionnaires have been sent to large numbers of physicians all over the country in an endeavor to get the opinion of the medical profession as to whether gassing has left permanent effects upon its victims and, according to the report, an overwhelming proportion of physicians say that the effects have passed away and that the man who was gassed is going through life unmaimed and unhandicapped.

Contrast that with the effect of bullet, shell, and shrapnel wounds. Out of every 100 American soldiers who were struck by missiles of that kind 24 died as contrasted with the 2 who died out of every 100 of those who were gassed. In other words, the soldier who was gassed had twelve times the chance for his life that the man had who was hit with a bullet or shell fragment. Then when we recollect that of the remaining 76 out of 100 who were hit by bullet and shell fragments a large number go through life maimed, minus a leg or an arm, or with other distressing injuries, and that no such thing accompanies or follows the gassing of the soldier, we get some idea of the relative cruelty of these weapons.

This treaty is here before us, as it was before the conference at Geneva, due almost entirely to the impression that gas warfare is so hideously cruel, far more so than any other kind of warfare, that it should be subject to the just condemnation of the civilized world. The facts of the case do not support the opening paragraph of the treaty.

Let me illustrate that point further. An interesting insight into it is had by an examination of the figures of those who were blinded in the American Expeditionary Force. The number of soldiers blinded totally in both eyes in the American Expeditionary Force was 66; partially blinded in both eyes, 44; blinded in one eye, 644. The total number, therefore, of eye casualties is 754. The report discloses further that of this number gas was responsible for the following: Blinded in both eyes, 4 (out of a total of 66); blinded in one eye, 25 (out of a total of 644). The total number of eye casualties due to gassing in the whole American Expeditionary Force was only 29. All the rest were due to bullets and shell fragments, high explosives.

A comparison of that kind indicates very, very clearly that if we are appealing for the ratification of this treaty on the ground that we want to get rid of the most cruel weapon in warfare we are appealing on a very false ground. I grant you, Mr. President, that it is cruel. Any injury inflicted such as these has an element of cruelty in it, and no decent person would fail to shudder at the possibility of war with all its cruelty. But when we recollect that 30 per cent of all the casualties in the American Expeditionary Forces were gas casualties, remembering then the effectiveness of the weapon from a military standpoint, and then recollect on top of that that such effectiveness is accompanied by a set of conditions which indicate very clearly that it is the most humane of all weapons used in the last war, it is difficult to understand why we should appeal to the public to abandon the use of such a weapon and allow the use of the others to go on.

Let us see about the maiming that follows the use of other weapons. These figures again are taken from the report of the surgeon general of the American Expeditionary Forces. Four thousand four hundred and twenty-eight men lost one or more of the extremities, a hand or foot, a leg or an arm.

Mr. BORAH. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BORAH. May I ask, before the Senator goes to that subject, how effective were what were known as gas masks in preventing soldiers from being gassed?

Mr. WADSWORTH. I may reply only as a result of the reading of official reports and conversations I have had with men who went through this thing. There are men in the Chamber who have been through it and who can answer the question better than I. I may say briefly that in the beginning of course there were no masks, the Germans having taken the Allies by surprise when they launched the first gas cloud in April, 1915. Masks were very rapidly developed by the chemical industries of France and Great Britain and became very effective against all but one of the gasses, as I understand. The gas against which the mask was not especially effective was mustard gas. The gas casualties that I have commented on here include mustard-gas casualties.

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

Mr. WADSWORTH. Certainly.

Mr. TYSON. I would like to say in that connection that I have here the statistics in regard to the effectiveness of gas masks in the German army. Notwithstanding the fact the Germans were the first to use gas, during the whole of the war they had 78,663 casualties; the second year 6,000, the third year 19,000, the fourth year 53,000; and that is accounted for by the fact that they had gas masks and had been instructed in the use of them long before the other armies had gas.

Mr. WADSWORTH. It was largely a matter of training, I understand the Senator from Tennessee to say.

Mr. TYSON. Yes.

Mr. BORAH. I understand from those figures that the masks proved very effective.

Mr. TYSON. It would show they are very effective when the men are propery trained.

Mr. WADSWORTH. Referring again to the maimed, we had 4,428 men who lost one or more of the extremities and 4,719 in whom the flexibility of one or more joints was totally or partially destroyed. The total number of men who will go through life maimed is 9,147. Not one of them is due to gassing. All come from the other weapons. I merely submit that observation as a further demonstration of my statement of a few moments ago that gas warfare is the least cruel of them all.

Mr. President, I do not want to detain the Senate long this afternoon——

Mr. WALSH of Montana. Mr. President——

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

Mr. WADSWORTH. I yield.

Mr. WALSH of Montana. May I say, before the Senator passes from that question, that of course it is not to be expected a man would lose a limb through the operation of gas; but let me inquire of the Senator whether there are not men going through life suffering from ailments due to gas quite as serious as the loss of an arm or leg?

Mr. WADSWORTH. Undoubtedly the Senator from Montana refers to tuberculosis. There are some rather interesting figures on that, figures which quite dispel the popular belief that gassing is conducive of tuberculosis—indeed, quite the contrary.

Mr. WALSH of Montana. I do not understand that tuberculosis is the only result of being gassed, but that other

troubles of the most serious nature are attributed to the effects of having been gassed.

Mr. WADSWORTH. It was upon that point that a questionnaire was sent to 3,500 physicians, with replies from an overwhelming majority that they could not detect such results. But as to tuberculosis the figures may be interesting. I am reading from the report of the Surgeon General of the Army for the year 1920, by which time they had had enough opportunity to investigate the effect of gas upon the men in this connection. There occurred 173 cases of tuberculosis in the year 1918 among the 70,552 men who had been gassed in action. Of this number 78 had been gassed by a gas of a kind not specified, 8 by chlorine, 65 by mustard, and 22 by phosgene. The number of cases of tuberculosis for each 1,000 men gassed was 2.45. Since the annual report with reference to cases of tuberculosis among the men serving in Europe shows the number in 1918 was 3.50 and in 1919, after the war, was 4.30 per thousand, it is apparent that there was less tuberculosis among the gassed men than among those who had never been gassed at all.

Mr. NORRIS. The Senator does not mean to say that gassing is a cure for tuberculosis?

Mr. WADSWORTH. I have not made any such assertion; but these figures, if anything can do it, have dispelled the popular illusion that gas is conducive to tuberculosis.

Mr. NORRIS. It seems to me that if those figures are absolutely correct they go even further than that.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit an interruption?

Mr. WADSWORTH. Certainly.

Mr. REED of Pennsylvania. In the investigation of the Veterans' Bureau, Doctor Francine was called as a witness. He is one of the leading experts on tuberculosis in the United States, I believe, and has made exhaustive studies of the effect of the inhalation of gas. He testified that in his judgment the inhalation of chlorine gas led to a thickening of the surface membrane of the lung, which made it more resistent than normally against the lodgment and spread of the bacillus of tuberculosis, and he gave it as his opinion that gassing did, for that reason, tend to prevent it.

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

Mr. WADSWORTH. Certainly.

Mr. SHIPSTEAD. The Senator evidently does not believe that killing people in war with bayonets and shrapnel is any nicer way of killing them than with gas.

Mr. WADSWORTH. Certainly not.

Mr. SHIPSTEAD. With the Senator's permission, I want to say that the Senator's remarks are very painful, because they "debunk" a lot of this stuff about making war humane.

Mr. WADSWORTH. It can not be done.

Mr. SHIPSTEAD. If the Senator and the Senate are going to stick to facts and keep their feet on the ground, and stick to realities, as to those people who refuse to study the causes of war and who have international conferences only for the purpose of making war nice and pleasant, it seems to me the Senator is going to make them very uncomfortable and possibly compel them to get down to business after a while and spring something reasonable in a treaty for the purpose of putting an end to war.

Mr. WADSWORTH. Mr. President, the philosophical observations of the Senator from Minnesota have contributed a great deal toward clearing up some of the cloudy spots that have hung over this discussion. The fact of the matter is, as I tried to say at the beginning, you can not control the weapons used in war if they are militarily effective. You might just as well have tried to stop the use of gunpowder years ago when it first made its appearance; you might just as well have tried to stop the use of Greek fire, which was invented in the days of the Byzantine Empire. It was a form of chemical warfare. Some historians assert that the invention of Greek fire prolonged the life of the Byzantine Empire at least 200 years. It enabled the defenders of ancient Byzantium and the other garrisoned cities of that empire to fight off their attackers. Every nation as well as every individual that is attacked will seize any weapon that lies ready for its defense. You may agree upon convention after convention, but when war breaks out and nations are fighting for their lives conventions are torn up, so far as the control of weapons is concerned.

Mr. WALSH of Montana. Mr. President——

Mr. WADSWORTH. I yield.

Mr. WALSH of Montana. Let me ask the Senator a question. I desire to inquire of him whether the argument he makes now is not an argument merely for the use of these weapons for the purposes of offense?

Mr. WADSWORTH. How can you distinguish between offense and defense after war starts?

Mr. WALSH of Montana. That is what I should like to know.

Mr. WADSWORTH. Each people believes that it is fighting for its life, regards itself finally as on the defensive—that is the psychology of it—the nation must win the war in order to save itself.

Mr. WALSH of Montana. Would not the whole purpose, then, be subserved by a provision that poisonous gas should be used only in the territory of the belligerent using it?

Mr. WADSWORTH. Very often the only means which a nation may have to defend itself is to take the offensive.

Mr. WALSH of Montana. Yes; I have heard that excuse offered very often as a justification for war. The Germans contended that they were conducting a defensive war when they invaded France, but the world has not accepted that view.

Mr. WADSWORTH. Would the Senator from Montana urge that the United States Navy be forbidden to use gas outside our 3-mile limit?

Mr. WALSH of Montana. It seems to me that that could be taken care of. I have thought of that, too. Of course, we must contemplate that in future, wars are going to be carried on in the air; and it seems we ought not to disable ourselves by being prevented from using gas against an enemy who is using it; but I do not look forward very enthusiastically to the United States carrying on a defensive warfare on the territory of some other power.

Mr. WADSWORTH. Perhaps not; but who can tell? The Navy may have to do it far beyond our borders; and this treaty would prevent the United States Navy doing it if we were to be honest in our adherence to the treaty. One of the things I dread about this situation, Mr. President, is that we would violate this treaty if put to it.

Mr. BORAH. Under those circumstances, we will violate any treaty that we may make, will violate international law, will violate commercial treaties; no treaty and no provision of international law, no moral obligation or anything else will hold a nation when it is defending its life. These treaties are not made for such exigencies. Under the law of self-preservation all other laws give way, but still we make laws in order to help in our effort of civilization.

Mr. WADSWORTH. Then I do not know for what they are made.

Mr. President, if we ratify this treaty, in my humble judgment, we shall be doing one of two things. We shall be indulging in a hypocritical gesture or be inviting calamity to the Republic; for some day some powerful enemy of ours, confident that we will adhere to this convention, will take advantage of the fact, just as was done in April, 1915.

Mr. BORAH. Just how would it take advantage of it?

Mr. WADSWORTH. By using gas warfare against us.

Mr. BORAH. Does the Senator mean to say that if a treaty were violated by another nation a party to it, we would still be bound by it?

Mr. WADSWORTH. We would be released from the obligation to stand by it, but it might be too late.

Mr. BORAH. This treaty does not interfere with anything that we may desire to do at home in the way of developing chemical instruments of warfare; it does not interfere with the work at home at all; and if a nation against whom we were carrying on war should violate the treaty, we would be entirely released and permitted to use the weapons which we had, whatever they might be.

Mr. WADSWORTH. Mr. President, there comes an interesting suggestion. The suggestion, as I understand it, comes from the Senator from Idaho that we could go right ahead preparing for gas warfare, although we had promised not to use it.

Mr. BORAH. No, Mr. President.

Mr. WADSWORTH. And the Senator anticipates that every other nation will do the same. How long would it take for gas warfare to reappear under those conditions?

Mr. BORAH. The Senator knows perfectly well that whether we go ahead or do not go ahead will not depend upon anything that is in this treaty, because the treaty does not cover that subject at all. The Senator also knows that we are going ahead and will go ahead, and in doing so we will in no sense violate the terms of this treaty.

Mr. WADSWORTH. We will be displaying our utter lack of confidence in it. There can not be any other conclusion but that. If we honestly believed that the treaty would be adhered to, we would dismiss our Chemical Warfare Service immediately after we ratified the treaty, because, under those conditions, we would have nothing to fear from anyone else.

Mr. BORAH. If this treaty were signed by all the powers, if every power that we might have any fear concerning should become a signer of the treaty, we might voluntarily take the

course which the Senator suggests; but the treaty would not obligate us to do it.

Mr. WADSWORTH. Oh, no.

Mr. BORAH. The treaty does not obligate us to do anything except not to use poisonous gas against another nation which has signed the treaty; not against another nation which has not signed it, but another nation which has signed it.

Mr. WADSWORTH. Mr. President, I can not quite see the difference in that situation. Apparently those abroad have the same view as has the Senator from Idaho.

Mr. BORAH. And the same view exactly that the Senator from New York has. The Senator from New York knows that this treaty does not cover that subject at all, and the Senator is perfectly aware of the fact that we will go ahead in the developing of this process of warfare, regardless of the treaty, and it will not be in violation of the treaty when we do so.

Mr. WADSWORTH. If we do, with all our protestations of fidelity to the pledged word, with all our assertions that we are not a militaristic nation—and those assertions are true—I do not see how we could look the rest of the world in the face while we manufacture gas to use in warfare and train our soldiers to use it following upon the ratification of this treaty.

Mr. BORAH. Mr. President, if this treaty covered that subject, if it attempted to limit any nation signing the treaty as to what it might do at home——

Mr. WADSWORTH. I know we would not be violating the letter of the treaty.

Mr. BORAH. Of course not, but that is what the Senator would have inferred a moment ago from his statement that we would be violating the treaty.

Mr. WADSWORTH. Oh, no; I never said that we would be violating the treaty. I said that we would be indicating very clearly to the world that we did not have any confidence in the strength of the treaty when the test came.

Mr. BORAH. The Senator said prior to that that if we signed this treaty it might lead to disaster.

Mr. WADSWORTH. I do not mean to use overharsh language, but I said that, in my humble judgment, if we ratify this treaty we do one of two things. We indulge in a hypocritical gesture or else we invite calamity to the Republic; one or the other.

Mr. BORAH. I shall put aside for a moment the hypocritical gesture; as to that proposition others may have different views; but I was referring to the Senator's statement that it would lead to disaster, on the theory, I presume, that we would not be prepared to take care of the situation which would come upon us in great haste by reason of other nations taking advantage of the use of gas. I say that this treaty does not interfere with any preparation which we may desire to make.

Mr. WADSWORTH. I am well aware of that.

Mr. WALSH of Montana. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Montana.

Mr. WALSH of Montana. I want to make a suggestion to the Senator from New York. He regards this, to use his language, as a hypocritical gesture.

Mr. WADSWORTH. I do.

Mr. WALSH of Montana. But really we have treaties of amity now with nearly all the nations of the earth, and yet we spend some $500,000,000 a year upon our Military Establishment. Do we not likewise exhibit the same lack of confidence in the treaties of amity which we have negotiated? If we were entirely sure about those treaties, of course we would not be spending any money on Military Establishments. Now, is not this situation entirely analogous?

Mr. WADSWORTH. I think not. The Senator from Montana of course may reach such a conclusion traveling along a parallel line, but I think the two things are scarcely on the same basis. The use of a weapon by a nation in war is a matter of life and death; the terms of a treaty of amity are not matters of life and death. We are here promising the world that we will not do this thing, and we are relying upon other nations not to do it; and I do not believe, Mr. President, there is a Senator on this floor who will assert his confident belief that a nation with its back to the wall would not violate this treaty. I do not like to see the United States enter into any compact of a solemn kind such as this with a mental reservation such as must accompany the ratification of this treaty, for we know just about as certainly as we know we are sitting in this Chamber that it is against all human nature to expect of a nation to deny to itself the use of a weapon that will save it.

Mr. BORAH. Then the Senator's argument, of course, would be a complete and conclusive answer to any attempt to limit the use of armaments in any way.

Mr. WADSWORTH. I did not say the "limitation of armaments." I mean the "type of weapon."

Mr. BORAH. Exactly. But even if we should undertake to limit some kind of weapon and in the exigencies of war we should find that that limitation embarrassed us, we would pay no attention to it.

Mr. WADSWORTH. That has been the history of war; I can not deny that.

Mr. BORAH. As I understand the Senator, his logic is that all efforts toward disarmament are futile.

Mr. WADSWORTH. No; that is quite different. I am not talking about disarmament. My contention is that when a weapon has proved itself to be militarily effective, as this one has, having caused 30 per cent of all the casualties in the armies in France during the last 18 months of the World War, you can not prevent its use in future wars. It has proved itself to be an effective military weapon and nations will not drop it.

Mr. BORAH. That same argument would apply to any weapon that a nation might find effective in time of war.

Mr. WADSWORTH. Certainly.

Mr. BORAH. So the result of the Senator's logic is that any attempt to limit the use of weapons or to prohibit the use of weapons or to control the use of weapons in time of war is an utter futility.

Mr. WADSWORTH. So long as they are militarily effective, it is so beyond question.

Mr. BORAH. That will be decided not by what we say here in the Senate but by the exigency of war.

Mr. WADSWORTH. It will.

Mr. BORAH. So I say that if the exigency of war calls for it nations will use it, it does not make any difference what the weapon is.

Mr. WADSWORTH. They will.

Mr. BORAH. Therefore we are at the point where all effort toward disarmament is utter futility.

Mr. WADSWORTH. No; the Senator confuses the issue there. This is not an effort toward disarmament.

Mr. BORAH. What is the difference, in the Senator's opinion?

Mr. WADSWORTH. As I understand, disarmament means the reduction of armies and navies and numbers of weapons, not the elimination of certain kinds of weapons.

Mr. BORAH. Indeed, the word "disarmament" may be wider or narrower, but if we take, for instance, only certain kinds of war vessels—battleships, say—and enter into an agreement not to use them or not to build them, if war comes and they seem to be necessary we will build them, will we not?

Mr. WADSWORTH. We will.

Mr. BORAH. That is what I mean the contention of the Senator is that any step toward disarmament along any line which afterwards the exigencies of war seem to make undesirable will be disregarded.

Mr. WADSWORTH. Mr. President, the steps toward disarmament are steps with respect to peace time.

Mr. REED of Pennsylvania. Mr. President, does not the disarmament treaty expressly recognize that fact, and allow all of the signers to build any number of any kind of vessels in case of war?

Mr. WADSWORTH. Why, certainly. After war breaks out, of course, disarmament treaties automatically perish. Disarmament treaties are to have their effect only in peace time. This treaty affects nations only in war time, or endeavors to affect them. And it will fail. You can not control them as to the type of weapons they will use.

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

Mr. WADSWORTH. I yield.

Mr. SHIPSTEAD. There seems to be a unanimity of opinion that when a nation fights for its existence, for its life, it will use any weapon. Is it not true that whenever a nation enters upon a war, it thinks at all times that it is fighting for its life?

Mr. WADSWORTH. It regards that as the case. Each nation is thoroughly convinced of that fact. It may be wrong, but its people are convinced of that fact.

Mr. SHIPSTEAD. And they feel that they are taking a chance upon their very existence; so, as a natural consequence, any weapon that is considered effective will be used?

Mr. WADSWORTH. That has been my contention, and history shows that to be the fact.

Mr. McLEAN. Mr. President, if it is more merciful and more effective, why should we bar it? That seems to me to be the important point.

Mr. WADSWORTH. I can not understand why gas warfare should be picked out as the thing to be abolished, when it was the least cruel of any indulged in in the last war, as the figures prove.

Mr. REED of Pennsylvania. Mr. President, I have had hung up on the wall of the Senate Chamber some charts that I think will make very vivid the humanity, or lack of it, of these different weapons.

I ask unanimous consent that the charts on the subject of the gas treaty may be included as a part of my remarks. I understand that they are all capable of reproduction by the line process and so fall within the rule of the Committee on Printing.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. REED of Pennsylvania. To repeat the figures, first for the American Army, and then for the British, and then the German:

We lost in casualties in the war in France 258,000 American soldiers and sailors. Consider those as 100 per cent—that is, 100 of the small squares appearing in this first chart. Of that, 100 per cent, 34,249, died on the battle field, and 200 of those only are believed by the War Department to have been due to gas. The other 34,049 died from shell wounds, from rifle or machine-gun bullets or shrapnel bullets, or from bayonets.

Mr. BORAH. What President—what was the proportionate use of shrapnel and bullets as compared with the use of gas?

Mr. REED of Pennsylvania. The Senator can estimate that from the division between gas and other wounds.

Mr. BORAH. No; he can not.

Mr. REED of Pennsylvania. I think he can, if he will permit me to go on just a step further to the next chart.

Of these 224,000 who did not die on the battle field but were wounded or injured there and were taken to hospitals, 70,500 were gas cases—that is shown in red on this chart—and 153,000 were caused by other weapons, bullets, shell fragments, or cutting weapons. As to the relative number of gas projectiles fired, of course, that could be ascertained only by looking up the records of the German Army; and I am not sure that even then could it be found, because of the great wastage of all kinds of projectiles on the battle field. As I remember it, from my very limited observation, it was about half and half. It seemed to be about that at the time that our hostilities were most active.

Of those 70,500 gas cases taken to hospitals 1,421 died. That is indicated by the two black squares—this is all made to scale—and the margin, which appears so wide, represents the gas cases that went to hospitals and were discharged without 'ying. On the right you will see the chart which represents the 187,000 other wounds that went to hospitals; and in the center of that square appears in black the 24 per cent, or 46,500 men, that died as a result of those injuries. The proportion of deaths was 2 per cent of the gas cases. The proportion of deaths was 24 per cent of the other cases. They were twelve times as deadly as the gas cases.

Now let us go to the British Army, which had an even worse record.

The British Army had 180,900 gassings on the field of battle. Of those, 6,062 died either on the field or in the hospitals. Three and three-tenths per cent of the British gas casualties died; and remember, when we consider those, that the British Government trusted The Hague treaty. It had no provision whatsoever for gas defense. Its Canadians and other provincials who were holding the front line in the Ypres salient in April, 1915, had absolutely no protection whatever against the chlorine and bromine sent against them from projectors located in the parapet of the German front-line trenches.

Mr. BORAH. Mr. President, does the Senator mean to say that Great Britain trusted to The Hague conference as against Germany?

Mr. REED of Pennsylvania. I mean to say that Great Britain made no effort up to that time to protect its men from the use of gases. Whether it trusted Germany or whether it did not occur to Great Britain to provide the protection I do not know; but the fact remains that those poor devils in the front line were there without so much as a wet handkerchief to protect themselves against those two gases, both heavier than air, that were carried by the prevailing eastern wind across the front-line trenches.

You get some idea of the devastating effect of that gas attack if you go over there now and see the simple, dignified granite monument built by the Canadians in memory of more than 2,000 of their men who died so close together there in the front lines that they were buried in a single pit. More than 2,000 of them died right then and there within a minute or two. They were strangled to death, drowned by the secretions of their own lungs from these inhalations of chlorine.

Mr. BORAH. I suppose we may infer from that that had not the British and the other Allies produced a mask or something of the kind for protection the result of the use of gas would have been much more destructive than it was.

Mr. REED of Pennsylvania. If the British had not produced a mask, the Germans would have won the war in six weeks' time.

Mr. BORAH. I will not ask now another question that occurs to me.

Mr. REED of Pennsylvania. I think I can probably answer the question the Senator has in mind.

It is not worth while to go into the temporary devices that were employed to protect the men from gas. Some of them are indescribable; but the result of that first cloud-gas attack was a complete breach in the British line, and for several miles on that front there was no organized body of troops between the Germans and the English Channel; and if they had known it, if they had driven through that day, they could have broken the Allies' line in two with practically no casualties at all, and could have controlled those channel ports.

However, that tends to explain these 6,000 British deaths from gas. Contrast that with their experience with other weapons. They had 1,908,000 men wounded or killed on the field of battle by bayonets or bullets or shell wounds; and of those 1,908,000, 700,137 died either on the field or in the hospitals. Thirty-six and six-tenths per cent of their casualties from other weapons died either on the field or in the hospitals to which they were taken.

Then we come to the German record, which is the most awful of all.

The Germans were protected from the first against ordinary gases which hurt by inhalation. Their losses from gas in the first years of the war were trifling. Toward the end of the war all of the Allies were using mustard gas, and that causes burns right through the clothing. It does not need to be inhaled to disable. It penetrates the clothing and burns the skin so severely that with enough of it the soldier is disabled from action for some time to come. It is a bad burn and takes a while to heal. The Germans had 78,000 gas casualties, and most of them were from mustard gas in the last year of the war; and of those 78,000, 2.9 per cent died. They had 4,168,000 casualties from weapons other than gas. Of those, the ghastly total of 1,806,000 died, or 43 per cent of all of the men who were wounded on the field of battle in the German Army died from their wounds or were killed outright.

Can we look at those charts and contrast that tiny square which represents deaths from gas in proportion to all gas cases with this awful black square here which represents deaths from other weapons in comparison with all wounds, and hesitate for one minute in pronouncing gas the more merciful of the two?

The whole purpose of a weapon is not to kill your adversary; it is to make him ineffective from a military standpoint, so that the battle may be won. If we may disable him only during the period of the battle we have accomplished for ourselves the same military advantage as if we blew him all over the nearest tree. If in our next war we can anesthetize or temporarily blind our adversary, he may be as good as new the next day, but we have accomplished the same military advantage as if we put him underground with a little wooden cross over him. We have won our battle, and that is all we set out to do.

Mr. McLEAN. Mr. President——

Mr. REED of Pennsylvania. I yield.

Mr. McLEAN. Suppose somebody discovers a gas that is fatal——

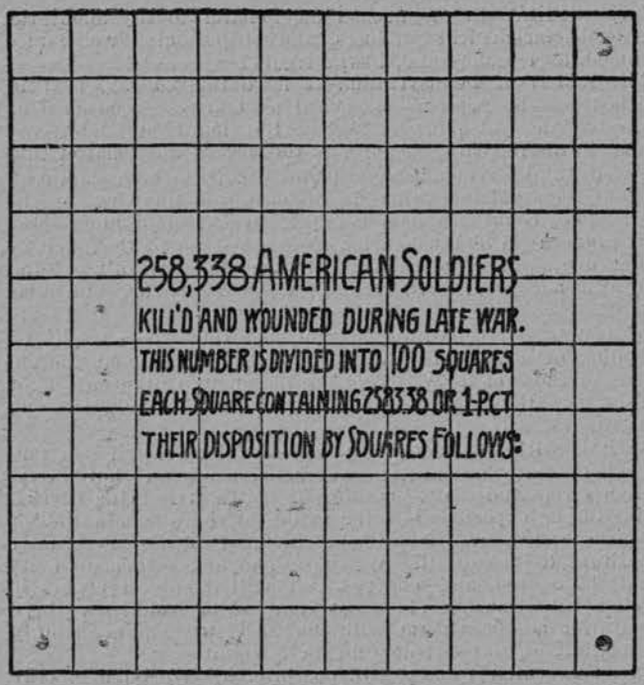
Mr. REED of Pennsylvania. Many gases have been discovered that are fatal.

Mr. McLEAN. And suppose it is impossible to invent a mask that will prevent its effect; I suppose that is among the possibilities.

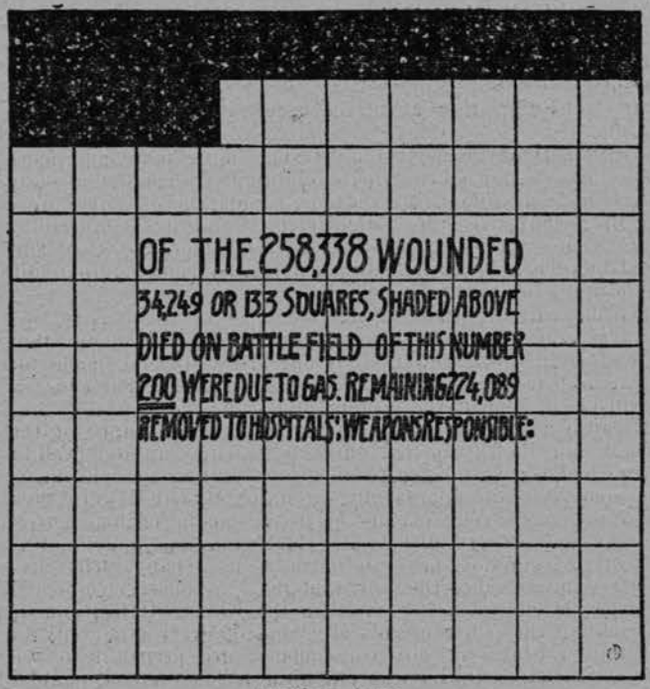
Mr. REED of Pennsylvania. It is possible; yes.

Mr. McLEAN. Then what would the Senator say with regard to the propriety of its use?

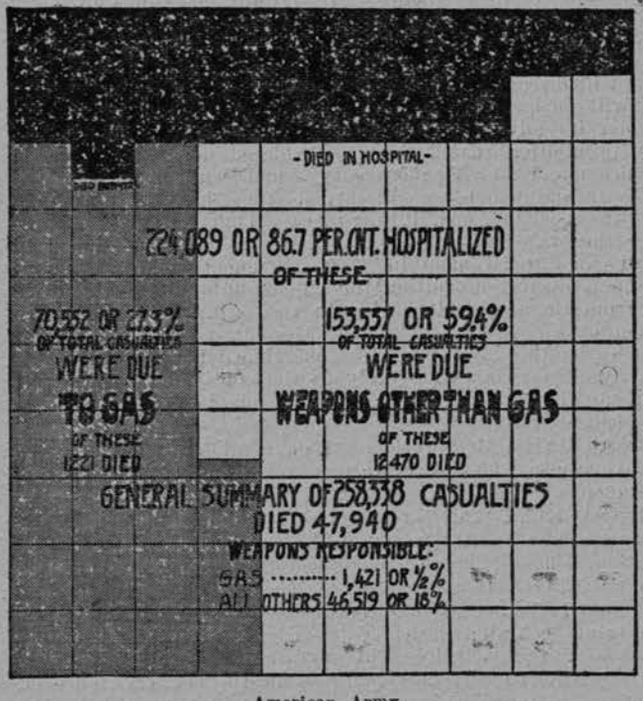
Mr. REED of Pennsylvania. If such a gas were discovered, and if no antidote or protective device were discovered, that would be a horrible thing. That would be almost as bad as the bayonet, because there is no method yet known of saving the life of a man who has received a bayonet thrust in the abdomen. But this treaty does not undertake to protect the world against that. It undertakes to protect us against all gases. The language of the treaty is not "fatal gases," or "deadly gases." It is "asphyxiating, poisonous, or other gases."



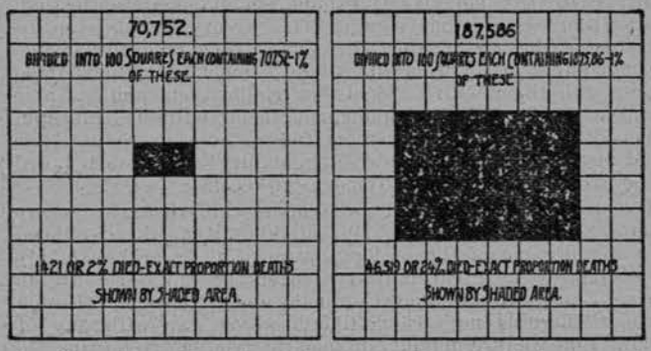
American Army



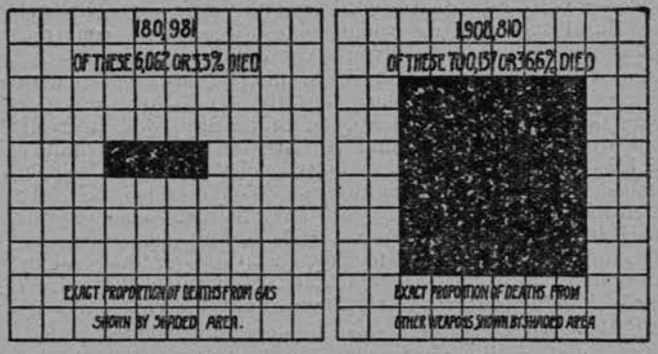
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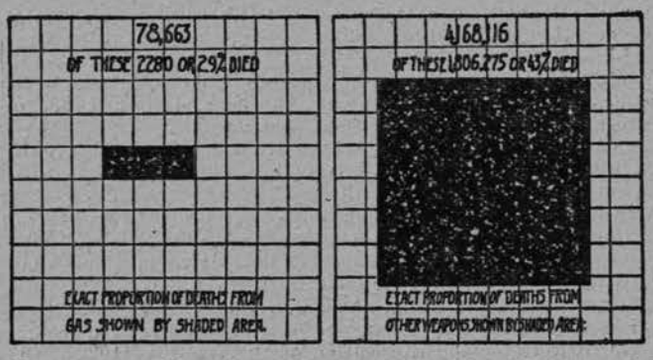
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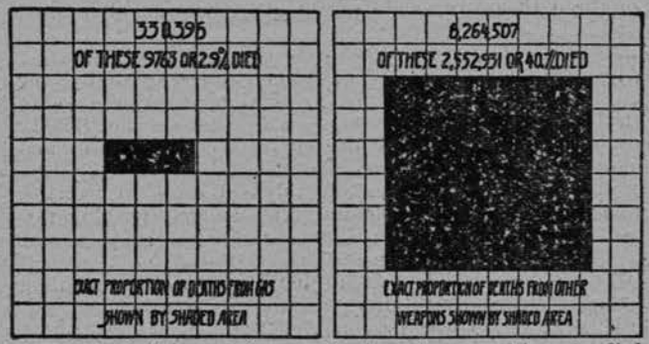
American Army—Percentage of gas casualties who died compared with percentage of other casualties who died



British Army—Percentage of gas casualties who died compared with percentage of other casualties who died



German Army—Percentage of gas casualties who died compared with percentage of other casualties who died



American, British, and German Armies. Gas casualties who died compared with other casualties who died

Mr. McLEAN. It would embrace a fatal gas if it were discovered?

Mr. REED of Pennsylvania. Oh, yes; and so would it embrace tear gas.

Mr. McLEAN. How about the use of it as against noncombatants?

Mr. REED of Pennsylvania. It is coming more and more to be the case that none of the inhabitants of a country are any longer noncombatants. The whole population of Paris were put in jeopardy by the "Big Bertha" and by the bombing raids. They were noncombatant to an extent, but they suffered more heavily from both shelling and bombing than did the military forces then in Paris.

Let me call attention to the language of this treaty. As I have said, it includes tear gases. The tear gases that were used in the last war, and that are still being made for our Army, are gases which by some strange action cause a convulsive closing of the eyelids, and in a strong attack, they will cause a redness and inflammation of the surface of the eyeball, but their principal effect is to close up the eyelids. If you had been subjected to an attack by tear gas and knew that some one was approaching to stab you with a knife, you could not force your eyelids open. It has a curious effect. It wears off after a little while, but while the individual is subject to its action, he is as harmless as a baby. That has been recognized since the war, and that gas has been adopted by every intelligent police force in the United States, and at this minute the police of this city, and of every other city in the United States of any consequence, are prepared to use tear gas on any culprits who put up a serious defense against arrest.

Mr. BORAH. This treaty would not interfere with that.

Mr. REED of Pennsylvania. This treaty would stop us from using that gas against the next savage race with which we find ourselves in war, and would compel us to blow them up, or stab them with bayonets, or riddle them and sprinkle them with shrapnel, or puncture them with machine-gun bullets, instead of blinding them for an hour or so until we could disarm them. That is the "humanity" that is attempted to be worked out by the Geneva protocol.

Let us consider, as well as humans can, the near future from a military standpoint. We all know that the likelihood of war with one of the major powers of the world is to-day very small. The great military powers of the world are in a condition of peace and thorough amity with the United States. There is no serious likelihood of war with any of them. But we are having diplomatic friction from time to time with countries that are not classed as the great military powers. I need not single any one out, but if each of us were to try to estimate what was the most probable next war, I feel sure that we would point to one of the countries that is not considered to-day a great military power.

Are we, then, to go against an inferior antagonist, with all the abundance of artillery that the World War has left us, to blow out of existence a lot of peasants who scarcely know what the war is about? Or are we to take advantage of this great chemical opportunity which we, as a manufacturing nation, have open to us? Would it not be more merciful, assuming that we were at war with some Central American country, to win our battles by the temporary disabling of our enemies than to blow them all over their cactus plants, and put them in the black square of the shell victims? That is a plain statement of the alternatives that confront us.

Mr. BORAH. If you put them to sleep for a limited period, unless you took them prisoners and held them, they would be ready for battle the next day, would they not?

Mr. REED of Pennsylvania. It is to be assumed that if we captured them, we would not give them up again to start war the next day.

This summer I had occasion to see the little valley in Italy in which Hannibal's force was finally destroyed by the Romans, a valley that perhaps is as wide as from here to the Union Station, and perhaps twice that in length. In three hours 40,000 men were hacked to pieces by swords and battle-axes in that tiny area. Yet we talk about the brutality of modern war! When you think of those poor slaves, in ranks 16 and 20 deep, shoulder to shoulder, pushing forward in shivering terror to meet one another in a shock that they knew must certainly end in their death, and then call gas warfare brutal, it seems to me that we are muddling things up in our sentimentality.

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

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. COPELAND. What has the Senator to say about the use of bacteriological products, and of poisoning wells, also included, as I understand, in the treaty?

Mr. REED of Pennsylvania. I have this to say, that in the last war no government, so far as I know, encouraged or suggested the poisoning of wells. But many an embittered soldier in his retreat took pains to throw poisonous matter into the wells, and I remember one night, in a village we captured, we found unspeakable things in the only well there was in the town. They could only have got there by some individual spite. You can not prevent men who are worked up to the pitch of killing one another from doing it by every means, fair or foul. You can not prevent it. It is sad; it is awful; but it is true.

Of course, no Christian government would encourage the poisoning of streams or wells. It is barbarous, and the instincts of those of us who kept any decency at all would fight against it. But you can not prevent the individuals from doing it.

So it is with the bacteriological war. I have tried to find out whether any preparation was being made for that. It is currently reported that something of that sort is being carried on in Russia, experiments being made for the dissemination of various deadly germs from shells like gas shells. Personally I hesitate to believe it. We have not any evidence of its having been used, and what we get on that subject is mostly unreliable information. I do not know of any countries where preparation has been made with that in view. There certainly was nothing of that sort done in the last war.

Just one sentence and I will be through. We have to bear in mind that every war to one side or the other is the sort of war the Senator from Idaho mentioned a moment ago when he admitted that in a war of desperate self-defense all these prohibitions would be ignored. Every war takes on that phase for one or both of the combatants. If we fight the smallest nation on earth, by that nation at least all prohibitions are discarded. If we fight the biggest nation on earth, both nations will discard them; and whether one does or both do, the war will not have gone on very far until each is using the same weapon its adversary is using. History shows that. This very prohibition that is being considered now was tested in the fire under The Hague treaty, which was in force in the last war and which was discarded from the very beginning. Gas was used in April, 1915, we say. That was eight months after the war broke out. Consider how much of the eight months had to be spent in the development of the technique of the projector, in getting the gas manufactured and up to the front, in getting it buried in the parapet, in the distribution of the gas masks to the German troops, in training them to let the gas loose all at one time when the wind was right, and you come inevitably to the conclusion that almost from the very outstart of that war Germany planned to break her pledged word.

Mr. BORAH. Mr. President, I do not know whether there is anyone else who desires to discuss this treaty further this afternoon.

Mr. SACKETT. Mr. President, I would like to ask, for information, how far the treaty of 1922 may foreclose this whole question, if at all, should it be signed by France.

Mr. BORAH. If France should accept the treaty of 1922, we would be bound by that treaty, as we have ratified it, and that treaty contains the same provisions this treaty contains, except as to the bacteriological warfare.

Mr. SACKETT. It does not prevent the country, however, from proceeding with the manufacture or investigation of these things.

Mr. BORAH. The treaty does not.

Mr. WADSWORTH. There would be this difference, would there not, that the treaty of 1922 is confined to the five nations that signed it here?

Mr. BORAH. Yes; I think it is; but I think Article VIII provides that the United States is authorized to proceed to secure the adherence of all nations that it can.

Mr. WADSWORTH. Oh, yes; we are urged in the treaty of 1922 to go out and fool everybody into the belief that this weapon will never be used again.

Mr. BORAH. No; I do not think we are urged to fool them into the belief that it never would be used. There is a difference of opinion about the matter, and I have no doubt the treaty was made in perfect good faith, in the belief that it would accomplish something along that line.

Mr. SACKETT. May I ask one other question? How long are we to wait for the ratification of the treaty of 1922? Or is that a matter to be discussed in the open?

Mr. BORAH. I do not suppose there is any limit on the time. I do not think there is any limit fixed in the treaty itself.

Mr. SACKETT. Could we withdraw at any time when we saw fit, provided this were found to be the most humane method of warfare?

Mr. BORAH. I think we could.

Mr. FESS. Mr. President——

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

Mr. BORAH. I yield.

Mr. FESS. I understood that France had not ratified the treaty of 1922 because of the inclusion of submarines.

Mr. BORAH. That is the reason.

Mr. FESS. And that she was not averse to the ratification of this pending treaty.

Mr. BORAH. She has already ratified this treaty.

I am ready for a vote, as far as I am concerned, if the Senate is ready.

Mr. TYSON. Mr. President, it is unnecessary, perhaps, to go into any detail about this matter. The distinguished Senators from New York and Pennsylvania have given the humanitarian side and have given all the statistics, perhaps, that are necessary.

There is one particular point I do not believe has been brought out; that is, that ordinarily when we do a thing that requires expert knowledge we get the experts to come in and tell us the best thing to do under the circumstances. I understand when this protocol was in the forming at Geneva and the various military experts and chemical experts were brought together, not one of those experts was in favor of the elimination of gas warfare, and that they recommended that this protocol be not passed.

It was only the politicians who were in favor of it. I have investigated this matter somewhat, and while General Pershing, as I understand, is in favor of it, I do not believe that the experts of our country in the War Department have been consulted about it. I believe that if we were to consult them we would find that they would feel that it would be a very unfortunate thing for the United States to ratify this gas protocol.

It has been stated that gas is the most humane of all weapons. It has been proven to be so. The statistics show it up to this time. I believe that it helps to lessen the length of time that is consumed in war. It helps to put out of action enough of the other side or the enemy so that it does not take so long to conclude the war.

I think that is one of the most important things about the use of gas. If we have to wait to put the men out of action with shells and with other weapons, it would require a good deal longer time to end the war, because we would have discarded one of the most effective of all weapons. It would make war very much more expensive because of the fact that we would have to have a great many more shells and a great many more weapons and consume a great deal more time. It was shown that in the last war at least 30 per cent of the casualties were caused by gas. We must recognize that by having these casualties the war was ended much sooner. If we had not had this effective weapon, we would have had to go on a much longer time to have put out of action the men who were put out of action by gas.

Not only that, but if we were to adopt this protocol, we would find that even if we did go ahead and conduct the manufacture of chemicals for warfare, ultimately we would greatly decrease the preparation for this service and sooner or later it would come almost into disuse. There might be other countries that would carry it on, so when war came on they would be prepared for chemical warfare, while we would not be prepared.

In the matter of disarmament we can determine by treaties and by examination how many soldiers each nation has and how many weapons and what different kinds they have, but we can not tell what they are doing in the matter of chemical warfare. That is a thing that is in the factory concealed. They can go ahead and be prepared in the matter of chemical warfare and no one will know it. But other things in the matter of disarmament can be learned by examination and by inspection.

We should not, I believe, take any chance upon this matter. As a matter of fact, I do not believe that a single nation outside the United States is ever going to ratify this treaty or protocol. As a matter of fact, as I understand it, there are 34 nations who have signed the protocol, but France is the only one that has ratified it, and she has not yet even deposited it.

Mr. BORAH. She has notified that she is ready to deposit it.

Mr. TYSON. But that is one thing, and depositing it is another. She has to deposit it before it becomes effective.

Mr. BORAH. Certainly, but she is only waiting on us now. She is ready to deposit whenever we ratify.

Mr. TYSON. Whenever we ratify and deposit. We have to deposit before the ratification amounts to anything. I venture the assertion that it never will amount to anything, even though we ratify and deposit the protocol. As a matter of fact, it is humbug all the way through. It is going to be proven to be such. There are 54 nations who might come in and sign this protocol. Thirty-four have done so. The United States was the leader in doing it, as I understand it, but the experts were not in favor of it. Our military experts were not in favor of having the protocol signed.

Mr. BORAH. The Senator says "our military experts." To whom does he refer?

Mr. TYSON. Those who were present at the time the protocol was written up, as I understand it.

Mr. BORAH. The protocol was negotiated as a result of a conference with the representatives of both the Navy and Army of the United States.

Mr. TYSON. Does the Senator mean to say the Navy and Army representatives approved it? Did they approve it?

Mr. BORAH. Undoubtedly they approved it.

Mr. WADSWORTH. The Senator will notice their names are not signed to it.

Mr. TYSON. I do not so understand the situation.

Mr. BORAH. Does the Senator mean the experts who attended at Geneva? I do not know anything about that; but I say that the State Department, before it sent its instructions, conferred with representatives of the Army and Navy Departments, and that the instructions were framed as the result of that conference, and the protocol was negotiated as the result of conferences held with the representatives of those departments.

Mr. TYSON. Does the Senator mean to say it was the Secretary of the Navy and the Secretary of War only? As I understand it, those were the only ones.

Mr. BORAH. What I understand is that the men with whom the Secretary of State conferred were the parties designated by the Secretary of War and the Secretary of the Navy to speak for those departments.

Mr. TYSON. I was informed reliably on yesterday—I do not want to say by whom—that there were no experts of any nation at the Geneva conference who approved this protocol—not one, as I understand it.

Mr. BORAH. I do not know what happened at Geneva. I am speaking now of the fact that the protocol was negotiated after a conference with representatives of the War and Navy Departments of the United States.

Mr. TYSON. I venture the assertion that the War and Navy Departments of the United States to-day are not in favor of it. I make it as a statement that I have such a belief. If we were to have this matter referred to a committee to investigate and hold hearings, and have a consensus of opinion of the War and Navy Departments, I believe it would be found that they would be overwhelmingly against it.

Mr. BORAH. I do not know. I am only stating what the records show and what the Secretary of State advised me to be a fact, that the negotiations began after a conference with those upon whom the State Department felt it was its duty to rely as representing the Army and the Navy. There can be no doubt about that proposition. I will say further that only this morning one of the men who ought to know concerning this matter, who is in a professional position to know from the military standpoint, was most earnestly in favor of the protocol; but they do not desire to be drawn into it, and I have no desire to draw them into it. It is not correct to say that the Army and the Navy were not consulted, because they were.

Mr. TYSON. I do not say that, because I am not authorized to say it; but I do say that I venture the assertion that the highest authorities on chemical warfare that we have in the War Department are not in favor of this proposition.

Mr. BORAH. They may not be in favor of it, but they do utterly disagree with the argument, such as those made this afternoon, that this is a humane method of warfare.

Mr. TYSON. I do not believe any method of warfare is absolutely humane, but at the same time I believe it is more humane than most others. It seems very extraordinary to me that we should undertake to stop gas warfare when we allow the use of torpedoes. I think of all the weapons that we have, the torpedo is the most inhumane. We saw the *Lusitania* blown up and a thousand men, women, and children sunk to the bottom of the sea over 10 years ago, and we have not done a single thing about it, except that the United States entered into a treaty in 1922 to stop that method of warfare, but it is dependent upon another nation that never will permit

the United States to act, in all probability, and so it never will become effective.

Mr. BORAH. According to the argument this afternoon there was no need of entering into that treaty of 1922, because nobody would pay any attention to it.

Mr. TYSON. If we entered into one such treaty, why expect anybody to pay attention to another treaty of this kind? Are we not all bound by all the things by which we ought to be bound?

Mr. BORAH. I was not advancing that argument. I say that is an argument against the treaty.

Mr. TYSON. It is an argument that it ties our hands if we go into it. We have a national defense act under the terms of which it would require about $300,000,000 to supply us with the proper arms and munitions to take care of the million men who are supposed to be prepared by that act. Up to this time we have been making gas shells and have been preparing along the lines of using gas. If we are no longer to be permitted to use gas, all of those shells will be of no use and we will have to fill their place with other kinds of shells, taking a very much longer time to make those shells and prepare them than it takes to prepare gas shells. If we go into war without gas, it is going to be at least 20 or 30 per cent more expensive and require a great deal more equipment. If we have less than the proper number of shells or the proper amount of equipment to supply the Army, it will take a much longer time to replace them. I have had this from experts of the War Department.

I see no excuse whatever and no reason whatever for adopting the protocol. There is no doubt that it has been put forward by people who do not understand the inhumanity or the humanity of gas warfare. They have the idea that every shell that is exploded kills everybody near it. As a matter of fact we know that is not at all true, that only 2 per cent of those who were really gassed have died in the past. If we can have a better gas or a more effective gas in the future, that is the thing that would help to make war shorter. As a matter of fact, we can not get around the proposition that, as General Sherman said, war is hell, it is inhumane, it is awful. As a matter of fact, if it is desired to make it an easy thing so we can extend it a long time, then, of course, we should use the least effective weapon that we can find. My idea about war is to make it effective, to go in and whip the enemy as soon as we can with every single power and efficient weapon that we can, and the idea of turning down and throwing away one of the most efficient weapons that we have it seems to me is absolutely absurd. I can not understand why anybody wants to do it except that they want to passify the pacifists in the country.

Mr. BORAH. The Senator referred a moment ago to the Army and Navy, and I had forgotten that I had before me the statement of the Secretary of State. After it was discovered at Geneva that it was impossible or impractical to enter into a treaty prohibiting trade in poison gas, this matter was taken up. This is from the Secretary of State:

> On May 20 Mr. BURTON submitted to the department by telegraph the proposal that such a protocol be adopted, and asked supplementary instructions, since such an action would constitute a modification of the original instruction which related to the question of trade in poison gas. In this telegram it was stated that the War and Navy Departments would undoubtedly be particularly interested in this question. Acting on this suggestion, an officer of the department saw General Nolan, the Acting Chief of Staff, on the afternoon of May 20, who informed him that a declaration on the lines of article 5 of the Washington treaty relating to the use of submarines and noxious gases in warfare would be satisfactory as in accord with the American policy expressed in that treaty, to the ratification of which the Senate had already given its advice and consent.

He goes on to say:

> On the next day the same officer of the department saw Admiral Jones, of the General Board of the Navy, who expressed his concurrence with the view of General Nolan; and in view of these statements by officers of the Army and Navy Departments, a telegram was sent advising the American delegation that the department saw no objection to the action proposed by the conference.

In this connection I presume that General Pershing would be regarded as an authority upon military affairs. He said:

> Chemical warfare should be abolished among nations as abhorrent to civilization. It is a cruel, unfair, and improper use of science. It is fraught with gravest danger to noncombatants and demoralizing to the better instincts of humanity.

Mr. REED of Pennsylvania. When did he say that?

Mr. BORAH. I have not the date of it, but I have reason to believe he has not changed his opinion.

Mr. TYSON. Of course, I think as great an authority as General Pershing is very hard to counteract. At the same time I wish to say that there is not a veterans' organization in this country to-day which favors the protocol. As I understand, every single organization the members of which were in the World War or in any other war in which this country has engaged, certainly every such organization of which I know, is against the ratification of the treaty. The men who have fought in wars are the ones who ought to know something about it. They are the ones who will have to fight in the future, perhaps, certainly a great many of them will, if we shall have a war within any reasonable time. Every one of them is against this treaty. The American Legion, the Veterans of Foreign Wars, the Spanish-American War Veterans, and all the other veterans' associations, so far as I know, in this country are against the ratification of the treaty. I venture the assertion that if the Regular Army could be polled at least 75 per cent of its members would be against it. That is only my view about the matter; but I have here the record and the recommendations. At the last convention of the American Legion and the convention before that there was a resolution passed urging Congress not to ratify this gas protocol. It is unnecessary to read those resolutions. I have them here in my hand, but shall not delay the Senate by reading them.

Mr. President, I say that it will be a very serious and a very grave mistake if we shall ratify this gas protocol.

Mr. GERRY. Will the Senator yield to me for a question before he takes his seat?

Mr. TYSON. Certainly.

Mr. GERRY. I understood the Senator to say that France alone has ratified the treaty?

Mr. TYSON. France is the only power that has ratified the treaty, but she has not deposited her ratification. Every country may ratify the treaty under the protocol, but a government has got to deposit the ratification in Paris before it can become effective. As a matter of fact, as I have said, I do not believe there will ever be a nation that will deposit after ratification—not even our own.

Mr. EDGE. Mr. President, in connection with the debate, I request unanimous consent to have inserted in the RECORD two telegrams from the American Legion, Department of New Jersey, bearing upon the subject.

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

TRENTON, N. J., *December 8, 1926.*

Senator WALTER E. EDGE,
Washington, D. C.:

Urgently request that you oppose ratification of Geneva gas protocol coming before Senate.

ROLAND F. COWAN,
Department Adjutant American Legion, New Jersey.

TRENTON, N. J., *December 8, 1926.*

Senator WALTER E. EDGE,
Washington, D. C.:

Urge you oppose ratification of Geneva gas protocol. Legionnaires of New Jersey look to you for support.

JOHN GRIMSHAW, Jr.,
Commander American Legion, Department of New Jersey.

Mr. WILLIS. Mr. President, I desire to inquire of the Senator from Idaho whether he purposes that the discussion of the treaty shall be concluded this evening?

Mr. BORAH. No. I understand that there are several Senators absent who did not anticipate there would be a vote this afternoon; otherwise I should be glad to have it.

Mr. WILLIS. If the Senator from Idaho desires a vote on the treaty this afternoon, I desire to make some brief observations before we vote; but if the treaty is to go over to another day, I think I should prefer to wait.

Mr. BORAH. I shall ask that that be done, unless there shall be objection.

Mr. PITTMAN. Mr. President, I wish to ask a few questions of the Senator from Idaho before we drop the discussion of the pending subject this afternoon.

Mr. BORAH. Then I shall ask that the treaty go over after the Senator from Nevada shall have asked his questions.

Mr. REED of Pennsylvania. Mr. President, if we are not going to vote on the treaty to-day, why not fix a definite time when we can vote upon it? I think we are ready to vote now, but if the Senator from Idaho does not want us to vote now, I think that he ought, at least, to tell us when we may expect a vote.

Mr. BORAH. I am acting upon the suggestion which the Senator from Pennsylvania made to me a few moments ago, that some Senators are away.

Mr. REED of Pennsylvania. Nevertheless, we should be very glad to have a vote now if the Senator from Idaho is ready.

Mr. BORAH. I do not desire to have a vote in the absence of the Senators who have requested to be present when the vote shall be taken.

Mr. REED of Pennsylvania. Very good.

Mr. BORAH. I was ready to go to a vote a few moments ago, but was informed of the absence of some Senators and their desire to be present. I do not know how they will vote, but I desire to accommodate them, and I will wait until to-morrow to ascertain how they shall vote.

Mr. REED of Pennsylvania. Will the Senator agree that we may have an executive session to-morrow, at which time we may arrange for a vote?

Mr. BORAH. Yes.

Mr. REED of Pennsylvania. I do not think this matter ought to be allowed to hang fire all this winter. That is my opinion about it.

Mr. BORAH. I quite agree with the Senator.

Mr. WILLIS. Mr. President, so far as I am concerned, I want it understood that I am not begging for delay. I shall say what I wish to say in a very few minutes. If the Senator from Idaho wants a vote to-night, he can proceed to have it within the next 15 minutes, so far as I am concerned.

Mr. BORAH. I am not going to ask for a vote to-night, because, after the statements which have been made to me, I can not properly do so. I am just as willing to have the treaty voted on when Senators are here as are Senators who are asking that a vote now be taken.

Mr. PITTMAN. Mr. President, I should now like to get the opinion of the Senator from Idaho with regard to certain matters which are contained in this treaty. The language found in the protocol is as follows:

> The present protocol will come into force for each signatory power as from the date of deposit to its ratification, and, from that moment, each power will be bound as regards other powers which have already deposited their ratifications.

Does the Senator from Idaho interpret that language to mean that if we shall ratify this treaty and deposit our ratification and Germany and Russia and Italy and Japan and possibly other countries refuse to ratify it or make deposit we are nevertheless bound?

Mr. BORAH. I would not wish to express an opinion hurriedly about that, but permit me to say that the Secretary of State advised me on recommendation of the President there will be no deposit of the ratification of this treaty upon the part of the United States until the main great powers have signified their willingness to deposit at the same time.

Mr. PITTMAN. Would it not be a matter of wisdom for the Senate to express its opinion that the ratification should not be deposited by the Secretary of State at least until after certain great nations have made their deposit?

Mr. BORAH. I think that would be a very good suggestion.

Mr. PITTMAN. It would relieve my mind a great deal.

Mr. BORAH. Yes; that is the program.

Mr. BINGHAM. Mr. President, I think it is perfectly easy to realize why so many people object to the use of gas in warfare. I myself recollect that when I was ordered to go to the front for a short time to inspect certain aviation units that was the one thing I dreaded the most. I was afraid of gas; it was something I did not understand and could not see. I know that a great many of the soldiers of the war felt just as I did. I suppose it was more or less an inheritance from our ancestors, who had so much to fear in prehistoric days and who feared particularly that which they could not understand. We could understand very well how bullets worked and how bayonets worked and how high explosives worked, and we were willing to take the risks which they involved, but we did not understand gas which could not be seen and about which extraordinary stories were told. So many of us were very much afraid of it. At that time had the soldiers of the American Expeditionary Force been given an opportunity to say whether they would like to see the use of gas prevented, I feel perfectly certain that a vast majority of them would have voted in the affirmative. But since then we have had an opportunity to study the results.

It was not so very long ago, Mr. President, that we supposed—the veterans of the war at least—that much of the tuberculosis that afflicted our comrades was caused by gas. Now we have learned that that is not so. We have learned that the effects of gas wear off, while the effects of high explosives do not. We have learned that gas is the quickest way of putting an army out of combat without long-continued serious results and without a large percentage of deaths. The soldiers of the war who have looked into this thing perhaps more carefully than anyone else, who realize the horrors of war perhaps more than those who were not there, are the ones who are particularly interested to-day in asking the Senate of the United States not to ratify this treaty.

Mr. REED of Pennsylvania. Mr. President, some question has arisen as to the sentiments of General Pershing on this question. I should like to read into the RECORD three or four questions and the answers of General Pershing at the time the national defense act was under consideration by the Military Affairs Committees of the House and Senate in 1920. Mr. Kahn, of the House, asked him this question:

> You think it is of sufficient importance in preparation of the defense of the country to maintain such an organization?

He was referring to the Chemical Warfare Service.

> General PERSHING. It should be maintained by all means. It is something we can not drop.

Again, Senator New, now Postmaster General, referring to treaties not to use gas, said:

> We came to that sort of agreement once.
>
> General PERSHING. There was that kind of an agreement and it was violated.

Then, Senator FLETCHER asked him:

> Would it be safe, in other words, for us to say that the use of poison gas is inhumane and that it will not be permitted again?
>
> General PERSHING. No; decidedly not, because we can not trust the other fellow.

Mr. President, I send to the desk, and should like to have read in connection with this discussion of the humaneness of various weapons, the resolution passed in October of this year by the Association of Military Surgeons of the United States.

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

The Chief Clerk read as follows:

Resolution adopted by the Association of Military Surgeons in convention held at Philadelphia, October 16, 1926

Whereas an effort is now being made to ban the use of chemicals in warfare, notwithstanding the fact that all official records pertaining to the past war show conclusively that such warfare, horrible as it is, is far more humane than other recognized methods of warfare, and that to abolish it would jeopardize the best interest of the Nation; and

Whereas this effort has found expression in the protocol drafted at the international meeting for the control of the traffic in arms held at Geneva in May and June, 1925: Now, therefore, be it

Resolved by the Association of Military Surgeons at their annual meeting October 16, 1926, That the use of poisonous gases in war is more humane and less destructive of human life and production of human suffering than other methods of warfare.

Mr. REED of Pennsylvania. Mr. President, I send to the desk and ask to have embodied in the RECORD, without reading, resolutions adopted by the American Legion, the Veterans of Foreign Wars of the United States, the Reserve Officers' Association of the United States, and the Military Order of the World War, all to the same effect.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolution adopted October 14, 1926, opposing ratification of Geneva gas protocol

Whereas a conference of the representatives of various nations was held at Geneva, Switzerland, during the summer of 1925 for the purpose of discussing and arriving at some definite understanding between nations on international trade in arms and ammunition, at which conference the American representative, Mr. BURTON, produced a separate memorandum providing for the elimination of chemical warfare in its entirety, resulting in a protocol doing away with chemical warfare by all countries which would ratify the protocol, although the use of chemical warfare in time of war was wholly outside the agenda for the conference; and

Whereas the American Legion in national convention assembled at Omaha, Nebr., in October, 1925, took cognizance of this Geneva protocol and adopted resolutions opposing its ratification by the United States Senate. These resolutions were forwarded to the Senate Committee on Foreign Relations, which had the protocol under consideration. The Foreign Relations Committee, however, favorably reported the protocol to the Senate on June 9, 1926. The Legion then immediately addressed a letter to each United States Senator, opposing ratification of the protocol and requesting the Senators to vote against it. On July 1, 1926, the protocol was brought up and debated in the Senate in executive session. The Senate neither ratified nor rejected the protocol, but reached an agreement to defer action on it until the session of Congress which convenes on December 6, 1926; and

Whereas the American Legion believes firmly that the acceptance of this protocol by the United States would constitute a distinct backward step in our national defense, especially in view of the refusal of the Congress to grant sufficient appropriations to maintain our treaty Navy and to maintain our Army at the strength contemplated by the national defense act of 1920, under which circumstances the Legion can not help but view with alarm any further inroads upon our ability to defend ourselves in time of national peril: Now therefore be it

Resolved, That the American Legion in national convention assembled at Philadelphia, October 14, 1926, ratifies the attitude of the Omaha convention upon this vital subject and approves the measures taken by the national legislative committee in opposition to the ratification of the Geneva protocol. Those who fought in the World War know only too well the great handicap our soldiers would be under if, in the event of another war, we would not be allowed the use of gas in offensive and defensive combat, while our enemies, on the contrary, were either allowed to use it freely or made use of it regardless of conventions entered into on the subject. As far back as 1899 Germany, France, Great Britain, Austria-Hungary, Russia, and Japan entered into a solemn agreement at The Hague "to abstain from the use of projectiles, the sole object of which is the diffusion of asphyxiating or deleterious gases." Again, in 1907, at the same place, these same powers entered into a contract forbidding the employment of "poison or poisonous arms." Regardless of these conventions poison gas was used in the World War and in the opinion of the American Legion will be used in any major future war regardless of articles to the contrary. This opinion is backed up by the fact that a number of the great powers declined to sign the Geneva gas protocol.

The issue seems to the American Legion to be whether the United States shall agree to surrender an effective arm, which might well promise victory against an antagonist, when past experience shows that the antagonist would probably employ this arm with deadly effect against us. Experience has demonstrated that when a nation determines on war or is forced to accept war by the aggression of another it may use every means and every arm available to achieve victory. Even if all other great powers had already ratified this protocol, the American Legion is aware that past experience demonstrates that it would be a hazardous undertaking for the United States also to ratify it. But where a number of the great powers are not even considering the ratification of the protocol, the sheer folly of affirmative action on this question by the United States Senate should be apparent to all; and be it further

Resolved, That the American Legion exert its full strength to prevent ratification of the protocol by the Senate at the coming session of Congress, and that the national legislative committee be hereby instructed to take vigorous action in accordance with this resolution and forward a copy of this resolution to each Member of the United States Senate.

THE AMERICAN LEGION.

Resolution relating to chemical warfare

Whereas it is very essential that America keep abreast with the nations of the world and the times in all matters of research, both in times of peace and in case of national emergency; and

Whereas it has been strongly shown that in time of war nations will resort to the use of any implements; and

Whereas it is necessary that our Government be prepared for any and all emergency, including the necessary study of such methods of warfare known as chemical warfare, so as to protect our soldiers: Therefore be it

Resolved, That the Veterans of Foreign Wars of the United States at its twenty-seventh annual national encampment assembled at El Paso, Tex., September, 1926, exert its utmost effort to combat any opposition to the Chemical Warfare Service, which we believe to be part of our national-defense program.

This resolution submitted by the chairman of the national legislative committee (Captain Bettelheim).

VETERANS OF FOREIGN WARS OF THE UNITED STATES.

Resolution passed by the Reserve Officers' Association of the United States, at Norfolk, Va., October 27, 1926

Whereas at a convention called by the League of Nations at Geneva, May 4, 1925, to consider the control of international trade in arms, munitions, and implements of war, a protocol known as the Geneva protocol in gas was adopted by the delegates attending forbidding the use by nations of chemical warfare in future wars; and

Whereas by entering into such a treaty this country would be placed at the mercy of any nation refusing to ratify such an agreement; and

Whereas efforts have been made and are now being made to cripple our national defense act by ratifying this treaty in our Senate in executive session: Now therefore be it

Resolved by this convention, That this association place itself on record as opposed to the ratification of such a treaty, and believes that to adopt it would seriously jeopardize the best interests of the Nation; and be it further

Resolved, That copies of this resolution be sent to the President, the Secretary of War, and the chairman of the Senate Committee on Military Affairs, and to every United States Senator.

RESERVE OFFICERS' ASSOCIATION OF THE UNITED STATES.

NATIONAL HEADQUARTERS,
MILITARY ORDER OF THE WORLD WAR,
New York City, October 20, 1926.

Resolution on use of poison gas in warfare

Whereas a determined effort is now being made in influential circles to ban the use of chemicals in warfare, notwithstanding the fact that the military, medical, and chemical experts at the Washington Conference on the Limitation of Armaments, 1921 and 1922, expressed the view that such warfare, horrible as it is, is not as a whole more inhumane than other recognized methods of warfare, and that to abolish it would jeopardize the best interests of the Nation; and

Whereas this effort has found expression in the protocol drafted at the international meeting for the control of the traffic in arms, held at Geneva in May and June, 1925: Now, therefore, be it

Resolved, That the Military Order of the World War, in national convention assembled at Philadelphia, Pa., October 7, 8, 9, 1926, places itself on record in opposition to the ratification of this protocol: And be it further

Resolved, That copies of this resolution be sent to the President, the Secretary of War, and to the chairmen of the Senate and House Committees on Military Affairs and to Maj. Gen. Amos A. Fries, United States Army, Chief of the Chemical Warfare Service.

MILITARY ORDER OF THE WORLD WAR.

Mr. REED of Pennsylvania. It is unnecessary to say, Mr. President, that the men of these organizations are the ones who will be called upon to suffer attack in case of war or who will be called upon to treat sufferers in case of attack.

Mr. BORAH. I move that the Senate return to legislative session.

The motion was agreed to.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of executive business with closed doors. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 10, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 9, 1926

MEMBER OF THE BOARD OF MEDIATION

Hywel Davies, of California, to be a member of the Board of Mediation created by section 4 of the railway labor act, approved May 20, 1926, for a term expiring five years after January 1, 1927.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

MARINE CORPS

Brig. Gen. Rufus H. Lane, the adjutant and inspector, to be the adjutant and inspector of the Marine Corps, with the rank of brigadier general, for a period of four years from the 2d day of January, 1927, with rank from the 2d day of January, 1923.

Lieut. Col. Hugh Matthews, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of colonel from the 5th day of July, 1926.

Lieut. Col. Douglas C. McDougal to be a colonel in the Marine Corps from the 1st day of October, 1926.

Maj. Lauren S. Willis to be a lieutenant colonel in the Marine Corps from the 5th day of July, 1926.

Capt. Theodore A. Secor to be a major in the Marine Corps from the 19th day of January, 1926.

Capt. William H. Rupertus to be a major in the Marine Corps from the 3d day of June, 1926.

Capt. Harold C. Major to be a captain in the Marine Corps from the 11th day of February, 1926, to correct the date from which he takes rank as previously nominated and confirmed.

Capt. Jesse A. Nelson to be a captain in the Marine Corps from the 24th day of February, 1926, to correct the date from which he takes rank as previously nominated and confirmed.

Capt. Herman R. Anderson to be a captain in the Marine Corps from the 26th day of May, 1926, to correct the date from which he takes rank as previously nominated and confirmed.

Capt. Clarence M. Ruffner to be a captain in the Marine Corps from the 3d day of June, 1926, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Richard Livingston to be a captain in the Marine Corps from the 27th day of January, 1926.

First Lieut. Blythe G. Jones to be a captain in the Marine Corps from the 3d day of March, 1926.

First Lieut. Hu H. Phipps to be a captain in the Marine Corps from the 6th day of June, 1926.

First Lieut. George T. Hall to be a captain in the Marine Corps from the 11th day of June, 1926.

First Lieut. Hal N. Potter to be a captain in the Marine Corps from the 22d day of June, 1926.

First Lieut. Oliver T. Francis to be a captain in the Marine Corps from the 27th day of June, 1926.

First Lieut. Robert C. Kilmartin, jr., to be a captain in the Marine Corps from the 11th day of July, 1926.

First Lieut. Edward A. Craig to be a captain in the Marine Corps from the 15th day of July, 1926.

First Lieut. Julian P. Brown to be a captain in the Marine Corps from the 27th day of August, 1926.

First Lieut. Bernard Dubel to be a captain in the Marine Corps from the 31st day of October, 1926.

Second Lieut. Augustus W. Cockrell to be a first lieutenant in the Marine Corps from the 1st day of October, 1925.

Second Lieut. Joseph DaC. Humphrey to be a first lieutenant in the Marine Corps from the 24th day of February, 1926.

Second Lieut. Horace C. Busbey to be a first lieutenant in the Marine Corps from the 3d day of March, 1926.

Second Lieut. Lewis A. Hohn to be a first lieutenant in the Marine Corps from the 26th day of May, 1926.

Second Lieut. William O. Brice to be a first lieutenant in the Marine Corps from the 3d day of June, 1926.

Second Lieut. Francis M. Wulbern to be a first lieutenant in the Marine Corps from the 6th day of June, 1926.

Second Lieut. Edwin A. Pollock to be a first lieutenant in the Marine Corps from the 11th day of June, 1926.

Second Lieut. Randolph McC. Pate to be a first lieutenant in the Marine Corps from the 16th day of June, 1926.

Second Lieut. Cornelius J. Eldridge to be a first lieutenant in the Marine Corps from the 22d day of June, 1926.

Second Lieut. Lucian C. Whitaker to be a first lieutenant in the Marine Corps from the 27th day of June, 1926.

Second Lieut. John R. Streett to be a first lieutenant in the Marine Corps from the 5th day of July, 1926.

Second Lieut. Franklin C. Hall to be a first lieutenant in the Marine Corps from the 15th day of July, 1926.

Second Lieut. Beverley S. Roberts to be a first lieutenant in the Marine Corps from the 27th day of August, 1926.

Second Lieut. Dudley W. Davis to be a first lieutenant in the Marine Corps from the 7th day of September, 1926.

Second Lieut. John C. Donehoo, jr., to be a first lieutenant in the Marine Corps from the 14th day of September, 1926.

Second Lieut. Raymond P. Coffman to be a first lieutenant in the Marine Corps from the 1st day of October, 1926.

Second Lieut. Ralph B. DeWitt to be a first lieutenant in the Marine Corps from the 2d day of October, 1926.

Second Lieut. John B. Weaver to be a first lieutenant in the Marine Corps from the 5th day of October, 1926.

Second Lieut. Rupert R. Deese to be a first lieutenant in the Marine Corps from the 9th day of November, 1926.

Second Lieut. Harry E. Dunkelberger to be a first lieutenant in the Marine Corps from the 15th day of November, 1926.

The following-named citizens to be second lieutenants in the Marine Corps (probationary for two years) from the 26th day of June, 1926:

Raymond E. Hopper, a citizen of Mississippi.
John R. Lanigan, a citizen of the District of Columbia.
Elvin B. Ryan, a citizen of South Dakota.
William D. Saunders, jr., a citizen of Virginia.
Marshall C. Levie, a citizen of Georgia.
Robert H. McDowell, a citizen of South Carolina.
Francis B. Loomis, a citizen of California.
Thomas G. McFarland, a citizen of South Carolina.
Peter P. Schrider, a citizen of the District of Columbia.
Cyril H. Arnold, a citizen of North Dakota.
Charles E. Chapel, a citizen of Iowa.
Thomas D. Marks, a citizen of Georgia.
Wallace Thompson, a citizen of North Dakota.
John H. Coffman, a citizen of Oklahoma.
Walter H. Troxell, a citizen of Pennsylvania.
David M. Shoup, a citizen of Indiana.

The following-named citizens to be second lieutenants in the Marine Corps (probationary for two years) from the 1st day of September, 1926:

Edward T. Peters, jr., a citizen of California.
James F. Shaw, jr., a citizen of Vermont.
William E. Griffith, a citizen of North Dakota.

The following-named marine gunners to be chief marine gunners in the Marine Corps, to rank with but after second lieutenant, from the 10th day of June, 1926:

Robert F. Slingluff.	Jesse E. Stamper.
Thomas Quigley.	James Y. Astin.
John J. Mahoney.	John S. McNulty.
William O. Corbin.	Martin Micken.
Henry Baptist.	John J. Andrews.
Silas M. Bankert.	Frank F. Puttcammer.
Fred Lueders.	Arthur D. Ryan.
William R. Perry.	Emory T. Ozabal.
John F. Evans.	Jacob Roeller.
William S. Robinson.	Frank F. Wallace.
William L. Erdman.	Harold Ogden.
James Diskin.	Daniel Loomis.
William T. Crawford.	John J. Faragher.
Elmo Reagan.	Augustus O. Halter.
Alvin Anderson.	William Liske.
Otho Wiggs.	Ludolph F. Jensen.
Calvin A. Lloyd.	William J. Holloway.
Eli J. Lloyd.	William A. Buckley.
Reginald C. Vardy.	Charles B. Loring.

Marine Gunner James J. Harrington to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 8th day of August, 1926.

Marine Gunner Charles A. Johnson to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 12th day of November, 1926.

Marine Gunner Edward Kellison to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 13th day of November, 1926.

The following quartermaster clerks to be chief quartermaster clerks in the Marine Corps, to rank with but after second lieutenant, from the 10th day of June, 1926:

John W. Mueller.	Norman Johnston.
Harold H. Rethman.	Charles Wald.
David L. Forde.	William R. Affleck.
Alton P. Hastings.	Patrick H. Kelly.
Eugene B. Mimms.	Warren C. Walker.
Edward C. Smith.	Beane Eagan.
John D. Brady.	Charles Sefick.
William W. Fentress.	Joseph H. Swan.
Harry H. Couvrette.	James E. Reamy.
Ray W. Jeter.	Charles C. Hall.
Charles C. Carroll.	James Lippert.
Norman Rainier.	David C. Buscall.
Charles F. Burrall.	Charles A. Burton.
William J. Gray.	Frank E. Davis.
August F. Schonefeld.	Patrick J. Grealy.
Rufus L. Willis.	James F. Dickey.
Samuel E. Conley.	

The following pay clerks to be chief pay clerks in the Marine Corps, to rank with but after second lieutenant, from the 10th day of June, 1926:

Frank J. Maloney.	Lawrence A. Frankland.
Fred S. Parsons.	Walter J. Sherry.
Alfred L. Robinson.	Delmar J. Dee.
William D. Huston.	John S. McGuigan.
Dennis Keating.	Charles W. Eaton.
Oscar E. Gutmann.	David H. McKee.
James W. Norris.	Clarence J. Conroy.
William H. May.	George W. Stahl.
George H. Mulligan.	Guy B. Smith, jr.
Cleveland A. Voss.	Leonard J. Straight.
Malcolm E. Richardson.	Harry H. Thompson.
Wilbur W. Raybolt.	Benjiman H. Wolever.
Edward L. Claire.	Fred J. Klingenhagen.
William J. Miller.	Bernard E. Neel.

Pay Clerk William B. Dennison to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 4th day of October, 1926.

Pay Clerk John J. Darlington to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 12th day of December, 1926.

POSTMASTERS

CALIFORNIA

Frederick W. Ammann to be postmaster at Larkspur, Calif., in place of M. L. Courtright. Incumbent's commission expired March 4, 1926.

GEORGIA

Lewis L. Clegg to be postmaster at Emory University, Ga., in place of A. B. Austin, resigned.

Amber Kidy to be postmaster at Allenhurst, Ga., in place of W. L. Black, resigned.

Mrs. Alexander S. Clay to be postmaster at Marietta, Ga., in place of A. S. Clay. Incumbent's commission expires February 24, 1927.

Horace T. George to be postmaster at Eatonton, Ga., in place of J. D. Watterson. Incumbent's commission expired December 22, 1925.

ILLINOIS

Robert M. Farthing to be postmaster at Mount Vernon, Ill., in place of R. M. Farthing. Incumbent's commission expired March 1, 1926.

KENTUCKY

James H. Branstetter to be postmaster at Glasgow, Ky., in place of J. H. Branstetter. Incumbent's commission expired May 9, 1926.

MICHIGAN

Arthur B. Backus to be postmaster at Harbor Springs, Mich., in place of A. B. Backus. Incumbent's commission expired September 22, 1926.

MINNESOTA

Theodore Thielen to be postmaster at Pierz, Minn., in place of C. E. Gravel, resigned.

Otto C. H. Heinzel to be postmaster at Sauk Rapids, Minn., in place of O. C. H. Heinzel. Incumbent's commission expired March 29, 1926.

MISSISSIPPI

William R. Boone to be postmaster at Wiggins, Miss., in place of James Chamberlain, removed.

Alfred L. King to be postmaster at Vance, Miss., in place of F. E. Clay, removed.

George T. Mitchell to be postmaster at Guntown, Miss., in place of J. C. Bonds, deceased.

Nellie E. Hardy to be postmaster at Piney Woods, Miss. Office became presidential July 1, 1926.

Beulah J. Smith to be postmaster at Piare, Miss. Office became presidential July 1, 1926.

Key R. Hodges to be postmaster at Wesson, Miss., in place of K. R. Hodges. Incumbent's commission expired September 12, 1926.

Fred H. Powers to be postmaster at Starkville, Miss., in place of F. H. Powers. Incumbent's commission expired September 22, 1926.

William A. Shelby to be postmaster at Rosedale, Miss., in place of W. A. Shelby. Incumbent's commission expired September 20, 1926.

Arthur L. Stanford to be postmaster at Ripley, Miss., in place of A. L. Stanford. Incumbent's commission expired September 19, 1926.

Ocran C. Elliott to be postmaster at Nettleton, Miss., in place of O. C. Elliott. Incumbent's commission expired September 19, 1926.

Lollie B. Summers to be postmaster at Logtown, Miss., in place of A. L. Howze. Incumbent's commission expired September 19, 1926.

Walter L. Goodman to be postmaster at Iuka, Miss., in place of Alabama Akers. Incumbent's commission expired June 3, 1926.

Preston T. Smith to be postmaster at Itta Bena, Miss., in place of P. T. Smith. Incumbent's commission expired September 22, 1926.

William D. Woods to be postmaster at Houston, Miss., in place of W. D. Woods. Incumbent's commission expired September 20, 1926.

David H. Foresman to be postmaster at Electric Mills, Miss., in place of D. H. Foresman. Incumbent's commission expired September 22, 1926.

William F. Elgin to be postmaster at Corinth, Miss., in place of W. F. Elgin. Incumbent's commission expired September 19, 1926.

MISSOURI

Virgil Smee to be postmaster at Sugar Creek, Mo., in place of J. S. Dickey, removed.

William T. Thompson to be postmaster at Eugene, Mo. Office became presidential July 1, 1926.

Addie Erwin to be postmaster at Thayer, Mo., in place of Addie Erwin. Incumbent's commission expired August 23, 1926.

Joseph W. Steinmeier to be postmaster at Puxico, Mo., in place of W. M. Harbin. Incumbent's commission expired April 10, 1926.

Charles E. Colinot to be postmaster at Monticello, Mo., in place of C. E. Colinot. Incumbent's commission expired June 17, 1926.

Samuel A. Chapell to be postmaster at Monett, Mo., in place of S. A. Chapell. Incumbent's commission expired September 12, 1926.

Charles E. Bedell to be postmaster at Hale, Mo., in place of C. E. Bedell. Incumbent's commission expired July 26, 1926.

Clarence Wehrle to be postmaster at Eureka, Mo., in place of Clarence Wehrle. Incumbent's commission expired September 2, 1926.

William F. Clardy to be postmaster at Ethel, Mo., in place of W. F. Clardy. Incumbent's commission expired August 30, 1926.

Jesse W. Brown to be postmaster at Crane, Mo., in place of J. W. Brown. Incumbent's commission expired September 19, 1926.

Emmet L. Gaffney to be postmaster at Craig, Mo., in place of E. L. Gaffney. Incumbent's commission expired August 23, 1926.

Paul L. Horner to be postmaster at Caruthersville, Mo., in place of P. L. Horner. Incumbent's commission expired September 8, 1926.

John T. Garner to be postmaster at Carrollton, Mo., in place of J. T. Garner. Incumbent's commission expired July 26, 1926.

MONTANA

Catherine Murray to be postmaster at Klein, Mont. Office became presidential July 1, 1926.

Alva M. Mullikin to be postmaster at Hingham, Mont. Office became presidential July 1, 1926.

Truman B. Hopkins to be postmaster at Basin, Mont. Office became presidential July 1, 1926.

NEBRASKA

Mary E. McBeath to be postmaster at South Sioux City, Nebr., in place of Perry Barnett, resigned.

John C. Rollins to be postmaster at Indianola, Nebr., in place of B. H. Smith, removed.

Clarence L. Snyder to be postmaster at Bushnell, Nebr., in place of F. O. Baker, deceased.

Anna C. Ord to be postmaster at Burchard, Nebr. Office became presidential July 1, 1926.

Amelia C. Young to be postmaster at Brownville, Nebr. Office became presidential July 1, 1926.

Iva V. Clampett to be postmaster at Naponee, Nebr., in place of M. S. Reams. Incumbent's commission expired May 31, 1926.

Juliet A. Johnson to be postmaster at Mead, Nebr., in place of M. E. Moline. Incumbent's commission expired July 10, 1926.

Charles R. Wareham to be postmaster at Kearney, Nebr., in place of C. W. Norton. Incumbent's commission expired February 10, 1926.

Frank E. Britton to be postmaster at Blue Hill, Nebr., in place of F. E. Britton. Incumbent's commission expired September 12, 1926.

Minnie C. Burch to be postmaster at Bellwood, Nebr., in place of M. C. Burch. Incumbent's commission expired August 30, 1926.

NEVADA

Carl F. Erickson to be postmaster at Lovelock, Nev., in place of E. C. Fries. Incumbent's commission expired March 24, 1926.

NEW HAMPSHIRE

Fred P. Dearth to be postmaster at Woodsville, N. H., in place of F. P. Dearth. Incumbent's commission expired September 1, 1926.

Edgar C. Emery to be postmaster at West Swanzey, N. H., in place of E. C. Emery. Incumbent's commission expired September 22, 1926.

Walter C. Wyatt to be postmaster at Tilton, N. H., in place of W. C. Wyatt. Incumbent's commission expired September 22, 1926.

Stephen C. Coburn to be postmaster at Milford, N. H., in place of S. C. Coburn. Incumbent's commission expired September 22, 1926.

Willard C. Fogg to be postmaster at Lincoln, N. H., in place of W. C. Fogg. Incumbent's commission expired August 29, 1926.

Frank J. Bryant to be postmaster at Lebanon, N. H., in place of F. J. Bryant. Incumbent's commission expired September 22, 1926.

George D. Roberts to be postmaster at Jefferson, N. H., in place of G. D. Roberts. Incumbent's commission expired August 29, 1926.

Willard G. Holt to be postmaster at Epping, N. H., in place of A. C. Howe. Incumbent's commission expired September 22, 1926.

Archie C. Howe to be postmaster at Colebrook, N. H., in place of A. C. Howe. Incumbent's commission expired September 22, 1926.

NEW JERSEY

Catherine De Bue to be postmaster at Vauxhall, N. J., in place of S. J. Piechowicz, resigned.

Clifford R. Bower to be postmaster at Columbus, N. J., in place of A. G. Rockhill, deceased.

Everett N. Crandell to be postmaster at North Hackensack, N. J. Office became presidential July 1, 1926.

Lillie Conover to be postmaster at Northfield, N. J. Office became presidential July 1, 1926.

John G. Rhinesmith to be postmaster at Midvale, N. J. Office became presidential July 1, 1926.

Alan W. Knowles to be postmaster at Budd Lake, N. J. Office became presidential July 1, 1926.

Richard Van Iderstine to be postmaster at Wyckoff, N. J., in place of Richard Van Iderstine. Incumbent's commission expired August 31, 1926.

Henry R. Parvin to be postmaster at Ramsey, N. J., in place of H. R. Parvin. Incumbent's commission expired August 5, 1926.

Samuel Munyan to be postmaster at Gibbstown, N. J., in place of Samuel Munyan. Incumbent's commission expired September 8, 1926.

Daniel A. DeVries to be postmaster at Carlton Hill, N. J., in place of D. A. DeVries. Incumbent's commission expired August 31, 1926.

Frederick R. Dixon to be postmaster at Bellemead, N. J., in place of F. R. Dixon. Incumbent's commission expired August 12, 1926.

NEW MEXICO

H. Emory Davis to be postmaster at Los Lunas, N. Mex., in place of F. H. Huning, resigned.

Lorna Johnson to be postmaster at Springer, N. Mex., in place of Lorna Johnson. Incumbent's commission expired June 28, 1926.

Jeffrey A. Houghton to be postmaster at Magdalena, N. Mex., in place of C. L. Beagle. Incumbent's commission expired April 7, 1926.

Ernest U. Scott to be postmaster at Grenville, N. Mex., in place of L. J. Gusler. Incumbent's commission expired November 23, 1925.

Warren H. Orcutt to be postmaster at Deming, N. Mex., in place of C. E. Ely. Incumbent's commission expired February 6, 1926.

NEW YORK

John A. Maybee to be postmaster at St. James, N. Y., in place of G. W. Paige, resigned.

Lawrence D. Carr to be postmaster at Petersburg, N. Y., in place of J. W. Lewis, resigned.

Raymond M. Darling to be postmaster at Northport, N. Y., in place of C. S. Haff, removed.

William H. Ordway to be postmaster at Mount McGregor, N. Y., in place of H. J. Howk, deceased.

Edna C. Babcock to be postmaster at Massena Springs, N. Y., in place of F. L. Babcock, deceased.

Ivan G. Howe to be postmaster at Belmont, N. Y., in place of E. L. Burdick, resigned.

Gertrude M. Ackert to be postmaster at West Park, N. Y. Office became presidential July 1, 1926.

Albert R. Earley to be postmaster at Wells, N. Y. Office became presidential July 1, 1926.

Clarence R. Stone to be postmaster at Valley Cottage, N. Y. Office became presidential July 1, 1926.

Harry A. Pearce to be postmaster at Ocean Beach, N. Y. Office became presidential July 1, 1926.

Ernest Goodwin to be postmaster at North Syracuse, N. Y. Office became presidential July 1, 1926.

Clifford E. Brown to be postmaster at Minoa, N. Y. Office became presidential July 1, 1926.

Henry T. Kenyon to be postmaster at Leonardsville, N. Y. Office became presidential July 1, 1926.

Joseph W. Mullins to be postmaster at Fallsburgh, N. Y. Office became presidential July 1, 1926.

Ernest U. Smith to be postmaster at Eagle Bay, N. Y. Office became presidential July 1, 1926.

John G. Cochrane to be postmaster at Darien Center, N. Y. Office became presidential July 1, 1926.

William R. Kase to be postmaster at Broad Channel, N. Y. Office became presidential July 1, 1926.

William S. Elwyn to be postmaster at Woodstock, N. Y., in place of W. S. Elwyn. Incumbent's commission expired August 24, 1926.

Frank Davis to be postmaster at Stone Ridge, N. Y., in place of Frank Davis. Incumbent's commission expired September 1, 1926.

Fred Tears to be postmaster at Starlake, N. Y., in place of Fred Tears. Incumbent's commission expired August 30, 1926.

Lewis B. Selleck to be postmaster at Setauket, N. Y., in place of Andrew Wishart. Incumbent's commission expired May 12, 1926.

James H. Butler to be postmaster at Scottsville, N. Y., in place of J. H. Butler. Incumbent's commission expired September 22, 1926.

George B. Sample to be postmaster at Schaghticoke, N. Y., in place of G. B. Sample. Incumbent's commission expired September 22, 1926.

George E. Clark to be postmaster at Romulus, N. Y., in place of J. W. Bow. Incumbent's commission expired April 18, 1926.

Augustus P. Altemeier to be postmaster at Port Jervis, N. Y., in place of A. P. Altemeier. Incumbent's commission expired June 10, 1926.

Clarence H. Floyd to be postmaster at Port Jefferson, N. Y., in place of L. O. Davis. Incumbent's commission expired January 21, 1926.

Cornelius J. Carey to be postmaster at Newman, N. Y., in place of C. J. Carey. Incumbent's commission expired August 12, 1926.

George A. Gardner to be postmaster at Newfield, N. Y., in place of G. A. Gardner. Incumbent's commission expired August 4, 1926.

Frank W. Hallock to be postmaster at Millbrook, N. Y., in place of F. W. Hallock. Incumbent's commission expired September 22, 1926.

Herman C. Stevens to be postmaster at Locke, N. Y., in place of H. C. Stevens. Incumbent's commission expired April 7, 1926.

Harry C. Teich to be postmaster at Leeds, N. Y., in place of H. C. Teich. Incumbent's commission expired August 24, 1926.

Mary A. Davies to be postmaster at Holland Patent, N. Y., in place of M. A. Davies. Incumbent's commission expired September 20, 1926.

LeRoy Krom to be postmaster at High Falls, N. Y., in place of LeRoy Krom. Incumbent's commission expired August 30, 1926.

John C. Banschbach to be postmaster at Hicksville, N. Y., in place of J. C. Banschbach. Incumbent's commission expired July 21, 1926.

Hans C. Hansen to be postmaster at Fishers Island, N. Y., in place of H. C. Hansen. Incumbent's commission expired October 26, 1925.

Arthur N. Fero to be postmaster at Esperance, N. Y., in place of A. N. Fero. Incumbent's commission expired August 23, 1926.

Henry J. Chichester to be postmaster at East Moriches, N. Y., in place of H. J. Chichester. Incumbent's commission expired November 8, 1925.

Ross K. Pierce to be postmaster at Dolgeville, N. Y., in place of R. K. Pierce. Incumbent's commission expired September 20, 1926.

Henry Gibson to be postmaster at Cornwall, N. Y., in place of Henry Gibson. Incumbent's commission expired September 15, 1926.

Seward Latham to be postmaster at Central Bridge, N. Y., in place of Seward Latham. Incumbent's commission expired June 3, 1926.

George I. Yost to be postmaster at Ballston Spa, N. Y., in place of G. I. Yost. Incumbent's commission expired September 12, 1926.

Pearla S. Kling to be postmaster at Albany, N. Y., in place of P. S. Kling. Incumbent's commission expired July 19, 1926.

Lewis H. Miller to be postmaster at Accord, N. Y., in place of L. H. Miller. Incumbent's commission expired September 22, 1926.

NORTH CAROLINA

Ernest B. Satterwhite to be postmaster at Sanatorium, N. C., in place of H. O. Sink, resigned.

Jonah F. Deaton to be postmaster at Aberdeen, N. C., in place of M. J. McFadyen, removed.

Atlas D. Griffin to be postmaster at Peachland, N. C. Office became presidential July 1, 1926.

Vernal Freeman to be postmaster at Chimney Rock, N. C. Office became presidential July 1, 1926.

Calvin Y. Holden to be postmaster at Wake Forest, N. C., in place of C. Y. Holden. Incumbent's commission expired July 31, 1926.

Charles A. Bland to be postmaster at Wadesboro, N. C., in place of C. A. Bland. Incumbent's commission expired August 23, 1926.

Ross Matheson to be postmaster at Taylorsville, N. C., in place of Ross Matheson. Incumbent's commission expired August 31, 1926.

Lula M. Choate to be postmaster at Sparta, N. C., in place of L. M. Choate. Incumbent's commission expired September 22, 1926.

John H. Williams to be postmaster at Rutherfordton, N. C., in place of W. J. Mode. Incumbent's commission expired September 24, 1925.

John L. Vest to be postmaster at Rosemary, N. C., in place of J. L. Vest. Incumbent's commission expired August 23, 1926.

William B. Duncan to be postmaster at Raleigh, N. C., in place of W. B. Duncan. Incumbent's commission expired August 26, 1926.

John L. Dixon to be postmaster at Oriental, N. C., in place of J. L. Dixon. Incumbent's commission expired September 11, 1926.

Nellie M. Patton to be postmaster at Morganton, N. C., in place of N. M. Patton. Incumbent's commission expired August 31, 1926.

Fred H. Morris to be postmaster at Kernersville, N. C., in place of F. H. Morris. Incumbent's commission expired September 11, 1926.

Lola A. Carter to be postmaster at Jackson Springs, N. C., in place of L. A. Carter. Incumbent's commission expired September 2, 1926.

Pat L. Whitehead to be postmaster at Enfield, N. C., in place of J. D. Whitehead, jr. Incumbent's commission expired April 4, 1926.

Ella E. Meshaw to be postmaster at Council, N. C., in place of E. E. Meshaw. Incumbent's commission expired September 11, 1926.

Riley W. King to be postmaster at Candler, N. C., in place of R. W. King. Incumbent's commission expired September 22, 1926.

NORTH DAKOTA

Nels D. Nelson to be postmaster at Milnor, N. Dak., in place of J. G. Boatman, deceased.

Carl C. Harr to be postmaster at Martin, N. Dak. Office became presidential July 1, 1926.

Frank C. Rypka to be postmaster at Heaton, N. Dak. Office became presidential July 1, 1926.

Carrie Isaacs to be postmaster at Buchanan, N. Dak. Office became presidential July 1, 1926.

Clifford L. Colwell to be postmaster at Berlin, N. Dak. Office became presidential July 1, 1926.

Elvin J. Elstad to be postmaster at Rugby, N. Dak., in place of E. J. Elstad. Incumbent's commission expired September 22, 1926.

Benjamin J. Schnedar to be postmaster at Pisek, N. Dak., in place of B. J. Schnedar. Incumbent's commission expired May 10, 1926.

Francis R. Cruden to be postmaster at McHenry, N. Dak., in place of F. D. Cannon. Incumbent's commission expired February 20, 1926.

George T. Elliott to be postmaster at Leonard, N. Dak., in place of M. E. Walter. Incumbent's commission expired February 9, 1926.

David J. Holt to be postmaster at La Moure, N. Dak., in place of D. J. Holt. Incumbent's commission expired April 11, 1926.

Walter L. Saunders to be postmaster at Ellendale, N. Dak., in place of Mark Johnson. Incumbent's commission expired March 31, 1926.

Ivah M. Shuley to be postmaster at Edinburg, N. Dak., in place of I. M. Shuley. Incumbent's commission expired September 12, 1926.

August M. Bruschwein to be postmaster at Driscoll, N. Dak., in place of A. M. Bruschwein. Incumbent's commission expired November 18, 1925.

Anastacia Rohde to be postmaster at Drake, N. Dak., in place of I. G. H. Morrow. Incumbent's commission expired November 18, 1925.

Ollie M. Burgum to be postmaster at Arthur, N. Dak., in place of Catherine Ross. Incumbent's commission expired March 4, 1926.

Anfin Qualey to be postmaster at Aneta, N. Dak., in place of Anfin Qualey. Incumbent's commission expired August 10, 1926.

OHIO

Howard J. Swearingen to be postmaster at Kensington, Ohio, in place of W. E. Davidson, removed.

Charles S. Case to be postmaster at Jefferson, Ohio, in place of G. F. Ruggles, deceased.

Velma T. Dunlap to be postmaster at Avon Lake, Ohio, in place of G. N. Spade, resigned.

Ross H. Hartsock to be postmaster at Waynesville, Ohio, in place of R. H. Hartsock. Incumbent's commission expired August 24, 1926.

Bert E. Woodward to be postmaster at Stryker, Ohio, in place of B. E. Woodward. Incumbent's commission expired August 31, 1926.

Harry E. Cahill to be postmaster at Pandora, Ohio, in place of H. E. Cahill. Incumbent's commission expired September 22, 1926.

Stanley O. Kerr to be postmaster at Ottawa, Ohio, in place of S. O. Kerr. Incumbent's commission expired September 22, 1926.

Earl C. Mikesell to be postmaster at New Paris, Ohio, in place of H. E. Martin. Incumbent's commission expired April 20, 1926.

Joseph Jameson to be postmaster at Lorain, Ohio, in place of Joseph Jameson. Incumbent's commission expired August 5, 1926.

Dora D. Doughty to be postmaster at Walbridge, Ohio. Office became presidential July 1, 1926.

Harvey C. Wilson to be postmaster at Lyons, Ohio. Office became presidential July 1, 1926.

James M. Leatherman to be postmaster at Hoytville, Ohio. Office became presidential July 1, 1926.

Harry S. Juday to be postmaster at Eldorado, Ohio. Office became presidential July 1, 1926.

Emmanuiel M. Flower to be postmaster at Blackfork, Ohio. Office became presidential July 1, 1926.

Ida C. Steinman to be postmaster at Logan, Ohio, in place of I. C. Steinman. Incumbent's commission expired August 31, 1926.

Robert J. Pollock to be postmaster at Fairpoint, Ohio, in place of R. J. Pollock. Incumbent's commission expired June 26, 1926.

William H. Lambert to be postmaster at Delta, Ohio, in place of W. H. Lambert. Incumbent's commission expired September 12, 1926.

James U. Riley to be postmaster at Brookville, Ohio, in place of J. U. Riley. Incumbent's commission expired September 12, 1926.

J. Schuyler Hossler to be postmaster at Bloomville, Ohio, in place of J. S. Hossler. Incumbent's commission expired August 29, 1926.

Charles E. McClelland to be postmaster at Attica, Ohio, in place of C. E. McClelland. Incumbent's commission expired August 26, 1926.

Cleona M. Dunnick to be postmaster at Ashville, Ohio, in place of C. M. Dunnick. Incumbent's commission expired June 3, 1926.

Jennie B. Coburn to be postmaster at Amherst, Ohio, in place of J. B. Coburn. Incumbent's commission expired September 12, 1926.

OKLAHOMA

L. Manuel Merritt to be postmaster at Roff, Okla., in place of J. P. Jones, removed.

Vernon Whiting to be postmaster at Pawhuska, Okla., in place of A. R. Museller, resigned.

Pleas C. Merrell to be postmaster at Commerce, Okla., in place of W. G. Reese, resigned.

Porter Z. Newman to be postmaster at Welch, Okla., in place of P. Z. Newman. Incumbent's commission expired June 30, 1926.

Sol A. Glotfelter to be postmaster at Verden, Okla., in place of C. H. Roosevelt. Incumbent's commission expired February 13, 1926.

Harold F. Facker to be postmaster at Shamrock, Okla., in place of M. A. Wood. Incumbent's commission expired January 21, 1926.

Governor Everidge to be postmaster at Fort Towson, Okla., in place of Governor Everidge. Incumbent's commission expired August 8, 1926.

Grace S. Prentiss to be postmaster at Fairfax, Okla., in place of G. S. Prentiss. Incumbent's commission expired September 18, 1926.

Frederick W. Hunn to be postmaster at Crowder, Okla., in place of F. W. Hunn. Incumbent's commission expired August 29, 1926.

Harold W. Amis to be postmaster at Covington, Okla., in place of P. H. Shelton. Incumbent's commission expired March 23, 1924.

Vernon A. Farmer to be postmaster at Broken Bow, Okla., in place of R. H. Everett. Incumbent's commission expired July 31, 1926.

Nita B. Figart to be postmaster at Red Fork, Okla. Office became presidential July 1, 1923.

Richard Wynn to be postmaster at Ochelata, Okla. Office became presidential July 1, 1926.

Ernest N. Rownsaville to be postmaster at Coleman, Okla. Office became presidential July 1, 1926.

James W. Blair to be postmaster at Clayton, Okla. Office became presidential July 1, 1926.

OREGON

George L. Edes to be postmaster at Yoncalla, Oreg., in place of G. L. Edes. Incumbent's commission expired September 14, 1926.

John S. Hudson to be postmaster at Troutdale, Oreg., in place of J. S. Hudson. Incumbent's commission expired September 14, 1926.

Henry E. Grim to be postmaster at Scappoose, Oreg., in place of H. E. Grim. Incumbent's commission expired August 5, 1926.

Charles S. Heinline to be postmaster at Roseburg, Oreg., in place of C. S. Heinline. Incumbent's commission expired August 26, 1926.

Grant L. Grant to be postmaster at Riddle, Oreg., in place of G. L. Grant. Incumbent's commission expired August 5, 1926.

Ora Mahoney to be postmaster at Oakland, Oreg., in place of Ora Mahoney. Incumbent's commission expired August 26, 1926.

Charles B. Wilson to be postmaster at Newberg, Oreg., in place of C. B. Wilson. Incumbent's commission expired August 5, 1926.

Roy C. Hale to be postmaster at Echo, Oreg., in place of R. C. Hale. Incumbent's commission expired September 22, 1926.

Drusilla M. Crance to be postmaster at Cornelius, Oreg., in place of D. M. Crance. Incumbent's commission expired August 10, 1926.

George D. Wood to be postmaster at Brookings, Oreg., in place of G. D. Wood. Incumbent's commission expired August 5, 1926.

Joseph B. Wheeler to be postmaster at Cochran, Oreg. Office became presidential July 1, 1926.

PENNSYLVANIA

Dean R. Clifford to be postmaster at Trafford, Pa., in place of N. B. Blackburn, resigned.

Jennie W. Smeltzer to be postmaster at Sagamore, Pa., in place of D. K. Clements, removed.

J. Henry Gibson to be postmaster at Conneautville, Pa., in place of D. W. Spaulding, resigned.

Hilda A. Lago to be postmaster at Bessemer, Pa., in place of H. C. Kanengeiser, removed.

Henry H. Bassett to be postmaster at Warren, Pa., in place of M. C. Parshall. Incumbent's commission expired January 30, 1926.

Stephen J. Downs to be postmaster at Union City, Pa., in place of S. J. Downs. Incumbent's commission expired September 1, 1926.

Charles H. Potter to be postmaster at Titusville, Pa., in place of C. H. Potter. Incumbent's commission expired September 1, 1926.

Arthur E. Foster to be postmaster at Thompson, Pa., in place of A. E. Foster. Incumbent's commission expired September 12, 1926.

Robert J. Weld to be postmaster at Sugargrove, Pa., in place of M. R. Hinsdale. Incumbent's commission expired January 30, 1926.

Hulda J. McCormick to be postmaster at South Connellsville, Pa., in place of H. J. McCormick. Incumbent's commission expired September 20, 1926.

Louis O. Mellinger to be postmaster at Slickville, Pa., in place of L. O. Mellinger. Incumbent's commission expired August 4, 1926.

Howard C. Shenton to be postmaster at Slatington, Pa., in place of H. C. Shenton. Incumbent's commission expired September 11, 1926.

Roy L. Kalbfus to be postmaster at Shohola, Pa., in place of R. L. Kalbfus. Incumbent's commission expired September 11, 1926.

Frank Shupp to be postmaster at Shillington, Pa., in place of Frank Shupp. Incumbent's commission expired August 24, 1926.

Jessie M. Burns to be postmaster at Selinsgrove, Pa., in place of B. T. Phillips. Incumbent's commission expired February 7, 1926.

George F. Carling to be postmaster at Sayre, Pa., in place of G. F. Carling. Incumbent's commission expired August 24, 1926.

Beula E. Dembaugh to be postmaster at Russellton, Pa., in place of B. E. Dembaugh. Incumbent's commission expired August 24, 1926.

Isaac L. Shilling to be postmaster at Reedsville, Pa., in place of I. L. Shilling. Incumbent's commission expired August 24, 1926.

Charles F. DeLabar to be postmaster at Riegelsville, Pa., in place of C. F. DeLabar. Incumbent's commission expired August 4, 1926.

Henry Daugherty to be postmaster at Red Hill, Pa., in place of Henry Daugherty. Incumbent's commission expired September 11, 1926.

Horace H. Hammer to be postmaster at Reading, Pa., in place of H. H. Hammer. Incumbent's commission expired September 11, 1926.

Ralph P. Holloway to be postmaster at Pottstown, Pa., in place of R. P. Holloway. Incumbent's commission expired August 23, 1926.

Wade H. McKinley to be postmaster at Polk, Pa., in place of R. W. Marshall. Incumbent's commission expired April 17, 1926.

Edward Bayley to be postmaster at Picture Rocks, Pa., in place of Edward Bayley. Incumbent's commission expired June 21, 1926.

Irvin Y. Baringer to be postmaster at Perkasie, Pa., in place of I. H. Detweiler. Incumbent's commission expired May 19, 1926.

Frank H. McCully to be postmaster at Osceola Mills, Pa., in place of F. H. McCully. Incumbent's commission expired September 11, 1926.

Mary G. Campbell to be postmaster at Nottingham, Pa., in place of M. G. Campbell. Incumbent's commission expired September 19, 1926.

Charles J. Hanley to be postmaster at Newtown Square, Pa., in place of A. E. Ewing. Incumbent's commission expired June 21, 1926.

Elma C. Dryden to be postmaster at New Galilee, Pa., in place of E. C. Dryden. Incumbent's commission expired September 1, 1926.

J. Bertram Nesper to be postmaster at Narberth, Pa., in place of F. C. Patten. Incumbent's commission expired July 21, 1926.

Mary M. Davis to be postmaster at Mount Morris, Pa., in place of M. M. Davis. Incumbent's commission expired September 11, 1926.

Thomas V. Diffendafer to be postmaster at Millerstown, Pa., in place of T. V. Diffendafer. Incumbent's commission expired August 4, 1926.

Arch R. Lykens to be postmaster at Martinsburg, Pa., in place of A. R. Lykens. Incumbent's commission expired June 21, 1926.

George Nuckid to be postmaster at Lyndora, Pa., in place of P. J. Molyneaux. Incumbent's commission expired November 17, 1925.

Paul M. Seaber to be postmaster at Lititz, Pa., in place of P. M. Seaber. Incumbent's commission expired September 19, 1926.

Richard C. Jockers to be postmaster at Jenkintown, Pa., in place of R. C. Jockers. Incumbent's commission expired September 20, 1926.

Paul Smith to be postmaster at Hughesville, Pa., in place of Paul Smith. Incumbent's commission expired September 12, 1926.

George W. Murphy to be postmaster at Hawley, Pa., in place of G. W. Murphy. Incumbent's commission expired August 23, 1926.

Mark M. Merritt to be postmaster at Granville Summit, Pa., in place of M. M. Merritt. Incumbent's commission expired August 23, 1926.

Emma M. Schrock to be postmaster at Garrett, Pa., in place of E. M. Schrock. Incumbent's commission expired September 22, 1926.

James S. Crawford to be postmaster at Freeland, Pa., in place of J. S. Crawford. Incumbent's commission expired August 30, 1926.

Charles W. Goss to be postmaster at Expedit, Pa., in place of C. W. Goss. Incumbent's commission expired September 11, 1926.

Charles W. Hart to be postmaster at Elizabeth, Pa., in place of E. E. Thompson. Incumbent's commission expired June 5, 1926.

William E. Reed to be postmaster at Duquesne, Pa., in place of W. E. Reed. Incumbent's commission expired July 21, 1926.

Robert M. Barton to be postmaster at Duncannon, Pa., in place of S. B. Sheller. Incumbent's commission expired February 2, 1926.

Everett E. McBride to be postmaster at Dravosburg, Pa., in place of E. E. McBride. Incumbent's commission expired September 11, 1926.

Daniel Jones to be postmaster at Coaldale, Pa., in place of Daniel Jones. Incumbent's commission expired June 30, 1926.

Asa F. Hockman to be postmaster at Chalfont, Pa., in place of A. R. Lovett. Incumbent's commission expired September 19, 1926.

Arthur R. Lovell to be postmaster at Blandburg, Pa., in place of A. R. Lovell. Incumbent's commission expired September 11, 1926.

William J. Wilson to be postmaster at Bentleyville, Pa., in place of W. J. Wilson. Incumbent's commission expired August 29, 1926.

Jane R. Lohmann to be postmaster at Trucksville, Pa. Office became presidential October 1, 1926.

Guy D. Baer to be postmaster at Rohrerstown, Pa. Office became presidential July 1, 1926.

Margaret M. Jones to be postmaster at Miquon, Pa. Office became presidential July 1, 1926.

John Martinelli to be postmaster at Fairbank, Pa. Office became presidential July 1, 1924.

Carl V. Erickson to be postmaster at Arnot, Pa., in place of C. V. Erickson. Incumbent's commission expired September 12, 1926.

PORTO RICO

Antonio Godinez to be postmaster at Rio Piedras, P. R., in place of Antonio Godinez. Incumbent's commission expired September 22, 1926.

SOUTH CAROLINA

Mattie H. Graham to be postmaster at Pomaria, S. C., in place of J. L. Graham, deceased.

William D. Sutton to be postmaster at Pageland, S. C., in place of J. W. Quick, deceased.

Maebelle Orvin to be postmaster at St. Stephen, S. C., in place of Maebelle Orvin. Incumbent's commission expired September 19, 1926.

Walter T. Barron to be postmaster at Fort Mill, S. C., in place of S. W. Parks. Incumbent's commission expired June 8, 1926.

Joseph G. Holland to be postmaster at Edgefield, S. C., in place of J. G. Holland. Incumbent's commission expired July 12, 1926.

William J. Galloway to be postmaster at Dillon, S. C., in place of L. E. Stephenson. Incumbent's commission expired December 20, 1925.

Thomas R. Ridlehoover to be postmaster at Plum Branch, S. C. Office became presidential July 1, 1926.

Eva H. Groce to be postmaster at Lyman, S. C. Office became presidential July 1, 1926.

SOUTH DAKOTA

Reynold H. Peterson to be postmaster at Pollock, S. Dak., in place of L. E. Prouty, deceased.

George E. Baker to be postmaster at Aurora, S. Dak., in place of F. I. Neal, resigned.

Hoyt S. Gartley to be postmaster at Nisland, S. Dak., in place of H. S. Gartley. Incumbent's commission expired August 10, 1926.

Marcia Ford to be postmaster at Hill City, S. Dak., in place of S. E. Endicott. Incumbent's commission expired May 2, 1926.

Carl H. Kubler to be postmaster at Deadwood, S. Dak., in place of C. H. Kubler. Incumbent's commission expired September 19, 1926.

Dennis J. Delaney to be postmaster at Custer, S. Dak., in place of D. J. Delaney. Incumbent's commission expired September 8, 1926.

Floyd V. Stephens to be postmaster at Canova, S. Dak., in place of F. V. Stephens. Incumbent's commission expired August 30, 1926.

TENNESSEE

Gaston H. Rhodes to be postmaster at Whiteville, Tenn., in place of N. S. Moore, resigned.

John M. Thompson to be postmaster at Englewood, Tenn., in place of D. L. Lillard, resigned.

William S. Brooks to be postmaster at Cumberland Gap, Tenn., in place of G. S. Fortner, resigned.

Robert H. Thompson to be postmaster at Rockwood, Tenn., in place of R. H. Thompson. Incumbent's commission expired September 22, 1926.

Walter Carr to be postmaster at Moscow, Tenn., in place of Walter Carr. Incumbent's commission expired August 29, 1926.

Rufus T. Hickman to be postmaster at Lynnville, Tenn., in place of R. T. Hickman. Incumbent's commission expired September 1, 1926.

William H. Jones to be postmaster at Lancing, Tenn., in place of Arthur Hall. Incumbent's commission expired April 29, 1926.

Mary P. McNeely to be postmaster at Humboldt, Tenn., in place of M. B. Riley. Incumbent's commission expired March 29, 1926.

Edward C. Roberts to be postmaster at Harriman, Tenn., in place of E. C. Roberts. Incumbent's commission expired September 11, 1926.

John V. Allmon to be postmaster at Gleason, Tenn., in place of J. V. Allmon. Incumbent's commission expired June 8, 1926.

Mary E. Ferguson to be postmaster at Gates, Tenn., in place of O. L. Davis. Incumbent's commission expired April 29, 1926.

Sam A. Winstead to be postmaster at Dresden, Tenn., in place of C. A. Ogan. Incumbent's commission expired June 26, 1926.

John D. Taff to be postmaster at Dandridge, Tenn., in place of J. D. Taff. Incumbent's commission expired September 8, 1926.

Rex E. Stribling to be postmaster at Clifton, Tenn., in place of R. E. Stribling. Incumbent's commission expired February 28, 1926.

Samuel N. Barr to be postmaster at Baxter, Tenn., in place of W. F. Judd. Incumbent's commission expired January 30, 1926.

Marvie L. Tipton to be postmaster at Townsend, Tenn. Office became presidential July 1, 1926.

Robert N. Karnes to be postmaster at Medina, Tenn. Office became presidential July 1, 1926.

TEXAS

John R. Ratcliff to be postmaster at Wallis, Tex., in place of J. R. Ratcliff. Incumbent's commission expired August 10, 1926.

Burna H. Cain to be postmaster at Thrall, Tex., in place of B. H. Cain. Incumbent's commission expired September 12, 1926.

Ralph H. Kelly to be postmaster at Stanton, Tex., in place of R. H. Kelly. Incumbent's commission expired August 8, 1926.

Jason J. Moy to be postmaster at Sourlake, Tex., in place of R. W. Crosswy. Incumbent's commission expired May 8, 1926.

Art E. Frieze to be postmaster at Silverton, Tex., in place of A. E. Frieze. Incumbent's commission expired August 8, 1926.

Hugh G. Koether to be postmaster at Shiner, Tex., in place of H. G. Koether. Incumbent's commission expired August 23, 1926.

Tina East to be postmaster at Sanderson, Tex., in place of Tina East. Incumbent's commission expired December 20, 1925.

Joe R. Taylor to be postmaster at Rhome, Tex., in place of J. R. Taylor. Incumbent's commission expired August 26, 1926.

Earl Cassity to be postmaster at Pilot Point, Tex., in place of J. L. Noel. Incumbent's commission expired April 10, 1926.

Bessie E. Fairless to be postmaster at Palo Pinto, Tex., in place of B. E. Fairless. Incumbent's commission expired August 31, 1926.

William T. Henderson to be postmaster at Odessa, Tex., in place of W. T. Henderson. Incumbent's commission expired August 31, 1926.

Sallie P. Lunday to be postmaster at Naples, Tex., in place of S. P. Lunday. Incumbent's commission expired July 21, 1926.

Arthur C. Shaw to be postmaster at Wingate, Tex., in place of E. L. McFarland, removed.

James R. Burras to be postmaster at Windom, Tex., in place of E. K. Cunningham, removed.

Iris C. Dees to be postmaster at Van Horn, Tex., in place of R. J. Smith, resigned.

Joe K. Clarke to be postmaster at Wheeler, Tex., in place of A. C. Wood, declined.

James E. Risley to be postmaster at Rockwall, Tex., in place of R. G. Johnson, removed.

Douglas P. Rounds to be postmaster at Rio Hondo, Tex., in place of R. B. Paul, resigned.

Pearl M. Parsons to be postmaster at Port Neches, Tex., in place of J. M. McAlpin, resigned.

Hattie E. Eaton to be postmaster at Peacock, Tex., in place of B. B. Clack, resigned.

Henry C. Arnold to be postmaster at Orange, Tex., in place of H. H. Watson, deceased.

Carrie L. Thomas to be postmaster at Odell, Tex., in place of M. A. Weimhold, resigned.

Jesse W. Garvin to be postmaster at Navasota, Tex., in place of J. M. Sloan, deceased.

Bobbie Kluge to be postmaster at Linden, Tex., in place of C. F. Kluge, deceased.

Valcor G. Pringle to be postmaster at Jasper, Tex., in place of O. B. Acton, resigned.

Maude Cavender to be postmaster at Encinal, Tex., in place of S. A. James, resigned.

Jean Teel to be postmaster at Devine, Tex., in place of J. A. Aldridge, removed.

William F. Stuart to be postmaster at Canutillo, Tex., in place of W. W. Broadhurst, resigned.

Katherine A. Lace to be postmaster at Burleson, Tex., in place of W. P. Lace, deceased.

Hugh B. Edens to be postmaster at Big Lake, Tex., in place of A. L. Curtis, resigned.

John R. Martin to be postmaster at Anson, Tex., in place of W. H. Littlefield, removed.

Mollie A. Hough to be postmaster at Montgomery, Tex., in place of J. F. Davis. Incumbent's commission expired May 8, 1926.

Augustus S. Hightower to be postmaster at Millsap, Tex., in place of A. S. Hightower. Incumbent's commission expired March 29, 1926.

Hoyt E. Hager to be postmaster at Mercedes, Tex., in place of H. E. Hager. Incumbent's commission expired September 12, 1926.

Charlie N. Hooser to be postmaster at Maypearl, Tex., in place of C. N. Hooser. Incumbent's commission expired March 23, 1926.

James W. McBee to be postmaster at Lavernia, Tex., in place of J. W. McBee. Incumbent's commission expired August 26, 1926.

Lucile Hamner to be postmaster at La Feria, Tex., in place of Lucile Hamner. Incumbent's commission expired September 12, 1926.

George Rice to be postmaster at Jayton, Tex., in place of George Rice. Incumbent's commission expired July 31, 1926.

Willie L. Gottschalk to be postmaster at Gulf, Tex., in place of W. L. Gottschalk. Incumbent's commission expired August 23, 1926.

Samuel G. Hampton to be postmaster at Goree, Tex., in place of S. G. Hampton. Incumbent's commission expired August 23, 1926.

Will K. Davis to be postmaster at Gonzales, Tex., in place of W. K. Davis. Incumbent's commission expired August 26, 1926.

Charles E. Hart to be postmaster at Fort Stockton, Tex., in place of C. E. Hart. Incumbent's commission expired September 22, 1926.

James F. Atkinson to be postmaster at Florence, Tex., in place of J. F. Atkinson. Incumbent's commission expired September 22, 1926.

Clark A. Fortner to be postmaster at Crosby, Tex., in place of C. A. Fortner. Incumbent's commission expired August 31, 1926.

John W. Robbins to be postmaster at Clyde, Tex., in place of J. W. Robbins. Incumbent's commission expired May 12, 1926.

Joseph H. Wright to be postmaster at Byers, Tex., in place of W. F. Curtis. Incumbent's commission expired April 13, 1926.

Leo W. Cox to be postmaster at Buda, Tex., in place of L. W. Cox. Incumbent's commission expired August 31, 1926.

James E. Shelton to be postmaster at Bowie, Tex., in place of J. E. Shelton. Incumbent's commission expired September 11, 1926.

Fred A. Mansfield to be postmaster at Bandera, Tex., in place of Frances Ruge. Incumbent's commission expired April 3, 1926.

Ellen Wallace to be postmaster at Woodson, Tex. Office became presidential July 1, 1926.

Luella B. Friday to be postmaster at Tivoli, Tex. Office became presidential July 1, 1926.

Willie J. Allison to be postmaster at Pickton, Tex. Office became presidential July 1, 1926.

Edward S. Howe to be postmaster at Neches, Tex. Office because presidential July 1, 1926.

Herman H. Helms to be postmaster at Maud, Tex. Office became presidential July 1, 1926.

Mabel Bird to be postmaster at Gary, Tex. Office became presidential July 1, 1926.

Samuel L. Fessler to be postmaster at Bigwells, Tex. Office became presidential July 1, 1926.

Hurlburt Slate to be postmaster at Amherst, Tex. Office became presidential July 1, 1926.

VERMONT

William C. White to be postmaster at Northfield, Vt., in place of W. C. White. Incumbent's commission expired August 12, 1926.

Charles F. McKenna to be postmaster at Montpelier, Vt., in place of C. F. McKenna. Incumbent's commission expired September 22, 1926.

Fred R. Lloyd to be postmaster at Fair Haven, Vt., in place of F. R. Lloyd. Incumbent's commission expired August 12, 1926.

Lewis S. Richardson to be postmaster at Chester Depot, Vt., in place of L. S. Richardson. Incumbent's commission expired August 31, 1926.

Bernard W. Crafts to be postmaster at Bradford, Vt., in place of B. W. Crafts. Incumbent's commission expired September 18, 1926.

VIRGINIA

Matilda W. Campbell to be postmaster at Greenville, Va. Office became presidential July 1, 1926.

Mathew B. Hammitt to be postmaster at Pocahontas, Va., in place of J. R. Peery, removed.

Denton D. Walthall to be postmaster at Alberta, Va., in place of D. T. Walthall. Incumbent's commission expired August 30, 1926.

Lela O'N. Scott to be postmaster at Amelia C. H., Va., in place of L. O'N. Scott. Incumbent's commission expired August 31, 1926.

Abram K. Sampson to be postmaster at Burkeville, Va., in place of A. K. Sampson. Incumbent's commission expired August 30, 1926.

James K. Carter to be postmaster at Clinchport, Va., in place of J. K. Carter. Incumbent's commission expired August 24, 1926.

Isabelle R. Damron to be postmaster at Clintwood, Va., in place of I. R. Damron. Incumbent's commission expired August 24, 1926.

Grace C. Collins to be postmaster at Drakes Branch, Va., in place of G. C. Collins. Incumbent's commission expired August 23, 1926.

Louise J. Nottingham to be postmaster at Eastville, Va., in place of L. J. Nottingham. Incumbent's commission expired August 24, 1926.

William G. Faris to be postmaster at Glade Spring, Va., in place of C. L. Horne. Incumbent's commission expired June 17, 1926.

Nellie D. Swan to be postmaster at Gordonsville, Va., in place of N. D. Swan. Incumbent's commission expired August 24, 1926.

John W. Rodgers to be postmaster at Hampden Sidney, Va., in place of J. W. Rodgers. Incumbent's commission expired August 31, 1926.

Susie F. Jarratt to be postmaster at Jarratt, Va., in place of S. F. Jarratt. Incumbent's commission expired August 30, 1926.

John W. Ketron, jr., to be postmaster at Lebanon, Va., in place of J. W. Ketron, jr. Incumbent's commission expired August 23, 1926.

Clinton L. Wright to be postmaster at Norfolk, Va., in place of C. L. Wright. Incumbent's commission expired September 2, 1926.

Albert L. Taylor to be postmaster at Parksley, Va., in place of A. L. Taylor. Incumbent's commission expired September 22, 1926.

Elton H. Finks to be postmaster at Somerset, Va., in place of E. H. Finks. Incumbent's commission expired August 24, 1926.

Robert S. Bowers to be postmaster at Timberville, Va., in place of E. V. Hoover. Incumbent's commission expired June 5, 1926.

Roy M. Cleek to be postmaster at Warm Springs, Va., in place of R. M. Cleek. Incumbent's commission expired June 22, 1926.

Charles E. Fulgham to be postmaster at Windsor, Va., in place of C. E. Fulgham. Incumbent's commission expired August 23, 1926.

Thomas N. Massey to be postmaster at Mount Holley, Va. Office became presidential July 1, 1926.

WASHINGTON

Edith M. Lindgren to be postmaster at Cosmopolis, Wash., in place of T. D. Johnson, resigned.

Marion J. Rood to be postmaster at Richmond Highlands, Wash. Office became presidential July 1, 1926.

Frank Morris to be postmaster at Bordeaux, Wash. Office became presidential July 1, 1926.

Richard B. Caywood to be postmaster at Charleston, Wash., in place of R. J. Chamberlain. Incumbent's commission expired March 22, 1926.

Mark L. Durrell to be postmaster at Deer Park, Wash., in place of C. E. Hiatt. Incumbent's commission expired April 3, 1926.

Grover C. Schoonover to be postmaster at Odessa, Wash., in place of G. C. Schoonover. Incumbent's commission expired August 26, 1926.

Frank S. Clem to be postmaster at Olympia, Wash., in place of F. S. Clem. Incumbent's commission expired September 22, 1926.

Selina Laughlin to be postmaster at Vader, Wash., in place of V. M. Townsend. Incumbent's commission expired April 3, 1926.

Raymond M. Badger to be postmaster at Winthrop, Wash., in place of R. M. Badger. Incumbent's commission expired August 5, 1926.

WEST VIRGINIA

Louis Knakal to be postmaster at Widen, W. Va., in place of E. E. Erskine, resigned.

Harry O. Lockman to be postmaster at Helen, W. Va., in place of P. C. Thomas, resigned.

George H. Moreau to be postmaster at Fayetteville, W. Va., in place of D. M. McClung, removed.

Wilburn D. Hill to be postmaster at Danville, W. Va. Office became presidential July 1, 1926.

Benjamin C. Wetzel to be postmaster at Sun, W. Va. Office became presidential July 1, 1926.

Alfred M. McKinney to be postmaster at Beckley, W. Va., in place of G. H. Mellen. Incumbent's commission expired January 21, 1926.

Paul G. Rogers to be postmaster at Clendenin, W. Va., in place of P. G. Rogers. Incumbent's commission expired February 14, 1926.

Arthur F. Dunham to be postmaster at Farmington, W. Va., in place of M. L. Hartley. Incumbent's commission expired November 17, 1925.

John W. Fortney to be postmaster at Lumberport, W. Va., in place of J. W. Fortney. Incumbent's commission expired August 29, 1926.

Ethel M. Zimmerman to be postmaster at McMechen, W. Va., in place of E. M. Zimmerman. Incumbent's commission expired August 5, 1923.

George E. Patterson to be postmaster at Wellsburg, W. Va., in place of G. E. Patterson. Incumbent's commission expired September 22, 1926.

WYOMING

Albert J. Schils to be postmaster at Cokeville, Wyo., in place of A. J. Schils. Incumbent's commission expired November 21, 1925.

Mayme A. Jackson to be postmaster at Osage, Wyo., in place of M. A. Jackson. Incumbent's commission expired June 17, 1926.

Thomas B. Wright to be postmaster at Riverton, Wyo., in place of T. B. Wright. Incumbent's commission expired August 10, 1926.

Hedwig C. Hurtt to be postmaster at Sundance, Wyo., in place of H. C. Hurtt. Incumbent's commission expired August 30, 1926.

William O. Braley to be postmaster at Upton, Wyo., in place of W. O. Braley. Incumbent's commission expired September 8, 1926.

HOUSE OF REPRESENTATIVES

THURSDAY, *December 9, 1926*

The House met at 12 o'clock noon.

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

For this brief moment, O Lord, we would close the door of the busy world, and in quiet and silent effort we would repeat our vows, that good deeds and wholesome living may be the issues of our lives this day. Weapon our minds with clear thinking, our tongues with wise speaking, and our hearts with rich sentiment. As we are intrusted with great responsibilities, do Thou help us to discharge them with a fine conscience, with high principle, and in every way make right use of our vocation. In the name of the Great Teacher we pray. Amen.

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

REMOVAL OF GATES AND PIERS IN WEST EXECUTIVE AVENUE

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 54) authorizing the removal of gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 54, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Indiana. [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees: Mr. ELLIOTT, Mr. TAYLOR of Tennessee, and Mr. LANHAM.

ADDRESS OF HON. PEDRO GUEVARA, RESIDENT COMMISSIONER FROM THE PHILIPPINES

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech delivered by the Resident Commissioner from the Philippines, Mr. GUEVARA, delivered before the second conference on the cause and cure of war, held at the hall of nations of the Hotel Washington in this city on December 8, 1926.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing therein a speech, referred to, delivered by the resident commissioner from the Philippines. Is there objection?

There was no objection.

The matter referred to is here printed, as follows:

CAUSE AND CURE OF WAR

MADAM CHAIRMAN: It is indeed a privilege to appear before this conference and present the case for independence on behalf of the Filipino people. This question is to-day a fundamental issue before the American people, and, in justice to all parties concerned, should be faced and definitely resolved by American statesmanship.

WHY IS IT ASKED?

Independence for the Philippine Islands is an ideal which has been cherished by their people from time immemorial. It is not the result of hardships which have been endured at the hands of others, but is a sentiment rooted in the very fiber of their existence. Before Spain occupied the islands their people fought persistently for the preservation of their independent existence, and even their subjugation by the superior forces of Spain did not serve to end this struggle. At frequent intervals there were uprisings on the part of the Filipinos against Spanish sovereignty. The resistance thus offered was never successful until the helping hand of the United States made possible the end of Spanish domination. This event which crowned their previous sacrifices will always be recalled with gratitude and patriotic pride on the part of the Filipinos. Upon the foundation of a united national sentiment it raised a real and fervent hope that independence for the Filipinos would prove a reality in the near future. Without hesitation I would say that as a practical matter the Filipino people are unanimous in their aspiration for independence. It is absolutely safe to assert that not less than 95 per cent of the population is unqualifiedly in favor of it.

Assuredly there is no difficulty in explaining this desire for independence. The principle of "government of, for, and by the people" finds the most loyal adherents among the Filipinos. They, like the American people, believe that all true government must derive its powers from the consent of the governed, and that their true happiness can be obtained only by the realization of these principles. In fact, they look upon these precepts as the very cornerstone of American-Filipino association. From the beginning of American occupation in the Philippines it was solemnly announced "the free can conquer but to save," and in the latest congressional action taken regarding the government of the islands they were promised that independence would be granted them. No liberty-loving people can be truly happy or contented with their lot when those representatives whom they themselves choose are possessed of less authority than that held by a man as to whose selection they have no control. It is because the Filipinos are intensely a liberty-loving people and are definitely committed to fundamental American principles that they long so keenly for independence.

Nor is this desire one founded in sentiment only; it rests also upon sound practical considerations. The islands possess vast natural resources, and the development of these resources, together with the development of commerce and industry, which would inevitably follow, is an urgent necessity. Such advancement in this direction is hindered by the present indefinite political status of the Philippines. Progress in education, sanitation, and in many other admirable activities has been accomplished with notable success. The American occupation has also been of immense cultural benefit to the Filipino people. The achievements of united American-Filipino effort along these lines is generally recognized by all, whatever differences of opinion may be held as to the necessity or advisability of immediate independence.

The same can not be said, however, as to the economic progress of the Philippines. Indeed, economic development to-day has become almost stagnant. Distrust, which results from the present anomalous political status of the islands, is responsible for this unfortunate condition. I would not be true to myself nor to my people did I not candidly admit that there is great need of capital for the development of the natural resources and industries of the Philippines, but capital will not come to us under present conditions. Political agitation, which must be expected from peoples living under foreign domination, is the greatest obstacle to investors. No matter how benign and liberal this domination may be, the Filipino people can not help but realize that such liberties as they enjoy are in fact but a concession, and may be withdrawn at the pleasure of the sovereign power. Students of history can readily find illustrations of the truth of this assertion. Hence, the people of the islands can not look with sympathy upon outside investors in their country while the authority to pass and execute the laws of the land is beyond the control of their duly chosen representatives. They are anxious for development, but are strongly opposed to exploitation. Quite naturally they fear that outside investors would be inclined to exploit rather than develop unless they have the assurance of popular control of legislative and executive branches of the government.

Another reason why the Filipinos wish independence arises from the vast distance which separates their country from the United States. It is 7,000 miles from the Philippine Islands to your nearest port. The American people and their Government are constantly forced to deal with domestic and international questions which, so far as you are concerned, are of far more importance than the affairs of the islands. It is indeed impossible that you should give that careful consideration to our problems which they deserve and indeed require if we are to make intelligent progress in the conduct of our affairs.

There is another consideration which was voiced by former President Roosevelt in 1915, when he said: "If we act so that the natives understand us to have made a definite promise, then we should live up to that promise. The Philippines, from a military standpoint, are a source of weakness to us. The present administration has promised explicitly to let them go, and by its action has rendered it difficult to hold them against any serious foreign foe. These being the circumstances, the islands should at an early moment be given their independence without any guaranty whatever by us and without our retaining any foothold in them."

There is a general consensus of opinion that this statement is true, and that the United States would have the greatest difficulty in offering defense for the Philippine Islands against another powerful nation. This is not, nor is it intended as a reflection upon this country; it is an almost unavoidable incident to the distance separating San Francisco and Manila.

HOW DO THE PHILIPPINES PROPOSE TO MAINTAIN IT?

The Filipino people fully realize that when they are granted independence they will be confronted with the problem of properly maintaining it. This involves both the necessity of adequate governmental finance and the problem of maintaining an independent status in the face of possible foreign aggression.

They have no desire to establish the Philippine Islands as a first-class power; they desire an economical form of government which, while adequate for their needs, would not prove beyond their means of support. Their chief and immediate aim would be an increase of foreign trade and the opening of new markets, both for imports and exports. At present the actual revenue of the Philippine government is about 70,000,000 pesos annually, which, as may readily be proved, is sufficient to properly maintain a system of education, roads and highways, public order, sanitation and health, and the personnel of the executive, legislative, and judicial branches of the government.

The assumption is certainly sound that as an independent people they would have a greatly increased incentive for striving for a larger share of international commerce. If, however, the revenue arising from this increase should prove insufficient to meet the national needs, the government would still be able to support itself through a source of revenue which is at present practically untouched. Statistics show that the people of the Philippines bear the lowest tax as compared with those of any other nation in the world. Any increase which would be necessary in order to properly maintain an income for the government would be most cordially accepted by the people.

Perhaps the most doubtful aspect presented by independence for the islands would be the possibility of foreign aggression. It has often been said that if the United States should give up the Philippines they would immediately be taken over by some other powerful nation. England, Japan, and even China have been considered as possible aggressors.

I feel sure, however, that this fear is without sound foundation. In fact, England invaded the Philippines during her war with France and Spain in the eighteenth century, but subsequently returned them to Spain without making any attempt to retain them. An opportunity was offered Japan by Spain to purchase the islands, but this was refused. For the present and indeed for a long period in the future China has, and will have, sufficient domestic problems to engage her activities at home and prevent her considering foreign conquest of any sort.

Furthermore, this is not a period when the nations of the world care to embark in foreign conquest. The League of Nations, however American entry as an integral part of its organization may be regarded, at least presents evidence of a desire on the part of its members to avoid international friction. Each country is confronted with its own domestic problems, and it can not be doubted that deliberate aggression on the part of any power would cause complications which no nation to-day is prepared to face.

WHAT EVIDENCE OF FITNESS FOR SELF-GOVERNMENT DO THE PHILIPPINES OFFER?

Fitness for self-government is a broad question which can scarcely be answered by one people for another. Throughout the world to-day nations differ in their concepts of government, and each pursues a course toward its domestic affairs which best expresses the aims and ideals of its people. As a practical matter the only way for any people to demonstrate that they are fitted to govern themselves is by giving them the opportunity to make the effort and to let the judgment of the world rest upon the results obtained. No nation is perfect, and mistakes will undoubtedly be made by an independent Philippine government as well as by that of any other country. Up to the present time the Filipino people have had no real opportunity to govern themselves. To be sure, they have a legislature elected by the people, but this is really auxiliary in character. The supreme governmental authority is in fact vested in the governor-general, who is not chosen by the people, and consequently it is unfair to hold the people responsible for failures which may have occurred under such a system. The position of the Filipino people is to-day one of responsibility without authority.

Yet, within the limited powers which have been granted them, the Filipinos have in many ways proved their fitness for self-government. Their legislature, composed of men elected by the people, has, since its creation, been constructive in its enactments. Appropriations for public instruction, sanitation, and public works have always been readily granted, and to this attitude on the part of the legislature is attributable much of the progress achieved by the Filipino people in the last 27 years. Literacy, which certainly should rank high as a test of fitness for self-government, shows a higher percentage in the Philippines than in many independent nations. Seventy per cent of the qualified electors go to the polls on election day to cast their ballots. The courts of first instance and justices of the peace, which are in the hands of the Filipinos, function satisfactorily, and the administration of justice is speedy.

The people are overwhelmingly Christian and very largely of the Roman Catholic faith, yet absolute religious freedom is guaranteed and thoroughly safeguarded. The provincial and municipal treasurers who control the expenditures of large sums of money are all Filipinos and have exhibited a high degree of honesty in dealing with public funds.

Perhaps the best evidence which can be cited is the testimony of President Roosevelt, who in 1908 in his message to Congress, said: "Real progress toward self-government is being made in the Philippine Islands.

"Hitherto the Philippine Legislature has acted with moderation and self-restraint and has seemed, in practical fashion, to realize the eternal truth that there must always be government, and that the only way in which any body of individuals can escape the necessity of being governed by outsiders is to show that they are able to restrain themselves; to keep down wrongdoing and disorder. The Filipino people, through their officials, are therefore making real steps in the direction of self-government. I hope and believe that these steps mark the beginning of a course which will continue till the Filipinos become fit to decide for themselves whether they desire to be an independent nation * * *. All we can do is to give them the opportunity to develop the capacity for self-government * * *. We can not give them self-government save in the sense of governing them so that gradually they may, if they are able, learn to govern themselves."

The fulfillment of the pledge made by the American people through their constitutional representatives to give the Filipinos their independence is a matter which involves honest statesmanship and honorable dealing with a weaker and less fortunate people. It has been rightfully asserted that America's honor has never been questioned, and

that her power and wealth are for the service of justice and freedom. This power and wealth are not instruments of oppression or means for territorial aggrandizement. They are the safeguard of the immortal traditions of the Nation whose flag throughout the world symbolizes the eternal truth of justice and liberty.

SALARIES OF UNITED STATES JUDGES

Mr. SNELL. Mr. Speaker, for the information of the House, I first ask unanimous consent that House Resolution 282 may be read by the Clerk.

The SPEAKER. The gentleman from New York asks unanimous consent that House Resolution 282 be read by the Clerk. Is there objection?

There was no objection.

The Clerk read as follows:

House Resolution 282

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2858, to fix the salaries of certain judges of the United States. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules, on July 2 last, I presented this resolution to the House. The resolution itself was discussed for a reasonable length of time. I then moved the previous question on the resolution. The motion for previous question was defeated. After that the gentleman from Illinois [Mr. WILLIAMS] moved that the whole matter be postponed until December 9. Therefore, in compliance with the expressed direction of the House, I am again presenting the resolution for further consideration.

The resolution itself has been debated. The Members of the House understand the purpose of the resolution. There is provision under it for two hours of discussion on the bill itself. I do not think it needs any more discussion on my part at this time. If the Members of the House, as expressed by vote on July 2 last, desire again to take up the proposition, it is now before the House for your consideration. I move the previous question on the resolution to final passage.

The SPEAKER. The gentleman from New York moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2858, to fix the salaries of certain judges of the United States.

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 consideration of the bill S. 2858, with Mr. BEGG in the chair.

The Clerk read the title of the bill.

Mr. GRAHAM. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. Mr. Chairman, the rule provides for control of the time, half by those favoring the bill and half by those opposed to the bill. Who will be in control of the time in opposition to the bill?

The CHAIRMAN. Is any member of the Committee on the Judiciary opposed to the bill?

Mr. GRAHAM. So far as I know there is not. I have asked the gentleman from Virginia [Mr. MONTAGUE], the ranking member of the Committee on the Judiciary, to take charge of the time in opposition to the bill.

The CHAIRMAN. Is the gentleman from Virginia opposed to the bill?

Mr. MONTAGUE. I favor the bill.

The CHAIRMAN. Is the gentleman from Missouri opposed to the bill?

Mr. CANNON. I am.

The CHAIRMAN. The Chair thinks the only way the Chair can hold is to hold that the gentleman from Missouri shall have control of the time in opposition, unless some member of the committee is opposed to the bill.

Mr. CANNON. I have no desire to control the time.

Mr. GRAHAM. I have no objection to that.

Mr. DYER. My impression was that the gentleman from Virginia [Mr. MONTAGUE], representing the minority members of the committee, and the chairman, representing the majority members of the committee, intended to be liberal with anyone who wished time in opposition to the bill.

Mr. GARRETT of Tennessee. But the control of the time is fixed by the rule itself.

The CHAIRMAN. That is fixed by the rule.

Mr. CANNON. I have no particular desire to control the time in opposition to the bill, but in the absence of opposition on the part of any member of the committee I am willing to do so.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri in opposition to the bill. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized for one hour.

Mr. GRAHAM. Mr. Chairman and gentlemen of the committee, I would like to say to the committee that, owing to visitations of a character beyond human control, deaths which have occurred affecting to some degree the attendance on the House—I refer to a death in Philadelphia of a prominent citizen—called upon many of our friends from the State of Pennsylvania who wish to attend that funeral to be able to be relieved so that they might do so, and I understand that the Illinois delegation, owing to the death of the distinguished Senator from that State, are desirous of leaving at 3 o'clock this afternoon in order properly to pay their respects and honor to this servant of the Nation—under these circumstances I do not propose to address the committee at length upon this subject. I feel that as this matter has been before two Congresses and is thoroughly known in its detail to every Member of the House, it is unnecessary to indulge in lengthened explanation or attempt to make an address. I wish, therefore, to conserve the time as fully as possible. In fact, I would be perfectly willing as an individual Member to submit the bill to the House for a vote upon it on its merits at once. But we must go through the form required by the rules and have it considered in the committee with opportunity for amendment under the 5-minute rule and then report back to the House. In the present state of legislation, and in view of the fact that this is the short session of our Congress and that it dies on the 4th of March, and there is such a vast amount of business that must be transacted before that date, I feel that this measure ought to be passed without a single amendment so that it can go to the President for his signature, and I take it for granted, from the expressions in his message, that that signature would not be withheld scarcely for a day. I am, therefore, going to reserve the remainder of my time and ask the other side to make use of its own. [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. CANNON] is recognized for one hour.

Mr. CANNON. Mr. Chairman, I yield the gentleman from Illinois [Mr. RAINEY] 30 minutes.

Mr. RAINEY. Mr. Chairman and gentlemen of the committee, eight years ago the Federal judges, except perhaps the Justices of the Supreme Court, appointed a committee of 12 to draft a bill fixing their own salaries. The salaries now in the law were fixed by that committee. They came here eight years ago representing that the cost of living had increased, and therefore in view of the fact that other salaries were being raised they were entitled to the increases they suggested, and the inference was that they would be satisfied with the salaries they themselves had fixed for themselves, and on that understanding the bill was passed through the House and the salaries of these district and Federal circuit judges, 126 of them, I believe, were fixed at the rate now carried in the law. The cost of living has not gone up. No gentleman on the Republican side will say that it has since then, and yet we have here now another bill proposing these additional large increases, suggested now not by the judges but by the lawyers who practice in these courts. The matter came up at the last session and then went over until this session, a most convenient arrangement. An election has occurred since then, and it is easier to vote for this bill after the election and after places have been secured here for two years more than it was before the election. To-day, however, I propose to call attention in the brief time allotted to me to just one item in this bill. When we reach the seventh line of the printed bill we have here I propose to move to strike out $20,500 per year, the salary proposed for the Chief Justice of the Supreme Court of the

United States, and to substitute for the amount $15,000. The Chief Justice will if this bill passes be receiving more than other justices receive under this proposed bill, and the difference in dignity between his position and the position of the other justices will be sufficiently preserved. But I propose this amendment for an entirely different reason. Much of the speech that I expect to deliver this afternoon I am going to read to the committee. Some of it consists of letters and documents; but I am anxious not to consume more time than I can help, so, therefore, in order that I may print these letters and documents, after explaining what they are and not burden the committee with reading them, I ask permission now to revise and extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAINEY. In 1913 Andrew Carnegie was living and Mr. Taft was President of the United States. Andrew Carnegie announced that he proposed to establish an annuity for future ex-Presidents of $25,000 a year. At that time we had only one ex-President. Mr. Roosevelt and Mr. Carnegie could never agree upon the matter of a referendum of judicial decisions. So the proposition was limited to future ex-Presidents. The time was drawing rapidly near when Mr. Taft would be an ex-President. Mr. Roosevelt was interviewed by the reporters I find by referring to the newspapers of that period, and he said that inasmuch as the annuity would apply only to future ex-Presidents, therefore it would not apply to him, and he had nothing to say. Mr. Taft was noncommittal and refused to express himself.

Shortly afterwards Mr. Taft became an ex-President of the United States. In 1919, in August, I think, of that year, Mr. Carnegie died. He left a will providing a number of annuities to be administered by the Home Trust Co. of New Jersey, and in the event that the Home Trust Co. of New Jersey declined to act, by Mr. Robert A. Franks, who is the president of the Home Trust Co. of New Jersey. Among numerous other annuities he left an annuity to Mr. Taft of $10,000 a year. When the will was probated it was found that in the margin of the will there was a note in the handwriting of Mr. Carnegie himself saying that this annuity had been merged in the presidential annuity, which was to be administered by the Carnegie Co. of New York, and so the matter stood.

The next year following Mr. Carnegie's death Mr. Taft was appointed Chief Justice of the Supreme Court of the United States. The Universal Service, in commenting upon the proceeding in the Senate under which his nomination was confirmed, stated that the question was raised there as to whether Mr. Taft was receiving these annuities or either of them. A prominent Republican Senator agreed that if Mr. Taft was receiving an annuity directly or indirectly from the estate of Andrew Carnegie he would renounce it upon assuming his duties as the Chief Justice of the Supreme Court of the United States, and with that understanding—and a substantial minority voted against confirmation even then—his confirmation went through.

Now these are the facts; and, being anxious to find out whether Mr. Taft had given up this annuity or not, and how much he was receiving, whether he was receiving under the will or under the presidential annuity proposition, I took the matter up with the Carnegie Corporation in New York, addressing them a letter which I will print in my speech and will not read it now, and I received their reply, dated last June—June 15, I think; I have it here but I will print it in the RECORD, advising me that the Home Trust Co. of New Jersey, the executors of the estate of Andrew Carnegie, assumed, under the circumstances, and in view of certain facts, that the notation in the will in Carnegie's handwriting was an error.

Neither the Carnegie Corporation nor the Home Trust Co. of New Jersey had ever established the presidential annuity or paid the presidential annuity to Mr. Taft, but the Home Trust Co. of New Jersey, so Mr. Franks advised me in this communication, was paying to Mr. Taft the annuity of $10,000 provided by the will of Mr. Carnegie, and he had been drawing that amount from the time the will was probated until the time this letter was written to me last April.

Desiring to bring the matter up to date, when I returned to Washington this fall, on the 27th day of November I addressed a letter to Mr. Robert A. Franks at his New York office, asking him to advise me whether these annuities were still being paid under the will of Andrew Carnegie and asking him to give me the date of the last payment. His reply I will print in the RECORD without reading it now. It was dated the 3d day of December—this month—and in it he advised me that the annuities were still being paid and that the last installment was paid him on the 11th of August last and amounted to $5,000.

Now, these are the facts in this case. I will print these letters and my correspondence in the RECORD. I would be glad to read them—the originals—if anybody wants me to read them.

THE TAFT ANNUITY

THE FACTS

Late in August of 1919 Mr. Carnegie's will was made public, and his will, among other annuities, provided for an annuity to ex-President Taft of $10,000 per year. Opposite the Taft annuity, however, and on the face of the original will was a note in Mr. Carnegie's own handwriting to the effect that the Taft annuity "has been transferred to the presidential annuities of the Carnegie Corporation." In his will he names the Home Trust Co. of New Jersey as his trustee, authorizing it to make sufficient investments to maintain the above annuity and other annuities established in his will. In the event that the Home Trust Co. can not act, he selected Robert A. Franks. And now I desire to read my correspondence with Mr. Robert A. Franks, president of the Home Trust Co. of New Jersey. On the 15th day of June, 1926, I addressed to the Carnegie Corporation of New York, the letter which I will here print in my speech, together with the other letters:

THE CARNEGIE CORPORATION OF NEW YORK,
New York City, N. Y., June 15, 1926.

DEAR SIRS: The will of Andrew Carnegie, probated in 1919, provides for certain annuities, among other annuities an annuity to ex-President Taft of $10,000 a year. There is an annotation on the will, I am advised, in the handwriting of Andrew Carnegie to the effect that this annuity has been merged into the presidential annuity of $25,000 a year, being administered by the Carnegie Corporation of New York City, or some words to that effect. Please advise me whether the Carnegie Corporation of New York City is administering this annuity and whether the corporation has made any payments on account of it and is still making these payments. Please also advise me if this annuity is not being paid, whether the $10,000 annuity provided for in the will is being paid, and also advise me through what agency the payments are being made, if they are being made at all.

Very truly yours,

HENRY T. RAINEY.

On June 21, 1926, I received a reply to this communication from Robert A. Franks, president of the Home Trust Co., executor of the estate of Andrew Carnegie. This is the letter:

ESTATE OF ANDREW CARNEGIE,
HOME TRUST CO., EXECUTOR,
New York, June 21, 1926.

DEAR SIR: I beg to acknowledge receipt of your letter of the 15th instant. On January 16, 1912, in a letter accompanying a gift of certain securities to the Carnegie Corporation of New York, Mr. Carnegie made a request to the trustees of the corporation that income from the securities be appropriated to the payment of pensions to ex-Presidents and their widows. The letter took the form of a request and not an absolute mandate to the trustees. The announcement of the plan gave rise to a certain amount of adverse comment, and the trustees, with the knowledge and assent of Mr. Carnegie, elected not to put the plan into effect. No pensions have ever been offered or paid by the Carnegie Corporation to any ex-President or any widow of an ex-President.

Article V of Mr. Carnegie's will contained a long list of annuities to relatives and friends. Among others was an annuity of $10,000 to ex-President Taft. After Mr. Carnegie's death, when the will was opened and offered for probate, it was found that the margin opposite the clause granting the annuity to Mr. Taft bore the legend:

"This has been transferred to the presidential annuity of the Carnegie Corporation of New York.

"ANDREW CARNEGIE."

This legend indicated a possible ademption of the annuity; but in view of the fact that the trustees of the corporation had already determined not to pay pensions to the ex-Presidents, it was considered that the notation was erroneous and that the estate had an obligation to proceed with the payment of the annuity. That annuity has, in fact, been paid by the estate since the probate of the will.

Very truly yours,

HOME TRUST CO., *Executor*,
ROBERT FRANKS, *President*.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

Just before the convening of this Congress I addressed a communication to Mr. Franks, president of the Home Trust Co., asking him whether or not payments on this annuity were still being made to ex-President Taft, and inquiring the date of the

last payment, and in reply to that communication I received this letter:

HOME TRUST CO.,
Hoboken, N. J., U. S. A., December 3, 1926.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: I am in receipt of your letter of the 27th of November, and in answer to your inquiry beg to state that the payments are still being made to ex-President Taft, the date of the last payment being August 11, 1926—$5,000.

Very truly yours,

HOME TRUST CO.,
R. A. FRANKS.

CANONS OF JUDICIAL ETHICS

On the 9th day of July, 1924, the American Bar Association at its forty-seventh annual meeting at Philadelphia adopted its "Canons of Judicial Ethics." These canons were prepared by a committee of the American Bar Association appointed in 1922, and William H. Taft, of the District of Columbia, was the chairman of the committee. The Canons of Judicial Ethics are printed at page 761 of the volume for the year 1924. I propose now to read from some of them. He, the judge, should not—

incur obligations, pecuniary or otherwise, which will in any way interfere, or appear to interfere, with his devotion to the expeditious and proper administration of his official functions.

I quote again. He, the judge, should not—

enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties.

I now quote from canon 26 of this code:

He should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

I quote now from canon 32. He, the judge—

should not accept any presents or favors * * * from others whose interests are likely to be submitted to him for his judgment.

This latter canon is printed under the head "Gifts and Favors."

The Taft annuity is secured by a deposit or segregation of $200,000 worth of bonds of the United States Steel Corporation, or it may be that $200,000 worth of the stock of the United States Steel Co. has been segregated and the dividends on the same to the amount of $10,000 a year are now being paid to the Chief Justice of the Supreme Court of the United States. It is immaterial for the purpose of this argument whether it is stocks or bonds, but from the best information I have been able to obtain, I think the deposit is a deposit of bonds. At the time Mr. Taft acted as chairman of the committee which prepared these canons he was Chief Justice of the Supreme Court of the United States, and he was probably selected as chairman of this important committee of the American Bar Association for that reason. I have given the exact facts in this matter so far without comment.

I think I might now read from the law passed by Congress on the 3d day of March, 1917. This law was in force when President Taft took the oath of office as Supreme Justice of the Supreme Court of the United States. It is still in force and effect:

No Government official or employee shall receive any salary in connection with his service as such official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to or in any way supplement the salary of any Government official or employee for the service performed by him for the Government of the United States.

Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $1,090 or imprisonment for not less than six months, or by both such fine and imprisonment, as the court may determine.

SOME COMMENTS

I think that I may now be permitted to quote with approval from the report presented by Mr. GRAHAM from the Committee on the Judiciary of the House of Representatives, which accompanies this bill. In advocating the very large increases in the salary of the Chief Justice of the United States, he very properly calls attention and very effectively calls attention to the responsibilities devolving upon the Federal judiciary:

Matters involving incredibly large property interests are submitted to them for determination. The meaning and effect of statutes like the Sherman antitrust law and its application in the case of great companies, like the Standard Oil Co., the United States Steel Corporation, the tobacco companies, and may others, depend upon their learning, wisdom, and judgment. The successful administration of great receiverships, such as those of enormous railroad systems, rests with them.

I quite agree with this part of the report, and may I now call attention to the fact that the annuity received by Chief Justice Taft is secured by a segregation of bonds of the United States Steel Corporation. The United States Steel Corporation is our greatest industry. Its stock is highly speculative.

Yesterday on the New York Stock Exchange 1,500,000 shares of stock were sold. Nearly a hundred thousand shares of stock of the United States Steel Corporation were transferred, the selling price varying as much as $2 per share. More shares were sold yesterday on the New York Stock Exchange of this great corporation than of any other four corporations combined. Forty-two thousand dollars worth of bonds of the United States Steel Corporation changed hands yesterday on the New York Stock Exchange. The bonds of very few of our great industrial corporations were subjected to so large a turnover on the market yesterday as this. From the viewpoint of an annuitant receiving a large income from the deposit of securities of this great corporation these transfers must be interesting indeed. In fact, any transactions or any happening which might affect the business of this great corporation would be a matter of almost vital interest to a man who receives an annuity from a deposit of these securities, and especially interesting if the accumulation of the securities, which pays him this large annuity, is the result not of his own industry or success in business but is a mere gratuity presented to him by another man, who is the greatest captain of industry this country, or perhaps the world, has ever produced. Three years ago when announcement was made that Mr. Taft was still receiving this annuity, the New York Herald quotes Mr. Taft as saying:

I have nothing to say at this time on the subject.

On April 26, 1923, the Universal Service, under a Washington date, reported that when Mr. Taft was appointed Chief Justice in 1921, the Senate knew that he was receiving this annuity from the Steel Trust. This report stated that when his confirmation was being considered this matter was discussed in executive session of the Senate. This report states that a prominent Republican Senator raised the point that it would not look well for the holder of such a high office as that of the Chief Justice of the Supreme Court to be on the pay roll of an estate whose funds were practically all derived from the great Steel Trust. After that, the Universal Service reports, that a number of Republican Senators demanded to know whether the annuity would be continued if Taft assumed the office of Chief Justice. These opponents were then informed that it was understood that Taft would ask the Carnegie corporation to cease payments on the annuity as soon as he became Chief Justice. It was generally believed, the Universal Service stated, that the Senators who made the statement knew what they were talking about. At any rate, according to this service, this statement was accepted and Mr. Taft was then confirmed, there being however, a very considerable vote against the confirmation.

IMPORTANCE OF THE SUPREME COURT

The Supreme Court is the most important judicial body in the world. It is the only court in existence in the world from whose decisions there is no appeal, and the Chief Justice of the Supreme Court of the United States is the most important judicial officer in the world.

THE REMEDY FOR THIS UNFORTUNATE CONDITION

If an indictment was returned against the officials of the Home Insurance Co. or against the Chief Justice of the Supreme Court of the United States on account of the payments and the acceptance of this contribution, it might under a very strict construction of the statute of March 3, 1917, not be sustained in the courts, but it would be a strict construction, indeed, which would enable the Chief Justice of the United States and officials of the Home Insurance Co. to escape the severe penalties of fine or imprisonment provided in that statute. The act provides that no—

association or corporation shall make any contribution to or in any way supplement the salary of any Government official or employee for the service performed by him for the Government of the United States.

As a matter, however, of ethics and morals, the officials of the Home Insurance Co. and the Chief Justice of the United States have violated this law, and perhaps there is no redress in the courts and this penalty in all probability could not be enforced, but the conduct of the Chief Justice and the officials of the Home Insurance Co. can not escape the condemnation of the greatest court of all—the public opinion of the people of the United States. Of course, these payments commenced after the probate of the will of Andrew Carnegie in August, 1919. Mr. Taft qualified as Chief Justice of the Supreme Court and took his official oath on the 7th day of July, 1921. He was not formally installed, however, until in October, 1921. Therefore the fact that he received this annuity for 23 months prior to taking the oath as Chief Justice saves the situation, in all probability, in so far as Mr. Taft and the officials of the Home Insurance Co. are concerned. It would take a strict construction, indeed, of the statutes to enable these gentlemen to escape its application. These contributions are additions to the salary of Mr. Taft. They are paid semiannually. The last installment of $5,000 was paid, according to the evidence, on the 11th day of August, 1926. Can anybody contend that this did not "in any way supplement his salary"? If a pension or an annuity or a subsidy paid in semiannual installments of $5,000 each does not "supplement" or is not a "contribution" to the salary of the Chief Justice of the United States, I would like to have some one tell me in this debate why it does not supplement and contribute to his salary.

THE UNITED STATES STEEL CORPORATION AND THE SUPREME COURT

The United States Steel Corporation has been directly before the Supreme Court of the United States three times in the last 10 years, and one of these suits involved its very existence. It was a suit to dissolve the United States Steel Corporation. It was pending in the Supreme Court for a period of three years. It was argued in March, 1917. It was restored to the docket in May, 1917. It was reargued in October, 1919, and it was not decided finally until March 1, 1920. How many times the subsidiaries of the United States Steel Corporation and its allied corporations and industries have been before the Supreme Court I do not know. I have, however, called attention to enough facts to show that it is extremely important to the administration of justice in the United States, so far as this great corporation, its subsidiaries, and its allied industries are concerned, that we have a fair and impartial court.

If a jury were being called into the box and this great corporation or some one of its subsidiaries were a party to the suit and a prospective juror were being examined as to his qualifications and he should admit that he was receiving every year a subsidy of $10,000, paid out of a segregation for that purpose of the securities of the Steel Corporation, do you think he would be accepted on the jury? No court would refuse to sustain a "challenge for cause." Ought not the same principles in fact apply to a judge of the court before whom the case was being tried? If this proposition is true, is the Chief Justice of the Supreme Court of the United States in morals and in legal ethics at least—I do not desire to use harsh terms—qualified to sit as the Chief Justice of the greatest and the most important and the most irresponsible court in all the world?

REACTIONARY TENDENCIES OF THE SUPREME COURT

I do not as yet favor a referendum of judicial decisions of the Supreme Court of the United States. I still have confidence in that great court and in the great majority at least of the distinguished judges who now hold a life tenure in their positions as justices of the Supreme Court, and who can only be removed by impeachment, or by death or by their own voluntary retirement on account of age, or for other reasons.

I recall that not long ago we had pending in the Supreme Court of the United States the question as to constitutionality of the income tax law of 1895. On account of the illness, it has been charged, of an associate member of the court, Mr. Justice Shiras, of Pittsburgh, he changed his vote. The result was that on May 21, 1925, in this important matter the court reversed its decision and by a vote of 5 to 4 it declared unconstitutional a law which had been duly passed by Congress and approved by the President. The court in the first instance declared the law to be constitutional. Afterwards, upon a reargument and the change of view of one justice, the law was declared unconstitutional. Justice Shiras was compelled to change his vote to achieve this result, but this change in the vote of one justice delayed the taxation of large incomes for the long period of 18 years. May I call attention also to the fact that before he became a justice of the Supreme Court Mr. Shiras had been one of the legal advisers of Mr. Carnegie and of his great steel corporation.

THE GREATEST LAWSUIT IN THE HISTORY OF THE WORLD

The greatest lawsuit in the history of the world will soon be on its way to the Supreme Court of the United States. We are now engaged in appraising the railroad properties of the United States. There are two methods of appraisal; one is based upon the "reproduction cost" theory and the other is based upon the "prudent investment" theory. If the "reproduction cost" theory is accepted, then the rate-making value of a railroad or any other public utility is to be the cost of reproducing that railroad or other utility at the present time. If a railroad is built across an open prairie and given its right of way by the Government, the "reproduction cost" theory means that that right of way must be valued as if the company at the time of its valuation was compelled to buy this land at the highest possible prices in the present state of the country's development; and the same proposition, of course, will apply to the equipment of railroads, whether it is just now out of shop or whether it has been out of the shop a great many years. Under the "prudent investment" theory it is estimated that the railroads are worth from fifteen to twenty billion dollars, and, of course, rates should be fixed to yield a fair return on that valuation. According to the Wall Street Journal, if the "reproduction cost" theory is adopted the railroads will be valued at more than $35,000,000,000, and the rates must be fixed to yield a "fair return" on that amount.

The decision in this approaching proceeding will apply to all public utilities. If the time should come in the next generation, or perhaps in this, that the Government is compelled to take over the railroads, and the Supreme Court decides in favor of "reproduction cost," the burdens upon the taxpayers of the country will be increased to an amount impossible now to estimate or even to contemplate. At the present time there sits on the Supreme Bench of the United States a judge, one of the ablest members of that court, who is committed to the doctrine of "reproduction cost." In fact, the theory of "reproduction cost" is his invention, and, of course, it meets with the approval of big business. Before his elevation to the bench he is said to have prepared a brief on this subject which has been for some time receiving the careful consideration of the Interstate Commerce Commission. The appointment of this judge is one of the appointments usually attributed to the Chief Justice of the Supreme Court, and there are now two of these appointments for which he is held in a very great measure responsible. The prosperity of the United States Steel Corporation, its success, and its profits are inseparably connected with the fortunes and the success and the large earnings of the railroads of the United States. We therefore now have on the Supreme Bench one justice who is irrevocably committed to the doctrine of "reproduction cost," and we have a Chief Justice responsible for his appointment who is receiving a subsidy from the Steel Trust. I am not going to comment upon the recent reactionary tendencies exhibited by the Supreme Court. I am not going to find fault with it. I am just calling attention to impending dangers.

DOES CONGRESS FAVOR THIS SUBSIDY?

I am going to find out when a vote is reached on this bill whether the Congress of the United States is willing to express its disapproval of the unfortunate situation to which I have called attention. I know of no other way at the present time of voicing a protest, and I want to see what the protest will amount to. Upon the reading of this bill I shall introduce an amendment to the bill striking out this increase for the Chief Justice.

MR. TAFT SHOULD EITHER RESIGN OR RENOUNCE THIS ANNUITY

A Federal district judge from the Illinois district has just resigned. He was charged with misconduct. It was charged that he was profiting to a small degree out of his position as judge. A bank, it was stated, was directly or indirectly paying to him or to one of his court officials a subsidy. He was impeached and he has resigned under fire. His offense fades into insignificance as compared with the offense against ethics and decency now being committed by the Chief Justice of the United States. It is said that an effort will be made to prevent a Senator elected from Illinois from taking his seat because public-service corporations in that State contributed to his campaign funds, and it is contended that these corporations might be considered to have profited or to expect to profit on account of the position he held in Illinois and on account of the position he would hold as a Member of the United States Senate. I am not going to discuss the merits or lack of merits

of that proposition, but admitting that those who hold against the Senator elected from Illinois are absolutely correct, the offense he has committed is insignificant, indeed, as compared to the acceptance by the Chief Justice of the United States of the subsidy I have been discussing.

I agree as to the ethics announced in the canons prepared by Mr. Taft for the American Bar Association. I agree with him when he says that he should not accept favors from interests likely to be submitted to him for judgment. I agree with him when he says that in every particular his "conduct should be above reproach." I agree with him when he says that he should not incur pecuniary obligations which would "in any way interfere" with the proper administration of his judicial functions. I agree with him when he says in these canons that he should avoid making personal investments in enterprises which might be the subject of litigation in his court. I agree with him when he says that after his elevation to the bench he should renounce such investments as these. I agree with him when he says that he should, "so far as reasonably possible, refrain from all relations" which might arouse suspicion that such relations might warp or bias his judgment or prevent "his impartial attitude of mind." Agreeing with these propositions, I demand that he should either relinquish this subsidy or resign the high position he holds.

It is said that over 2,000 years ago an unjust decision was rendered by a King of Macedonia when his mind was overcome and affected by excessive drinking at one of his banquets, and the subject who was the victim of the unjust decision fearlessly stood in front of him and said, "In this matter I appeal from 'Philip drunk to Philip sober.'" The appeal was sustained and the unjust decision was reversed. And so now I appeal in concluding this address from the Taft, who now as Chief Justice of the Supreme Court of the United States accepts this subsidy, to the Taft, who as chairman of the Committee on Resolutions of the American Bar Association, formulated the canons from which I have just quoted, and in appealing I insist that the Chief Justice of the United States either relinquish the subsidy he receives or resign his high office. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] has used 40 minutes and the gentleman from Missouri [Mr. CANNON] has 20 minutes remaining.

Mr. CANNON. Does the gentleman from Pennsylvania desire to use any of his time now?

Mr. GRAHAM. Mr. Chairman, I will take three minutes to answer a certain proposition advanced by the gentleman from Illinois [Mr. RAINEY]. I happen to know something about the legislation to which he referred, concerning the salaries of the judges in 1919. I was on the Judiciary Committee and in charge, as I recollect it, of the bill on the floor of the House. There was no committee of judges that fixed any salaries for that committee. The bill which was before the committee was a graded bill, and on the floor of the House the then Member from Massachusetts, Mr. Walsh, moved to make it a flat rate from $6,000 to $7,500, and there was no agreement or suggestion of agreement on the part of the judges of the Federal courts of the United States for any amount of salary.

I want to say one thing more. The Chief Justice of the United States does not need my voice to be raised in his defense, but I call your attention to this fact, that the statements made by the gentleman from Illinois [Mr. RAINEY] are wholly out of touch or keeping with the subject now before this committee. [Applause.] I always listen with respect to the gentleman from Illinois. He is interesting at least; but when you recall that this legacy was the legacy of an individual, whose will, when he died, went into operation and fixed that legacy regardless of the securities that were behind it and that that was done two years, according to the gentleman's own statement, before the Chief Justice assumed the high office which he now fills so honorably and well, you can all see—laymen and lawyers—the irrelevancy of the whole speech. [Applause.]

Mr. CANNON. Did I understand the Chair to say that I had consumed 30 minutes?

The CHAIRMAN. The gentleman has consumed 40 minutes.

Mr. CANNON. I yielded 20 minutes to the gentleman from Illinois when I first yielded the floor to him and subsequently yielded him 15 minutes.

The CHAIRMAN. The gentleman from Missouri yielded to the gentleman from Illinois 30 minutes and then 15 minutes additional, but the gentleman from Illinois, upon his second recognition, only used 10 minutes. Consequently the gentleman has consumed 40 minutes and has 20 minutes remaining.

Mr. CANNON. Mr. Chairman, I was mistaken. I now yield five minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. I was under the impression the gentleman would yield me 10 minutes. Can the gentleman from Pennsylvania [Mr. GRAHAM] yield me five minutes?

Mr. GRAHAM. I can not, much as I regret it, because I announced the policy that would govern the conduct of this matter, which is to do away with as much general debate as possible for the sake of giving the opportunity to those Members who are to attend this funeral to express themselves upon the bill.

Mr. RAMSEYER. I want to expedite that time, but I have rights under the five-minute rule which I am willing to waive if the gentleman yields me the five minutes now.

Mr. GRAHAM. Very well. Mr. Chairman, I yield five minutes additional to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Chairman and members of the committee, my attitude during the last three years toward general salary increases for groups is so well known to the House that I need not dwell upon that but briefly to-day. For at least three years on other salary increase bills that have come up, I have taken the attitude, and I think I have maintained it consistently, that the group salary increases should wait until the farmers of the country had seen a better day. [Applause.]

I do not see any reason for changing my attitude toward the group that is now before us for I have maintained that attitude toward every other group that has been before us here for salary increases for three years or more.

I think this was also the view or attitude of the majority of the Members of the House before we adjourned at the last session, because several times when this bill was about to be called up those in charge failed to call it up for fear of an adverse vote, and finally this bill was postponed by a vote of the House because Members wanted to put this off or over until either farm relief legislation was enacted or until the farmers were in better shape economically.

The situation to-day is no different from what it was before we adjourned at the last session, except that when this bill was put over at the last session, we were closer to a general election than we are now. [Applause.]

I wish now to leave that phase of the subject and give you reasons why, in my opinion, no injury will be done to this group if this bill is further delayed, and I stand here and assert that I have as high a regard, not only for the courts, but for the judges who preside over the courts, as any man in the House. Some of the Members here know that I did quite a little work to defend the Supreme Court of the United States when the agitation was started against it in 1922 to curtail its power relative to declaring acts of Congress unconstitutional.

The lowest-paid Federal judge now receives $7,500 a year, and under this bill if enacted into law, will receive $10,000 per year. I think it is fair to compare the salaries now paid and that will be paid under this bill to the lowest-paid Federal judges with the salaries paid by the various States in the Union to their highest-paid judges; that is, the judges on the supreme courts of the States. I have before me here the salaries paid to the supreme court judges in all the States of the Union. The chairman of the Judiciary Committee presenting this bill calls attention only to the salaries paid to the British judges and to the salaries paid to the judges of the highest courts in five or six States of the Union. I have before me the Reports of the American Bar Association for 1924, Volume XLIX, and on page 320 are the salaries then paid to the judges of the supreme courts of the States. They are as follows:

State	Rank	Salary
New Jersey	1	$18,000
Pennsylvania	2	17,500
Illinois	3	15,000
New York	4	13,700
Massachusetts	5	12,000
Michigan	6	10,000
Connecticut	7	9,000
Ohio, Maryland, and Wisconsin	8–10	8,500
California, Louisiana, Rhode Island, and West Virginia	11–14	8,000
Delaware, Indiana, Missouri, Montana, and Nebraska	15–19	7,500
Georgia, Minnesota, Washington, and Wyoming	20–23	7,000
Alabama, Mississippi, and Texas	24–26	6,500
North Carolina	27	6,350
Iowa, Kansas, Maine, Nevada, New Hampshire, New Mexico, Oklahoma, and Virginia	28–35	6,000
Florida, North Dakota, and Tennessee	36–38	5,500
Oregon	39	5,250
Arizona, Colorado, Idaho, Kentucky, Utah, and Vermont	40–45	5,000
South Carolina	46	4,500
Arkansas	47	4,000
South Dakota	48	3,000

Average for 48 States is $7,701.06.

These are the salaries paid in 1924. There have been but a few increases since. Iowa now pays $7,500 per annum, whereas

it formerly paid $6,000 per annum. Rhode Island has increased the salaries of its judges $2,000 per annum.

If this bill, which carries a minimum salary of $10,000, is enacted into law there will be only five States in the Union—to wit, Massachusetts, New York, New Jersey, Pennsylvania, and Illinois—that will pay their highest-paid judges more than the lowest-paid Federal judges under this bill. If this bill is enacted into law there will be only one State in the Union west of the Alleghanies and south of the Mason and Dixon line that will pay its supreme court judges more than the lowest-paid Federal judges will be paid under this bill. And to this list of States you can add all the New England States except one.

In addition to the salary paid a Federal judge, he gets his expenses paid while away from home on official duty. Then there are other elements of value that should not be overlooked. There is the permanency of the tenure of his office and full pay on retirement when he reaches the age of 70 years after having had 10 years' service. No one will question that these elements add greatly to the value of the salary prescribed by law. Whether such value is 25 per cent or 50 per cent, or more or less, I will leave for some one to figure out accurately who is more expert in mathematics than I am.

Arguments have been made for this bill on the ground of the number of resignations or threatened resignations from the Federal bench. There is some reference to that in the report of the committee accompanying this bill. Well, the way to get at the facts is to go to the source of information, and while this bill was pending for a rule before the Committee on Rules, of which I am a member, I wrote to the Attorney General asking him for the number of resignations during the last two years and the reasons for the resignations. One would naturally suppose that inasmuch as this argument was pressed at the time for the passage of this bill that there were quite a number of such resignations. I will give you the reply I received from the Attorney General. If I had time, I would read it to you now. I shall place it in the RECORD in a moment. The Attorney General gives the names of 10 judges who resigned during the years 1924 and 1925. One resigned because he was promoted. Four resigned because they had reached the retirement age and wanted to be relieved of their duties. Three resigned without giving any reason for their resignations. Two of these were circuit judges and one was a district judge. One gave as his reason for resigning that "considerations looking to possible service in other fields of public activity have impelled me to the step taken." Only one of the ten gave as reason for his resignation that the salary was inadequate, and this judge was from New York City. At this place I shall insert in the RECORD the communication from the Attorney General, which is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 7, 1926.

Hon. C. W. RAMSEYER,
House of Representatives.

DEAR MR. CONGRESSMAN: In reply to your letter of the 5th instant, I have the honor to send you herewith on behalf of the Attorney General a list of the Federal judges who resigned in 1924 and 1925, with a statement of the reasons, so far as recorded, which prompted the resignations.

Respectfully,

JOHN MARSHALL,
Assistant Attorney General.

FEDERAL JUDGES RESIGNED, 1924 AND 1925

Arba S. Van Valkenburgh: United States district judge, Missouri (western), resigned March 25, 1925, upon appointment as circuit judge, eighth circuit.

Benjamin F. Bledsoe: United States district judge, California (southern), resigned March 24, 1925. Letter of resignation states: "Considerations looking to possible service in other fields of public activity have impelled me to the step taken."

Charles F. Lynch: United States district judge, New Jersey, resigned March 31, 1924. (Nothing in the records to show any cause.)

Joseph McKenna: Associate Justice United States Supreme Court, resigned January 5, 1925. (Retired under provisions of section 260 of the Judicial Code.)

Alex C. King: United States circuit judge, fifth circuit, resigned January 1, 1925. (Nothing in the records to show cause.)

John E. Sater: United States district judge, Ohio (southern), resigned November 18, 1924. (Judge Sater was born January 16, 1854. Served as judge since March 25, 1907.)

Henry C. Ward: United States circuit judge, second circuit (heretofore retired), resigned October 31, 1924.

Julius M. Mayer: United States circuit judge, second circuit, resigned July 31, 1924. (Nothing in the records to show cause.)

Loyal E. Knappen: United States circuit judge, sixth circuit, retired April 15, 1924, under provisions of section 260 of the Judicial Code.

Edwin L. Garvin: United States district judge, New York (eastern), resigned October 31, 1925. Letter of resignation states: "In resigning I have taken this action with great regret and only because of the impossibility of providing for the necessities of my family and the education of my children with the salary now attached to the office."

It is a well known fact that there are very few resignations from the Federal bench. There are probably fewer resignations from the Federal bench in proportion to the number in that service than from any public service except that of the Presidency of the United States, from which there has been no resignation to this good day.

Then, too, it is said that we are not getting the right kind of applicants for judicial positions with the present pay. I think that is a very unjust and unfair statement against the men who are now serving upon the Federal bench. A difference in pay of $2,500 will not appeal to any different or better class of lawyers. In fact the lawyers who make big money will not be induced by the increases we make here to leave their practice to go on the bench. It is a matter of common knowledge, and every Member of the House knows it to be a fact, that whenever there is a vacancy on the Federal bench the best and ablest lawyers in the district or the circuit where the vacancy exists are available for the position. My time is up. I have given you these few reasons why I am against this bill at this time. No harm will befall the country on account of a postponement of this matter. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Chairman, I think this bill ought to be defeated, but I will be frank enough to state that I do not think it will be defeated. There is one thing that I have learned since I have been a Member of the House. I have learned a few other things, perhaps, but one is certain, and that is that it is well nigh impossible to defeat any bill that carries with it a salary increase to an influential group or adds some class to the pension roll. I have no hope that the bill will be defeated, but I think the reasons stated by the gentleman from Iowa [Mr. RAMSEYER] are ample to convince us that it should be defeated. Some one has said that simplicity is the crowning excellence of art. I would change that a little and say that simplicity should be the crowning excellence of American life, but we are getting away from it very fast. Simplicity in living, especially among the upper strata of society, no longer seems to be an American virtue.

Here is the situation that confronts us: If some official in a high position by reason of the changes in the standard of living comes to us and says he can no longer accommodate himself to his salary, we say, "Very well, that is true; we will increase your salary so that you can keep up with the Joneses." The result is that the overhead expenses of Government are constantly on the increase. This process is by no means confined to the Government alone. Throughout industry, throughout business, throughout American life, those who have the economic powers increase their salaries and wages, and consequently their standard of living. One thing is very certain, all wages and salaries must in the end be paid out of production, and those who have not the good fortune to be included in the favored circle find their lot getting harder and harder. Where the thing will finally end I do not know.

As my good friend from Iowa [Mr. RAMSEYER] very properly emphasized, those who now occupy the most unfavorable position in the structure of society are the unorganized farmers of the country, and to my amazement there are gentlemen here who never lose an opportunity to make a speech in behalf of the farmers who are in the front ranks of those supporting this judge's salary increase bill.

I do not wish to be pessimistic in my talk, but if I am any judge of the conditions the economic conditions in the farming section which I have the honor to represent are worse than they have been in any period for many years. It would seem to me that I would be a very poor Representative of these people who have honored me with their commission to come here at this time and vote any kind of a salary increase for judges who are as well paid as those on the Federal bench. As is well known, the present salary schedule of Federal judges ranges from $7,500 for the district judge to $15,000 for the Chief Justice of the Supreme Court, and the position is a lifetime job.

The judges of the Supreme Court of Texas compare favorably to any that I know of on the Federal bench. They receive $6,500 per annum for their services. They receive a less stipend than the present salary of the lowest-paid judge on the Federal bench, which is $7,500 per annum. We have no difficulty in getting the most eminent lawyers in Texas to occupy

positions on our supreme court bench. If this bill to increase the salaries of Federal judges was left to a referendum of the people, does any man here think it would receive anything like a majority of the votes? Yet the people's Representatives are about to adopt it by an overwhelming vote, and the majority does not intend to let us have a roll call. Just such votes as this make me sometimes wonder if representative government really any longer represents. If this bill is to be adopted, it would be a much more courageous and creditable thing to adopt it by an aye-and-nay vote on roll call. I hope the majority will grant us a roll call.

Mr. CANNON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. CANNON. I yield the balance of my time to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, this bill increases the salary of the Chief Justice to $20,500 per year, of associate Supreme Justices to $20,000 per year, of circuit judges to $12,500 per year, of district judges to $10,000 per year, and so on. The average increase is about one-third above present salaries.

We are told that certain Federal judges are threatening to resign if their salaries are not increased. I would suggest to any judge who contemplates resigning that he do not hesitate. We can get just as good, if not a better, man to take his place. The life tenure of Federal judges, the good salaries which they now receive, and the honors and dignities which attend the office make it very attractive. There is not, on an average, one lawyer out of a thousand in the various towns and cities of the country who would not accept an appointment even as a district judge, the lowest in rank, with great pleasure. Whenever there is a vacancy, I notice that there is an intense scramble among the considered-to-be eligibles as to who shall receive the appointment.

INCREASED SALARIES WILL NOT IMPROVE THE JUDICIARY

We are told that increased salaries will draw a higher type of men into judicial office. If I felt that an increase in salary would produce an improvement in the Federal judiciary I would vote for this bill without hesitation. If I felt that an increase of a few thousand dollars annually would point the judges to higher ideals of public service, to a better understanding of the fundamentals of democratic government, would make them more considerate of the lawyers and litigants who appear before them, and would make them less egotistic and arrogant in their conduct, I should most assuredly vote for the bill.

But, to the contrary, I know that no such results will come. An increase in salary may, indeed, lure away a few eminent practitioners from the service of great corporations; it may seduce from private practice a few money-loving lawyers into the public service; but it will not bring into judicial office men of greater learning or of higher ideals. Such men are not for sale. They serve without regard to the salary which they may receive.

A certain minimum, of course, is necessary. A public officer must be paid enough to afford him a decent living. But it is not required—indeed, the safety of democracy does not permit—that we shall undertake to place public officials on a scale of living equal to that of the rich. To do so is to place them in an environment which is destructive alike to the principles of equality and to devotion to the general welfare.

The way to reform the Federal judiciary is not by increasing salaries. If we desire real reform, I should say that it could be accomplished better by extending the power of the legislative branch of Government further over the judiciary. The legislative branch, composed of Senators and Representatives, so far as real substance goes, is the only branch of Government which represents the people. We are directly responsible to the people. They elect us to office and they have the power to end our political lives. Officials of the executive branch, except for the President, are not chosen by the people. Even the Presidency itself is filled indirectly; and under our present system, the voice of average men and women in the selection of the Executive is slight indeed. The judicial branch is not to the slightest extent under popular control. Judges do not depend upon the favor of the people for their elevation to office, and alas, it is often the case that they care nothing for the will of the people. Under our present system, men are appointed to Federal judgeships who could not be elected constables in their home precincts—who could not be elected, not merely because of lack of personal popularity, but because in their character and practices they do not hold the confidence of their fellow citizens.

I submit that the great need of the judiciary is that it should be made more responsive to the principles of democracy, and that our judges should have a better understanding and feel more concern for the citizens whom they are supposed to serve. As Congress is close to the people and more fully reflects the popular will, I would extend the power of Congress over the judiciary in whatever respects the Constitution would permit.

HIGHER IDEALS NEEDED IN WHITE HOUSE

One way by which the Federal judiciary might be improved is to have men of higher ideals in the White House—Presidents who would refuse to fill judicial positions with "lame ducks" and repudiated politicians; Chief Executives who would have the courage and patriotism to select men of the finest type and who would not bow to party considerations and to political influence; who would not confer judgeships as a reward for party service. [Applause.] We need men in the White House who understand America and the principles upon which our country is founded, and who will not appoint to these positions of tremendous importance the servile agents of great business interests or those whom such interests may indorse. [Applause.]

I am thinking now of the "Cullop amendment," which had for its purpose to force the Executive to make public the influences and recommendations under which a judge was appointed. The measure was brought into the House when we had a Republican President, yet had a Democratic majority in the House. It was aimed at President Taft and certain appointments which he had made. I remember how the Democrats voted for it and how the Republicans voted against it almost unanimously. Then I remember that a little later a Democratic President came into office and the same Cullop amendment was again presented in the House, only now it came from Republican sources and was renamed the "Mann amendment." Its purpose was exactly the same as the Cullop amendment. And then we had a complete reversal on both sides. All the Republicans voted for it and all the Democrats voted against it. And I remember that, as then a new Member of the House, I thought that neither side had any consistency, that party advantage was everything, and principle was nothing. Both sides are recorded against it and both sides for it. [Laughter and applause.]

So from that day to this the matter has never been presented again. The House must love the system under which great selfish interests may, like Satan, "squat like a toad" at the ear of the Chief Executive and influence him in secret to select those who will do their bidding.

NOT TRUE THAT "EVERY MAN HAS HIS PRICE"

Mr. Chairman, this bill is in thorough harmony with the spirit of the times. It assumes that there is nothing worth while except money and that money will buy everything. Thank God, all of the people do not feel that way about it. When all do feel that way, America will be lost, and judges can not save it.

This bill is inspired by the thought, not spoken, it is true, but which shines through it, that the best men must be bought into the public service; that to induce men to serve the public in high positions in the judiciary and elsewhere the Government must compete in salaries with private business. That is just another typical folly of these times. In many respects we are exceedingly wise, but in others we are unspeakably foolish. In nothing are we more foolish than in the thought that the best service of men may be bought with a price. I stand here to defend my fellow men. With all my soul I deny that "every man has his price." It is slanderous of humanity. I stand here to proclaim that the highest and best that is in man can be elicited only by his sense of duty.

There are, of course, those who may be bought through pandering to their selfishness. There are those who will give their souls for power or fame, or even for the lesser rewards of money and ease and luxury. There are those who are consumed with avarice, greed, and selfishness. But these are of the mere dross and dregs of society.

The great body of the people, the average men and women, give of their best in the service of others. They give it as soldiers fighting for their country. They give it as missionaries in the trackless jungles of distant lands. They give it as mothers and fathers in sacrifices for little children. They give it as humble citizens leading useful and ordinary lives. The best and highest is elicited from public servants by the thought that they serve their country and their fellow citizens. You can not buy it and you can not hire it. It is above money and without price. [Applause.]

You may increase salaries to $50,000 or even $100,000 a year, but you will not raise the quality of the Federal judiciary as much as one hair's breadth. To the contrary, you will probably lower judicial standards. You will probably merely insure that the appointments shall go to those who enjoy the highest social positions, whose associations are with the elect and exclusive, and who are accustomed to lives of luxury. The dis-

tinguished Senator NORRIS, of Nebraska, never said a truer thing than when he said, in substance: "You can not expect a judge who habitually puts his feet under rich men's tables at dinner at night to be able to hold the scales of justice equally between the rich and the poor on the morrow."

WHAT MAKES A GOOD JUDGE

It is foolish to think that to get good judges we must select them from among the lawyers who earn large incomes. Large incomes are rarely earned by lawyers except in the defense of property, wealth, and position—in the service of great property interests. That kind of lawyers rarely make good judges. The eminent practitioner who gains large rewards for serving private interests is not the kind of man to make a judge out of.

A good judge must be a man who has a strong, instinctive love of justice, a man who can not be bought to serve selfish interests against the welfare of his country. He must not have in his nature that wolf-like quality which is so often a characteristic of the successful lawyer. He must be a student and yet have a large outlook on life, with a deep understanding of its true significance. He must love the spiritual life and recognize that after all it is the only life that is real, and that all else crumbles and passes away.

Instead of a "money-getter" a judge should be indifferent to money. His ideas must be high. He must be above the selfish considerations that move men who think chiefly of financial returns. He must love the business of judging for its own sake, and must do his work even as the artisan who finds his glory in expression and in doing good work. He must love his Maker and want to do his will. He must not have thought of rewards, but be animated by the instinct expressed in Kipling's Painter—

And only the Master shall praise us, and only the Master shall blame;
And no one shall work for money and no one shall work for fame.
But each for the joy of working and each in his separate star,
Shall draw the Thing as he sees it for the God of Things as they are.

[Applause.]

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

Mr. GRAHAM. Mr. Chairman, I want to say just a word first in reference to the allusion to resignations made by my distinguished friend from Iowa. There are vacancies created on the bench in other ways than by the writing of a resignation and handing it to the authorities. I want to read just a line pronounced by an eminent Pennsylvanian at the time of the death of Judge Witmer of the middle district:

I feel that his health was wrecked and his life brought to an untimely end by overwork—unmitigated interminable drudgery.

Besides that I would add the worriment which comes to a man when the compensation for his services is inadequate. The last speaker would indicate that this is a measure to buy better judges and was for the purpose of tempting and alluring men in that way and that no public service would seem in his judgment worthy of recompense. I wonder if he thought or this House thought when a little while back it paid its Members $7,500 and then we increased it to $10,000. Was that an effort to buy better talent or a recognition of the fact that our Members were inadequately and unjustly paid? [Applause.]

Mr. Chairman, there are no further remarks upon this side of the House, and I ask for a reading of the bill.

The CHAIRMAN. All debate is now closed, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of $20,500 per year, and to each of the Associate Justices thereof the sum of $20,000 per year.

Mr. RAINEY. Mr. Chairman, I offer the following amendment: In line 7 strike out the words "$20,500" and insert in lieu thereof "$15,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAINEY: On page 1, line 7, strike out the figures "$20,500" and insert in lieu thereof the figures "$15,000."

Mr. RAINEY. Mr. Chairman——

Mr. SNELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. SNELL. Is this bill being read by sections or by paragraphs? Ought it not to be read by sections; if it has it ought to run down to line 16, page 2, before amendments are in order.

Mr. GARRETT of Tennessee. Mr. Chairman, the rule is that all bills except revenue bills and appropriation bills are read by sections. Appropriation and revenue bills are read by paragraphs, and all other bills are read by sections.

Mr. CANNON. Mr. Chairman, I make the point of order the gentleman has been recognized and properly has the floor.

The CHAIRMAN. The point of order is made at the proper time the Chair will hold, but does the gentleman from Missouri care to offer any argument against the point of order?

Mr. CANNON. The point of order is not well taken. It would have been if it had been made in time, but it should have been made when the gentleman arose and proposed to offer an amendment; but it was not, and the gentleman went ahead and offered an amendment and was recognized.

The CHAIRMAN. The Chair will hold the point of order was made in ample time and——

Mr. RAINEY. If it is being read by section, after the reading of the section is concluded I shall then ask recognition.

The CHAIRMAN. The Chair will recognize the gentleman at that time.

The Clerk read as follows:

To each of the circuit judges the sum of $12,500 per year.

To each of the district judges the sum of $10,000 per year.

To the presiding judge of the United States Court of Customs Appeals and to each of the other judges thereof the sum of $12,500 per year.

To the chief justice of the Court of Appeals of the District of Columbia and to each of the associate justices thereof the sum of $12,500 per year.

To the chief justice of the Court of Claims and to each of the other judges thereof the sum of $12,500 per year.

To the chief justice of the Supreme Court of the District of Columbia, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To each of the members of the Board of General Appraisers, which board functions as the customs trial court, the sum of $10,000 per year.

That all of said salaries shall be paid in monthly installments.

Mr. RAINEY. I now offer my amendment to strike out "$20,500," on page 1, line 7, and insert in lieu thereof "$15,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 7, strike out the figures "20,500" and insert in lieu thereof the figures "15,000."

Mr. RAINEY. Mr. Chairman, this amendment, as I stated in my argument under general debate, leaves the salary of the Chief Justice at $15,000, as it now is, $500 more than the proposed salaries of the Associate Justices will amount to if this bill is adopted, reserving therefore the difference between the salaries. I presented an argument which has not been answered except by the gentleman from Pennsylvania [Mr. GRAHAM], who is in charge of this bill. My argument was this: After having established the fact by the evidence that the Chief Justice of the Supreme Court of the United States is accepting a subsidy from the Steel Trust I stated that we were without remedy, in all probability, and without redress, and that the only opportunity the people of the United States would have to express their disapproval of this indecent conduct on the part of the Chief Justice of the Supreme Court would be, through their Representatives here, to refuse him the increase provided for in this bill. If the committee refuses it and fixes his salary at $15,000, that plus the salary that he receives from the Steel Trust amounts to $25,000, and that is more by $4,500 than you propose to give him in this bill.

Give him the amount you propose in this bill, $20,500, and then add to it the subsidy that he receives from the Steel Trust, and he will receive the amount of $30,500.

Now, the only defense made is the suggestion of the gentlemen from Pennsylvania [Mr. GRAHAM] that the evidence I have submitted shows that for 23 months prior to his elevation to his present position, the second highest position in the United States, he was on the pay roll indirectly of the great steel corporation; and the argument is that because for 23 months before he took the oath as Chief Justice of the Supreme Court of the United States he received this gratuity which he never earned, therefore my position is not tenable.

I know intimately nearly every Member of this House, and I am glad to be able to say that I do not know here a single Member of this House who, if he had received a subsidy from the Steel Trust, would not relinquish it upon taking his seat here.

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

Mr. RAINEY. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five additional minutes. Is there objection?

Mr. ROBSION of Kentucky. I object.

The CHAIRMAN. Objection is heard. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. RAINEY. I ask for a division, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois calls for a division. The question is on agreeing to the amendment of the gentleman from Illinois.

The committee divided; and there were—ayes 29, noes 155.

So the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, I had planned to offer an amendment to this bill to read as follows—I will ask the Clerk to read it.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 2, after line 14 insert three paragraphs as follows:

"To the chief justice of the Supreme Court of the Territory of Porto Rico, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

"To the chief justice of the Supreme Court of the Territory of Hawaii, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

"To each of the justices of the Circuit Court of the Territory of Hawaii the sum of $7,500 per year."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, in my capacity as a member of the Committee on Territories the matter of the pay of the Federal judges in the Territories, including Porto Rico, has been brought to my attention. I have felt that this is a fair and proper amendment to a bill of this kind. I am informed, however, that the amendment in the form in which I have it would be subject to a point of order, and therefore instead of introducing the amendment directly, to run the risk of a point of order, although personally I am of the opinion that a point of order that the matter is not germane would not hold, I am placing it in the CONGRESSIONAL RECORD for future reference. I have introduced the amendments in the form of a bill—H. R. 11453—and hope to press same before the committee at an early date.

I took up the matter of increased pay for the judges of these Territories with the Attorney General, Mr. Sargent, a short while ago, and at that time I had in my mind the settlement of the question that had arisen as to the payment of additional salaries to the district judges in Alaska. I have the opinion of the Attorney General, addressed to me, and a copy of a letter addressed to the chairman of the Committee on the Judiciary [Mr. GRAHAM], and I ask unanimous consent to print them in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to print the letters referred to in the RECORD. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. GARRETT of Tennessee. It is my best recollection that the legislatures of the Philippine Islands and Porto Rico, respectively, now have the power to fix the salaries of their judges.

Mr. JOHNSON of Washington. I think so as to the Philippines, but I made inquiry as to the supreme judge of Porto Rico, and I learned that while the legislature there can authorize the salary by legislation, it requires authority also from an act of Congress of the United States to make it good.

Mr. GRAHAM. Mr. Chairman, will the gentleman permit me an interruption?

Mr. JOHNSON of Washington. Yes.

Mr. GRAHAM. I call the gentleman's attention to the fact that it has been discussed between us that this is a bill covering Federal judges of the United States. The other is a matter referring to the Territorial judges; and as to that I would state that a bill is before the Judiciary Committee covering the Territorial judges; so that outside the point of order this amendment ought not to be introduced into this bill.

Mr. JOHNSON of Washington. That involves facts, if the gentleman will permit me for a minute, as to the status of the Territories, and more particularly Alaska, as differing from that of Porto Rico.

Mr. MONTAGUE. There was no hearing before the Judiciary Committee on this particular subject.

Mr. JOHNSON of Washington. Not as to these amendments; but let us not have a statement that runs contrary to these very opinions that I am placing in the RECORD to the effect that the particular bill now under consideration covers all district judges. District judges in the Territory of Alaska are treated as Federal judges and, in my opinion, from such inquiry as I have been able to make are covered in this legislation. The supreme judges of Porto Rico and the Philippines are not covered in it. Mr. Chairman, I withdraw the pro forma amendment.

Mr. GRAHAM. I will say to the gentleman that the committee will act upon that point.

Mr. JOHNSON of Washington. I am glad to hear of that.

Mr. LINTHICUM. Why do you omit the justices of the Virgin Islands is these salaries proposed?

Mr. JOHNSON of Washington. I am not informed as to their status.

[The letters offered by Mr. JOHNSON of Washington for insertion in the RECORD are as follows:]

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., December 6, 1926.

Hon. ALBERT JOHNSON,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, in which you state that your attention has been called to the fact that the bill (H. R. 11053) to fix the salaries of certain judges of the United States makes no provision for increasing the salaries of United States judges in the Territories of Alaska, Hawaii, and Porto Rico, and request certain information respecting Territorial judges and judgeships.

In reply I inclose herewith a copy of a letter addressed, under date of June 10 last, to Hon. GEORGE S. GRAHAM, chairman of the House Committee on the Judiciary, relative to the application of the provisions of H. R. 7907 (for which H. R. 11053 was substituted) to district judges in the Territories of Hawaii, Porto Rico, and Alaska. Mr. GRAHAM had expressed the opinion that the proposed legislation "covers all district judges," and, upon consideration of the provisions of law cited in my letter to him, I stated that I could see no reason to disagree with his view in that regard.

There are, however, certain Territorial judges in Hawaii whose salaries are fixed and paid by the United States who apparently are not covered by the provisions of H. R. 11053. These are the chief justice of the Supreme Court of Hawaii, whose salary is $7,500; the associate justices of the Supreme Court of Hawaii, whose salaries are $7,000 each; and the judges of the circuit courts of the Territory, whose salaries are $6,000 each.

The provisions of H. R. 11053 do not include the justices of the Supreme Court of Porto Rico, but the salaries of these officials are not paid by the United States.

The salary of district judges in Alaska, Porto Rico, and Hawaii is, in each case, $7,500 per annum; and by the act of August 24, 1912, chapter 390, section 8 (37 Stat. 565), as amended by the act of September 21, 1922, chapter 370, section 2 (42 Stat. 1005), it is provided that there shall be in the Canal Zone one district court and one district judge, who shall receive the same salary as is allowed to United States district judges.

I know of no objections that can be reasonably advanced against including the Territorial district judges in any legislation to increase the salaries of United States district judges.

Respectfully,

JNO. G. SARGENT, *Attorney General.*

JUNE 10, 1926.

Hon. GEORGE S. GRAHAM,
Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: I have the honor to acknowledge the receipt of your letter of the 7th instant, in which you express the opinion that H. R. 7907, a bill "to fix the salaries of certain judges of the United States," "covers all district judges." You inquire whether or not I concur in this opinion.

The act of April 30, 1900 (31 Stat. 158), as amended, provides for a district court for the Territory of Hawaii and authorizes the President, by and with the advice and consent of the Senate, to appoint "two district judges," and provides that the said district court shall have the ordinary jurisdiction of district courts of the United States and that the district judges provided for Hawaii shall have and exercise in the Territory all the powers conferred by the laws of the United States upon the judges of district courts of the United States.

By the act of March 2, 1917, chapter 145, section 41 (39 Stat. 965), Porto Rico constitutes a judicial district to be called "the district of Porto Rico," and the President, by and with the advice and consent of the Senate, shall appoint one "district judge." The act further provides:

"The district court for said district shall be called 'the district court of the United States for Porto Rico,' and * * * shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans and all controversies where all of the parties on either side of the controversy are citizens or subjects of the foreign state or states, or citizens of a State, Territory, or District of the United States not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest and cost, the sum or value of $3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid."

The act further provides that the salaries of the judge and officials of the district court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues "in the same manner as in other United States district courts."

Section 363 of the Compiled Statutes of the Territory of Alaska, 1913, as amended, establishes a "district court for the District of Alaska, with the jurisdiction of district courts of the United States and with general jurisdiction in civil, criminal, equity, and admiralty causes," and provides for the appointment of four "district judges" for the District of Alaska, at a salary of $7,500 each (41 Stat. 1203).

Section 2 of the Judicial Code, as amended (40 Stat. 1156), provides that—

"Each of the district judges, including the judges of Porto Rico, Hawaii, and Alaska, exercising Federal jurisdiction, shall receive a salary of $7,500 a year, to be paid by monthly installments."

The act making appropriations for the Department of Justice and the judiciary for the fiscal year 1927, under the subhead "Salaries of judges," provides for the salaries of "127 district judges (including 2 in the Territory of Hawaii and 1 in the Territory of Porto Rico)." The district judges for the District of Alaska are appropriated for in this act under the subhead "Territorial courts," as follows: "Four judges, at $7,500 each."

Upon consideration of the provisions of law above referred to, I see no reason to disagree with your opinion that the bill H. R. 7907 covers all district court judges.

Respectfully,

JOHN G. SARGENT,
Attorney General.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 2, line 16, strike out the period, insert a colon, and add the following proviso, to wit: "*Provided*, That no such recipient shall devote any of his time to private remunerative employment."

Mr. GRAHAM. Mr. Chairman, I make the point of order that that is not a germane amendment.

The CHAIRMAN. Does the gentleman from Texas want to be heard on the point of order?

Mr. BLANTON. Will not the gentleman from Pennsylvania withhold his point of order just for five minutes?

Mr. GRAHAM. No; I think not.

Mr. BLANTON. This is all the time I shall take on this bill.

Mr. GRAHAM. We are trying to get through so as to give Members an opportunity to vote on the bill.

Mr. BLANTON. I only want to call the gentleman's attention to a matter of which he is not cognizant. It is with respect to just one item in this bill, and if he will withhold his point of order in order that I may make a short statement, I certainly shall appreciate it.

Mr. GRAHAM. Mr. Chairman, I will withhold the point of order in order that the gentleman from Texas may make his statement.

Mr. BLANTON. Mr. Chairman and gentlemen: This bill, in one paragraph, raises the salaries of the judges of the Supreme Court of the District of Columbia to $10,000 each. They rank with the Federal district judges in the States. There are six such judges here, and from evidence elicited before the subcommittee of which the gentleman from Vermont [Mr. GIBSON] is chairman it was shown conclusively that some of these judges have been lecturing before universities here for certain stipulated salaries paid annually. They were assigned to such positions by the president of one of the universities here who then happened to be the president of one of the street railway companies that has important litigation before said court. Now, I do not believe, under the ethics which are upheld by the distinguished chairman of the Committee on the Judiciary, that should be tolerated longer.

These six judges of the Supreme Court of the District are the trial judges in some of the most important cases that can come up in the Nation's Capital. The salary which we provide should be their total remuneration, and they should not be using their time on the outside in delivering lectures for pay in any university. Surely, among the two thousand and odd lawyers who live in the District of Columbia and practice before the courts here, there could be found adequate talent to deliver lectures before the universities here.

I submit this in all fairness. Of course, the gentleman from Pennsylvania may make his point of order, but is it not wise to let this kind of a provision go into the bill? I submit that to the chairman of the Judiciary Committee.

Mr. GRAHAM. As the gentleman has asked me the question, I say it is not. This bill has passed the Senate, and such an amendment would require the bill to be sent back to the Senate and be opened up again.

Mr. BLANTON. Then that is the gentleman's only objection?

Mr. GRAHAM. That is the chief objection.

Mr. BLANTON. If that is the chief objection, I will ask to withdraw my amendment now, and later I will ask that such a provision in a special bill be considered by the gentleman's committee.

Mr. Chairman, I ask to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 2. This act shall take effect on the first day of the first month next following its approval.

Mr. KVALE. Mr. Chairman, I move to strike out the last word. I merely have this suggestion to make to the Members representing agricultural districts and especially the ones representing the agricultural districts of the Northwest, that you vote against this bill in the interest of farm-relief legislation. I believe the only way in which we can ever pass farm-relief legislation in this House is to vote against increasing the salaries of any other class until the class which is now either bankrupt or on the verge of bankruptcy is given some relief. The farmers of the Nation have been compelled to live on crumbs and the promises of the administration and this House for five years. They will continue to live on those promises until the Members of Congress have arrived at a point where they will refuse to give any other class a raise in salary until the farmers and the farmers' wives of the Nation have been given a substantial raise in their salaries. That is the only way we shall ever be able to give them relief.

Suppose we adopted the same method toward this class that has been in vogue in our dealings with the farmers all these years and appointed commissions to investigate the status of judges, and continue to investigate and promise and promise and investigate? If that were done I will say, my friends, that you would soon have farm relief. And until you adopt that method and refuse to go along on every other increase in salaries asked for you will never get anything for the farmers of the country. [Applause.]

Mr. DYER. Mr. Chairman, I rise in opposition to the amendment merely for the purpose of asking the privilege of inserting some information touching this legislation at this point in the RECORD.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. DYER. Mr. Chairman, I ask for the privilege of putting in the RECORD at this place a letter from Judge Faris, of the United States district court at St. Louis, touching the necessity for this legislation, not wishing to take up the time of the House in reading it.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF MISSOURI,
St. Louis, February 17, 1926.

Hon. L. C. DYER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I acknowledge with thanks the receipt of a copy of the report of hearings before the Committees of the Judiciary of the House and of the Senate on H. R. 7907, the judicial salaries bill,

as also your letter, in which you are good enough to request an expression of my views on this bil las to the necessity of its enaction and its sufficiency.

This matter has been for so long up for agitation and discussion, so much has been said by the very ablest men, so many editorials have been published in advocacy of it, and so many facts have been garnered by your committee that it is hardly possible to present a new argument in favor of the bill. Outside of Congress I have never heard or found any opposition to it or any question raised as to its necessity. The bar everywhere is well-nigh if not entirely unanimous in urging its passage as it is written.

Perhaps the outstanding argument is that it is high time to put the Federal judges once for all on a decent and dignified wage basis, in partial record at least with the salaries long paid to the English, Irish, Scotch, and Australian judges and with the State judges in New York, New Jersey, Illinois, Pennsylvania, Ohio, Michigan, and perhaps other States.

Even the full sums proposed by this bill are only about half the salaries paid by other countries where the common law prevails and are far less than the State judges get in many of the States mentioned above. But personally I am content with the salaries fixed by this bill; these salaries are fair, and not too fair.

You gentlemen of Congress who are of the legal profession can and do practice law, and those who are not lawyers continue in your other gainful avocations without hindrance and without criticism. If we judges should do so, we would be impeached for the former and greatly embarrassed, if not impeached, for the latter. I am not criticizing or at all disagreeing with the rule. I think it is wholesome, even though inconvenient.

I happen to be acquainted with a distinguished Member of Congress, who is, if I may flatter myself, no better lawyer than I am, who is said to make from $25,000 to $50,000 a year from his practice and is reported to have had a single fee of $120,000, yet no one has ever accused or can accuse this man of neglecting his official duties.

If you gentlemen could by a statute grant me the lawful privilege of practicing law in even all courts except my own, you need not bother about increasing my official salary; you would be privileged to reduce it. This suggestion is, of course, wholly ridiculous and unthinkable, but it illustrates the fallacy of the argument, said to exist in some quarters, that a district judge ought not to have a salary in excess of that paid to a Member of Congress.

In passing, it is of interest to note that this argument is not used in England, which is, the United States excepted, the greatest common-law nation on earth. There a judge, roughly comparable to a Federal district judge, gets $20,000 a year, while a member of Parliament gets, or at least lately got, only $3,000 a year. At that even your present salaries are less than you gentlemen ought to get, the decadence of the dollar's purchasing power regarded. When the wages paid labor in England and the wages paid the judges there are compared with the like wages here the situation seems pitiable, if not niggardly.

It is true we get the right to retire on full pay when we reach the age of 70, after having served at least 10 years; but only about one out of a dozen ever reaches that age. Most of us die before we reach the age of 70, often having exhausted the savings of our years at the bar in an effort to eke out our inadequate salaries and save ourselves from being adjudged bankrupts in our own courts. Then, at last, when we die, we die penniless. I am not saying that it is the duty of Congress to provide a salary so great as that a dead judge's family shall be in effect pensioned; but I am saying that the salary should be such that the savings of all the years at the bar should not be drawn on to exhaustion in order that the judge may live while he works for the Government and thus at the end leave an indigent family.

I have in mind a man who in his day was one of the most distinguished men of his native State and who served for 17 years on the Federal district bench. When this man died his sole estate, if the newspapers are to be credited, was his pay check for the month preceding his death. The thing which happened to this man is threatening all of us. These salaries must either be substantially increased or we must resign or accommodate ourselves to dying penniless.

Some dozen years ago a district judge got $6,000 a year, and in my district the incumbent had only one-fourth as much work to do as each judge now does. Now, with the dollar worth only some 30 cents, we get, in comparison, only $2,250 a year and do four times as much work. Consider the bricklayer: A dozen years ago he got $4 a day and laid 2,500 bricks for it; now he gets $15 a day and only lays 600 bricks for it.

What with fees, fines, and forfeitures, the courts cost the Government little if anything; for practically they carry themselves and in some districts are even profitable. In the last fiscal year fines, fees, and forfeitures in my district alone were around $400,000. From the Volstead Act alone the Government got some $225,000 in fines, fees, and forfeitures, which were collected in cash from cases in court in this district. Roughly the profits to the Government from its courts here were enough to pay the proposed increase four times or more.

Pardon this somewhat lengthy letter, but the matter is so serious to me and the reasons why the bill should pass as written are so many that a long letter is necessary, even if only a few reasons are to be discussed.

Sincerely, C. B. FARIS.

Mr. GRAHAM. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill (S. 2858) to fix the salaries of certain judges of the United States, had directed him to report the same back to the House without amendment with the recommendation that the bill do pass.

Mr. SNELL. Mr. Speaker, the previous question is ordered under the rule.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. RUBEY and Mr. CANNON) there were—ayes 295, noes 39.

Mr. CANNON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Missouri [Mr. CANNON] demands the yeas and nays. As many as are in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Thirty-one Members have risen, not a sufficient number.

So the bill was passed.

Mr. RUBEY. No quorum, Mr. Speaker.

Mr. CANNON. I raise the point of no quorum, Mr. Speaker.

The SPEAKER. The count of the Chair showed there were 334 gentlemen present, a quorum.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that the President had approved a bill of the following number and title:

H. R. 11329. An act 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.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled bill of the following title:

H. R. 8128. An act to punish counterfeiting, altering, or uttering of Government transportation requests.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN. 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. 14557) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1928, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 14557, with Mr. SNELL in the chair.

The Clerk read the title of the bill.

Mr. BYRNS. Mr. Chairman, I yield myself 25 minutes. [Applause.]

Mr. Chairman and gentlemen of the committee, the distinguished chairman of the Appropriations Committee, the gentleman from Illinois [Mr. MADDEN] has very fully explained the more important details of both the Treasury and the Post Office appropriation bills now pending before you, and it is not my intention to consume your time by a reference to either one of those bills at this time, unless some gentleman should ask for it. I propose to discuss for just a little while what may be called a kindred subject, but having nothing particularly to do with those bills.

The Budget which was presented on yesterday, and which I have not had an opportunity to fully analyze, shows that the total of the estimates of appropriations for 1928 amount to $4,014,571,124.60, and as the gentleman from Illinois, who is always exceedingly fair and frank in every statement that he makes, told you on yesterday, there will come forward at least $20,000,000 more later on by way of an estimate for public buildings to be appropriated for, and which ordinarily would be carried in the Treasury bill, but which will be carried in a

deficiency bill. So, with the facts before us now we know that the total of the estimates of appropriations for 1928 amounts to four billion, thirty-four million and some odd hundred thousand dollars as compared with total appropriations for 1927, the present fiscal year, of $3,998,027,396.48.

The expenditures as set forth in the Budget, the actual expenditures, for 1926, which include the Post Office, amount to $4,244,807,674.58. The estimated expenditures for 1927 at the present time are $4,348,701,593, whereas the estimates submitted on yesterday of expenditures for the fiscal year beginning upon July 1 next, or the fiscal year 1928, are $4,319,549,214, which you will observe is a few million dollars less than the estimated expenditures for 1927.

But in this connection I want to call your attention to the fact that when the Budget was presented a year ago, giving the estimated expenditures for 1927, it was then stated that the total expenditures for 1927 would amount to $4,221,143,548, whereas it is now stated, a year later, that those expenditures will amount to $4,348,000,000 and some odd, a difference of $127,000,000.

So I say we can fairly assume, judging from the experience under this administration, and under every fiscal year of this administration, that there will be an increase of the estimated expenditures for 1928 and that they will actually exceed the expenditures for 1927.

I have many times called attention to the fact that the expenses of the National Government have increased each year of the present administration, and that is true, notwithstanding the fact that every year there has been a reduction of many millions of dollars in the interest on the public debt and a decrease of the Civil War pension roll.

But judging from newspaper editorials and expressions relative to the alleged economy of the present administration, the impression seems to be widespread that there has been a reduction instead of an increase in national expenditures and that the present administration in the most economical the country has ever had.

There are two reasons for this false impression. One is the oft-repeated and widely published claims of economy, which have been the chief and really the only claim of the administration for popular approval. The other is that there have been two tax reductions in the last three years and a healthy surplus at the end of each fiscal year. The conclusion seems to be that this indicates that expenditures are much less. Quite the contrary is true. These reductions were made from war taxes which were levied for the purpose of carrying on a most expensive war. The people are still burdened with heavy taxes in the way of income taxes and nuisance taxes far in excess of what they were compelled to pay before the war.

The President has been persistently pictured as the greatest economist who ever sat in the White House, and yet it is a fact beyond dispute that he has spent more of the people's money for official household expenses, care and upkeep, and policing the White House, and under the head of traveling expenses than any of his predecessors. No President has ever spent quite so much except in the one single instance and fiscal year when President Wilson made two trips to Paris to write a treaty of peace. President Wilson's official expenditures for these purposes in this country and that of no other President ever amounted to quite so much as those of the present Chief Executive during each year of his incumbency. There is an old saying that "Charity begins at home." It might well be paraphrased here.

There have been those who have sought to place the blame on Congress for these increases. They have said that they are due to the creation of new commissions and agencies with new activities. This is partly true and for this Congress must share some of the criticism along with the President who approved them and in many cases urged them upon Congress. But it is not altogether true. The facts are that every executive department under the President with the exception of one has increased its expenditures each year under his administration. The exception is the Interior Department, and the reason for this is the fact that there has been a natural reduction in Civil War pensions, due to the passing of Civil War soldiers. These departments would have expended something like $351,000,000 more in the past five years if Congress had not reduced by that amount the estimates submitted by the President.

And yet on Tuesday we were startled by the recommendation of the President that Congress adopt the method of making appropriations once in every two years. Under the present policy, as you gentlemen know, executive departments every summer make up their estimates for the fiscal year beginning upon July 1 of the following year. In other words, these estimates are made practically a year in advance and are sent to the Congress in December, and Congress, six months in advance, makes the appropriations for the following fiscal year or 18 months in advance of the time when the last of the money is expended.

Under this recommendation of the President the departments would be required to make their estimates three years in advance of the payment of the last money for the second year it is to be expended.

There is an old saying that the legislature controls the Executive through the purse strings. Whenever Congress surrenders the purse strings to the executive department, then it will abrogate practically all of its power. [Applause.]

Congress could never do anything to more surely surrender its power of government to the Executive than to surrender to the executive department the absolute control of all the expenditures of the Government. Necessarily those who make the estimates in order to be within safe grounds would request for the second year enough money to meet all of their needs during that year. Congress would have to draw on its imagination as to whether or not the money was needed. Naturally, the result would be that Congress would fall into the habit of making appropriations for the second year in accordance with the estimates submitted. We know that the expenditures increase and decrease from time to time and that market fluctuations are inevitable. The result would be that at the end of the second year the Executive would have at his disposal a sum of money which the department could spend, whether economically expended or not, and Congress would have no power to check or restrain them.

I submit that in the past the executive departments have shown an inclination to spend every dollar at their disposal, and that is a sufficient reason why the recommendation of the President should not be adopted. [Applause.]

In addition to that, under the Budget system Congress has reduced the estimates submitted by the Executive over $351,000,000. I repeat that I think it a very unwise recommendation, with all due respect to the President, and I am very sure that Congress, which is closer to the people, is not going to surrender this power to the executive department. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BYRNS. I will.

Mr. MOORE of Virginia. The gentleman has spoken about the inclination of the executive departments to expend all money under their control. Has the gentleman read the last report of the Comptroller General, in which that matter is stressed? He recommends a variety of legislation that will prevent the officers of the Government from placing their own arbitrary construction on the provisions of appropriation bills and going further than Congress intended they should in expending the public money.

Mr. BLANTON. The Comptroller General in his report indicates that the executive departments have been expending $200,000,000 a year unlawfully, but I want to ask the gentleman this question—from what he knows of the gentleman from Illinois—Does not he know that the President of the United States will have to get another chairman of the Committee on Appropriations before he ever got such a policy inaugurated?

Mr. BYRNS. I think he would have to elect another Congress before he got it. [Laughter.] I was happy to note that yesterday the gentleman from Illinois [Mr. MADDEN] strongly opposed the recommendation of the President, and his position was not surprising to me, because I know that the gentleman from Illinois has always stood for economy and the best interests of the people in conserving the Public Treasury. [Applause.]

Mr. McSWAIN. Will the gentleman yield?

Mr. BYRNS. Certainly.

Mr. McSWAIN. I want to call attention to the fact that in many States there are biennial sessions and this suggestion might look to them as if it meant biennial sessions, but it should be called to their attention that the Federal Constitution requires Congress to meet on the first Monday of December of every year. If the Congress did not appropriate, what would it do except to multiply the already multitudinous laws?

Mr. BYRNS. The gentleman is quite right. I am glad he called attention to this fact.

There has been an enormous increase in the cost of government in recent years as compared with the cost before the World War. The total cost of government—National, State, and municipalities of 30,000 and over—in 1925 was $8,655,788,113, an increase of more than $400,000,000 over 1924. If all municipalities were included, I do not doubt but that the present cost of government approaches, if it does not actually amount to, $9,000,000,000. But taking the first figures quoted, which are those of the Bureau of the Census for 1925, government

is costing more than $75 per annum for every man, woman, and child, or $375 per annum for every average family of five. Statistics show that the national income is now approximately $70,000,000,000. Out of every $100 an American earns, over $12 must be paid to some government official—and this is prior to every other obligation, even the support of family. There can be no question but that this is a great burden upon business and the individual consumer, for high cost of government increases the cost of living.

Statistics show that there are approximately 640,000 persons on the Federal pay roll, exclusive of the Army, Navy, marines, and Coast Guard, which together have an authorized strength under appropriations for that purpose of over 258,000. The military and naval list of officers and men who have been retired amounts to 14,167.

The statistics further show that there are more than 1,000,000 employees of the various States and municipalities. To these figures must be added the multiplied thousands of laborers and other persons employed in the building of roads and streets and other public-work activities. A short time ago the National Industrial Conference Board estimated that there were 3,400,000 people employed on some government pay roll and that the pay roll amounted to $3,800,000,000. The number is much larger at this time, for, as I have pointed out, the cost of government is annually increasing. There are approximately 42,000,000 people in the United States who are engaged in some gainful occupation. These figures indicate that every 11 workers in the United States are supporting one person on the government pay roll. The percentage is even greater than that.

And the number of employees is constantly increasing due to increased appropriations and the passage of new laws in the Nation and the States. It is said that there are now more than 2,000,000 laws on the National, State, and municipal statute books. These new laws in many instances provide for new boards and commissions or other governmental agencies with regulatory powers. These new agencies proceed to make regulations having all the force of law for the purpose of curing some real or fancied public or even private ill. This increases the number of employees and the cost of government and adds to the perplexities of the citizen who, on account of the paternalistic trend of government, finds himself in a maze of doubt as to just how to lawfully conduct himself in business and even in his more personal affairs. All this is tending toward building up a great bureaucracy contrary to all the fundamental principles of a republican form of government.

Some of this increased cost can be properly attributed to the increased activity in the building of good roads which are so necessary to the prosperity of the country. This activity will not and should not cease until the road program is completed. But I dare say that the States, in most instances at least, have reached a point where they are expending all that can be economically spent for this purpose in any one year. It is, therefore, unlikely that increased appropriations will be needed for this purpose. So this can afford no excuse for the continued and rapid rise of governmental expenditures. Nor does the fact that everything was higher after the war offer a satisfactory explanation. We reached the peak of high prices several years ago.

In so far as the Federal Government is concerned, there is no present prospect of a material reduction in expenditures for it is just entering on an ambitious five-year program for military and naval aviation and public buildings aggregating $335,000,000. This very fact makes it all the more important that the executive and legislative branches of government should cut out every expenditure which is not absolutely essential. Congress should be slow in the future to pass laws creating new agencies and activities and adding to the cost of government unless satisfied that the general welfare requires it.

I think Congress is subject to criticism for the creation of so many commissions, boards, and independent establishments in the past. Many of them have done little more than provide a lot of good jobs for somebody at the public expense. Aside from numerous boards and commissions—some of them temporary, but most of them more or less permanent—there are 34 independent establishments responsible to no one and with an army of employees. Some of them ought to be abolished and their duties, perhaps, consolidated with other existing agencies. Many of them could be put under some one of the 10 executive departments, thus cutting out the necessity of so many employees and the heavy overhead in high salaried supervisory officials, many of them purely political. All of them should be made more responsive to the demands of economy.

This is not a partisan question, Mr. Chairman. The reduction of public expenditures with the consequent lowering of taxes should not be considered from the standpoint of politics. It is a matter in which every individual is interested, and even though this is the short session of Congress, the people should be given such permanent relief from their tax burdens as the condition of the Treasury will justify. [Applause on Democratic side.] The large surplus which it is estimated will be on hand at the close of the present fiscal year abundantly justifies the contention of those who sought a greater reduction in the revenue law which was enacted at the last session. According to the estimates of the President submitted in his Budget message, the surplus at the close of this fiscal year will be $383,000,000, but there are those who with equal confidence state that the surplus will more nearly approximate $500,000,000, basing their estimates upon the report of the Secretary of the Treasury as to the increase in collections during the first part of the present year. I call attention to the fact that this surplus is in addition to a little over $210,000,000, the usual amount that remains in the Treasury at the end of every fiscal year for proper conduct of the Government.

There are those who insist that this entire sum should be added to the sinking fund and the collections from foreign loans and applied to the retirement of the public debt. I think the more sound and certainly the fair view to take is that the people of this day and generation, who for the benefit of this and succeeding generations have suffered the hardships and carried the burden of heavy war taxes for so many years, should neither be expected nor required to pay off the entire public debt, but that some of it should very properly be left to the next generation.

The sinking fund is cumulative, and this with the collections from foreign loans will very soon probably amount to one-half of a billion dollars, and this will be a very substantial payment each year. It seems to me that the people should not be required to continue to pay heavy war-time taxes to provide a large surplus in addition. This was evidently the view of the Congress which provided for the original issuance of public bonds, for otherwise it would have created a larger sinking fund.

As I understand it, this is the view of the President, for he recently declared that he was in favor of collecting the tax and then refunding a certain per cent to those who paid it. That proposal was not only not economical but it was unsound from the standpoint of proper administration. It would cost $250,000 to issue the refund checks, and the proposition was so indefensible that few, if any, of the leaders in his own party indorsed it. It might be good politics from the standpoint of the administration, and possibly this view may have been at least persuasive. I recall that when the 1924 refund was ordered by Congress the deficiency bill which carried the funds for that purpose failed on account of a Senate filibuster at the close of the session. This ordinarily would have carried the refunding over until the December, 1924, session, when Congress would reassemble and provide the necessary funds. But so anxious was the administration to get these refunds in the hands of over 2,000,000 taxpayers just before the election in November that funds set apart by Congress for an entirely different purpose were diverted and utilized and checks sent out in October, and in some close congressional districts the refund checks were sent out accompanied by a nice little letter from the collector of the district stating that the check was being sent by "order of the President," all, of course, at the expense of the people. Those taxpayers who had actually paid into the Treasury more taxes than required under the law and who had had their claims for overpayment, in some cases as far back as 1917 and 1918, and who had succeeded in securing a favorable ruling were required to wait for their money, while this little play in politics was made. These claimants, who as I say had established their claims after long delay in a sum aggregating, as I recall, over $17,000,000 were told that they would have to wait until Congress met in December and made an appropriation. But they were never told that the money which would otherwise have been on hand to pay them had been applied to a wholly different purpose with the object of getting Republican votes.

The Secretary of the Treasury and other Republican leaders would reduce next year's taxes by allowing a credit when the tax is paid, leaving business and industry in an uncertain state as to what reduction will be made for the following year. The President in his annual message of yesterday has finally recommended this plan. This would not be a very stable and wholesome situation for business, to say the least.

The Republican leaders seem to be a unit in the idea there should be no permanent tax reduction considered until the first session of the next Congress. And we may be sure that in arriving at this conclusion they did not overlook the fact that this will be just before the presidential election in 1928. I protest against this continued effort to make the taxing power the football of politics. [Applause on the Democratic side.]

It is perfectly clear that both of these propositions would only benefit the wealthy individual and the giant corporations. The refund or credit of 10 or 12 per cent would be of no practical or real benefit to the small taxpayer and absolutely none to the consumer, who, after all, pays the tax. The tax for this year and to be paid next year has already been assessed against the consumer and collected in the increased price of what the consumer buys, and under this plan it is solemnly proposed to let the big taxpayer retain this sum which has been collected under the guise of taxes rather than turn it over to the Government.

The Republican Party is running true to form. To my mind there could be no clearer evidence of the fact that the party in power is interested in the large taxpayer rather than the millions of small taxpayers, the great body of consumers who are paying the tax.

Why should the people be required to wait a whole year before being given permanent relief by way of tax reduction? If relief is to be given, why not give it now? The last revenue law reduced the income tax but increased the corporation income tax, which results in a particular hardship and discrimination against the small corporations and their thousands of small stockholders.

The tobacco grower is suffering as keenly as any other farmer on account of the depression in agriculture. There is a tax of 18 cents per pound on tobacco in the leaf, which, while paid by the manufacturer, inevitably kicks back on the producer. Why should not both of these taxes be reduced now instead of waiting a year to do it? Why not repeal all or a part of the war nuisance taxes, leaving in the Treasury at the close of the fiscal year only a sufficient amount as surplus to satisfy any possible contingencies that may arise, like that of farm relief, the most important and pressing problem with which Congress must deal?

Such action would afford real and permanent relief to all the people rather than a few. It would relieve business from any doubt and uncertainty as to the burden it must carry.

It is ridiculous to say that it can not be done at this session. One of the many advantages of the income tax is that it is an elastic and flexible form of taxation. Its rates can be easily and quickly raised or lowered, as the necessities of the Treasury may require. No long hearings are required, nor is there the slightest reason for a long and tedious debate. If the President and the Republican majority in Congress wish to do so they can give this relief by joint resolution. If they do not intend to play politics with this question, which is of such vital importance to the American people—if they stand for the relief of the small-tax payer and the masses of the people as well as for the wealthy individual and the swollen incomes—they will make permanent reductions at this session rather than a refund or credit as is proposed. On whose side do they stand? The history of this session will show. [Applause on the Democratic side.]

Mr. MADDEN. Mr. Chairman, I yield two minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman and gentlemen, I rise for the purpose of asking unanimous consent to extend my remarks in the RECORD. It is upon the subject of primary election laws. I have some statistics that are of interest which I know will be appreciated by most of the Members present.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. CONNALLY of Texas. Mr. Chairman, reserving the right to object, is it upon the primary election or upon the primary election law?

Mr. FREAR. It is upon the primary election law. It is a comparison between the primary election and the convention system.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. Mr. Chairman, speaking in Chicago on Armistice Day General Pershing, commander of our Armies, warned this country against what? War or foreign invasion, no; but against corruption through slush funds. He said:

> If the time ever comes when public offices can be virtually bought and sold, then the downfall of the Republic is not far off.

When Pershing, at Chicago, and on armistice day, points out what to him is an outstanding danger to the Republic it is time for the Republic to be aroused to that danger.

During the year 1925, I am informed, attempts to repeal or emasculate primary election laws occurred in 19 States that had such laws.

In 1927 a vigorous effort is threatened looking to the repeal of primary laws in many States. Threats from political conventions, from men who manage such conventions, from State legislatures, and other sources are to that effect. The effort does not offer any claimed service to the public through convention nominations beyond promised increase in party control and party regularity under the direction of self-appointed party leaders.

An argument heretofore offered by such opponents of the primary has been that primaries are not representative of the people because poorly attended, and recently an additional argument is found in disclosures of extravagant, scandalous expenditures by various agencies in behalf of candidates before the 1926 primaries. Without seeking to prejudge issues or men, or to criticize candidates who may have been beneficiaries from such expenditures, I desire briefly to discuss specific cases where such expenditures have occurred in order to emphasize that the fault lies not with the primary law but is caused by absence of any effective corrupt practices law. In any event, I submit that publicity in primary scandals is no worse than secrecy in notorious caucus convention scandals.

Everyone who loves this great Republic of ours welcomes the words of warning from Pershing, and every American citizen, whether an alleged 99 per center or a self-satisfied 101 per center, hopes for the success of America's adventure in the field of representative government. Monarchies have come and gone since our country pointed the way of constitutional procedure in 1789, until after less than a century and a half in the world's history only a small handful of such governments remain, and the average ruler's power is often less, proportionately, than the President exercises in our own Government. Mussolini, Pilsudsky, and a few imitators occupy the center of the dictator stage to-day, with a few would-be dictators in our own Government, who have been so accustomed to unquestioned control in the business field that they reach out with the same confidence to control the political affairs of this country.

DICTATORSHIPS AND DEMOCRACIES

In Germany, France, England, Austria, and in the lands of the czars royalty's hold has been badly bent or broken. I will not intrude further on this hackneyed subject than to refer to the fact that an opposite trend is found when powerful interests constantly seek to control our own Government for the glory and profit of selfish and special privileges. The primary is an instrument of democracy with which to combat that control whenever and wherever it conflicts with the public interest.

These matters offer a wide field for study to students of government, but I shall confine my observations to one subject—a retention by the people through the primary of a small portion of the power they possessed when the Constitution was adopted.

President Coolidge said in a timely statement shortly before the 1926 general election:

> Let no voters abdicate their sovereign right of self-government at the election on Tuesday, November 2, 1926, by failing to vote. (Calvin Coolidge.)

In like manner, the Chief Executive might have urged the American public to guard their primaries by a full vote, to the end that proper candidates should be placed on the primary ballot for their selection at the ensuing election, rather than have candidates chosen by a handful of voters who as delegates formerly controlled nominations under the convention system.

The following data, I believe, is substantially correct as to the total number of votes cast for United States Senator in several representative States where real contests occurred in the 1926 primaries and in the general election. Where 1926 election data is not available, the last off year (1922) returns have been used and so noted.

Total United States Senator vote in States named, 1926

	Primary	Election
Illinois	1,443,163	1,617,216
Pennsylvania	1,598,717	1,616,739
Arkansas	[1] 220,816	[2] 127,943
California	1,031,900	[2] 907,900
Florida	102,903	[2] 51,946
Georgia	190,903	47,366
Indiana	661,729	1,044,817
Iowa	479,805	571,278
Louisiana	164,603	54,180
South Dakota	168,538	177,207
Texas	[1] 783,299	[2] 410,493
Wisconsin	484,714	545,768
Total vote in 12 States	7,331,090	7,172,943

[1] Vote for governor only.
[2] The 1922 previous off year general election returns. 1926 not received.

No conclusions are sought from the closeness of the primary and general election totals in these 12 States beyond the fact that it demonstrates in real primary contests the people do participate.

In the primary contests it will be noted the total nominating vote frequently was nearly equal to that cast in the final election and sometimes larger. Senatorial-contest figures are selected where available, because they afford better opportunity for comparison where such candidates were selected in the 1926 election. It must also be remembered that the Senator from Arkansas, Iowa, Wisconsin, or Pennsylvania rarely legislates separately for his own State, but for all the States, and to that extent he represents every State and all the people are affected by the primaries and elections in every State.

IN MASSACHUSETTS AND NEW YORK

Massachusetts with its senatorial primary vote of 320,919 is not included in the table, because neither the Republican nor Democratic candidate had any serious opposition or contest in the primary, but it is noteworthy that in a State which gave over 400,000 plurality to the Massachusetts Republican candidate for President in 1924 that a senatorial candidate to succeed himself was rejected in 1926 by the same constituency. Though indorsed by the President, the nominee at the election was not supported by many of his political associates. The election laws permit that amount of free expression by the voter. I am discussing results and not the reason therefor.

Convention nominations frequently do not control the party vote in the ensuing election, for in New York State this year a Republican senatorial convention nominee was rejected by the Empire State, that in 1920 gave 1,086,755 plurality to President Harding and in 1924 gave 869,262 plurality to President Coolidge. In 1926 the Republican Senator from New York was defeated for reelection by his opponent, and a State overwhelmingly Republican on presidential candidates now returns two Democratic Senators instead of two Republican senatorial convention nominees to represent a great State in the highest legislative body in the world. Convention nominations apparently did not invite the support of New York electors, as evidenced by this anomaly in politics. Local issues undoubtedly influenced both results, but local issues when they affect the availability of candidates are frequently brought about by efforts of political agencies that chose the candidate to be voted for, whether selected at a convention or at a primary.

New York by a primary amendment retains its caucus-convention system for state-wide nominations wherein a few "delegates" in both parties relieve the people of the Empire State from selecting their own candidates for the Senate. This, however, has resulted in two Democratic Senators from the Republican Empire State and carries its own lesson to those who demand the convention system of nominations.

OVER 20 PERSONS VOTE IN THE PEOPLE'S PRIMARIES TO EVERY 1 WHO VOTED IN THE OLD-TIME CAUCUSES

Based on the table of States above submitted, the vote cast at the primary compared with participants under the old boss-controlled caucuses and conventions furnishes a proportion of probably more than 20 electors in the primary compared to every 1 who participated in the antiquated caucus-convention system. The primaries succeeded a system where trading of delegates, swapping among candidates, free transportation, slush funds, jamborees for inspiration, and other influences were often present to insure selection of "safe" candidates and where the political dictating machine behind closed doors drafted resolutions and then pulled strings that set the wheels in motion, including canned enthusiasm developed on such occasions.

In 1903, after experience in several State and county conventions, one of the first effective state-wide primary bills enacted among the States I helped prepare, and also helped secure its passage as a member of my State legislature at the same session. No Northern State had attempted to enact any compulsory state-wide primary law, to my knowledge, before that time. Since that year a large majority of the States have adopted and retain some effective form of direct primary for nomination of candidates, at which primary, men and women electors pick their own candidates instead of delegating that power to political bosses through caucuses and conventions as in former years. Any law depending on human administration will be found imperfect to meet every emergency, but the primary law is designed for the people, while the convention was long demonstrated to be subject to political-boss control.

CONSTANT EFFORTS TO REPEAL PRIMARY

Strenuous attempts have been made by political bosses or leaders to get back their mantle of political and economic authority so that in 1925 strong efforts, designed to weaken or destroy the right of direct nominations, occurred in 19 States. Attempts to weaken or destroy were approved by men high in authority and I quote from one whose name is familiar and whose views are summed up in an introductory sentence of his article appearing in the October number of the Congressional Digest wherein he says:

> Personally, I believe the primary system should be largely abolished. * * *
>
> After making some examination into statistics gathered from different localities, I should say that in the primary contests preceding elections in nonpresidential years * * * North, South, East, and West, an estimate of 25 per cent of the qualified vote is cast is excessive.

So says the second highest Government official.

This estimate of 25 per cent "in nonpresidential years" coming from a distinguished economist, and a high Government official, even if measurably true, would be 80 per cent more than the small handful of men who ran the caucuses and conventions under the old boss system. But his statement is not approximately correct, based on the primary figures quoted in 1926, an off year. Nor can any primary vote be compared with the total potential vote, because rarely does the vote at general elections greatly exceed 50 per cent of the potential vote.

When studying election statistics remember that the nineteenth amendment to the Constitution, granting equal suffrage, was ratified August 26, 1920, and that 50 per cent of the present voting population thereby added to the totals of August, 1920, have had only six years or less prior to the 1926 primaries and elections in which to familiarize themselves with issues, candidates, and election procedure.

Although it is cynically alleged that a few new electors would exchange their franchise privileges for a powder puff it is a fact that the progress in understanding made by the women of the country of public measures and of men and also their participation in primaries and elections puts to shame men who for over a century and a quarter have held that boasted privilege.

THE CAUSE FOR LIGHT VOTING

Fish, loaf, golf, and guff comprehend excuses from many nonvoters who yet are first to complain of election results, while sickness, storms, absence, no contests, disfranchisement, disgust with slush-fund politics, and dishonest election returns are also responsible for the size of the vote criticized North, South, East, and West. Without any national issues, it is remarkable that the 1926 primary vote was about 90 per cent or more on the average of the general election vote, and that in an offyear, both votes were so large in the States named.

A return to the old convention is wanted, according to Vice President Dawes, who speaks from out his Illinois experience in favor of the caucus and convention system.

The modern senatorial reformer, of ability and personally likable qualities, having failed to destroy the ancient custom of parliamentary consideration by the Senate, has lowered his lance to compel a repeal of the direct primary in States that have adopted the law, and to this end he now speaks loud and often, a privilege to which without doubt he is clearly entitled but one in which his judgment may be warped by surroundings.

GOVERNMENT BY THE PEOPLE OR BOSSES, THE ISSUE

Is the primary system an improvement over the caucus convention system? That should be the test before seeking flaws in and the repeal of a system that has given to the people many good laws. The right of franchise can not be taken away from the American people, because it is vested in them by the Constitution, while the Australian ballot adopted in comparatively recent years, by its protection to the voter to vote secretly, has given a powerful political weapon to every citizen. Formerly the old vest-pocket ballot was handed out by bosses, who demanded a party vote from top to bottom on those candidates whom they had placed on the ballot through the convention system.

If powerful interests again can secure candidates friendly to their purposes from both leading political parties through a return to the convention system, then the voter again will have no choice, because candidates on both tickets will be selected in advance by the same influences that were all powerful in the past. Illinois presented such an attempt in the recent primary.

The great State of Illinois has been a political battle ground for many years. Many primary laws have been before the Illinois Legislature for enactment, and it is notable that after earnest efforts to give the Illinois voter a right to express his preference of nominees through a state-wide primary the State legislature and the people find the law last enacted again declared invalid by an Illinois State circuit judge. The case now goes to the Illinois Supreme Court that has already nullified three primary laws enacted by the

Illinois Legislature. Incidentally, the effect of such a decision by the Illinois Supreme Court will invalidate 151 indictments, or is it over 200 indictments, already found against election officials, that have been returned by an Illinois grand jury. That is a shining example of "judge-made laws."

No criticism against such court decisions or wholesale slush-fund corruption comes from the people's primary's distinguished opponent over this situation, yet corrupt control of elections was responsible for the revolution in sentiment which brought forth the direct primary, and the primary seeks to prevent a return of such corruption.

I repeat what another general recently said from a Chicago platform:

> If the time ever comes when public offices can be virtually bought and sold, then the downfall of the Republic is not far off.

General Pershing's patriotic utterance will appeal to the average citizen whom General Dawes would bar from a direct-primary voice in the nomination of candidates.

UNLIMITED EXPENDITURES PERMITTED AT ILLINOIS PRIMARIES

In the Illinois primary of 1926 a million dollars or more was reported to have been spent in the campaign for senatorial candidates. The Senate investigating committee testimony disclosed that one man at the head of public utilities in that State gave $125,000 or more to secure the nomination of one of the candidates.

In order to have an anchor to windward, the testimony also shows, Mr. Insull gave generously to the campaign of the Democratic candidate for the Senate. Under an old and familiar rule once advocated by Jay Gould this is the only safe practice to pursue in conventions to insure a friend in court whichever side wins. Its advent in the primary is an effort to return to old-time convention methods.

A Quixote argument is offered that the heavy expense of $1,000,000 in Illinois was occasioned by the state-wide primary. In other words, banks should be wiped out because they permit holdup temptations.

That argument might be of force when Mr. Lorimer's election to the United States Senate by an Illinois Legislature is remembered, but the vote to unseat Lorimer in the Senate of 55 to 28 indicated that reputed purchased titles were not measured by local practices or amount when brought to a vote in the Senate but by their purpose and character.

If a Michigan Senator could be indicted and convicted in a Federal district court for an expenditure of less than $200,000 in his behalf, although subsequently overruled by a split Supreme Court decision, what of a million dollar senatorial primary? No such criticism affecting election contests by Representatives of the House from Illinois, or any other State, has recently occurred. Senatorial candidates seem to enjoy this particular distinction, and it is not due to any primary law.

THE NEWBERRY SUPREME COURT DECISION ON PRIMARY EXPENDITURES

The Michigan law prohibits campaign expenditures by candidates of more than 25 per cent of one year's salary. True, four of the Supreme Court judges were of the opinion that Congress could control the primaries, but four held it could not, even as a majority of the same court once supported the Dred Scott decision, and a five to four decision invalidated the income tax law; also the tax on stock dividends and a decision in November, 1926, wiping out powers given the Federal Trade Commission, together with other important divided court decisions. It must be said, however, to the credit of the highest court that it did not directly attempt to repeal section 5 of article 1, wherein each House is the judge of the election returns and qualifications of its own Members, although the divided court's limitation does affect the power of Congress to determine the qualification of its own membership through the conduct of the primary.

Of equal importance, any study of political powers decided by the court should cover the recent decision announced by the highest court through an ex-Chief Executive, a member of the court, which decision in effect places over 15,000 Government employees of one class scattered through every State in the Union under the political control of any administration then in power, a decision called "revolutionary" by dissenting members of that same court. Supplemented by the control of one-fourth of the convention delegates from 11 Southern States conceded to the administration then in power, it should make safe the control of national convention nominations without reference to issues or respective merits of candidates. To this also add the impotence of Congress to legislate on expenditures for nominations as promulgated by the high court in the Newberry decision. That is unrivaled centralization of political power under the convention system, if any organization sees fit to exercise the power available to either party when in control.

Referring to such political power, it will be remembered that a group from the national convention of 1924 asked Mr. DAWES to be Vice President after the invitation had been tendered to Senator BORAH, Governor Lowden, of Illinois, and others, according to the press. Only a convention system could grant such power over the high offices there to be named. Equally significant is the fact that the only protection the people of Illinois, Pennsylvania, and other no-limit States have against slush funds is found in the emasculated power of Congress to pass upon the qualifications of its own membership.

GENEROUS GIVING TO OPPOSITION CANDIDATES

Returning to the subject of primary expenditures, Illinois has no law limiting expenditures, so if a public-utility magnate wished to give even a million dollars to the Republican candidate and a like amount to his Democratic opponent in the same primary, it would be no one's business—in Illinois—nor would its court be called upon to act in the matter. If no law to punish crime was in force in that State, then gangsters would fear no law. Absence of law as to campaign funds is found in a great State that produced Lincoln, Douglas, Grant, and many other noted Americans and whose people unquestionably are as law abiding as other people. Protection against corrupt expenditures can be had only by law and its enforcement. That is the remedy in Illinois and in every State.

Once upon a time a man originally from the backwoods of Illinois was called upon by his countrymen to dedicate a great field then recently drenched with human blood. Contrary to his prediction there made as to the futility of words, the world will long remember the words he spoke, for none are more familiar or treasured by every American than the great President's peroration:

> That this Nation under God shall have a new birth of freedom, and that Government of the people, by the people, and for the people shall not perish from the earth.

Lincoln trusted the people. If here to-day, would he return to the caucus-convention system and the vest-pocket ballot of former years, or would he trust the people under the open primary and Australian ballot? Which Illinoisan is right?

The primary law should remove temptation to win through slush funds by placing a limitation on expenditures of candidates in the primary and election the same as a majority of other States have done, together with disqualification from office when accompanied by knowledge of violation of the law.

The people of Illinois are certainly as able to select their own candidates for the Senate by a primary and their own Senators at the election as any State legislative body, however high, or any convention possibly controlled by public-utility influences. And if they are competent to elect the nominees, why are they not competent to select the nominee?

NO SLUSH FUND LAW IN EITHER ILLINOIS OR PENNSYLVANIA

It is significant that while Pennsylvania held a campaign of expenditures greater in amount than Illinois in 1926, Pennsylvania likewise has no law limiting such expenditures. Go the limit is there permitted, and so a distinguished Cabinet officer and Chairman Grundy, a representative of high-tariff interests and other generous State contributors, were called on to swell a $3,000,000 fund, in round numbers, that was found to have been expended in the 1926 Pennsylvania primary.

The Senate committee, according to press reports, also found that 49,000 workers in the Pittsburgh district were paid $490,000, or $10 "per worker," and the Secretary aforesaid was quoted in the press as having said that contributions of over $100,000 were like giving money to the church. So, too, may have been the impulse which moved Chairman Grundy to collect and pay over $300,000 for the same purpose in the same campaign.

Instead of expressing some regret over the alleged receipt by 49,000 workers in Pittsburgh of $490,000, a distinguished Senator living in that city says in the Congressional Digest of October:

> Necessarily in all propriety the expenditure of vast sums were required because of the silly mechanism of primary elections. We have to get back to the convention system.

A comprehensive answer to Senator REED of Pennsylvania by Governor Pinchot, of Pennsylvania, appears in the same magazine, wherein the governor says:

> No one * * * can deny that the expenditure of $1,500,000 by one side in one primary in the State is an abomination and a disgrace. * * * The remedy is to regulate primary expenses.

Quoting again from a patriotic soldier, if not a distinguished statesman, Pershing says:

> If the time ever comes when public offices can be virtually bought and sold, then the downfall of the Republic is not far off.

Governor Pinchot says the remedy is to regulate primary expenses.

Of course, that is the remedy, and any attempt to defend unlimited expenditures defends a divine right in the boss, who rules or ruins under either the convention system or the primary. It defends the power of money to control in a democracy where all men have equal rights in government. The power to buy men or officials is the power to destroy the Republic. Nothing can be added to Pershing's warning.

CANDIDATES SELECTED BY THE PEOPLE OR BY POLITICAL BOSSES

Under the primary system the candidate is the people's candidate. Under the convention system he can act as he sees fit, serve special interests as effectively as any hired attorney or paid lobbyist, engage in any improper proceeding not involving express violation of law, and all the opposition of his constituents is of no avail, for the boss rules the convention and not infrequently rules both conventions irrespective of law. The primary permits the people to pass upon the candidate's record. No corruption fund of $3,000,000 for a $10,000 office can be defended.

What could escape the all-powerful persuasive influence of a $3,000,000 expenditure by political bosses in a State convention of 1,000 members. That sum was badly scattered around the State in the recent Pennsylvania primary and failed to nominate the chief beneficiary, but it would have held a majority of any State conventions' workers intact, if the effect was like that sought with 49,000 Pittsburgh political "workers" in the primary of 1926 by an expenditure of only $490,000.

Some two centuries ago William Penn, the founder of Pennsylvania, wrote for the Colonies:

> There we lay a foundation for after ages to understand their liberty as men and Christians, that they may not be brought in bondage by their own consent for we put the power in the people.

In "after ages" a Senator says the power now lodged in the people should be placed again in a political convention. Which Pennsylvanian is right?

Nobody believes that the people of two of our greatest commonwealths are different from the rest of the people. Caustic though impotent criticisms from the local press of these States are the worst indictments thus far drawn against their political bosses and use of political slush funds, but the people, of course, are as patriotic and honest as those of other States. The fault lies in the absence of State prohibitive laws whereby to control the old-time boss methods.

The weakness disclosed by the primary in Illinois comes, in part, from a court which prevents remedial legislation by continually holding legislative acts unconstitutional, and in both States the old convention slush-fund methods are continued without legal prohibition. Disqualification for office would prevent slush-fund scandals in both States if laws to that effect were enforced.

WILL THE BOSS SELECT BETTER MEN FOR OFFICE

A claim that better men are had by the convention method than by the primary is sometimes made. That assertion is unsupported by evidence. When men have to state their positions without equivocation before their constituents, when bribery or corruption are to be summarily dealt with, when dishonest or incompetent servants are to be exposed, then the primary gives to the voter, man or woman, a direct power to oust unfaithful or unworthy officers. Honesty is sometimes as important in candidates as any other qualification, and while honesty and ability are recognized in convention nominees no man with any knowledge of the subject will claim that the convention system conduces to superior honesty or necessarily to any superior ability.

Even in the Maine United States senatorial contest this year it was charged that Chief Justice McKeown, of Canada, in a proceeding once before him made an official report that $100,000 had been paid by a candidate to Canadian officers in a Canadian political campaign for a public-utility license. The payment was not denied, according to an Associated Press dispatch, but alleged to have been paid by New York parties. Illegal expenditures were also an issue in the Maine senatorial election. Both the Democratic and Republican conventions in Maine recently passed resolutions asking that the primary law in that State be repealed. If both resolutions were inspired by the same political and financial interests that caused Mr. Insull to give to both opposing candidates, then Illinois public utilities have no patent on slush-fund politics that now reach even beyond our borders to Canada. The facts in the Maine case are now being probed and charges await verification.

Without determining its application what can be more sound than Governor Brewster's statement in the Maine campaign:

> If the test of one's Republicanism has become one's ability silently to acquiesce in a nomination so largely influenced by the unlawful expenditure of money and to join the candidate in becoming what is in substance an accessory after the fact to the wholesale commission of crime, it would seem time that the Republicans should reexamine the lives of Abraham Lincoln and Theodore Roosevelt and get back upon their course. He continues: The moral issue of illegal primary expenditures seems to have become the issue in this present campaign. It seems necessary to determine whether the people of Maine have developed a moral conscience as blunted as that of Pennsylvania and Illinois, or whether they are still mindful of the traditions and heritage of idealism and moral courage that have made the Republican Party great.

By a coincidence this message was given to Maine and the country on Thanksgiving Day, 1926, nor does any decision of electors influenced by other issues affect the soundness of the doctrine above set forth.

Large business influences frequently quote Mussolini methods approvingly and profess to believe that representative government was intended to represent those who believe in dictatorship, political and financial, and not the people. Protection for the people in the maintenance of free representative government for themselves must come through a jealous control of a real effective primary law and of the Australian secret ballot to protect the election. Drastic laws to punish election officials guilty of fraud, and equally drastic laws limiting campaign expenditures are needed. Such laws will be of little value without strict enforcement through disqualification from office of candidates possessed of knowledge of the law's violation and also imposition of real penalties for both the bribe taker and the bribe giver. In such an issue the people of any State will stand by law enforcement and those who earnestly advocate it.

It is doubtful whether or not constitutional amendments providing for direct election of United States Senators, the income-tax amendment, and voting rights for women could have been secured under the antiquated corrupt caucus convention system, while hundreds of laws that owe their existence to fearless expression of the voter's wish have been made possible through primary nominations in State and national matters. This right should not be relinquished by any State.

WHEN THE PEOPLE'S INTERESTS ARE AFFECTED BY NOMINATIONS

The influence of special privilege, once all powerful in national affairs, was maintained primarily by its control of the caucus-convention system, and its nominees were held accountable to the political powers that named them. The primary permits more independent action by all officials, including Congress, because of direct responsibility to the people, who now choose their own candidates.

Never in recent legislative history have so many nation-wide measures been defeated or been passed by Congress in the face of influential demands to the contrary. Resisting the tremendous pressure of powerful interests, this independence, grounded on justice to those represented, enabled at times the responsible party membership in the House to act independently for what was believed to be the best interests of the people.

For example, Executive urging through poor advisers for the passage of a grossly unjust tax bill; an equally indefensible dye embargo; a retroactive excess-profits tax repeal involving nearly one-half billion dollars in refunds to favored interests; an iniquitous sales tax, to be levied on the necessities of life, involving a billion dollars tax burden placed on those least able to pay; and a ship subsidy for favored interests all bills that were defeated. Threats and fulfillment of threats from equally high authority to veto various soldiers' compensation bills, agricultural relief bills, and other measures did not control congressional action. Party regularity is often tested by willingness to obey the orders of some officer unknown to the Constitution who is the President's adviser or other officials equally unauthorized rather than by any principle of government. That power is made more secure by the antiquated system of political conventions, but is broken or badly bent by the people's open primary, wherein the people name their own candidates to represent their interests.

OPINIONS FROM DIFFERENT OFFICIALS ON THE PEOPLE'S PRIMARY VERSUS CORRUPT CAUCUS CONVENTIONS

The Congressional Digest in its October number has collated laws and opinions on the primary, pro and con, from men whose present or past experience in public service entitles them to consideration. With these articles is also included one in which were voiced my views before recent slush-fund scandals were exposed by Senate committees. All of these articles taken from various sources each in its own way expresses the views and reasoning of men who have been interested in progressive

legislation, State and national. Those who would make a more complete study of the subject of direct primaries will also find many articles and speeches on the primary by Senator La Follette when Governor of Wisconsin.

He was a pioneer in primary legislation, and in his announced desire to bring government back to the people, he put forth unanswerable arguments against the boss-ruled convention system. That the direct primary is open to needed amendments in different States is beyond question, but responsibility for such amendments rests with the State and not with the system. Like the American Constitution that uprooted and destroyed the theory of any divine right of kings, dictators, czars, or other political potentates, the direct primary seeks to place actual government under the control of the people who form that government. Amendments to meet changing conditions will always be necessary in both cases. Neither should be destroyed because of imperfections, for both protect the people affording a direct influence over their own affairs.

Herewith are offered opinions of Senators, governors, and others collected and printed by the October Congressional Digest Magazine:

DIRECT PRIMARIES VERSUS CONVENTIONS

(Hon. ARTHUR CAPPER, United States Senator, Kansas, Republican)

Something like a clamor for repeal of the direct primary is arising from "old guard" members of both political parties. They don't like the way the people are using their political freedom.

Twenty years is a long time for a people to remember what happened to it two decades ago. Many things have happened in the meantime. As their memories of the brave days of privilege grow dim, the people lose the vivid picture of their political serfdom in the nineties and early nineteen hundreds, and the opponents of the direct primary with its straight-out accountability to the people (instead of to bosses) talk louder against it.

"Them were the days," indeed, the days when crooked caucuses and boss-ridden conventions packed with railway passes for "self and family," and liberally financed by favor-seeking interests, culminated in 10 years of muckraking exposure of widespread political malfeasance without parallel in our history.

It is easy to imagine how convenient the old caucus-packed convention would have been these last few years for tax-shifting purposes. One of its first acts undoubtedly would be to pass "ringing resolutions" in favor of a sales tax on the necessities of life. With that in both party platforms the people could whistle and vote as they pleased. We would soon again be ruled by an invisible government bent on making the public interest secondary wherever it conflicted with a private interest. And this time it might be much more difficult to dislodge that invisible ruler, privilege.

So, all things considered, it is not surprising that hostility to the primary system grows somewhat more vociferous. Besides a big noise sufficiently prolonged can be made to sound like popular sentiment to those who like to keep their ideas in style. The power of propaganda was discovered before the World War.

THE PRIMARY MORE IMPORTANT THAN THE ELECTION

If the people are not to have a voice in the nomination of their candidates for office, why should they have a voice in their election? If popular elections are to stand, nominations by primary must stand. Four times in every five the primary is more important than the election. For many States a minority party candidate has no chance whatever. The nominees of the majority party are assured of election. If the primary is eliminated so the voter has no choice in the selection of his party's nominees, he has no voice in the election.

The people should be warned that if men are sent to the legislature whose support of the primary is in doubt, the old system will be revived and history will again repeat itself, with something added for interest. This work is going forward. A number of States have crippled the primary law; several State legislatures have "improved" it to death. In other States political organizations in drummed-up conventions have repudiated the primary.

I would not be understood as entering sweeping condemnation against all persons who oppose the direct primary. It has opponents in high places as well as in the common walks of life, whom I respect but whom I believe to be honestly mistaken. Nor do I say the direct primary system is itself without faults and in need of improvement, also of extensions. Properly guarded, I would make possible the nomination of presidential candidates by direct vote of the people.

But under no consideration would I exchange a system whereby every voter speaks direct for any other by which a few persons have the power to speak for the majority, and will, of course, speak to suit themselves.

We have under the controlled caucus and convention a government of all the people by professional politicians, financed by special interests which they necessarily serve. There must be financing somewhere in the machine system, and the donors of campaign funds, and particularly lobby funds, are necessarily first served.

CHARLES E. HUGHES IS A PRIMARY CHAMPION

Charles E. Hughes, former Governor, Supreme Court Justice, and Secretary of State, was the father of the primary law in New York State. In a speech before the National Municipal League convention at Indianapolis he cited the following advantages of the direct primary:

"First. It places a weapon in the hands of the party voter which they can use with effect in case of need. They are no longer helpless. This fact puts party leaders on their best behavior. It is a safeguard to the astute and unselfish leader who is endeavoring to maintain good standards in line with sound public sentiment. It favors a disposition not to create situations which are likely to challenge a test.

"Second. The fact of this control gives the voter a consciousness of power and responsibility. If things do not go right they know that the trouble lies with them. The importance of this assurance should not be overlooked in any discussion of the apathy of the electorate."

The statement that the primary system leads to a greater illegitimate use of money and more of it, is not supported by the facts. In one presidential campaign one convention candidate spent more than $1,000,000 in a preconvention canvass.

In the 1922 Iowa primary Colonel Brookhart conducted his highly successful campaign for the senatorial nomination at an expense of $453.

Under the old convention system large sums changed hands and privileges costly to the people were bartered away; conventions were packed and nominations bought. In primary contests most of the money is spent for postage and printing, for conveying information about candidates and issues.

Those who oppose the primary system virtually say the American people are not qualified for self-rule. Instead of abolishing the primary it should be extended. I hope to see the day when nominations for President will be by popular primary. When that day comes we shall be getting on toward a really popular Government. The people should have more to say, not less to say, in their Government.

One of the first steps in extending the primary should be the selection of national committeemen by popular vote, that would give the rank and file of the parties a voice. They have none now. The primary system will be improved and extended. But the improving and extending should be done by its staunchest friends. (Congressional Digest Magazine, October.)

(Hon. GEORGE W. NORRIS, United States Senator, Nebraska, Republican, chairman of the Judiciary Committee)

In a free government founded upon the consent of the governed, on the theory that the people are sufficiently intelligent to be given the right of self-government, no man, in my judgment, can successfully deny the right of the people to nominate candidates unless at the same time he is consistent and denies the right of the people to vote at general elections. A primary is nothing but an election. It is just as important as, and nine times out of ten it is more important than, the election which follows. Give to me or to anyone else or to any machine or any body of men the right and power to nominate candidates for office, and they will not turn their finger over to decide as to who shall be chosen at the general election. The history of the country is full of such examples.

Abolish the right of the people to name their candidates, and the effect will be the abolition of the right of people to elect their public officials. The men who want to take away from the people the right to nominate their candidates do it on the theory that the people are not sufficiently intelligent to select their officials. The same argument, with the same weight and the same logic, applies to the general election. So often it turns out that the election is nothing in the world but a choice between two evils. The machinery that has controlled the nominations has indirectly but effectively controlled the election.

A people who are ignorant, who are too unintelligent to nominate their candidates for office, are not entitled to vote at elections, are not entitled to self-government, and ought to be living under a monarchical form of government. If I believed that our people were not sufficiently intelligent to nominate their candidates for office, I would advocate the establishment of a monarchy in America—I would be consistent, at least—and if I were not able to get a monarchy I would surrender my citizenship in the United States of America and go to some country where there is a monarchy if I liked a monarchy better.

From the very beginning of civilization there has been a contest between those who wanted to go forward and those who were pulling back. There has been a continual conflict in the history of every government which has ever been founded between those who wanted the power given to a few chosen people and those who wanted to give it to all the people.

I think it is conceded that a people may be so unintelligent and lacking in education to such an extent that they are not competent to vote in either a general election or in a primary or to participate in the selection of men who shall govern them. To my mind, whenever we attempt in America to take away from the people any of the power they now possess, either in voting at general elections or in

primaries, we are in effect saying that the American people are not sufficiently intelligent to govern themselves.

THE CAUCUS SUPERMAN

According to the belief of the men who are opposed to the primary system, the only way to select the best men is to turn the matter over to a particular few, who, by some inherited right, are assuming to themselves that they know more than anybody else, and they must necessarily be intrusted with the power. They are assuming that they are superior to somebody else.

Our Government is founded upon the principle, as our forefathers said, although it is not quoted much now, that all men are created free and equal; that God has given to men certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; and that to attain these ends governments are established among men, deriving their just powers—note the word "just"—from whom? The bosses? The machine? The few elect who have said, "We are the only men who know how to run a government?" No. Our forefathers did not say that, but "deriving their just powers from the consent of the governed." That means me, that means you, that means the bricklayer, that means the carpenter, that means the farmer between the plow handles, that means the lawyer and the doctor and the dentist and the scientific men, as well as the man who has had only one training, and that is to know how to compute compound interest and not lose anything by the operation.

The history of civilization has been a contest between those who wanted to progress and those who did not want to progress, those who were in the rut and wanted to stay there, between the reactionary and the progressive. That has been the history of the world from the beginning. The abolishment of the primary is a backward step. It is a denial of the people to participate in government. A representative democracy can not permanently stand if the people are denied the right to name their officials, and this right is denied if the law is such that a few self-appointed bosses do the selecting of candidates for office. The right to vote at election is a worthless sop if the electors have no voice in the selection of candidates.

The man who does not want to change the Government and never sees an improvement would like to have lived in the days when they cut grain with a sickle; he would oppose the self-binder; he would oppose the threshing machine; he would beat the grain out with a flail or tramp it out with an ox. He would oppose any change in government. Our forefathers when they founded our Government did not claim it was perfect, but they recognized that those who would follow them could improve on their handiwork, because they did not say in that great Constitution, "This document shall never be amended; this is the supreme law and the last word in government"; but they provided for a method by which their children, their descendants, could change it to meet existing conditions. It is no reflection on them to make or advocate the changes necessary to meet the demands of advancing civilization. We can honor them most by blazing the trees in the advancing path of human progress.

Machine control of politics did not exist in our forefathers' days. Manipulation of conventions was then unknown. We are unworthy sons of noble sires if we do not meet new methods of evil by modern methods of political warfare. (Congressional Digest Magazine, October.)

(Hon. Gifford Pinchot, Republican Governor of Pennsylvania)

Politicians hate the primary, and that is the most natural thing in the world. People usually hate what makes them what they regard as unnecessary trouble, and that is precisely what the primary does to politicians.

The direct primary makes it harder for the politician to bring home the bacon.

It is because they have been hampered by it that politicians all over America have seized eagerly on the scandalous expenditures in the recent Pennsylvania senatorial primary election as a pretext for abolishing the direct primary.

Nobody demands that the automobile be abolished because it kills thousands of people each year. Nobody wants to do away with the water supplies of our cities because a main has burst somewhere and flooded a part of one town. What we should do is not to wipe out the thing that usually serves us well, but to improve the regulations and strengthen the weak places.

CORRUPTION A CONVENTION RULE BUT A PRIMARY EXCEPTION

No one with any sense of public decency can deny that the expenditure of $1,500,000, that sum spent by one side in one primary in one State, is an abomination and a disgrace. But buying nominations under the primary system is the exception. Under the convention system it was perilously close to the rule.

I can not speak with first-hand knowledge of other States, but I do know that in Pennsylvania the very men who are most guilty in the present scandal are those who are foremost in demanding a return to the convention system. The men who debauched the primary in Pennsylvania are the men who now ask that it be abolished because they succeeded in debauching it. That is like a murderer asking that the law against murder be abolished because he has killed a man.

The remedy is not to destroy the most powerful means yet devised for giving the people a chance to run the Government, which, in theory, is their own. The remedy is to regulate primary expenses. I suggest the following as two most necessary and effective steps:

Limit by law in each State, on a basis of the voting strength of each party, the total amount that can be spent for a candidate or a group of candidates, and let that total include every expense of every sort. To limit expenditures and then exclude from that limit the principal items of cost would merely leave us where we now are. The amount set should include everything without exception.

Every candidate should be required to appoint a responsible agent, through whom, and only through whom, every expenditure of every sort from every source should be made. Any expenditure for a political purpose through any other channel should be forbidden on penalty of a jail sentence. This means that no individual, no financial or industrial group, no county, State, or other political committee, no organization of any kind whatsoever, should be allowed to spend a cent except through the financial agent. And, furthermore, violation of the law by the agent of the successful candidate should not only cost the agent his liberty but also cost the candidate his nomination.

With such provisions as these, clean primaries would be the rule and people would have a real chance to name their own candidates. (Congressional Digest Magazine, October.)

(William Kent, former Republican Member of Congress from California)

It is not a question of whether the direct primary is perfect; it is a question of whether it is better than something else. It is not a question of whether its results are satisfactory, but a question as to whether there is under it less selfish domination, less possibility of perversion than under the representative and convention scheme.

Take the direct election of United States Senators, as opposed to the ancient methods of selection by the legislatures. It has not resulted in uniform choice of the most able candidates. It has, however, resulted in putting the responsibility back where it belongs—on all the people. It has made it more difficult for particular special interests to select personal representatives in this great governing body. It has saved the time and effort of the legislatures for the real tasks of the several States.

Democracy will assuredly fall by the wayside unless it be a government coupled up with direct public interest and providing schooling for its exercise. Direct democratic legislation calls for education in citizenship, however adequately it may be furnished or realized. Inherently, and of necessity, the direct primary calls for a shorter ballot, for consolidating government as far as possible, and for every possible limitation on the number of elections. It calls for the outlines of definite policies worthy of public consideration.

FREE AND OPEN TO BOTH CANDIDATES AND PEOPLE

Any community is hopeless when called upon not only to consider issues but also to learn the political game practiced through its infinite complexities under boss rule, by the majority of a majority, of a majority ad infinitum, which final majority may consist of two men. The direct primary gives a free and open chance both to the candidate and to the people. If the candidate can fool the people, at least they have had the benefit of being fooled, and may be less easily fooled next time. It is their fault, and the remedy lies in their succeeding action; whereas under the delegate system all they can do is to mumble and mutter and feel that they have been wronged, with the moral impressed upon them that none of it is worth while, and they might as well refrain from participation.

Without doubt or question, looking toward the means of self-government, there accompanies the direct primary the initiative, the referendum, the recall, giving the people continuing control over those whom they have put in positions of power and trust. By such means there are checks upon the treason of looting of public assets and debauching justice, and a speedy penalty, apart from the interminable delays which the law throws about public offenders.

If the direct primary is unsatisfactory, it is due to the unsatisfactory nature of humanity. If democratic government is a failure, if people when given clean-cut opportunity to protect themselves and to participate in self-government do not exercise it, then we are thrown back into the weary, unending circle of despotism, followed by revolution, with loss, misery, and impoverishment, with attempted rescues by despotism—and over and over again.—(Congressional Digest Magazine, October.)

(Charles E. Merriam, professor of political science, University of Chicago)

The direct primary was established in the United States as a protest against the unrepresentative character of the old-time convention. The abuses of the delegate system had produced widespread dissatisfaction and a general feeling that the conventions were in many cases controlled by or closely allied with greedy and selfish industrial interests, and that the convention system was admirably adapted to management by the "invisible government" of the industrial-political mag-

nates. Numerous instances in which the public will was defied, cases of bribery and corruption of delegates, prolonged deadlocks, bitter factional struggles, bargaining and trading of offices for the support of delegates—all contributed to the general conclusion that the convention was too remote from the general party, and that its results did not fairly represent the judgment of the rank and file of the party. If the primary is to be effectively supervised by the State, whether it is held for the purpose of making direct nominations or of selecting delegates to conventions, the public expense will be about the same in either case. The rental of polling places, payment of election officials, the printing of ballots, the canvass of voters are as expensive in one system as in the other. If all direct primary laws were repealed, and the regulated delegate system retained, the public expense would not be materially reduced.

Furthermore, as practical experience shows, if there is a real contest for nomination, the expense to the candidates who are campaigning will be about as great under the delegate system as under the direct primary system. If there is no contest, there will be no expense, whether the primary is direct or indirect. If there is a contest, the expenditures will not vary greatly under the different systems.

CONVENTION DELEGATES OFTEN BOUGHT AND SOLD

There is much insincerity in the popular discussion of campaign funds, but there is little evidence to indicate and none adequate to demonstrate that the use of wealth in direct primaries is more effective than in the election of delegates and the control of conventions. The real question is not whether the nominal campaign expenditures are larger in one system than the other, but whether plutocratic tendencies control more easily under one system than another. On the whole, the elaborate mechanism of delegates and conventions is more easily managed by special interests than in the primary. It can not be forgotten that the conventions have often been controlled by small groups of men representing wealth and privilege, who have bought and sold delegates like so many cattle, either by direct cash payment or by indirect but material inducements. It is true that voters may be bought and sold in direct primaries, and sometimes are, but they may also be bought and sold in electing delegates; and in addition to that the delegates may be bought and sold.

In many instances the primary vote is unquestionably small, although on the whole far exceeding that under the delegate plan. But to condemn the direct vote because all of the party do not participate in it is like condemning universal suffrage because all who are eligible do not vote. In 1920 some 54 per cent of the adult citizens of the United States did not exercise the suffrage in a contest over the most important elective office in the world—the choice of the President of the United States. Hence 50 per cent of the party vote might be considered a fair proportion of the party electorate. And such a vote, or a larger percentage, is usually polled in an important election. In fact, if we consider that many who vote in the party ticket do not reckon themselves as partisans and will not openly affiliate with any party, the percentage of those voting to the available party vote is materially greater. The frequent failure of the voter to exercise his hard-won franchise is one of the surprises and disappointments of modern democracy upon which all observers have gravely commented, but in view of the newness of the vote and the recent rise of universal and compulsory education it need occasion no surprise. The tendency is for the vote to increase steadily as men and women become accustomed to the common burdens of their common life, assumed with the adoption of self-governing forms of political organization. * * *

WOMAN'S INTEREST IN THE PRIMARY

The direct primary is of special importance to women voters for a very definite reason. In conventions the number of women delegates is very small, perhaps 5 or 10 per cent of the total number. In the primaries, however, the percentage of woman's vote is much higher—perhaps 40 per cent of the total vote. It will be some time before women are as fully represented in legislatures or conventions as are men. For the present their influence may be much more effectively exerted under the direct primary system than under the delegate system. Curiously enough, it is proposed that just as women are given the right to vote, the system under which they might most effectively act shall be changed to one under which their influence will be less powerful. It is not surprising that alert leaders of women are found against the repeal of the direct primary laws in the States.

The significance and value of party leadership must not be ignored, but the lack of it can by no means be attributed to the direct primary system.

When it is said that the direct primary stands in the way of more adequate leadership it is pertinent to ask just what is meant by such leadership and what stands in the way of developing party leadership at the present time either by party rule or custom? My observation is that the prevalence of spoils politics, the lack of State issues, the form of the State government stand in the way of leadership rather than the way in which the nominations are made.

The direct primary can not guarantee the uniform choice of competent men any more than can the elective system itself. It opens an easier avenue of approach, but can not carry us through to the goal. The primary will not automatically overthrow the boss or the machine, but it provides a way of approving or rejecting selections or of introducing new ones. The rank and file of the voters unquestionably act more readily and effectively through the direct nominating system, and the effectiveness of popular control is thereby increased. If the party organization fairly represents party sentiment, it will win whether the nominations are made directly or indirectly; but in case of serious conflict the direct vote seems to give a better opportunity for popular success than the delegate method.

The return to the convention system would not help the political party. On the contrary, it would probably injure the party by causing still further loss of public confidence in its organization and methods. The parties have already suffered heavily in public confidence and can ill afford additional losses. Wise and far-seeing leaders would move forward rather than backward. They would endeavor to attract public interest and support by improvements in methods of transacting party affairs. Men and women are beginning to discover that they can influence governmental action without the agency of parties. The labor unions, the farmers' organizations, the associations of commerce, vocational and professional groups of all kinds, are tending to pass the party by. Party managers might well attempt to secure the sympathy and interest of these voters instead of closing the door of party activity to them and making their effective participation in party counsels still more difficult. (Congressional Digest Magazine, October.)

Mr. Merriam on December 5 defended the primary in a debate at Chicago wherein Robert A. Taft, son of Chief Justice Taft and Speaker of the Ohio Legislature, held the opposite view. A notice of the meeting said:

The question is of vital interest in Illinois because of the exposure of enormous sums spent in the senatorial primary last spring and the fact that some down-State judges have declared the Illinois direct primary law unconstitutional. An amendment to the constitution, if necessary, or a change of judges if unnecessary, and a law limiting campaign expenditures in Illinois are remedies worth discussing in such a debate.

I quote in conclusion the views of another also published in the October Congressional Digest Magazine, with which views, on examination, I find myself in substantial agreement:

(JAMES A. FREAR, United States Representative, Wisconsin, Republican)

A proposition is urged throughout the country to-day to repeal the direct primary election law. In one State recently both conventions, Republican and Democratic, repudiated the primary, and sought to have it repealed in that State, showing that the same force is behind the repeal movement, no matter whether it be in Republican or Democratic conventions. It is acting effectively and without concealment. The power that seeks control is far more important than all the railroad interests that have controlled political conventions and legislative bodies in the past, because this power now owns the railroads and owns the banks. It owns a large part of the press, and owns many magazines that used to do muckraking and exposure of corruption. That power will again be in full control of legislative bodies when we repeal the primary and transfer all political control, which it will easily have through the caucus-convention system. It is a matter of public knowledge under the old caucus and convention system that the same political influences frequently nominated both Democrat and Republican candidates. It is a bipartisan control under the old caucus-convention system, if it can be put in force. I believe in the right of the people to express themselves in voluntary bodies, if they choose, indicating their preferences, but the selection of candidates should not be taken away from the people nor should the direct-primary system of nominations be weakened. In the State of Indiana in 1924, 390,000 votes were cast in a primary election for candidates of one political party. That is twice as many votes as were cast in all the States in the Union in caucuses and conventions under the old caucus-convention method.

Representative government, Federal and State, is regulated by constitutional provisions as to electors and terms of office. No method of securing nominations, however, is provided in the fundamental law, and individuals without party affiliation or candidates of parties are equally eligible to nomination and election, subject to statutory provisions. No sacred right attaches to caucuses or conventions or to the primary system as such, and men of high attainments and unimpeachable honor have been chosen under both systems.

DIRECT PRIMARY AND AUSTRALIAN BALLOT

The present primary method of nominations makes direct accountability to the people more certain, diminishes opportunities for bribery or corruption, secures laws beneficial to the masses of the people, and guarantees representative government by placing both nomination and election ballots in the hands of those to be represented. This was the issue that brought about the Australian secret ballot and the direct primary law.

The power, once gained, should not be relinquished by the people through superficial arguments as to blessings of party solidarity or political exigency from sources however high.

Party principles and party issues do not depend upon nominating or election methods. Principles and issues become real and sharply drawn when the voter speaks direct rather than when he speaks through caucuses or conventions that offer obstacles and blind alleys to frank, open declarations of policy.

The right to assemble through voluntary convention or by any other gathering or organization is not infringed nor limited under the primary law.

Through the medium of the direct primary every organization, whether educational, social, economic, or political, is protected in this right of direct expression, and its combined influence, however great or small, may be made effective. Under the old caucus convention system, that right is negatived, because voluntary organizations, whatever their titles or numbers, are then subordinated to veteran wire pullers, familiar figures at every old-time political convention, men who will be reinstated by any repeal of the primary.

In other words, 80 per cent of the electors, men and women, may desire a particular candidate for office, but those who control the nominating machinery year after year ordinarily will name a slate covering all officers. The influence then that determines results is not affected by numbers, as it is at primaries or elections, but rests with a small group of men whose relation to campaign purse strings of special privilege is generally intimate and who manipulate delegates with the skill of seasoned chess players.

About 20 years ago a public revolt, originating among laboring classes and farming communities, led to the enactment of state-wide primary laws throughout the United States. The people had grown weary of corrupt caucuses and unrepresenting conventions; of coercion, bribery, and indefensible practices; of recriminations among candidates; of disappointing legislative promises; and so they overturned the army of ward heelers who had been a necessary part of the old discredited system and adopted direct primary laws throughout the country.

Magazines and occasional newspapers helped arouse public sentiment by muckraking exposures until the old order was uprooted and railway passes, private cars, preferential rates, and other favors formerly granted to private individuals and public officials were made unlawful, while rebates and railway rates were prohibited or controlled by law and lives of employees and of the public received adequate protection.

This reform was made possible through the primary system, because the public could then keep close to its representatives, whether State or Federal, and in like manner political opponents became watchful of those who represented them.

CAUCUS WARD HEELERS

Railways have ceased to control politics. The old lobbyist, with a pocket full of passes, and the caucus ward heeler have both disappeared, but so have the journals and magazines that helped bring about the reform. With rare exceptions, these educational mediums have been purchased by powerful interests they now represent.

Manipulated conventions are being held by both Republican and Democratic organizations under State laws where supposedly spontaneous utterances are offered repudiating the primary. By a remarkable coincidence this declaration occurred in both Republican and Democratic platforms adopted some time ago in Maine. Both platforms asked for a repeal of the primary law enacted in 1911. The same bipartisan influences controlled both party conventions even as they controlled under the old caucus-convention system. In other words, the people of the country, the women, the farmers, laborers, the clerks, and mechanics, in fact the great mass that represents nine-tenths of the voters of the land are urged by misrepresentation and appeal to party organization to renounce rights they now possess of naming their own candidates, and are asked to turn the job over to self-appointed political leaders or bosses as of old. Not to railway bosses who have been dethroned, because long ago the railways were milked dry, but to forces that control a large part of the business and public press of the land that instigate powerful propaganda able, if need be, to force nations to declare war or to shift billions of income taxes to "painless" sales taxes, a proposed heritage of war. These are past and proposed achievements of the primary repeal program. In several States modifications have taken the teeth out of the primary and already have removed direct accountability from the people over to the "party organization," as of old.

A repeal of the primary may seem improbable, but those advocating the old caucus-convention system long ago learned that men will sign petitions to hang themselves and that constant reiteration of hypocritical professions and propositions, like vice, is first rejected, then pitied, then embraced.

I have no desire to discuss the comparative strength or weakness of candidates under the caucus-convention system, compared with the primary. This is a large subject, nor do I question those who conscientiously defend the old system, nor does any man claim that improvements may not be found in present primary laws, but is it not noteworthy that practically every believer in the spoils system, in the divine right of politics and power, in discredited manipulation methods which recognize ward workers, bosses, and leaders rather than principles, that all these elements favor taking the powers away from the people and returning to the caucus-convention system, and in many States they are selecting legislative candidates to carry out their purposes.

COMPARATIVE EXPRESSION IN CAUCUSES AND PRIMARIES

Objections are urged against the primary insidiously and assiduously by these influences. The primary, they say, is not a public expression of choice, because sometimes only about one-half of the voters participate. Granted for sake of argument, depending on importance of issues, yet under the old-time caucus system a half dozen tried and true political wirepullers ordinarily made up the average caucus with not 5 per cent of the total registered vote attending. On immaterial matters delegates and offices were traded in conventions like huckster offerings at a fish market, having in mind primarily particular candidates or interests concerned. Ten voters now attend the average primary, compared with every voter who attended the old-fashioned caucus, because voters now have a direct voice in the final result and are interested in candidates selected. They only served as spectators under the manipulated caucus and convention system. That is the position to which they would again be consigned by those advocating any material "modification" or repeal of the primary.

An objection offered to the primary urges lack of intimate knowledge by the electorate of the qualifications of candidates, many of whom are unknown even by name to the average voter. Admitted for the sake of argument, it is equally true that candidates selected at conventions are often slightly known to a majority of the convention, because nominations frequently occur through trades and manipulation of party bosses and candidates of the different States, nor is knowledge of the delegate knowledge to the elector, who frequently does not know the delegate and would not trust his judgment if he did know him.

The primary purpose of the primary is to secure representation of the will of the constituency, and the record of performance of every official is more certain than promises and professions in advance. That record is subject to approval or rejection under the primary.

The primary is expensive to candidates, we are told. That is true if attempts are made to buy the electorate; but this is hazardous, frequently, disappointing, and an objectionable practice that should be discouraged by legal restrictions.

Bribery and corruption, scandals without number, accompanied the old caucus and convention system, made possible by centralized power lodged with the delegate and surrounded by temptations too strong to resist, whereas not one man or woman in a hundred can be purchased under the primary system. People may be temporarily misled, hoodwinked, and deceived at the primary election, but where all sides are compelled to play the game openly the public soon learns the truth, because of Lincoln's truism that you can not fool all the people all the time. If the old caucus and convention system is to return, the people will be called upon to accept old secret methods of persuasion, coercion, and manipulation at a time when human rights, moral, economic, educational, and social questions are overshadowing the tariff and all old-time issues. Under which system will the public's rights be preserved?

Party organization may not be as closely knit by the primary as under the caucus or convention system, and independence of action can more easily be rebuked under the caucus, yet independence is not an unmixed evil. Party responsibility is needed, but when special interests by powerful propaganda or manipulation seek to seize legislative reins through appeals to party organization the only safeguard is through individual official responsibility that may be directly reviewed by constituents and not controlled by interests concerned.

All good or evil is not embodied in any one party; and with the great mass of State and National legislation not specially mentioned or pledged in party platforms men of all parties always may find common ground for agreement when framing laws.

MORE IMPORTANT THAN PARTY REGULARITY

Party organization and party platforms are desirable, but protection of constitutional rights and laws affecting economic justice are of more vital importance. During recent sessions of Congress party divisions have been sought unsuccessfully on the dye embargo, on nearly every tax bill, and on many other matters, indicating the purpose of powerful interests concerned to force an iron-bound caucus rule, if possible, the handmaid of the caucus and convention system.

Constitutional amendments affecting income tax and woman's suffrage have been passed during the existence of the state-wide primary, and whatever difference in judgment may exist over constitutional provisions or legislation, the right to meet changing conditions with complete control by the people is maintained and preserved under the primary.

Woman's suffrage greatly enlarged the political power of women throughout the land. It was gained by them after many years of hard, strenuous battling for equal political rights. What will be their influence in the old-fashioned, discredited caucus convention, with its trickery, bribery, and notorious methods that were the subject of charges and countercharges of fraud years ago when secret government was all powerful?

Woman's influence in legislative matters has uniformly been thrown on the right side of moral, educational, and social justice, and as regularly it is opposed by selfish money-making interests that are always active in the halls of legislation. A repeal of the direct primary will nullify the influence woman now has in the nomination of candidates—a right more important than the right to vote at elections if secret powers dictate bipartisan nominations.

The issue is sharply drawn in many States, and a secret campaign is being waged throughout the country to select candidates for legislative office pledged to destroy the primary law and to destroy the direct power that now rests in the hands of the people. That direct power will be taken away under the caucus convention system, and we will then surrender to a more powerful and unscrupulous political master than the railways of old.

The danger throughout the country that the direct primary will be repealed is real and certain. It has occurred in several States, and the law has been weakened in others. Its repeal has been urged by men in high places who believe in the old-fashioned system. Its repeal has been demanded by powerful interests that find in it an obstacle to their plans and purposes. Many reputable men will be swayed by superficial arguments to return to the old discredited system once repudiated throughout the land, but the people who recognize control of government is drifting far from the promises and purposes set forth in the Constitution, who hope and believe in popular government and in the preservation of human rights guaranteed by that same Constitution, who find selfishness and greed on the one hand and bitter, impotent resentment on the other to be great conflicting elements to-day in the body politic, who realize that progressive laws for the betterment of men and women secured in the past have been made possible under the primary—to all these people the danger will be manifest of turning over the reins of government to bipartisan powerful business and political interests that demand absolute control through a repeal of the primary. (Congressional Digest Magazine, October, 1926.)

Laws or no laws

"CORRUPT PRACTICE" LEGISLATION—FEDERAL AND STATE—REGULATING CAMPAIGN EXPENDITURES OF CANDIDATES FOR CONGRESS—THE FEDERAL LAW RELATES ONLY TO "ELECTIONS," WHILE THE STATE LAWS REFER TO BOTH PRIMARIES AND ELECTIONS

FEDERAL

The Federal corrupt practices act of 1925 (Public Law No. 506) was approved February 28, 1925.

Section 30 of the Federal act provides:

A. That a candidate in his campaign for election shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

B. (1) "Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures," a candidate for Senate may expend $10,000 and $2,500 for the House of Representatives; or

B. (2) An amount obtained by multiplying 3 cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding $25,000 if a candidate for Senator or $5,000 if a candidate for Representative.

STATE

Alabama (Laws, 1915, No. 171): For Senate, $10,000 limit; for Representative, $2,500.

Arizona (Laws, 1922, c. 35, sec. 59): In primaries Senators are limited to $1,500 and Representatives to $1,000.

Arkansas (Digest, 1921, secs. 3894–3907): Expenditures limited to one year's income of the office of Senator or Representative.

California (Henning's General Laws, act 1327): Limit is 10 per cent of one year's salary.

Colorado (Comp. Laws, 1921, secs. 7559–7561, 7832): Primary campaign expenditures limited to $5,000 for Senator and $2,500 for Representative.

Connecticut (Laws, 1921, c. 305): For nomination and election of Senator the limit is one-third of one year's salary. For nomination and election of Representative it is $10 for former and $15 for latter for each 1,000 registered voters of the last preceding election for the candidate of Representative of the same political party.

Delaware (Laws, 1917, c. 112): No limitation on amount of expenditures, but statement of such must be filed.

Florida (Comp. Laws, 1914, sec. 277): Senators and Representatives are limited only in primary elections; $4,000 for former and $2,000 for latter.

Georgia (Park's Ann. Code, 1914, sec. 92): No limitation on expenditures, but reports are required.

Idaho (Comp. Stat., 1919, secs. 556–557): Senators and Representatives are limited in their primary campaigns to 25 per cent of one year's salary.

Illinois: Has no law limiting campaign expenditures.

Indiana (Burn's Ann. Stat. Supp., 1921, sec. 7111h): Limitation on expenditures for nomination and election shall not exceed $25 for each thousand up to 50,000 voters, and $10 in addition for each thousand up to 100,000 voters, and $5 for each thousand in excess of 100,000 voters qualified to vote for the office at the next preceding election.

Iowa (Laws, 1921, c. 197): The primary and election campaign expenditures are limited to 50 per cent of annual salary of the office.

Kansas (Laws, 1921, c. 184): State officers only.

Kentucky (Carroll's Stat., 1918, Supp., sec. 1560b): State officers only.

Louisiana (Wolf's Stat. as amended, 1920, No. 44): Applies only to primaries in which Senators are limited to $6,000 and Representatives to $2,000.

Maine (Rev. Stat., 1916, pp. 137, 179): Applies to primary election, limiting candidates for Senate to $1,500 and Representatives to $500.

Maryland (Bufly's Code, amended laws, 1920, c. 697): All candidates are limited to $10 for each 1,000 voters up to 50,000 voters, and $5 for each 1,000 voters in excess of 50,000.

Massachusetts (Laws, 1923, c. 110): In primaries Senators are limited to $5,000 and Representatives to $3,000; in elections to $10,000 and $6,000, respectively.

Michigan (Comp. Laws, 1915, secs. 3828–3842): All candidates are limited in their nomination campaigns to 25 per cent of one year's salary.

Minnesota (Gen. Stat., 1913, secs. 567–609): State officers only.

Missouri (Laws, 1921, p. 379): Candidates for Congress are limited to $200 for 5,000 voters, for each 100 voters over 5,000 and under 25,000 to $4, for each 100 over 25,000 and under 50,000 to $2, for each 100 voters over 50,000 to $1.

Montana (Rev. Code, 1915, pp. 977–997): All candidates are limited in the primaries to 15 per cent of one year's salary and to 10 per cent for their election.

Nebraska (Amended Laws, 1915, ch. 36): The amended law eliminated the phrase "Representative or United States Senator" from this act.

Nevada (Laws, 1921, ch. 84): Senators and Congressmen are permitted to expend amounts allowed by Federal laws governing their nomination and election.

New Hampshire (Amended Laws, 1917, ch. 63): Senators and Congressmen are limited in their election campaigns to $1,000 and $750, respectively; in their primary campaign to $100 and $500, respectively.

New Jersey (Laws, 1922, ch. 242): In primaries and elections Senators are limited to $50,000 for each campaign and Representatives to $7,500 likewise.

New Mexico (Stat., 1915, secs. 2049–2065): All candidates limited to 10 per cent of one year's salary.

New York (Laws, 1922, ch. 588): No limitation on expenditures.

North Carolina (Cons. Stat., 1919, sec. 4185): In primaries Senators are limited to amount of one year's salary and all other candidates to 50 per cent of one year's salary.

North Dakota (Cons. Laws., 1913, secs. 923–944): In both primaries and final elections all candidates are limited to 15 per cent of one year's salary in each campaign.

Ohio (Rev. Laws, 1910, secs. 3042–3055): In primaries Senators are limited to $3,000 and Representatives to $800.

Oregon (Laws, 1920, secs. 4113–4130): For primaries candidates are limited to 15 per cent, for elections to 10 per cent of one year's salary of office for which he is a candidate.

Pennsylvania (Stat., 1920, secs. 9637–9656): No limitation on amounts.

South Carolina (Criminal Code, 1912, sec. 363): Reports are required, but no limitation is set on amounts.

South Dakota (Amended Laws, 1921, ch. 220): All candidates are limited to 50 per cent of one year's salary of office for which they are candidates in obtaining their election.

Utah (Comp. Laws, 1917, secs. 2360–2406): Primaries and final elections shall not aggregate more than $4,000 for United States Senator and $2,000 for Representatives.

Texas (Stat. 1920, art. 3174): In primaries Senators are limited to $10,000 and Representatives to $2,500.

Vermont (Gen. Laws, 1917, sec. 137): No limitation on amount.

Virginia (Code, 1919, secs. 232, 251): In primaries candidates are limited to 15 cents for every vote cast for the successful candidate of his party at last gubernatorial election. No limitation on election campaigns, but reports are required.

Washington (Pierce's Code, 1921, sec. 2251): No limitation on amount.

West Virginia (Hogg's Code, 1918, supp. sec. 188): Candidates for Senate are limited to $75 for each county in State in each of primary and final election campaigns. Representatives are limited to $75 for each county in the district in each of primary and election campaigns.

Wisconsin (Amended Laws, 1923, ch. 249): Senators may not exceed $7,500 and Representatives $2,500 in either their primary or election campaigns.

Wyoming (Comp. Stat., 1920, sec. 2736): In primaries and elections, each, candidates are limited to 20 per cent of one year's salary of the office for which they are candidates and no candidate is restricted to less than $100 in each campaign. (Congressional Digest, October.)

Mr. FREAR. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. BYRNS. Mr. Chairman, I yield 45 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, I desire not to be interrupted. It so happens that I am a member of the subcommittee which prepared this appropriation bill. I spent the greater part of November in the committee room with my colleagues, and I listened to all the evidence submitted by those in charge of so-called prohibition enforcement. Because I listened carefully to all the statements made by those distinguished gentlemen, I have dissented from giving the Prohibition Unit one single, thin dime for the alleged enforcement of prohibition in the United States.

When I, as a member of the Committee on Appropriations, rise to dissent from and object to certain items in this bill it is a duty I owe to this House, to the constituency I represent, to the country I serve, and to my conscience, manhood, and self-respect to state the reasons for my dissent and objection.

I am opposed to what I consider the plunder of the Public Treasury by the most impudent and insatiable gang of grafters, Pharisees, and humbugs the American Republic has ever been confronted with; who, mocking the names of religion and morality, are engaged in the futile task of attempting to enforce a law repugnant to the conscience of the enlightened portion of the Nation, insulting to its intelligence, dangerous to decency, law and order, and perilous to the integrity and safety of this Republic. It is a law enacted in the hour of the Nation's peril and the absence of its manhood and defenders at the battle front [applause]; a decree of disorder and disgrace railroaded through the Congress by fraud and deception on the part of some men who betrayed their constituents while under the threats and terrorism of a militant minority of moral monstrosities; a law enacted under the whips and lashes of the forces of organized hypocrisy and bigotry, who, unable or unwilling to face the enemies of their country in Europe, were both able and willing to wreck the morale and character of the Nation and inflict upon it more injury than any foe, foreign or domestic, has ever afflicted it with.

Eternal vigilance is still the price of liberty, and it is more so the price of common honesty. The Anti-Saloon League can not very well escape our observation; we need diligence rather than vigilance to deal with its predatory activities, since it is noisy, nasty, and noxious in its utterances, impudent and audacious in its demands, and can always be found in the vicinity of the cash box ready to snatch a dollar that is not nailed down. [Laughter and applause.] It is a pious panhandler and a persistent plunderer, aided and abetted by as thirsty a gang of congressional lobbyists as ever busted a brewery or sacked a distillery; but you always know just where to find it and its Falstaffian army, unless you put cotton in your ears or blinders on your eyes. The carrion crow follows the carcass from afar and it never pulls a bone; it picks them. [Laughter.]

I can take off my hat in admiration to the men who led the hard-fighting legions and armies of the Rebellion; they were gallant gentlemen and splendid soldiers who were ready to sacrifice their lives and fortunes for their convictions. They were not for sale; they faced death and disaster and smiled in the face of red battle; and when they failed they went down to defeat as they went to victory, free and unafraid, like gentlemen. No yelping hypocrite, no brow-beating Pharisee dared crack an overseer's whip over them; and I imagine they must turn in their graves to-day when they visualize some of the wriggling warriors who await the hour when Wayne Wheeler casts his hooks into them to feed the hungry army of locusts and leeches who are eating up America. [Applause.]

Because I object to wasting money in feeding the jackals and turkey buzzards of prohibition, I refuse to indorse, agree with, or vote for any appropriations designed to continue this futile farce of enforcing a nonenforceable law and taxing my fellow citizens to swell the volume of lawlessness, depravity, corruption, and dishonesty now befouling and debauching the American Republic. [Applause.]

Already we have sacrificed almost a billion dollars in this task of Sisyphus in legitimate taxation and we will soon be asked to spend nearly one hundred millions in fleets and armies, catchpoles and informers, spies and money snatchers, pump-water bandits, and plain prohibition plunderers. You know who Sisyphus was. He was a king in Corinth, and when he went to hell he was given the impossible task of rolling a stone uphill, only to have it roll down upon him. We are trying to repeat the task that was given to Sisyphus when he went to hades. [Laughter.] I have had enough of it; I am against Wheeler and his wastrels, his crooks, and bootleggers. The Treasury has been wide open long enough. Compared with Wheeler and his piratical partners, Morgan the buccaneer, Captain Kidd, Dick Turpin, Jesse James, and the Chicago machine gunners appear as honest, modest gentlemen. I am ready to compromise, however, and in the interest of congressional decency and cleanliness and to get the prohibition alley cat off the backs of so-called American statesmen I will agree to vote a liberal pension to Wayne Wheeler, provided he will move out of this country and into some land like Soviet Russia or Mexico where his peculiar talents will be appreciated and poison gas is more popular. [Laughter.]

But the appropriations recommended in this report for the farce termed prohibition enforcement, I will not vote for; though I may not be able to prevent the picking of Uncle Sam's pocket by the most unscrupulous gang of hypocrites and humbugs this side of the Atlantic Ocean, I will not become particeps criminis in the rape of the Treasury of the United States. This appropriation represents pure plunder. If it is voted for by the statesmen I have referred to, 1,000 small conventicles must go a little longer without preachers; if it is refused, we can fill a thousand empty pulpits now waiting for the voices calling in the wilderness, who have been transformed into prodigal sons by lure of prohibition's profuseness and the 30 pieces of silver always waiting the betrayer of conscience and country at the box office of the Anti-Saloon League.

The time is coming when we shall need all the money the taxpayer is sweating, for south of the Rio Grande, the storm is brewing, and it is brewing with the aid of the very elements that have engineered prohibition in this country, that sought a religious alliance with the Red Soviet but yesterday, and that to-day through their agents of unrest are helping along the destructive activities of Calles of Mexico, who, by his bogus constitution and his assaults on religion, business, and finance threatens the civilization of North America. I repeat that the red enemies of civilization and religion in Mexico are the allies of prohibition in America; the same crowd that fills this land with false propaganda concerning the Reds of Mexico, trumpeting their alleged love of freedom and education, get their commissions and inspiration from the same sources, under misleading names, as Wheeler and his cohorts. It is only a short time until we will be compelled by every instinct of self-preservation to take the red rat of Chapultepec by the neck and shake him out of the community of nations. We can not sit tamely by much longer while the red fires burning up Mexico are creeping closer and closer to our doors.

We must not continue to be fooled by words and terminology and be led to believe that the destruction of religion and education, the outraging of womanhood, the degradation of motherhood, the assassination of manhood, the plunder of property, the arrest of trade and commerce, and the confiscation of rights and titles are gestures of liberty and not the actions of a revolutionary, red banditti who have gained control of the Government of Mexico and are looting and terrorizing the land.

Their sympathizers in America and their propagandists in Mexico are the body and bones of prohibition on our soil and they patter of Mexico's "sacred constitution." Constitution forsooth! It is the decree of a junta of armed bandits and red revolutionists, in which the people of Mexico were never consulted or permitted to criticize. Constitution of 1917! God save the mark! The special concoction of Carranza the cutthroat, Villa the virtuous, Calles the cutpurse, Obregon the outlaw, and a score of killers and burners of that kidney, whose infamies have gone unpunished and unavenged, because America has held her hand and the American mind bamboozled by the very same prohibitory conspirators who saw in the destruction of Mexican religion and civilization an opportunity to fatten and expand their own peculiar tenets.

The day when we must strike and strike hard if our form of government and civilization is to endure is at hand; and we must save our energies and resources for that hour instead of allowing them to be wasted on thieves and traitors now masquerading as saviors of humanity.

Prohibition and its friends will be discovered as the garrison of the Trojan horse Red Mexico and Red Russia are trying to push across the Rio Grande, and I commend them to those roaring "drys" of Texas, for when the day of retribution comes there will be a wonderful scuttling for cyclone cellars.

So, to return to my original thesis, I am inveterately and unalterably opposed to wasting money on impossible schemes, for in the last accounting the money paid out to the prohibition

enforcement law will be found in the pockets of bootleggers and Mexican propagandists, masquerading under many sweet euphemisms and taking orders from Wheelerism.

The third and most inglorious phase of treason is here—Mexicanism, following prohibition. I would advise my strong-breathed temperance friends to wake up and square themselves before they are caught with the goods on them. Their first duty is to stop the tribute paid to treason and plunder, to prohibition and Wheelerism.

Vote down the appropriation for phony enforcement, and by lowering taxation and securing economy for the day of wrath support the President of these United States.

While I am on my feet I have another word or two to say to this House.

The meanest type of humanity we have inside our frontiers is the bogus humanitarian and philanthropist, quite frequently an anglophile, quite often a pro-European, usually an internationalist, and always an anti-American. He believes that Europe saved America from disaster in the late war by inducing us to sacrifice 100,000 of our young men, stopping the Germans, lending billions of the American people's money, rebuilding their towns, feeding and clothing their hungry, and transforming the American Republic into a welfare station for the sick, lame, and lazy of Europe and the adjacent territory. When the war ended the Allies and their associate, America, concluded a treaty of peace which stripped Germany, divided her cash, clothes, and real estate among the Allies and gave us—the associated charities—three rousing cheers. [Laughter and applause.] It was a great game. When it was over we had piled up a debt of twenty-six billions and found that our late associates were unwilling to pay their debts to the American people and were trying to wriggle out of their obligations. That is to say, having stripped Germany with our help, they now propose to bilk the American people out of their savings with the help of American yellows and other nauseating detrimentals, and for good measure they are calling Uncle Sam Uncle Shylock. They tell us we are morally responsible for Europe's war, and they merely fought Germany to save the world for democracy—and America for Europe. [Laughter.] This gang of European welchers and repudiators talk like prohibitionists.

What I have said about the money they owe to us over there is, in a way, parenthetically spoken. I do want to emphasize, however, that I will vote at all times against spending any money for the farce of the enforcement of a law that is wrecking the American Republic. I repeat, I am against any more money for Wheeler and his whirling dervishes. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield four minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, as a prelude to what we have just heard, there should have been first sung, Hail, Hail, the Gang's All Here, because it is here. The distinguished rider of the great white charger from Baltimore [Mr. HILL], from whose shoulders the mantle has fallen, is here. The distinguished New York wet delegation is here. and by prearrangement all of the other loyal "wets" have assembled; and after you count them, they really constitute a majority of the very small audience that we have present this afternoon.

There are two ways of nullifying the Constitution. One is to ignore and openly violate the law and thus try to make its violation popular with the people, and the other is to deprive the Government of the necessary money to enforce the statute that carries out and puts into effect the fundamental law of the land. Those are the two methods of nullifying your Constitution.

The distillers and the brewers of this country have found out that they can not nullify the Constitution by merely ignoring the law and violating it.

Now their policy has been broadcasted to the people of the United States that they will support propaganda throughout the land to try to get strength enough in the Congress of the United States to deprive the Government of the necessary funds to enforce it. I am surprised that my distinguished friend from Massachusetts [Mr. GALLIVAN] should be found fighting with them on this question. There is no more pleasing personality in this House. His Irish characteristics make him most lovable as a colleague. Fundamentally wet he is, but he has never been an abject servant of the liquor traffic.

Who are the prohibition forces? Is it merely Wayne Wheeler? Is it merely the Anti-Saloon League of America? Why it is just one among numerous agencies which seek to uphold the prohibition laws of this country. The great Wayne Wheeler needs no defense at my hands in a four-minute speech. The great Wayne Wheeler can take care of himself. While my distinguished friend from Massachusetts enjoys the utmost confidence of the thirsty Bostonians in his district, Wayne Wheeler commands the respect and confidence, without any stint, of the moral forces of the United States of America. [Applause.]

Who is it that comprises the Anti-Saloon League of America? Why, you might as well condemn the Congress, the House of Representatives, because of something it has done by continually hammering at our distinguished Clerk of the House, Hon. William Tyler Page——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS. I yield the gentleman four minutes.

The CHAIRMAN. The gentleman is recognized for four additional minutes.

Mr. BLANTON. The members of the Anti-Saloon League of America are found in churches and religious institutions of our land; they are moral citizens and leaders in the great Methodist Church of this Nation, leaders in the great Baptist Church of this Nation, leaders in the great Christian Church of this Nation, leaders in the great Presbyterian Church of this Nation, leaders in the great Episcopalian Church of this Nation, leaders in the great Congregational Church of this Nation—aye, leaders in the great Catholic Church of this Nation. All form its membership; its membership comprises leaders from all of these great moral institutions and forces. Are you going to condemn prohibition simply because the wets do not like Wayne Wheeler, who is simply one of the employed officers of one of the moral institutions? Are you going to unite all condemnation of the wets upon his head? Why, God forbid his passing from us; but if God should take Wayne Wheeler to-night there would be another found somewhere in the United States to take his place, who would carry on the work just the same.

The mantle from the shoulder of our friend from Maryland has fallen on another; some one seems to have been found to carry on his work. I thought it had been heralded that a New Yorker was to carry on for the wets; but I want to say to the distinguished gentleman from Maryland that every time one of his satellites gets upon the floor of this House you will find some dry Member here, weak or strong, as he may be, who will be ready to answer him.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. BLANTON. Yes; to the representative of the great beverage that made Milwaukee famous. [Laughter.]

Mr. SCHAFER. As a law-abiding citizen, who is against a nullification of any part of the eighteenth amendment, does the gentleman believe it is within the spirit of the law for any member of legislative bodies to be a bellwether and champion for the Anti-Saloon League and that they should be on the pay roll giving lectures for that organization?

Mr. BLANTON. The Anti-Saloon League in all of my political campaigns—and I have made several of them—has never yet spent one dollar for me in any of my campaigns. I want to say this, that the dry Members of this Congress who do receive help from the Anti-Saloon League in campaigns and who receive honorariums for dry campaign speeches have as much right to receive such contributions as their wet colleagues have from wet sources when they make wet speeches.

Mr. SCHAFER. I do not mean campaign contributions. What I am referring to is the receiving of expenses for talking for about three minutes by members of a legislative body who become a bellwether for an organization, just simply for the delivering of those speeches?

Mr. BLANTON. During the past 35 years I have made prohibition speeches all over my State. I have helped to dry many counties in my State, and I have made many prohibition speeches in it, and some in other States; and only in two instances did I ever receive remuneration—once in my State and once out of it. I will say this, that Members of Congress have just as much right to accept honorariums from moral forces for making moral speeches, as they have from business concerns on business subjects, because the moral forces of this Nation must have speakers, and expenses are incurred, and must be supported with finances, and I have contributed my share. What does the gentleman expect that the moral forces are to be upheld on—air alone? [Applause.] It takes money to run all institutions.

ENCOURAGING NEWS FROM FOREIGN COUNTRIES

The special correspondents of the International Record in its October, 1926, issue report as follows:

SWITZERLAND

GENEVA, September 13, 1926.—In considering the question of alcoholism and crime by the Fifth Commission of the League of Nations, the Italian representative declared that in Italy 50 per cent of crime was due to drink. Other delegates stated that drink was a predisposing cause.

CANADA

VICTORIA, September 14, 1926.—In cooperation with the United States authorities, the British Columbia Liquor Board has decided to prohibit liquor bars along the international boundary.

AUSTRALIA

MELBOURNE, September 1, 1926.—The effort to repeal the order prohibiting the sale of liquor in the new capital, Canberra, has so far failed. The question will come up again at the next session of the Commonwealth Parliament.

COSTA RICA

SAN JOSE, August 12, 1926.—The President and Government of the Republic have issued a decree that antialcoholic teaching must be given in all the colleges and schools of the country.

GERMANY

MANNHEIM, September 6, 1926.—The National Council of Women representing 63 large women's organizations of Germany demand a veto power over the liquor traffic to bring about a reform of the moral, sanitary, and economic conditions of the country.

ITALY

ROME, August 25, 1926.—Signor Federzoni, Minister of the Interior, made a statement in the senate that the Government had decided to check and eliminate evils such as alcoholism, which were a disgrace to the Italian race. This received the warmest support both of the Fascist and non-Fascist members.

CANADA

VANCOUVER, B. C., September 6, 1926.—In future all women will be prohibited from the liquor bars of Vancouver. This is in accordance with an agreement between the liquor board and the hotel keepers.

NORWAY

OSLO, August 3, 1926.—It has been decided by the Norwegian Government that any profits made by the unlawful smuggling of liquor to America or Finland may henceforth be seized by the Crown.

BULGARIA

SOFIA, August 5, 1926.—The teachers' and students' temperance organizations, meeting in Keustendil, attended by hundreds of delegates from all parts of the country, were officially received by the city authorities.

DENMARK

COPENHAGEN, September 5, 1926.—It is reported that a member of the sobriety commission, who is also a member of the Danish Folketing, will introduce a local option bill at the next session of the Danish Parliament.

RUSSIA

MOSCOW, September 4, 1926.—The press here states that the productivity of labor, which under prohibition has greatly improved, considerably slumped after the reintroduction of vodka, which has a 40 per cent alcoholic content.

CANADA

BRITISH COLUMBIA, July 28, 1926.—New Westminster has for the second time defeated the efforts of the wets to open beer bars in the city. A similar defeat followed an attempt in Revelstock.

CANADA

OTTAWA, September 1, 1926.—The customs inquiry committee recommends the prohibition of clearances being granted to vessels carrying liquor as cargo sailing from a Canadian port to the United States.

SWEDEN

STOCKHOLM, August 1, 1926.—Carl Gustaf Ekman, Prime Minister of Sweden, in a series of lectures in various parts of the country, has declared for prohibition and more effective temperance teaching in the public schools.

RUMANIA

BUCHAREST, September 1, 1926.—The Government announce that in the parliamentary session on October 15, 1926, there will be introduced a measure for the curtailment of the production and consumption of alcoholic liquors.

TEN REASONS FOR BEING THANKFUL FOR NATIONAL PROHIBITION

On November 25, 1926, Mr. E. M. Pharr, editor of The Record, published in Lampasas, Tex., gave in his splendid newspaper 10 reasons why the American people should be thankful for national prohibition. He said:

The American people have to thank God for national prohibition:

1. Because it has taken from our prisons 55 out of every 100 who had been going there drunk, according to Federal Census reports.

2. Because it has decreased alcoholic insanity by 60 per cent.

3. Because it has decreased deaths from drinking liquor by 50 per cent, and total deaths, according to Federal and life-insurance reports, at a rate of about 300,000 per year.

4. Because, according to Federal reports, it has decreased juvenile crime from 172 per 100,000 to 161 per 100,000.

5. Because, according to Federal Census on admission to prisons, except murder, banditry, and one or two other forms of crime, it has decreased crime on an average of 50 per cent.

6. Because under it church attendance is better, membership increasing at the rate of 1,800 per day, contributions to all benevolent funds and to missions have greatly increased, and the pastors' salaries increased from a general average of about $600 per year to a general average of about $1,400 per year. They need it.

7. Because persons having savings accounts have increased from 11,295,931 to 43,850,127 and the amount on deposit from $8,192,000,000 to $23,134,052,000.

8. Because closing 200,000 saloons known as "the poor man's club," prohibition has built about 2,000,000 homes, or "poor man's castles," or 10 "castles" to each saloon closed.

9. Because the wealth of America has increased from $220,000,000,000 total value in 1917 to $375,000,000,000 in 1925, a net increase of $155,000,000,000, $42,000,000,000 of which, due to prohibition, or a net value from prohibition to each man, woman, and child in America of $52 per year, or $364 for the seven years.

10. Because the Anti-Saloon League, which performed the major function in bringing these conditions about, did its work on a total expense through a third of a century of just 33 cents for each man, woman, and child, and the Federal Government is spending just 15 cents for each man, woman, and child in enforcing the law and making the bootleggers pay 10 cents of that in fines, penalties, etc.

Let us all thank God for the eighteenth amendment.

CHURCH MEMBERSHIP INCREASE

The census taken in the United States by the Christian Herald shows that during 1925 there was an increase in church membership of 800,000, and a total increase of nearly 6,000,000 since the adoption of national prohibition.

Concerning the following three denominations, it compares the decreases sustained during the last wet year (1919) with their increases gained during the last dry year (1925) as follows:

	Wet 1919	Dry 1925
	Decrease	*Increase*
Methodists	80,000	220,000
Baptists	11,000	104,000
Presbyterians	40,000	61,520

ONE GREAT CAUSE OF PROSPERITY

In their monthly letters dealing with national wealth and savings the Girard Trust Co. of Philadelphia shows that during the year 1913 (wet) the number of depositors in savings banks was 11,295,931, with deposits amounting to $8,830,192,000; while for the year 1925 (dry) there were 43,850,127 such depositors, having $23,134,052,000 deposits; that life insurance had increased from $16,587,378,943 in 1913 to $73,134,052,000 in 1925; and that wages and salaries had also increased from $19,450,000,000 in 1913 to $40,000,000,000 in 1925.

HOW ARE WE TO EVADE OUR OATHS

The oath we take here is that we will support the Constitution without evasion. Suppose the people of 12 States were to denounce all of the Constitution and demand of the Representatives in Congress that they neither obey nor enforce it. Would it be the duty of such Representatives to obey the people of these 12 States or to carry out their oath and obey the Constitution, made the fundamental law of the land by the other 36 States which comprised the required three-fourths majority? This is the question confronting us.

Mr. SCHAFER. If a Member of a legislative body is receiving a salary of $10,000 a year, does he not get pay enough?

Mr. BLANTON. It costs money to run a——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I yield 10 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and colleagues, the gentleman from Texas [Mr. BLANTON], who has just taken his seat, has injected an issue into this discussion which I did not anticipate, and I shall therefore digress somewhat from my purpose of speaking upon the financial aspect of this bill to discuss the very novel point which the gentleman raised. He said the moral forces of this country are behind prohibition, and then proceeded to describe those moral forces as certain churches, mentioning them by name.

I presume the gentleman believes that when the Puritans passed the law making it a capital offense to miss church on the Sabbath they stood for the moral sentiment of the community. Of course, it will not be doubted that that was their opinion. Sincere men they were. They believed that they were

standing for the moral forces of their time. But go a little further back in history. When the inquisition brought individuals before it, torturing or burning them in the name of religion, they also believed that they were standing for the moral forces of the world. That is the vital error into which all men fall who think that they ought to arrogate the privilege of forcing their views on moral or religious questions upon others.

CHURCH HAS NO PLACE IN POLITICS

It is a bad omen for any country when religion is injected into its legislation, and I do not care what religion it is. I am a Roman Catholic and I have listened to countless sermons. I never yet heard a political speech in a Roman Catholic Church, and I want to add this, that no ecclesiastic of my church, either high or low, would dare to wield the lash, either in or out of church, to urge me to vote a certain way, or to threaten me with condign punishment if I did not, without encountering a prompt and indignant refusal. [Applause.]

Religion is a bad thing to inject into legislation, whether you invoke the moral sanction or not. There is always some pretext of morality in connection with every invasion of human liberty. That is the cloak under which intolerance makes its encroachments in all governments in all the history of the world. Read the history of our early Colonies, particularly Virginia and Massachusetts, where they had laws putting men in the stocks because they did not go to church, making it a capital offense if they missed church three times.

EVILS OF CHURCH INFLUENCE IN THE THIRTEEN COLONIES

I will take advantage of the leave to extend granted to me to insert at this point a brief summary of some of the religious statutes of the American Colonies. All of them, without exception, enacted laws for the purpose, as they believed, of promoting Christianity, but their cruel and inhumane enactments were in striking contrast with the charity, kindliness, and toleration of the founder of Christianity.

These rigorous colonial lawmakers doubtless thought they were speaking for the "moral forces" of the communities they were representing, for their intolerant and cruel statutes usually began with a preamble in the nature of a pious homily:

VIRGINIA

PENALTY OF DEATH FOR NONATTENDANCE AT CHURCH ON SUNDAY

Every man and woman shall repair in the morning to the divine service and sermons preached upon the Sabbath Day, and in the afternoon to the divine service and catechising, upon pain for the first fault to lose their provision and the allowance for the whole week following; for the second to lose the said allowance and also be whipped; and for the third to suffer death. (America's first Sunday law, 1610.)

PENALTY OF DEATH FOR BLASPHEMY

In the same year, 1610, a law was enacted in Virginia against blasphemy, the offender for the first offense to suffer "severe punishment," for the second "to have a bodkin thrust through his tongue," and for the third "to be brought to a martial court and there receive censure of death."

(NOTE.—Similar laws were enacted by Massachusetts in 1698; by Connecticut about the same time; and by Maryland in 1723.)

MASSACHUSETTS

PRESUMPTUOUS SUNDAY DESECRATION TO BE PUNISHED BY DEATH

This court taking notice of great abuse and many misdemeanors committed by divers persons in these many ways, profaning the Sabbath or Lord's Day, to the great dishonor of God, reproach of religion, and grief of the spirits of God's people.

Do therefore order, That whosoever shall profane the Lord's Day, by doing unnecessary servile work, by unnecessary traveling, or by sports and recreations, he or they that so transgress, shall forfeit for every such default 40 shillings, or to be publicly whipped; but if it clearly appear that the sin was proudly, presumptuously, and with a high hand committed, against the known command and authority of the blessed God, such a person therein despising and reproaching the Lord, shall be put to death or grievously punished at the judgment of the court. (Law from Codification of 1671.)

WASHINGTON RUNS AFOUL OF THE LAW

As to that part of the statute against "traveling on the Lord's Day," it is interesting to note that even the good President Washington fell afoul of this pious prohibition. Having missed his way on Saturday he was obliged to ride a few miles on Sunday to gain the town in which he was to attend divine service. Before he arrived, however, he was met by a tithingman who commanded him to stop and demanded the occasion of his riding. The general explained the circumstances and it was not until he promised to go no farther that the tithingman permitted him to proceed on his journey.

It is interesting to note, also, that John Adams actually, seriously argued that it was against the consciences of the people of his State to suggest making any changes in these rigorous drastic laws. He stated that they might as well think they could change the movements of the heavenly bodies as to alter the religious laws of Massachusetts. (See Life and Works of John Adams by Charles Francis Adams, Vol. XI, p. 399.)

Nevertheless all of the religious statutes of Massachusetts, except the State Sunday laws, were abolished in 1833.

CONNECTICUT

PROFANATION OF THE LORD'S DAY

Whosoever shall profane the Lord's Day, or any part of it, either by sinful, servile work, or by unlawful sport, recreation, or otherwise, whether wilfully or in a careless neglect, shall be duly punished by fine, imprisonment, or corporally, according to the nature and measure of the sinn, and offence. But if the Court upon examination, by clear and satisfying evidence find that the sinn, was proudly, presumptuously, and with a high hand committed against the known command and authority of the blessed God, such a person therein despising and reproaching the Lord shall be put to death, that all others may feare and shun such provoking, rebellious courses. (Law of 1656.)

DELAWARE

THE LAW AGAINST BLASPHEMY

The Delaware law of colonial times against blasphemy provided that if "wilfully or premeditately" done the offender "be set in the pillory for the space of two hours and be branded in his or her forehead with the letter B, and be publicly whipt on his or her bare back with thirty nine lashes well laid on." (Laws of Delaware, 1797, vol. 1, pp. 173, 174.)

Now, the better opinion of to-day of enlightened men all over the world is that you can not make men good or moral by law. [Applause.] Leave morality to the churches. Keep the churches within their ecclesiastical confines. Personal habits are a matter of church discipline. The State has only to do with the conservation of morality in its relation to public conduct and the preservation of law and order. The moment that religious opinions as to moral conduct are injected into legislative enactments that moment tyranny enters, and the freedom of the people is at an end.

THE GROWING COST OF ENFORCEMENT

So much for so-called "moral forces." I am concerned about the amount of money that is appropriated in this bill for prohibition. It is not merely what the bill provides for now, but it is what is coming in the future.

I presume the appropriation of $11,900,965 in the present bill will be further augmented in the usual manner by a deficiency bill which will make its appearance in due course to take another bite out of the Treasury.

We must not forget that the $13,322,445 for the Prohibition Bureau appropriated for the current fiscal year does not give the entire picture of the cost of prohibition. Let it be remembered that we also appropriated $24,213,000 for the activities of the Coast Guard.

Again that sum was further augmented by the second deficiency bill, which appropriated $2,686,760 for the construction of three additional Coast Guard vessels, of which sum $1,000,000 was then and there authorized. If to these figures we add the additional expenses of the Department of Justice, necessitated by the handling of prohibition cases and the maintenance in the jails of thousands of convicted violators of the law, it is no exaggeration to say that prohibition enforcement will cost the Nation for the current year upward of $40,000,000.

COAST GUARD

The bill before us authorizes the completion of the Coast Guard vessels under way and makes a further appropriation of $1,800,000 for two more cutters. Thus inside of one year we have laid out or committed the Nation to an expense of about $4,500,000 for five Coast Guard cutters.

A BOTTOMLESS PIT

If they keep this up, the Coast Guard will pretty soon equal the dimensions of the Navy, for prohibition enforcement is a bottomless pit.

Offset against this—or, rather, add to it on the debit side of the page—the loss of excise taxes, which in preprohibition days amounted to $500,000,000 a year.

The extent of the crime which has been committed on the American people is about beginning to be visualized and the great common people of the land are beginning to arouse themselves to a realization of the injustice, the wickedness, and the staggering cost of trying to enforce total abstinence by law.

THE PEOPLE ARE WAKING UP

We had a referendum in the last election in eight States, and I want to give you a summary of what that referendum shows. On the repeal or modification of the Volstead Act four great States voted "yes"—New York, Illinois, Wisconsin, and Nevada. Montana voted "yes" on the question of the repeal of the State dry laws, except that forbidding the sale of intoxicants to minors. In five out of eight States the referendum was in the affirmative.

Wherever the test has been made the results have shown a significant change in public opinion. In six States the senatorial elections were fought out on the wet and dry question, resulting in the election of four wet Senators. These may be called "indirect referenda."

I summarize the results in the following statement:

REFERENDA IN 1926 ON THE REPEAL OR MODIFICATION OF THE VOLSTEAD ACT

STATES VOTING "YES"

1. New York.
2. Illinois.
3. Wisconsin.
4. Nevada: Voted "yes" on the question, "Should Congress call a constitutional convention to amend the eighteenth amendment," and "yes" on the question, "Is prohibition a failure?"
5. Montana: Voted "yes" on the question to repeal all State dry laws except that of forbidding sale of intoxicants to minors.

STATES VOTING "NO"

6. California: Voted "no" on question to repeal the State enforcement act.
7. Colorado: Voted "no" on proposal to amend the State constitution to provide for manufacture and sale of liquor when it does not *conflict* with Federal laws.
8. Missouri: Voted "no" on proposal to repeal State enforcement laws but elected a wet as Senator.

INDIRECT REFERENDA

WET SENATORS ELECTED

1. Pennsylvania: Vare elected.
2. Missouri: Hawes elected.
3. Massachusetts: Walsh elected.
4. Maryland: Tydings elected.

STATES ALREADY WET

1. New Jersey: Has two wet Senators.

We have 10 States in the Union definitely wet. What is their population?

Population of wet States

1. New York, 1920	10,384,144
2. Illinois, 1920	6,485,098
3. Wisconsin, 1920	2,631,839
4. Nevada, 1920	77,407
5. Montana, 1920	547,593
Total	20,126,098

"Wet" as judged by senatorial vote

1. Pennsylvania, 1920	8,720,159
2. Missouri, 1920	3,403,547
3. Massachusetts, 1920	3,852,356
4. Maryland, 1920	1,449,610
Total	17,425,672

Wet by previous results

1. New Jersey	3,155,374

Total population of decisive wet States, 40,707,437, out of a total population of 105,683,108 (census of 1920).

It will be noted that among the States voting "No" is California. But note that the result, while unfavorable, was close. Just think, the wine growers in California, who furnish—yes, and knowingly furnish—the grapes that go into the bootlegging industry, voted dry. Can you imagine it? They are getting $180 a ton for grapes, while in preprohibition days they got only $20 a ton! Is it the "moral force" of the Nation that speaks when California votes dry? Well, hardly! I say advisedly that the old forces of corruption that were formerly behind the saloon are now arrayed on the side of the Anti-Saloon League. The wine growers, the brewers, and the bootleggers stand side by side, impregnably for defense against the assault upon the prohibition barriers. [Applause.]

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

Mr. GRIFFIN. I am afraid I have not the time.

Mr. LAGUARDIA. These wine growers and the wine dealers and those engaged in the transportation of their products to the coast of my State, every one of them, directly or indirectly, is a bootlegger, is he not?

Mr. GRIFFIN. Perhaps. As to the indirect referenda, we had a convincing vote in Pennsylvania on the prohibition issue, and a wet Senator was elected. In Missouri our former colleague HARRY HAWES was elected. He is now seated in the upper House. In Massachusetts Senator WALSH was elected. In Maryland our colleague Mr. TYDINGS was elected and will pass from this to the other House on March 4. Of States already wet, New Jersey has two wet Senators.

From the results of these referenda the sane-thinking people of America might well feel encouraged to lift up their hearts. The time for pussy footing and hypocrisy is past. The people want their Representatives to come out in the open and express their real sentiments.

The prohibition question is now, and henceforward will be, the paramount issue in our politics. There will be no peace or contentment in our land until the sumptuary law known as the eighteenth amendment, which mars and disfigures the greatest Constitution in the world's history, shall be totally eliminated.

Now, summarizing what this means and taking a survey of the whole situation, this is what we have: We have the biggest and most advanced States in the Union to-day voting wet, containing a population of 40,707,000 people out of a total population in continental United States of 105,000,000 people. Forty million people in 10 States have already declared themselves, by direct or indirect referenda, as opposed to the Volstead law or the eighteenth amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MADDEN. Mr. Chairman, I want to say to the gentleman from Tennessee [Mr. BYRNS] that we have only one more speaker on this side, and I would like to have the gentleman use whatever time he has.

Mr. BYRNS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman and gentlemen, the first bill presented for the consideration of this House of Representatives on the opening of the second session of the Sixty-ninth Congress is on its face of only routine importance, because it is one of the necessary appropriation bills of which we shall probably consider about 11 for the various departments and to meet deficiencies.

The present bill, making appropriations for the Department of the Treasury, does, however, attract attention at this time because it contains an appropriation of about $12,000,000 for prohibition enforcement which is within the jurisdiction of that department of our Government. A large part of this sum will provide salaries for over 4,000 employees of the Prohibition Unit. Five hundred thousand dollars of the appropriation is allotted in advance of accounting for the purchase of evidence and similar underground work by spies. In addition the appropriation of the Coast Guard, another arm of prohibition enforcement, is increased about 2½ millions, from $27,155,347 to $29,600,000. These amounts are not so substantially different from previous appropriations for the same purpose, as to give rise to much complaint, but recent expressions of the will of the electorate necessarily focuses greater attention on these particular items at this time.

The problem which presents itself to many of us at this hour—especially those Members who believe we still live under a representative form of government—is whether we can justify voting against these appropriations and thereby register the protest of our constituents against prohibition itself.

I know the many questions that arise in the minds of my colleagues whose views I share on this great question of prohibition. Their struggles with the problem of what to do are no different from mine. Heretofore I have consistently voted in favor of such appropriations. The reasoning which led me to such a decision contained, among others, the arguments that the appropriations for enforcement presented no real test on the question of prohibition; that as long as the measures remained in our books we owed a duty to enforce them by granting sufficient funds to at least attempt their enforcement, and that sufficient time had not elapsed to warrant a conclusion as to their enforceability or the attitude of the country toward the innovation.

To-day, Mr. Chairman, I state it as my positive conviction that any Member of this body, who believes that prohibition as it exists in law to-day is contrary to the wishes of the majority of his constituents or the people of his country, is in honor bound to vote against this appropriation and every other step, however small or procedural, which is put forward for the purpose of carrying prohibition into effect. I assure you, gentlemen, I have not arrived at such a conclusion without the greatest deliberation and extensive exchange of views with my colleagues. Once I arrived at the conclusion, however, that our people were against this law, logic leads me inevitably to no other conclusion than that they were also against its enforce-

ment. To be opposed to a law and, at the same time, to assist in carrying it into effect is an anomalous theory of the duty of a Representative to which I, for one, can not subscribe. Who of us to-day would vote one dollar to enforce any of the obsolete blue laws which remain on our statute books and with which our people are indisputably out of sympathy? If it were nothing else, it would be a willful waste of public funds.

If we were called upon to vote upon an appropriation for a great dam to develop water power and the evidence convinced us the dam would not hold the water sufficiently to produce the power, would we be doing our duty to vote for the project?

What are the premises, it will be asked, upon which I base my conclusion that the people of my State and the people of my country are opposed to prohibition and consequently opposed to its enforcement? Take my own State, that great Empire itself. One does not think of America without at the same time thinking of New York and the unparalleled position she holds in the Union. Greatest of all her sisters in population, resources, and position her voice can not ring materially out of harmony in our great chorus of 48 Commonwealths.

On November 2 her people for the first time were permitted to express their will on the question of prohibition. This opportunity was granted reluctantly by a Republican legislature whose Republican predecessors had ratified the eighteenth amendment and stubbornly opposed any expression of the people at the polls. The author of the question was none other than the greatest renowned of all living Republicans—Elihu Root. The final scene in the struggle to permit the voters to express their will was performed by that greatest of all governors, the outstanding Democrat of our time—Alfred E. Smith. [Applause.] Oh, I am aware of the arguments advanced at the time that the question submitted was not comprehensive—that it only reached out in a limited way toward a determination of our attitude toward prohibition—but let us assume it was submitted on the theory of "one step at a time." The highest judicial tribunal of our State held its submission legal and proper. Our people met the issue and expressed their will.

The question submitted was simply this:

Shall the Congress of the United States modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating in accordance with the laws of the respective States?

And now, gentlemen, what was the result?

Out of a total vote cast at the polls of 2,907,790 there were 1,703,070 who voted in favor of the referendum, 598,484 who voted against it, and 546,236 voters who failed to register their opinion. The plurality in favor of the referendum was therefore 1,164,586. It was carried in 42 of our 62 counties, many of which have voted "dry" under local option laws before the eighteenth amendment, and the vote was very close in 9 counties. So the great metropolis did not alone determine the issue. No one can say this is any uncertain expression of opinion. Rather is it so overwhelming as to leave no doubt as to the attitude of the voters of the entire State of New York.

And it is of interest, gentlemen, in this connection to recall to you the loudly heralded statements of the Anti-Saloon League and the other fanatics on this question that "their" people, the "drys," the "church" crowd, would refrain from voting, and they were so advised to do. An analysis of the vote will prove one of at least two things, either that they disobeyed their masters and did vote, as over half a million voters were registered against the proposal, or that the number who obeyed this un-American advice of refraining from one's duty as a citizen constitute but a comparatively small minority, because if every person who did not vote on the referendum had voted "no"—and there is no reasonable belief that they would have so voted—the referendum would still have carried by 618,350, a greater plurality than that ever received by any other question ever submitted to the voters of New York.

Am I as a Representative not bound by such a mandate? If the people of my State declare they are opposed to a law shall I continue to vote for its enforcement? Is it any answer that the referendum pertained probably at most to beer and light wine and that this appropriation will be used to enforce the law against the illegal sale of hard liquors? Oh, no, gentlemen; because the money you propose to appropriate will also be used to prevent the sale, and necessarily the consumption, of any beverage, including beer and wine, that contains over one-half of 1 per cent of alcohol. A division being undoubtedly impossible, as I am against an inseparable part, I must be against the whole.

My State was not the only one in the Union in which the voters were afforded an opportunity to express their will, and with substantially the same result in nearly every instance. In half a dozen other States referendums were held. Those States contain not less than one-fourth of the population of the United States. No more extensive test on any question was ever taken in the history of our country or any other country in the world. What greater test do you require, gentlemen, before you are willing to accept it as a mandate of the people? Do you want every nose in our Union and its possessions counted before you concede the question has been substantially answered by the real rulers of our country?

What business man would not accept such a widespread and extensive test to guide him in his affairs? When over 64 per cent of the total vote cast in the Union is an expression against prohibition, can we ignore it? Can any Member of this body, even though the test was not taken in his own State—yes, even though his State spoke on the question before the adoption of the eighteenth amendment—totally blind his eyes and stuff his ears against such a clarion call? Do you not realize that sentiment in this question has been changing from day to day? Whereas in those States which held referenda on November 2, 64 per cent voted in opposition to the prohibition of to-day, only 42 per cent voted in opposition to State prohibition before the coming of the eighteenth amendment. What proof do you want as to this change of sentiment? Or are you still led blindly by those who have made prohibition a profitable business?

As each State is an index of the sentiment prevailing in every other State, so is the attitude of one country not materially dissimilar from that of other countries. Wherever prohibition has been tried throughout the world it has been found a dismal failure. I call to witness Greenland, Norway, Finland, Turkey, Russia, Siberia, Canada, and now our own United States. Where has it been born and lived to maturity? If it has not died in childbirth, it has passed away at reaching the age of reason. What more proof do you want, gentlemen, of the futility of this experiment?

The people of New York have merely asked you to restore to them their inalienable right of dealing with this question. They ask no more. They are willing your States retain their sovereign right to meet this problem as you will.

This is no new doctrine of government. It is as old as our country itself. It was iterated and reiterated only a few days ago by none other than our Chief Executive, when, in his message to Congress, he said:

> Everyone is aware that abuses exist and will exist so long as we are limited by human imperfections. Unfortunately, human nature can not be changed by an act of the Legislature—

Mark you well, gentlemen—

> When practically the sole remedy for many evils lies in the necessity of the people looking out for themselves and reforming their own abuses, they will find that they are relying on a false security if the Government assumes to hold out the promise that it is looking out for them and providing reforms for them. This principle is preeminently applicable to the National Government. It is too much assumed that because an abuse exists it is the business of the National Government to provide a remedy. The presumption should be that it is the business of the local and State governments. Such national action results in encroaching upon the salutary independence of the States and by undertaking to supersede them national authority fills the land with bureaus and departments which are undertaking to do what is impossible for them to accomplish and brings our whole system of government into disrespect and disfavor. * * * Permanent success lies in local, rather than national action. Unless the locality rises to its own requirements, there is almost irresistible impulse for the National Government to intervene. The States and the Nation should both realize that such action is to be adopted only as a last resort.

Can anyone honestly say that in 1918 the liquor question had become such that the Nation had to step in "as a last resort"? Was it not well taken care of in practically all of the States of the Union? Indict your own State, if you answer "No"!

Oh, I shall not attempt to deceive you; the President was not talking about prohibition. But every syllable, every word, every phrase, and every sentence he used could be identically applied to that subject, and must reflect the deep-down sentiments of the President himself and every public official who really understands the underlying principles of our Government.

When the President did come to discuss prohibition later in his long message, he astutely refrained, as he has consistently done heretofore, from stating where he stood on the question. Whether he is for "modification" or for "repeal" or is "dry" we shall never know unless, possibly, he is a candidate to succeed himself. Until his fate shall be decided in convention assembled the Nation will continue to be deprived of any knowledge of the great secret carefully locked in his political heart.

In his message, however, the Chief Executive harped upon the same old profitable slogans of the Anti-Saloon League—law of the land, enforcement of law, observance of law, supporting the Constitution, and the sanctity of our oath of office.

Like the cry of patriotism the bogey of fear is the last resort of those who would ensnare our public officials. If reason and persuasion do not suffice, use threats and intimidation! Shout "nullification"; bellow "treason"! How ridiculous it will all seem to us in only a few years! The nullificationist of to-day will then be a defender of our Union—the traitor will be the patriot.

Only recently Fabrian Franklin, author and editor, had the courage to say:

> Call it nullification if you will; there are times when a course for which we have no better name than nullification is the only remedy for intolerable evil or intolerable wrong. Such was the case with the fugitive slave law; such was the case with the Negro suffrage amendment in the South. Whether by formal nullification through the State legislatures or by the direct action of the people, these laws were practically nullified—one of them in the North, the other in the South.

Gentlemen, I am solemn in what I have to say. Duty leads me to take no other course than that I shall hereafter pursue. I shall tread that pathway though I walk alone. Confident in the belief that it was never intended by our forefathers that oath of office should transcend duty to one's people. I shall fight every effort to enforce any law to which my people are opposed. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BOYLAN].

The CHAIRMAN. The gentleman from New York is recognized for five minutes. [Applause.]

Mr. BOYLAN. Mr. Chairman and gentlemen of the House, it is only proper at this time that I should present to you a matter upon which I hope to unite all the drys and all the wets of the United States. You might say that I am taking some task upon myself; but I say to you that I am going to ask that both the dry and the wet forces unite with me in procuring for the postal employees of this country a day of rest on Christmas Day, and the bill under consideration applying to the Postal Service, it is only proper that I speak at this time.

Last year, for the first time in the history of our Postal Service, the carriers in the large cities were permitted to be in the bosom of their families on Christmas Day. For the first time in years the father of the family was present at the distribution of the Christmas gifts. They ask you this year to give them that same privilege, that they may be present on the morning of that great and splendid festival and personally distribute to their children the gifts of the holy season of Christmas.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOYLAN. With pleasure.

Mr. LAGUARDIA. Will the gentleman point out that last year, when they had Christmas Day off, the employees worked harder and that there was no inconvenience to the public because of nondeliveries?

Mr. BOYLAN. I thank the gentleman for the suggestion, and I will say that in the city of New York, the largest post office in the country, at 7 o'clock on Christmas Eve there was not a single piece of undelivered mail, so if that can be done in New York certainly it can be done in the other large cities and in the smaller cities and towns of our country. Of course, it has been said that on account of Christmas falling on Saturday, and Sunday following, that there would be an accumulation of two days' mail.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. O'CONNELL of New York. I called up the Postmaster General yesterday and he gave that as a reason, but it is not to continue. It is to be as it was last year, but it happens this year because Christmas day falls on Saturday.

Mr. BOYLAN. That is the stand taken by the Post Office Department, but the fact remains that if there was no undelivered mail in the post office on Christmas Eve necessarily there would be nothing lost by a nondelivery on Christmas day, although it would be followed by Sunday.

Mr. LAGUARDIA. Will the gentleman also point out that on Saturday about 70 per cent of the deliveries can not be made because all the places of business and all offices are closed?

Mr. BOYLAN. That is very true, and because those places are closed they can not make deliveries. I ask the support of the members of the Committee on the Post Office and Post Roads, whether they be drys or wets, in giving a little Christmas cheer to our faithful post-office employees of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BYRNS. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts [Mr. CONNERY].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. CONNERY. Mr. Chairman and gentleman of the committee, I listened very attentively to the remarks of the distinguished gentleman from New York [Mr. GRIFFIN], in which he quoted statistics showing the victories for modification on referenda throughout the different States of the Union. I have been asked frequently by my colleagues since I returned to this session of Congress what the situation was in Massachusetts at the last election in reference to prohibition, because of the fact that Alvin T. Fuller, a Republican, who is a dry, was elected governor, defeating Col. William A. Gaston, who is a Democrat and a wet, while Senator DAVID I. WALSH of Massachusetts, who was triumphantly elected over Senator Butler, the President's friend, is a wet, and his opponent, Senator Butler, is a dry. They have been wondering therefore what the situation was with respect to prohibition in that election.

Mr. MADDEN. What was the combination, then we can tell?

Mr. CONNERY. I am glad to tell the distinguished gentleman from Illinois that the situation was simply this: His Excellency, the Governor of Massachusetts, absolutely and positively sidestepped the prohibition issue in his campaign for the governorship, and the Hon. DAVID I. WALSH, who won such a glorious well-deserved victory, came out on a wet platform [applause], and the people of Massachusetts by their wonderful vote in sending him back to the United States Senate showed plainly what their opinion and what their wishes were in reference to the prohibition amendment to the Constitution. Now, you dry Members of the House can take your choice as to whether you think the people of Massachusetts voted for Senator WALSH because they favor modification of the Volstead Act, or whether they voted for Senator WALSH in direct repudiation of the Republican administration at Washington.

Well, I want to assure the Members of the House that it is my honest belief that the people voted for the Hon. DAVID I. WALSH and sent him back to the United States Senate for both of those reasons; first, because they favored a modification of the Volstead Act—they want a sane law for the American people to live under, not the return of the old-time saloon but a law which they can respect—and, secondly, because they wanted to repudiate the Republican administration at Washington and show what they think, not only of that administration in general but of what that administration has done, particularly to the wounded, gassed, insane, and disabled service men, by cutting down their appropriation at the last session of Congress $30,000,000 and then trying to evade the issue by going out in the campaign and stating in their platform, "We have done everything in our power for the disabled service men of the United States."

But make no mistake, gentlemen. The people of Massachusetts want a modification of the Volstead Act, and the only reason Governor Fuller was elected governor of our Commonwealth was because he deliberately ignored the prohibition issue and said that if he had to run for governor on a dry platform alone that he would not run.

He was elected on State issues entirely, issues which had nothing to do with the Volstead Act; Senator WALSH, who came out flatfootedly wet, was sent back to the United States Senate by the people of my State, first, because they favor a change in the prohibition law, and, secondly, to repudiate the Republican administration at Washington, which has been so unfaithful to the American people and particularly to my buddies, the service men of the United States. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 10 minutes, the balance of my time, to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Chairman, in the years since the Volstead Act was enacted two of my colleagues from Massachusetts have taken a conspicuous part in opposing the Constitution of the United States in the matter of its provision relating to intoxicating liquors. Possibly other members of the delegation have shared my own conviction that hitherto it was idle and vain to take the time of the House for discussing the subject, by reason of the overwhelming sentiment of the country shown in the adoption of the amendment; by reason of the certainty that the amendment will not be repealed [applause]; by reason

of the evident view of the great majority of the House in favor of maintaining the Volstead Act.

But recently in my own State, to my great regret, the matter has been made a partisan issue, and that party to which I do not belong has once more demonstrated its wonderful capacity for making political blunders. The gentleman who has preceded me has given you impressions. Permit me to lay before you figures.

Four years ago the Republican Party cast for its candidate for governor 52.3 per cent of the total vote. Two years ago it cast 56 per cent of the total vote for that office. I want to show now what has happened since then. My very good friends, the Democrats, whose lack of wisdom in this matter so grieves me, saw fit——

Mr. O'CONNOR of New York. Will the gentleman yield there?

Mr. LUCE. No, sir. I mean no discourtesy, but I have only 10 minutes.

The Democratic Party saw fit in its platform to make this declaration:

> We are unalterably opposed to the return of the so-called American saloon and the Raines-law hotel, and as a temperate measure we favor the modification of the Volstead law and, if necessary, the repeal of the eighteenth amendment to the Constitution.

It nominated a candidate for governor, a man who would have honored the gubernatorial chair, as did his father half a century ago, a most excellent gentleman, a man of success in affairs, but who, like his party, lacked political judgment. He came out with a manifesto entitled "The New Declaration of Independence for Massachusetts," in which, over his own signature, he made a statement of eight pages, wholly devoted to the liquor question. The document was sent, I presume, to every voter in the State, and was in effect the Democratic campaign appeal. Mr. Gaston's argument led up to and was concluded by this interesting plea:

> Under Article XIX of our Constitution the people of the Commonwealth may instruct their Representatives, provided they do so in an orderly and peaceable manner. Let your vote, therefore, on November 2 be cast as a solemn and dignified protest against the crime-breeding National Volstead Act. In this way you will instruct your Representatives in the State and in Congress to work for the repeal of this law and for the enactment of sane laws that will command the respect of the great majority of our people.
>
> Let us throw off hypocrisy, fanaticism, and insanity, and go forward in honesty, tolerance, and sanity. Your vote to indorse my stand on this great national question will be a vote to set our Commonwealth square in the eyes of the country. It will be a contribution to our country's welfare worthy of the finest tradition in our history of accomplishments.

I have shown you that four years ago the Republican vote for governor was 52.3 per cent of the total, and that two years ago it was 56 per cent. In the face of this solemn appeal to the people of Massachusetts they cast this year a vote of 58.8 per cent for the Republican candidate for governor, and only 40.2 for the Democratic candidate, with 1 per cent for other candidates. There is the answer of Massachusetts. [Applause.]

My Democratic colleagues from Massachusetts will no doubt be equal to the simple mathematical problem of how long it will take with an increase of 3 per cent every two years in the Republican vote for governor to make our State unanimously Republican. It will take only 28 years before at that rate the Democrats disappear from the political horizon of Massachusetts. [Laughter and applause.]

Ah, but you say there were personal factors entering into the gubernatorial situation. Turn then to the vote for Representatives in Congress and see whether they were instructed. Four years ago the Republican candidates got an aggregate of 58.7 per cent of the total cast for Representatives. Two years later their aggregate fell off 1 per cent or so, to 57.6. This year their vote was 59.3 per cent.

How were we instructed?

Now as to the campaign. Who exercised the most influence in the campaign? Who made the strongest statement in the campaign? The most powerful declaration in Massachusetts on a moral issue since the days of the Abolitionists, was made in this campaign by a Roman Catholic priest, Father Cassidy, of Fall River, who begged and demanded that the men and women of the State should vote on the dry side of this question, that because of it they should vote against Gaston and vote against all the wet candidates. Never in a discussion of this subject on this floor have I heard that statement matched for eloquence, force, and logic. It drew thousands of votes to the dry side.

I make reference to Father Cassidy's religion only because the religious factor has been introduced on the floor of the House in this debate, and I think in view thereof I am justified in pointing out that there are strong, upright, upstanding men in the Catholic Church who feel as keenly and earnestly about this matter as do any Protestants.

Before my time closes I want to call attention to another aspect of the case, that concerning the action of the Democrats of Massachusetts in centering their campaign on this question wherein you gentlemen of the South feel so strongly the other way. Such an error was to have been expected from the Democrats of New York City, controlled by an organization that has long been notorious for being out of touch with the thought of the Nation at large. This new instance of political narrow-mindedness and short-sightedness but continues the unblemished record of blunder. The significant thing is that the Democrats of Massachusetts have contracted the habit.

Let me also call attention to the declaration of the Massachusetts Democrats in their platform that they are unalterably opposed to the return of the saloon.

Twenty years ago, as a member of the Massachusetts Legislature, it was my privilege—and I use the word deliberately and with premeditation—it was my privilege to be the champion and the spokesman for the Anti-Saloon League on the floor of that body, in the days when its purpose was just what its name implies. There I led their fight against the saloon for year after year. I was sent to this House with the knowledge that I had been the spokesman of the league in its warfare on the saloon. This year, in the face of the Democratic demand for instructions that in fact though not in pretense look to the return of the saloon, my majority was such that no one even took the trouble to tabulate it until the official count three weeks later.

Naturally, it is a satisfaction and a delight to find that the Democrats of Massachusetts have at last reached the point that most of the Republicans of Massachusetts had reached 20 years ago. Where were the Democrats then? Invariably we could count on the determined opposition of nearly every Democrat in both House and Senate to any proposal looking to the restraint of the saloon by one iota. Up to the adoption of the eighteenth amendment the Democrats of my State had for many, many years been almost solidly aligned in defense and support of the saloon. There were righteous Democrats who hated it then and they dread its return now, but the party as a party was the friend of the saloon. We may be thankful if it has seen the light. So much at least may be said for what the prohibition amendment and the Volstead Act have accomplished.

The CHAIRMAN. All time has expired and the Clerk will read.

The Clerk read as follows:

> For expenses incident to the discharge of the duties imposed upon the Secretary of the Treasury by the transportation act, 1920, the Federal control act, approved March 21, 1918, as amended, and for expenses arising in connection with loans and credits to foreign governments under the Liberty loan acts and the Victory Liberty loan act and in connection with credits granted or conditions entered into under the acts providing for the relief of populations in Europe and contiguous countries, and in connection with credits granted or conditions entered into under the act providing for the sale of surplus war material, including personal services in the District of Columbia, $7,640.

Mr. MADDEN. 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. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14557), making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1928, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. MONTGOMERY, at the request of Mr. GARBER, on account of illness.

SALARIES OF UNITED STATES JUDGES

The SPEAKER. A number of bills similar to the judges' salary bill, which was passed this afternoon, are still on the calendar, and without objection they will be laid on the table.

There was no objection.

TENTH REPORT NATIONAL COMMISSION OF FINE ARTS

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Library:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the tenth report of the National Commission of Fine Arts covering the period July 1, 1921, to December 31, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

CIVIL GOVERNMENT FOR PORTO RICO

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Insular Affairs.

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of nine franchises granted by the Public Service Commission of Porto Rico. The franchises are described in the accompanying letter from the Secretary of War transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committees on Interstate and Foreign Commerce, Military Affairs, and Naval Affairs, and ordered printed:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committe for Aeronautics, I submit herewith the twelfth annual report of the committee for the fiscal year ended June 30, 1926.

Attention is invited to Part V of the committee's report, presenting a summary of the present status of aviation, with special references to technical development and to the aeronautical situation as affected by the constructive legislation enacted at the last session of Congress. Although it will take time to accomplish results under the air commerce act and the approved five-year aircraft building programs of the Army and Navy, it is gratifying to note the committee's opinion that America leads the world in the private ownership and operation of aircraft, is keeping pace with other nations in the technical development of aircraft for military purposes, and has the technical knowledge necessary at least to equal the commercial developments abroad.

I concur in the committee's opinion that the development of commercial aviation on a sound business basis depends primarily upon the solution of the basic problems of reduction in cost and increase in safety, which are in turn in the last analysis largely dependent upon the continuous prosecution of scientific research of the fundamental problems of flight. I believe that the American aviation program is sound in principle, and when carried into effect will go far toward making America first in the development of aircraft for military and civil purposes.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

ANNUAL REPORT OF THE GOVERNOR OF THE CANAL ZONE

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce.

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

POLITICAL STATUS OF THE PEOPLE OF PHILIPPINE ISLANDS (H. DOC. NO. 571)

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Insular Affairs.

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government, for the fiscal year ended December 31, 1925.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

BUREAU OF EFFICIENCY

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Civil Service.

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1925, to October 31, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

CIVIL GOVERNMENT FOR PORTO RICO

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Insular Affairs.

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of acts and resolutions enacted by the Eleventh Legislature of Porto Rico during its first special session (June 28 to July 14, 1926).

These acts and resolutions have not previously been transmitted to the Congress, and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

BATTLE FIELDS OF UNITED STATES (H. DOC. NO. 574)

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Military Affairs.

To the Congress of the United States:

In compliance with section 2 of the act approved June 11, 1926, entitled "An act to provide for the study and investigation of battle fields in the United States for commemorative purposes," I transmit for the information of the Congress the preliminary plan of the Secretary of War by which the purpose of the said act can, in his opinion, be most economically carried out.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

CIVIL SERVICE OF THE UNITED STATES

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on the Civil Service.

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States, approved January 16, 1883, I transmit herewith the Forty-third Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

CLAIMS OF CERTAIN GERMAN NATIONALS (H. DOC. NO. 572)

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report concerning the claims against the United States presented by the German Government on

behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter, for various amounts aggregating $461.59, which have been covered into the general fund of the Treasury Department as required by the statutes relating to the disposition of effects and unpaid wages of deceased seamen on American vessels, it appearing that each of the German nationals referred to lost his life while in the status of seaman in the American merchant marine. The report requests that the Congress be asked to authorize the appropriation of the sum necessary to pay these claims.

I recommend that, in order to effect a settlement of these claims in accordance with the recommendations of the Secretary of State, the Congress authorize an appropriation of the sum of $461.59.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

CHANGES IN ORGANIZATION OF CUSTOMS SERVICE (H. DOC. NO. 573)

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Ways and Means:

To the Congress of the United States:

The sundry civil act approved August 1, 1914, contains the following provisions, viz:

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized, except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated; and the President is authorized from time to time to change the location of the headquarters in any customs collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirements of the third proviso to the said provision, I have to state the following changes in the organization of the Customs Service have been made by Executive order since the last report.

By Executive order dated December 15, 1925, Boothbay was abolished as a port of entry in customs collection district No. 1 (Maine and New Hampshire), and the port limits of Bath were extended to include Boothbay and Wiscasset, with headquarters at Portland, Me., effective January 1, 1926.

By Executive order dated February 25, 1926, Koloa, on the Island of Kauai, was abolished as a port of entry and Port Allen created a port of entry in customs collection district No. 32 (Hawaii), with headquarters at Honolulu, Territory of Hawaii, effective 30 days from the date of the order.

By Executive order dated March 23, 1926, Darien was abolished as a port of entry in customs collection district No. 17 (Georgia), with headquarters at Savannah, Ga., effective 30 days from the date of the order.

By Executive order dated April 19, 1926, Baudette, Minn., was created a port of entry in customs collection district No. 36 (Duluth and Superior), with headquarters at Duluth, Minn., effective 30 days from the date of the order.

By Executive order dated August 12, 1926, the limits of the port of Wilmington, Del., a port of entry in customs collection district No. 11 (Philadelphia), with headquarters at Philadelphia, Pa., were extended to include the towns of New Castle, Newport, and Claymont, in the State of Delaware, and Carneys Point and Deepwater Point in the State of New Jersey, effective September 1, 1926.

By Executive order dated September 1, 1926, Orange, Tex., and Beaumont, Tex., were created ports of entry in customs collection district No. 21 (Sabine), with headquarters at Port Arthur, Tex., effective 30 days from the date of the order.

By Executive order dated October 2, 1926, the name of the port of Tia Juana, Calif., in customs collection district No. 27 (Los Angeles), with headquarters at Los Angeles, Calif., was changed to San Ysidro, Calif., effective 30 days from the date of the order.

By Executive order dated October 2, 1926, Sitka, Alaska, was created a port of entry in customs collection district No. 31 (Alaska), with headquarters at Juneau, Alaska, effective 30 days from the date of the order.

By Executive order dated November 13, 1926, the limits of customs collection district No. 27 (Los Angeles), with headquarters at Los Angeles, Calif., were extended to include all that part of the State of California lying south of the north boundaries of San Luis Obispo, Kern, and San Bernardino Counties, and the limits of customs collection district No. 28 (San Francisco) were modified to comprise all of that part of the State of California lying north of the north boundaries of San Luis Obispo, Kern, and San Bernardino Counties, effective December 1, 1926.

All of the above changes were dictated by considerations of economy and efficiency in the administration of customs and other statutes, with the enforcement of which the Customs Service is charged, as well as the necessities and convenience of commerce generally.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 9, 1926.*

BRANCH BANKING

Mr. MORTON D. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech prepared by me and delivered before the American Bankers' Association, at Los Angeles, on the subject of branch banking.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MORTON D. HULL. Mr. Speaker, under leave granted I insert herewith an address prepared by me and read before the American Bankers' Association at Los Angeles, Calif., as follows:

"Branch banking is in its essence monopolistic. To say that if a large proportion of the banking interests of a State are centralized in the hands of five or six or a dozen branch banking institutions, and that these institutions will not combine, either as a result of direct conferences or agreement or of mutuality of interests, is to ignore the fundamental basis of human action. If any lessons are to be drawn from the development of large industrial enterprises in the United States, it is that the principle of centralization, when once inaugurated, will proceed, unless interfered with by government action, to a point of complete concentration in an individual or a group dominated by an individual."

The statements I have read to you are not the fulminations of some demagogue but are the thoughtful utterances of a man of financial experience, of sound business judgment, of keen human understanding, and of temperate speech, Mr. Henry M. Dawes, former Comptroller of the Currency.

It is because we believe Mr. Dawes was right in his opinion that branch banking is monopolistic in character and that it leads to a highly centralized control over the fortunes of industry and of men and is inimical to the interests of our country that some of us have sought in any grant of branch-banking powers to national banks to confine such grants of powers to national banks in present infected territory and to discourage the future extension of branch banking into territory not now permitting it.

The effort to confine branch banking to present infected territory has been put into definite form in certain proposals in the McFadden bill, commonly known as the Hull amendments. Briefly, these amendments classify all banks, State and National, into two classes: Those located in States where State laws permit branch banking and those located in States where State laws do not permit branch banking. State laws permit branch banking in 22 States and do not permit branch banking in 26 States.

To national banks the Hull amendments, in effect, say, "If you are located in States where, at the time of the approval of this act, you are suffering from the competition of State banks with branches, you, too, may have branches in cities of 25,000 or more, but not otherwise." To State banks the Hull amendments, in effect, say, "We welcome your present and continued membership in the Federal reserve system; but if you are located in States not at the time of the approval of this act permitting branch banking, you may not take advantage of any subsequent change of the law of your own State and thereby acquire the right to do a branch banking business and at the same time maintain your membership in the Federal reserve system. If you value your membership in the Federal reserve system, you must forego branch banking; if you take up branch banking, you must forego membership in the Federal reserve system. The Hull amendments, in effect, give powers to national banks where powers are now necessary to meet the competition of State banks, but seek to make identical the interests of national and State banks in States not now permitting branch banking to maintain the status quo in such States—in other words, in maintaining the independent banking system.

It should be observed that the Hull amendments are not destructive in their character or effect. They seek to undo nothing already

done. They represent a practical compromise with an existing situation, a compromise made necessary by the fact that 48 States, as well as the National Government, have power to pass laws for the chartering of banking institutions. Sometime in the future the Federal Government may boldly take over the whole power of legislating for banking institutions, both State and national, but that time has not yet arrived.

To the Hull amendments, as I have briefly outlined them, certain objections have been made. One of these objections is the lack of uniformity which would result in the banking practice among national banks throughout the United States. One distinguished Senator who has opposed these amendments has described that lack of uniformity as being similar to that described by Lincoln in his famous phrase—"a Union half slave, half free." We think the Senator whom we have quoted is unhappy in his quotation from Lincoln. For it suggests the natural inquiry as to which States would be similar to the slave States and which States would resemble the free States—which States would represent economic freedom and which States would represent financial servitude. I think that question will answer itself in your mind, as it does in mine.

We admit the desirability of uniformity of banking practice when it can be had without undesirable results, but we see no requirement of uniformity based on any argument of essential justice as long as banks are competing on even terms with other banks of their own neighborhood. Banking is essentially a local business. Banks are local institutions. They draw their deposits from their own neighborhood. Their borrowing customers come from their own immediate vicinity. They are competing in business with other banks of their own neighborhood, and not with banks of other States. We see, therefore, no reason founded in essential justice requiring uniformity throughout the country.

It should be noted that the situation immediately following the passage of the McFadden bill, either with or without the Hull amendments, would be exactly the same so far as uniformity among the States is concerned. The lack of uniformity in banking practice would exist in either event. National banks in 22 States would be permitted to have branches and in 26 States would not be permitted to have branches. But there would be this difference in the two situations—that under the McFadden bill without the Hull amendments there would be a natural inducement held out to the big national banks in States not permitting branch banking to join the big State banks in a campaign in their respective State capitals for the grant of branch banking privileges. As one Congressman has said, there would be a branch banking lobby in every State capital of 26 States. The steady extension of the practice of branch banking would go on in both national and State banks under the inducements of Federal legislation. With the Hull amendments made a part of the law we could confidently expect that that tendency would stop. We would stabilize the situation at the present state until we have had a larger experience and a better understanding of branch banking. Finally, it should be noticed that Congress does not divest itself of power to meet any situation that may arise. It simply notifies the banking world that the power to do a branch banking business will be granted hereafter with reluctance. The Hull amendments are an assertion of a purpose by Congress to retain for itself the right to fix the powers of national banks, instead of handing that right over to the various States. What would you say of a Congress that passed an act that said, "We authorize the incorporation of national banks, but all their powers shall be fixed by the law of the State in which they are located?" If you regard that as absurd, why should you regard as absurd a purpose by Congress to retain for itself the power to determine how much further branch banking shall be extended?

The one way in which uniformity can be effected in the practice of national banks in the near future is by providing that national banks shall have branch banking without reference to State law. That has, indeed, already been urged. If there are any in this audience who are opposed to branch banking but who are living in the illusion that, so far as they are concerned, this whole discussion is of no importance, because, forsooth, the law of their own State does not only not permit branch banking but actually prohibits it, and furthermore because the law of their own State on banking can not be changed without a referendum vote, let me suggest that they are living in a false security. Should the McFadden bill be passed without the Hull amendments there will result naturally an increase in branch-banking influence and branch-banking political power throughout the country, following which the next inevitable step would be the granting to national banks branch-banking privileges without reference to State law.

Another, and the most plausible, argument against the Hull amendments is usually stated in the form of a question: What if 1 or more of the 26 States not now permitting branch banking should subsequently change its laws so as to permit such practice? Assuming that the Hull amendments were a part of the Federal law, would you not in such case seriously embarrass the national banks in such States? Anyone can ask a hypothetical question that will make the most elementary proposition of good sense look absurd, and the question asked is one of that class. We are dealing with human probabilities and not with hypothetical possibilities. Everyone here knows, and if he does not know, I speak out of 20 years' legislative experience, and I will tell him so, that no economic proposal ever comes to a legislative body walking on its own hind legs. It has always come in the portfolio of some legislative lobbyist representing some economic group hoping to gain by its passage. If the possibility of profit is absent, as it would be in States not now permitting branch banking in case the McFadden bill with the Hull amendments is law, the motive for passing an act permitting branch banking in the 26 States not now permitting it will be gone, and no such act or acts are likely to be passed. I speak with confidence when I say that the inclusion of the Hull amendments in the McFadden bill will stop a further extension of branch banking into territory where it is not now permitted. One objector to these amendments has stated that it would freeze the situation as it is. I accept his description.

A further objection to the Hull amendments is based on the assertion that branch banking is a perfectly natural economic development, and being a natural development it is assumed that it is a perfectly inevitable development. Assumed to be an inevitable development, the argument is, Why stand in its way? We are perfectly willing to admit that branch banking is a natural development. So are all forms of monopoly natural developments. But natural and desirable and inevitable are not synonymous words. Because a tendency is natural it is not necessarily desirable, still less inevitable. The whole history of our civilization is made up of restrictions put upon perfectly natural developments. Children born out of wedlock are frequently called natural children, but the bearing of children of that kind is not considered socially desirable. Weeds in a garden are a perfectly natural development, but the gardener digs them out. Branch banking is a noxious growth in our financial field, and if, perchance, it is necessary to recognize it, it is not necessary to encourage an extended growth.

A still further argument used against the Hull amendments is that they are an impairment of the rights of the State. This argument was so feebly pressed and is in itself so absurd that we do not feel it necessary to give it much attention. If it is the right of the Federal Government to legislate for the correction and protection of a national banking system, it is certainly its duty to make any reasonable conditions with reference to the membership of State banks in the Federal reserve system that will help protect the reserve system and protect national banks against unfair competition.

The struggle between those who are urging branch banking and those who are opposing it is something more than a struggle between the big fish who wish to swallow the little fish and the little fish who do not wish to be swallowed. It is a fight that profoundly affects the economic and social life of America through its effect upon business. It is a fight for the business man of small and moderate-size operations, for his prosperity and well being.

Big business, with its inspiring leadership by really big business men, counts much in the prosperity of this country. But the small and moderate-size business enterprises of our country, built upon the courage, sagacity, and enterprise of the ordinary man, count more. It is for this man the opponent of branch banking is fighting; it is this man who has made possible the marvelous development of America. He has accomplished great things, because here, as nowhere else in the world, the warm sunshine of opportunity has brought out the latent and unseen powers of the ordinary man. Opportunity is what America has meant to mankind. Opportunity is what the independent community banking system means to American business.

In the more primitive stages of our country's development a strong arm, a stout heart, a rifle, and a few tools were all a man needed. He could go out into the wilderness and build a home and make a fortune. The rich resources of prairie, stream, and mountain were his for the asking. His capital requirements were none. It is needless to say those days have gone never to return. Land of rich soil costs money—the gold has been washed out of the California sands. A man must have capital now to develop anything no matter what his individual genius may be or how strong his arm or stout his courage. The reservoirs of credits are the banks. To secure credit a man must be known. His courage, enterprise, and sagacity can be known only to his neighbors—to those who know him. It is at this place that the branch-banking system fails. The hired clerks of branch banking can not with safety be given authority to make commercial loans. The absentee officers of the central bank can not well judge of credits far away. Furthermore, it takes time. It is at this place that branch banking fails, and it is at this place that the independent community bank serves its great purpose. It gives to the ordinary man the ability to know, and to know quickly, what his credit is and how far he may go. It gives him credit where he could not get it of a branch bank. The economic independence of the average small business man is what the independent community banking system stands for and what the opponents of branch banking are striving to maintain, and the fight is not yet over.

As justification of my own appearance before this body of bankers may I be permitted to say that the question at issue is not one requiring the testimony of experts. It is simply a question of public policy

in which the opinion of any thoughtful man with vision enough to look just a little way ahead is as much entitled to respect as the opinion of the greatest experts. It is a question whether you wish to put the funds of the many millions of our people into the financial control of a very, very few. Perhaps that control would be wise. Those who seek that control undoubtedly think so. Perhaps it would be wise, too, if we gave up our political democracy and vested all political powers in the hands of a very few. In my opinion we are not ready to do either.

ADDRESS OF HON. LISTER HILL, OF ALABAMA

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein, an address delivered by the Hon. LISTER HILL, a Representative from the State of Alabama, on the 12th of November, 1926, relating to the economic situation of the cotton-producing States.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, under leave granted me, I insert herewith a speech of Hon. LISTER HILL, of Alabama, on the cotton situation delivered over the radio at the Alabama Polytechnic Institute at Auburn, Ala., on the evening of November 12, 1926:

ECONOMIC SITUATION IN COTTON STATES

Men everywhere are anxiously wondering how far suffering and ruin will follow in the wake of the present incredibly low price of cotton. They know that during the last six years American farmers earned an average of exactly one-half of 1 per cent upon their capital investment, and that last year they received for their services, labor, including family labor and management, an average of only $648 for each farm family. They know that the cotton farmer earned even less than this. As ex-Gov. Frank O. Lowden, of Illinois, himself a large cotton farmer in the South and a grain and livestock farmer in the West, says in a recent article in the New York Times: "Suppose you should awake some morning and find in your morning newspaper a story under these headlines, 'Interest upon corporate capital investment reduced from 11 per cent to 3.5 per cent; wages in industry reduced from $1,250 to $648; wages of those engaged in transportation reduced from $1,570 to $648.' What a startled and panic-stricken world you would look out upon. And yet you would only behold a world reduced to the present status of agriculture."

We know that of all American farmers the cotton farmer through the years has received less pay for his labor than that received by any other large class of laborers in the United States. Many cotton farmers have gone on year after year doing little or no more than breaking even financially. Cotton is produced by the help of tens and hundreds of thousands of women and children who get a mere pittance for their labor. In Alabama in 1920, the year of the last Federal census, 382,000 men and 123,000 women were listed as agricultural workers. Many a cotton farmer's wife and daughter work in the field during the planting and cultivating season and again during the picking season. Nowhere else in America do so many women labor in the fields.

Year after year with high courage, with unfaltering heroism, with unending devotion the southern cotton farmer has labored, has worked, has toiled, has poured out the sweat of his brow with little or no reward, because single-handed and alone, try as he would, he has been unable to market his crop so as to receive a fair return upon it. There has been but one certain thing about the sale of his crop, and that has been that it would be sold to his disadvantage and that he would fail to make a living profit upon it. To-day he stands upon the brink of bankruptcy and utter ruin because of the present surplus of cotton and the fact that when the crop was gathered he had no system with which to wisely and economically take the surplus off the market. We know that according to Government statistics there is no net surplus of cotton over a period of five or six years. The southern cotton farmer produces no more cotton than the world needs and consumes. For the five years 1920 through 1924, this country raised an annual average cotton crop of only 10,984,584 bales. And yet the surplus which comes some years breaks the price so low as to break the farmers. In similar manner temporarily unneeded supplies of cotton flood the market at times during the year and have a like depressing effect on price. This comes about because most cotton farmers sell at harvest time or shortly thereafter and they can not individually put on the market throughout the year just the amount when and as needed.

The great problem that confronts the cotton farmer is to properly market his crop and to remove the blighting effect of a temporary surplus. I believe that the Haugen bill as we amended it and for which many of us labored and fought in the last session of Congress, holds the solution of this problem. I believe that had that bill as amended become a law, we would not now witness the distress which casts its gloom over the South. The bill as amended handed the southern cotton farmer on a silver waiter $75,000,000 of Government money to be used as a revolving fund for handling surplus cotton.

In the bill as amended the necessary machinery was provided to make effective buying, storing, and handling of surplus commodities by operating through cooperative associations, subsidiaries of cooperative associations, or other business organizations. If the bill as amended had passed, to-day we would have a $75,000,000 revolving fund to take the surplus off the market, carry it until it was needed, stabilize the market at fair and profitable prices, and at the end of two years we would have a system whereby the southern cotton farmer on his own resources could permanently protect himself against market demoralization. As Mr. B. W. Kilgore, the president of the American Cotton Growers' Association, well says, the $75,000,000 would have bought outright at prevailing prices one and one-quarter million bales of cotton, and by securing from commercial sources loans of 50 per cent of the value of cotton, which could have easily been done, two and a half million bales could have been taken off the market. As Mr. Kilgore further says, this would have had a material and unquestioned effect in increasing the price of cotton. Hon. Clarence Ousley, of Texas, a distinguished agricultural economist, well says: "I have never been as enthusiastic about the Haugen bill as some of its supporters, but I am confident that if Congress had passed that bill and provided the initial Government appropriation as authorized we could retire 3,000,000 or 4,000,000 bales of this year's crop." Ex-Governor Lowden was a devoted and vigorous advocate of the Haugen bill, and it is therefore not surprising to read from him in the article to which I have referred, the following: "If there were not surpluses some years, there would be a deficiency in others, and then the world would be lacking in sufficient food and clothes. If, however, the farmer alone must bear the crushing burden of a surplus under the slow operation of economic laws, the time will come when there will be no surplus and when the world, therefore, will go hungry and half clothed. So, in the interest of society as well as of the farmer, we must contrive some method by which the surpluses of the essentials of life shall become a benefit to him who produces them—not a burden. It is clear that the individual farmer can not do this." But this is the very thing that the Haugen bill as amended proposed to do.

Other nations have had the problem of a surplus of natural products and have solved it. As Mr. W. L. Bruce, of Catherine, Ala., a leading agriculturist and distinguished thinker, asks in a timely letter to the Selma Times-Journal under date of October 14 last: "How did the British double and treble the price of rubber? Did the Government aid them? How did the bankrupt planters of Brazil treble the price of coffee? Did their Government help them? How does Chile maintain the price of their nitrates? Does their Government assist them? The Cubans must not grind a stalk of cane until January 1. Who gave these orders?" We know that the rubber planters in the eastern colonies of Great Britain were practically bankrupt because of the low price they were receiving for their rubber. The British Government became interested in their troubles and worked out for them the Stevenson plan, whereby the supply of rubber in the markets of the world has been adjusted to the actual demands of commerce. As a result of the operation of this plan the price of rubber has greatly increased, and no portion of the British Empire is enjoying more prosperity than those far-off colonies. A few years ago the coffee growers of Brazil found themselves in dire distress due to unrestricted competition. The Government adopted a plan for centralized selling to adjust the supply to the world demand. To-day the coffee market of the world is stabilized and the coffee producers of Brazil are happy and prosperous. At the close of the World War Australia and New Zealand had on hand a vast quantity of wool, which threatened disaster to the woolgrowers. Through the action of the British Government an organization of the growers for the handling of the huge carry-over was perfected, the price of wool was stabilized, and the disaster averted.

The enemies of the Haugen bill as amended denounce it as a subsidy. I deny that the grant to the southern cotton farmers of a right to use a $75,000,000 revolving fund for two years is a subsidy in any true sense of that word. The grant would merely put cotton farmers on a temporary equality with the producers of other agricultural products on which there is a tariff under existing law. We hear no complaint because the Federal Government is to-day operating at a financial loss barges on the Warrior River here in Alabama. We hear no condemnation of the Government having given hundreds of millions of dollars to build railroads across the country. We hear no charge of subsidy in the spending by the Government of other hundreds of millions for the irrigation of great arid areas in the West. There is no criticism of a subsidy to labor because the Government stopped the flow of immigrants into this country. There is no outcry of subsidy to the railroads because the Government loaned them hundreds of millions of the people's money and enacted a law giving them an assured income. Under the operation of this law, known as the Federal transportation act, the class 1 roads of the South which own and operate more than 90 per cent of the railway mileage in the South have been making enormous profits. In 1924 their earnings amounted to approximately $10,000,000 in excess of the fair rate of return fixed by the law which is 5¾ per cent. In 1925 their

earnings amounted to nearly thirty millions of dollars in excess of the fair rate of return and their earnings up to date demonstrate that they will substantially exceed those of 1925. Startling as it may seem under the operation of the transportation act, Southern railroads are continuing to increase their rates and revenues wherever it is possible for them to do so in the general revision of the rates on all commodities now taking place in the Southern territory. Just a few months ago when the railroads came to revise the fertilizer rates in the South they proposed to readjust the rates in such a way as to bring to them an additional revenue of more than a million and a half dollars from the fertilizer traffic alone.

The Interstate Commerce Commission did not grant the railroads the rates they asked for, but did provide a basis of rates which on the whole will increase the railroads' revenue derived from the shipment of fertilizer and fertilizer material. The hearings on the transportation act conducted by the committee of the House of Representatives on Interstate and Foreign Commerce during the Sixty-eighth Congress brought out for the first time the fact that agriculture is paying more than twice its just share of the revenue that railroads receive for freight transportation, agriculture furnishing less than 9 per cent of the total volume of railroad freight traffic and paying over 18 per cent of the revenue the railroads receive for freight carried. Although there is no cry of subsidy against the transportation act, this act must be changed. The Interstate Commerce Commission must be divested of its great and plenary power. That power must be placed to a large degree in a number of regional commissions sitting throughout the country, so that the farmer, the merchant, the small shipper may have his day in court and protect himself from extortionate freight rates. Furthermore, as Mr. Herbert Hoover, the Secretary of Commerce, said in a far-seeing address in Seattle, Wash., on August 21 last, the Federal Government must develop our wonderful waterways, that agriculture and the Nation generally may have the benefits of water rates so cheap in comparison with railroad rates.

If there was ever a subsidy on earth, the present high protective tariff imposed by the Federal Government under the Fordney-McCumber Act is one. The late Senator Knute Nelson, a rock-ribbed Republican from Minnesota, said of the enactment of this act: "They came with their handbags, they swarmed the lobbies of the Capitol, and few if any left disappointed." Standing on the floor of the Senate a few days before the adjournment of the last session of Congress, the great Republican Senator from Idaho, Mr. BORAH, said:

"I voted against the present tariff bill, not because I am opposed to the principle of protection but because, first, I am opposed to the abuse of it, and from my viewpoint many of the duties were indefensible. * * *"

Each year under this law $3,500,000,000 are taken out of the pockets of the farmers and consumers of America and poured into the pockets of the great predatory interests. The tariff on sugar alone costs the housewives of this country over $650,000 a day. The tariff on ammonium phosphate, a very valuable fertilizer, is $30 a ton and so high that this commodity can not be imported into this country, but is sent out of this country from Warner, N. J., to Japan. The tariff is so high that our own farmers can not buy ammonium phosphate, but Japan can buy it from us. The tariff on ammonium sulphate, another very valuable fertilizer, is $5 a ton. The same people who profit from these unjust tariffs on fertilizers combining with other selfish interests have kept the Government from carrying out the purpose to which Muscle Shoals was dedicated, namely, to use it for the farmers, to cut in half the cost of their fertilizers. The distinguished gentleman from Kentucky, Hon. DAVID H. KINCHELOE, on January 29 last on the floor of the House of Representatives in discussing the tariff and the farmer said: "On every plow, binder, hoe, rake, wagon, truck, bridle bit, harness buckle that the farmer buys he has to pay either a direct or an indirect tariff. He pays a tariff on the knives, forks, spoons, dishes for his table. A tariff on his tablecloth and on the crockery for his kitchen. If he wants to build a home he pays a tariff on all the brick, slate, glass, and nails that go into same. If he decides that he wants some musical instruments for himself and family, he pays a tariff on that. If he has his horses and mules shod, he pays a tariff on the horseshoes and nails. When he buys a pocketknife, a shotgun, an automobile, he pays a tariff on that. If he writes a letter, he has to pay a tariff on his pen and penholder. If he wants to go fishing he pays a tariff on his fishhooks and line. And if after a meal he wants a toothpick, he pays a tariff on that. When his wife does the washing she has to pay a tariff on her galvanized washtub, washboard, and soap. She pays a tariff on clothesline, as well as the clothespins. If his wife and the girls want an umbrella or parasol they pay a tariff on it. If they need some hooks and eyes for their dresses, they pay a tariff on them. If they need pins, even safety pins, they pay a tariff on them. If his wife needs some window shades or curtains for the home she pays a tariff on them. If the farmer or laborer has any children and wants them to enjoy the Christmas toys of the mysterious Santa Claus he has to pay a tariff on them. If the farmer or laborer has to be operated on the instruments that the surgeon uses have a tariff on them, and even the anesthetic used to put him to sleep has a tariff on it. When he dies the shroud and casket that inclose his lifeless form have a tariff on them; the material used to make the hearse, which carries his remains to the grave, has a tariff on it; the wooden box which incloses his casket has a tariff on it; the screws which go into the box have a tariff on them; and the spade which digs his grave has a tariff on it. What a sweet consolation it is for a man to go from this world into another conscious of these facts."

On practically everything the farmer uses he pays a tariff levy of from 10 to 80 per cent. Is it surprising that some 700,000 farmers have gone into bankruptcy under the operation of the present Fordney-McCumber Tariff Act? A farming population of 2,500,000 people reduced to poverty and want, because of this discriminatory legislation. The Fordney-McCumber Act places around this country a tariff wall so high that it is impossible for foreign nations to ship their goods into America and sell them to us. Each year we must sell to foreign nations from 60 to 70 per cent of our cotton. To-day we hold over one-half of the gold of the world. Unless these foreign nations can sell their goods to us and get some of that gold in return they have no money with which to buy our cotton. In the face of this cruel and outrageous subsidy of the Fordney-McCumber Act who dares have the temerity to complain of the use of the $75,000,000 in the Haugen bill as amended? This bill as amended would bring to the southern cotton farmer that stability, that prosperity, that happiness to which he is so entitled and which the Brazilian coffee grower, the Australian wool-grower, and the British rubber grower enjoys. The great financial and industrial interests of the East would not permit its passage in the last session of Congress. As Judge William H. Taylor, the nestor of the black belt, well said in a letter to the Montgomery Advertiser under date of October 18 last: "Big business would have none of it. It helped the poor." Big business brought all of its tremendous influence to bear upon the Coolidge administration and encompassed the defeat of the bill.

When Congress convenes in December I shall return to Washington, taking with me in my mind's eye a picture of the present distressing situation, and with heart resolved and purpose fixed I shall carry on the great fight for the passage of the Haugen bill as amended. I shall return to Congress to work and to fight for the southern cotton farmer; for him who through the sweat of his brow gives to America her balance in trade and brings into her coffers from distant lands more gold than any of her sons; for him who well on the highway of his daily toil receives the first greetings of the sun and continues his weary march through the slow progression of the hours till amidst the falling shadows of evening he turns his tired steps homeward; for him who is a partner with God to liberate the forces of nature and clothe the teeming millions of the Republic.

SALARY INCREASES FOR FEDERAL JUDGES

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the judges' salary bill, passed this afternoon.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker, this is not a speech. It is a statement by me to be inserted in the RECORD to show that I opposed and voted against S. 2858, just passed, making heavy increases in the salaries of Federal judges. I wanted to make a speech against this bill but only one hour was allowed on each side and it was impossible for me to get the necessary time. I therefore have to content myself with this statement in the RECORD. This bill increases the salaries of the Chief Justice of the Supreme Court of the United States from $15,000 to $20,500 per year; the Associate Justices of the Supreme Court of the United States from $14,500 to $20,000; the circuit judges from $8,500 to $12,500; the district judges from $7,500 to $10,000; the Chief Justice of the Court of Claims from $8,000 to $12,500; other judges of the Court of Claims from $7,500 to $12,500; the Chief Justice of the Court of Appeals of the District of Columbia from $9,000 to $12,500; other justices of the Court of Appeals of the District of Columbia from $8,500 to $12,500; the Chief Justice of the Supreme Court of the District of Columbia from $8,000 to $10,500; the Associate Justices of the Supreme Court of the District of Columbia from $7,500 to $10,000; the presiding judge of the United States Court of Customs Appeals from $8,500 to $12,500; other judges of the United States Court of Customs Appeals from $8,500 to $12,500; and members of the Board of General Appraisers, which board functions as the customs trial court, from $9,000 to $10,000 per year.

There is no justification for these increases. Under the present law the judges of the Federal courts receive the salaries outlined above, the lowest being $7,500 per year and ranging from that up to $15,000 per year. They hold their positions for life, subject to removal by impeachment for misbehavior. They have in addition to their salaries most liberal provisions

made for their personal expenses and official equipment and convenience. After they have served for a sufficient time and reach the age of 70 years they may retire and draw their salaries during the rest of their lives. The places are now so attractive that there is a great scramble for practically every place. For a vacancy which developed a few days ago there are now more than 40 applicants, many of whom are lawyers of the very highest class. This is the usual condition.

Federal judges do not resign because of insufficient compensation. Very few of them ever resign. Of the great number of them all over the United States only 10 resigned or retired during the years 1924 and 1925. Several of these resignations were for the purpose of accepting appointments to higher places on the Federal bench at existing salaries. Four were retirements under the law because of advancing age. Only one indicated that the salary was not sufficient. He was a New York judge who probably had a very attractive law practice proposition inviting him.

The statement that this bill is passed to enable the Government to get good Federal judges, or that it is to prevent them from resigning, is a mere pretext without any foundation in fact.

This is the first bill to pass during this session of Congress. It provides a considerable increase in the expenses of Government. That is the direction in which the Government is constantly going. Some lawyers, large business concerns, and some other taxpayers at home plead for the reduction of expenses of Government in general and usually plead for each particular increase in such expenditures. If Government expenses and taxes are to be decreased, it will have to be by reduction of particular expenditures.

But many of our friends at home and many of my colleagues plead for economy in the abstract and ask and vote for the increase of Government expenditures in particular instances.

It is a part of the fiscal history of the United States that after a major war Government expenditures have never gone as low as double the amount of Government expenditures prior to that war. In the case of the World War they never went as low as three times the average annual expenditures just prior to that war. For many years immediately preceding the World War the annual expenditures of the Government of the United States were around $1,000,000,000. They were reduced below that figure by the Democratic administration of President Cleveland and were again raised to above that figure as soon as the Republicans came in. The Wilson administration succeeded in again reducing them to below $1,000,000,000 annually before the outbreak of the World War. The Republicans who have had charge since the World War have never gotten them as low as $3,000,000,000 per year, and have started upward with them again. President Coolidge, during the present session of Congress, asked for the appropriation of above $4,000,000,000 during this session, which is about four times the amount of the high figures prior to the World War, and this Congress starts off by practicing "Coolidge economy," which is by enlarging Government expenditures.

Every farmer, mill or factory worker, or other productive laborer in the country will have to help pay these increases. Gentlemen say that the bill will only burden them further to the extent of a penny each. That is said in connection with practically every piece of burdensome legislation proposed in this House or in State legislatures or elsewhere. Because each bill does not by itself bankrupt the people its passage is excused on the ground that it will cost each citizen but a little.

But there are hundreds or thousands of such measures adopted in county seats, State capitals, and in Washington, the aggregate of which has piled government expenditures up to an appalling amount and run city, county, State, and national taxes up to a ruinous figure. The taking of one drop of a man's blood does not bleed him to death, but it is easily possible to take enough single drops of blood to kill him. This very process in county seats, in State capitals, and in the National Congress is laying upon the American people a staggering burden of taxation.

Farmers and laboring people pay much more than their fair share of all such taxation, and this evil is worse aggravated in the payment of the expenses of running the Federal Government. American farmers are in a state of distress. No one thing causes their distress. It is caused by many things. One of the important contributing causes of their distress is taxation—National, State, and county. So long as we continue to adopt these measures because they increase burdens only a little, and say every time that we will do it "just this once," we will continue to burden poor and moderately circumstanced people. This session of Congress is beginning its work by adding littles to the burden of taxpayers and productive people. If it can not do any big things to improve their condition I would be glad to see it engage in doing little things to help them instead of carrying forward this old system of laying upon them additional burdens little by little.

I probably would not enter this statement in the RECORD if the majority of us who opposed this measure had succeeded in getting a record vote. We tried to do that and failed. Gentlemen who are afraid to have the people at home know how they voted often adopt these tactics and thereby prove that they know that the people whom they are supposed to represent will not favor their action. Members of Congress do not hide votes which they think their people will approve by refusing to make a record of them.

Moreover, this bill was pending for some weeks or months prior to the adjournment of the last session of Congress, but these gentlemen who now vote overwhelmingly for it did not want to go home and face their constituents with a vote like this in their record. Therefore, the bill was postponed in order that it might wait until Members got by this year's elections.

For the reasons I have stated, and others, this bill should not pass. The action of Members in refusing a record vote shows that they are not proud of a vote for it, or that they are afraid their constituents will not approve it.

I think we should face the issues here squarely and let our constituents know what we are doing and why we do it. To that end I am inserting this statement in the RECORD.

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Friday, December 10, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings for Friday, December 10, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(2 p. m.)

War Department appropriation bill.

COMMITTEE ON FLOOD CONTROL

(10.30, room 246)

To consider the work of the committee during the present session.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

739. A letter from the Secretary of the Interior, transmitting a statement embodying the number of documents received and distributed during the fiscal year 1926; to the Committee on Printing.

740. A letter from the Secretary of the Interior, transmitting a statement embodying the aggregate number of various publications issued during the fiscal year 1926, the cost of paper used for such publications, the cost of printing, cost of preparation of copy, and the number distributed; to the Committee on Printing.

741. A letter from the Secretary of the Interior, transmitting a statement of expenditures made by this department and charged to the appropriations "Contingent expenses, Department of the Interior, 1926, fiscal year ended June 30, 1926"; to the Committee on Appropriations.

742. A letter from the Secretary of the Interior, transmitting a statement showing what officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1926; to the Committee on Appropriations.

743. A letter from the Secretary of the Treasury, transmitting the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1926; to the Committee on Ways and Means.

744. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination and survey of Willapa Harbor, Wash. (H. Doc. No. 565); to the Committee on Rivers and Harbors and ordered to be printed.

745. A communication from the President of the United States, transmitting deficiency estimates of appropriations under the legislative establishment, House of Representatives, for the fiscal year 1922 and prior years, in the sum of $2,570.30 (H. Doc. No. 566); to the Committee on Appropriations and ordered to be printed.

746. A communication from the President of the United States, transmitting a communication from the Secretary of War submitting an estimate of appropriation to pay claims for damages to or loss of privately owned property in the sum of $322.13, which have been adjusted and which require an appropriation for their payment (H. Doc. No. 567); to the Committee on Appropriations and ordered to be printed.

747. A communication from the President of the United States, transmitting a communication from the Acting Secretary of Commerce submitting an estimate of appropriation to pay claims for damages to privately owned property in the sum of $549.79, which have been adjusted and require an appropriation for their payment (H. Doc. No. 568); to the Committee on Appropriations and ordered to be printed.

748. A communication from the President of the United States, transmitting a communication from the Acting Secretary of Commerce submitting an estimate of appropriation to pay a claim for damages to privately owned property in the sum of $20, which has beeen adjusted and which require an appropriation for its payment (H. Doc. No. 569); to the Committee on Appropriations and ordered to be printed.

749. A communication from the President of the United States, transmitting four communications from the Postmaster General submitting estimates of appropriations in the sum of $12,244.03 to pay claims for damages to or losses of privately owned property which has been adjusted and which requires an appropriation for their payment (H. Doc. No. 570); 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. KNUTSON: Committee on Indian Affairs. H. R. 13492. A bill authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims; without amendment (Rept. No. 1614). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 13494. A bill to permit detailing of employees of the Indian field service to the Washington office; without amendment (Rept. No. 1615). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS: Committee on Indian Affairs. H. R. 14250. A bill to authorize reimposition and extension of the trust period on lands held for the use and benefit of the Capitan Grande Band of Indians in California; without amendment (Rept. No. 1616). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. S. 564. An act confirming in States and Territories title to lands granted by the United States in the aid of common or public schools; with an amendment (Rept. No. 1617). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PARKER: A bill (H. R. 14684) to protect the Government and the public from shortages of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 14685) authorizing an appropriation for the payment of tuition of Crow Indian children attending Montana State public schools; to the Committee on Indian Affairs.

By Mr. TINCHER: A bill (H. R. 14686) to regulate the manufacture and sale of substitutes for butter, known as margarine, oleomargarine, and butterine, and to protect the makers of butter and the users of butter from fraudulent imitation of butter, and to prevent the evasion of the taxes and penalties imposed in furtherance of the purposes of this act, and for other purposes; to the Committee on Agriculture.

By Mr. UNDERHILL: A bill (H. R. 14687) authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings; to the Committee on Public Buildings and Grounds.

By Mr. GASQUE: A bill (H. R. 14688) to authorize the building of a bridge across the Waccamaw River in South Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHARACH: A bill (H. R. 14689) amending paragraph 5, schedule A, Title VIII, of public law No. 20; to the Committee on Ways and Means.

By Mr. BULWINKLE: A bill (H. R. 14690) to amend the World War veterans' act, 1924, as amended July 2, 1926; to the Committee on World War Veterans' Legislation.

By Mr. CELLER: A bill (H. R. 14691) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. DAVILA: A bill (H. R. 14692) providing for the appointment of a commission to study, inspect, and report upon the government and conditions in the island of Porto Rico; to the Committee on Rules.

By Mr. ROY G. FITZGERALD: A bill (H. R. 14693) amending section 230 of the act of February 26, 1926, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," by reducing the annual tax on corporations from 13½ to 10 per cent; to the Committee on Ways and Means.

By Mr. REECE: A bill (H. R. 14694) to provide for the preservation, completion, maintenance, operation, and use of the United States Muscle Shoals project for war, navigation, fertilizer manufacture, electric power production, and other purposes, and in connection therewith, the incorporation of the Farmers' Federated Fertilizer Corporation and the lease to it of said project; to the Committee on Military Affairs.

By Mrs. ROGERS: A bill (H. R. 14695) to amend the national defense act, as amended; to the Committee on Military Affairs.

By Mr. WELCH of California: A bill (H. R. 14696) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service"; to the Committee on the Civil Service.

By Mr. FISH: A bill (H. R. 14697) to provide a commission to ascertain the feasibility of constructing a stadium in Potomac Park, in the District of Columbia, in memory of Theodore Roosevelt; to the Committee on Rules.

By Mr. WRIGHT: A bill (H. R. 14698) to create a national memorial military park at and in the vicinity of Kennesaw Mountain, in the State of Georgia, and for other purposes; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 14699) to enlarge and remodel the entrance of the post-office building at Olean, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMSON: A bill (H. R. 14700) regulating Indian allotments disposed of by will; to the Committee on Indian Affairs.

By Mr. FOSS: A bill (H. R. 14701) to extend collect-on-delivery service and limits of indemnity to third and fourth class domestic parcels on which the first-class rate of postage is paid; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 14702) to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 14703) to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels; to the Committee on the Post Office and Post Roads.

By Mr. WELSH of Pennsylvania: A bill (H. R. 14704) for the suppression of traffic in firearms equipped with muffling appliances, through national and interstate commerce and the Postal Service subject to the jurisdiction and laws of the United States; to the Committee on the Judiciary.

By Mr. BOYLAN: Joint resolution (H. J. Res. 299) for the purposes of providing a day of rest on December 25, 1926, for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. FAIRCHILD: Joint resolution (H. J. Res. 300) authorizing the Secretary of War to loan to Private Charles Crames Post, No. 225, Veterans of Foreign Wars of the United States, Bronx, New York City, necessary tents, cots, and blankets for use in the establishment of a veterans' camp between May 15 and September 15 each year; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 14705) granting an increase of pension to Mattie Pierce; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 14706) granting an increase of pension to William Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14707) for the relief of William H. Burke; to the Committee on Military Affairs.

Also, a bill (H. R. 14708) authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and issue him an honorable discharge; to the Committee on Military Affairs.

By Mr. BACHARACH: A bill (H. R. 14709) granting an increase of pension to Martha E. Brown; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 14710) granting a pension to Anna L. Myers; to the Committee on Pensions.

By Mr. BROWNING: A bill (H. R. 14711) granting a pension to Luther G. Pugh; to the Committee on Pensions.

Also, a bill (H. R. 14712) granting a pension to Walter L. Ross; to the Committee on Pensions.

Also, a bill (H. R. 14713) granting an increase of pension to Emma F. Derryberry; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 14714) granting an increase of pension to Zenas A. Hinson; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 14715) granting a pension to William E. Quinn; to the Committee on Pensions.

By Mr. CONNERY: A bill (H. R. 14716) granting a pension to Drucilla Van Nest; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 14717) granting a pension to Elizabeth Williams; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 14718) for the promotion and retirement of William H. Santelmann, leader of the United States Marine Band; to the Committee on Naval Affairs.

By Mr. CROWTHER: A bill (H. R. 14719) granting an increase of pension to Alice Finch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14720) granting an increase of pension to Margaret Herrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14721) granting an increase of pension to Cordelia Safford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14722) granting an increase of pension to Ellen V. Archambeault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14723) granting an increase of pension to Maria McGinniss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14724) granting an increase of pension to Sarah C. Bame; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14725) granting an increase of pension to Verona E. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14726) granting an increase of pension to Catharine Carr; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 14727) granting an increase of pension to Vernon L. Johnson; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 14728) granting a pension to Charles C. Thornburg; to the Committee on Pensions.

By Mr. FAUST: A bill (H. R. 14729) granting an increase of pension to Julia A. Thomas; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 14730) granting an increase of pension to Julia M. Lindsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14731) granting an increase of pension to Eliza K. D. Mann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14732) granting an increase of pension to Mary L. Mitchell; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 14733) granting a pension to Charles A. Heltzman; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 14734) granting a pension to Anna E. Smith; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 14735) for the relief of Rebecca J. Rider; to the Committee on Military Affairs.

By Mr. FREDERICKS: A bill (H. R. 14736) for the relief of Albert Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 14737) for the relief of Jeremiah F. Mahoney; to the Committee on Military Affairs.

Also, a bill (H. R. 14738) for the relief of Leslie E. George; to the Committee on Military Affairs.

Also, a bill (H. R. 14739) for the relief of Clyde Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 14740) for the relief of Joseph M. Hayden; to the Committee on Military Affairs.

Also, a bill (H. R. 14741) for the relief of Arthur Jacobs; to the Committee on Military Affairs.

Also, a bill (H. R. 14742) for the relief of Walter E. Sharon; to the Committee on Naval Affairs.

Also, a bill (H. R. 14743) for the relief of William D. Power; to the Committee on Naval Affairs.

Also, a bill (H. R. 14744) for the relief of Maurice S. Cleary; to the Committee on Naval Affairs.

Also, a bill (H. R. 14745) for the relief of Herbert Eaton Raynes; to the Committee on Naval Affairs.

Also, a bill (H. R. 14746) for the relief of James E. Hughes; to the Committee on Naval Affairs.

Also, a bill (H. R. 14747) granting an increase of pension to Evelyn G. Burrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14748) granting an increase of pension to Faustina B. Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14749) granting a pension to Rebecca Backman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14750) granting an increase of pension to Michael J. Haggerty; to the Committee on Pensions.

Also, a bill (H. R. 14751) granting a pension to Jacob W. Houser; to the Committee on Pensions.

By Mr. GAMBRILL: A bill (H. R. 14752) for the relief of W. S. Smallwood; to the Committee on Agriculture.

By Mr. GREEN of Florida: A bill (H. R. 14753) for the relief of Ralph Ole Wright and Varina Belle Wright; to the Committee on Claims.

By Mr. HARDY: A bill (H. R. 14754) granting an increase of pension to Minerva J. Raybell; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 14755) granting a pension to Florence Christie; to the Committee on Invalid Pensions.

By Mr. MORTON D. HULL: A bill (H. R. 14756) for the relief of Kurt Falb; to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 14757) granting an increase of pension to Rufus M. Barnes; to the Committee on Pensions.

Also, a bill (H. R. 14758) granting a pension to Edwin Nichols; to the Committee on Pensions.

By Mr. IRWIN: A bill (H. R. 14759) granting a pension to Abbie A. Pike; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 14760) granting an increase of pension to Mary Everhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14761) granting an increase of pension to Phoebe A. Myers; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 14762) granting an increase of pension to Caroline Kaak; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14763) granting a pension to Helen K. Andrews; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 14764) granting an increase of pension to Elizabeth Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14765) granting an increase of pension to Josephine Searle; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 14766) granting an increase of pension to Jennie Hummell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14767) granting a pension to Anna Horrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14768) granting an increase of pension to Betty S. Satterfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14769) granting an increase of pension to Rebecca Horn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14770) granting an increase of pension to Sarah J. Rhodes; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 14771) granting a pension to Margaret Newman; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 14772) to correct the naval record of Simon A. Richardson; to the Committee on Naval Affairs.

By Mr. McFADDEN: A bill (H. R. 14773) granting an increase of pension to Sarah E. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14774) granting an increase of pension to Martha Jane Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14775) granting an increase of pension to Clarisa Markham; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 14776) granting an increase of pension to Weltha Reed; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 14777) granting an increase of pension to Susanna Roundtree; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 14778) granting an increase of pension to Margarite Schmall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14779) granting a pension to Lovila S. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14780) granting an increase of pension to William J. Hines; to the Committee on Pensions.

Also, a bill (H. R. 14781) granting a pension to John J. Pokornowski; to the Committee on Pensions.

Also, a bill (H. R. 14782) granting an increase of pension to Mary Racklyeft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14783) granting an increase of pension to Bridget Marshall; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 14784) for the relief of Maud S. Grossetete; to the Committee on Claims.

Also, a bill (H. R. 14785) granting an increase of pension to Miguel Archuleta; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 14786) granting an increase of pension to John D. Lindsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14787) granting an increase of pension to Elizabeth Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14788) granting an increase of pension to Sarah J. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14789) granting an increase of pension to Susan A. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14790) granting an increase of pension to Harriet Mealy; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 14791) granting an increase of pension to Louise Lavender; to the Committee on Invalid Pensions.

By Mr. PARKS: A bill (H. R. 14792) granting a pension to Ella J. Garrison; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 14793) granting an increase of pension to Mary Older; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 14794) for the relief of Daniel Mangan; to the Committee on Military Affairs.

By Mr. ROBINSON of Iowa: A bill (H. R. 14795) granting an increase of pension to Susan A. Brooks; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 14796) granting an increase of pension to Christina Nauman; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 14797) granting an increase of pension to Janet Tenney; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 14798) granting an increase of pension to Mary A. McLaughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14799) granting an increase of pension to Sophia M. Nicholas; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 14800) granting an increase of pension to William A. Keating; to the Committee on Pensions.

By Mr. SWOOPE: A bill (H. R. 14801) granting an increase of pension to Claude W. Swartwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14802) granting an increase of pension to Julia A. W. Pollyard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14803) granting an increase of pension to Mary C. Klinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14804) granting an increase of pension to Bertha C. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14805) granting a pension to Alfred Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14806) granting a pension to Richard F. Gray; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 14807) granting a pension to Alexander Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14808) granting an increase of pension to Charlotte E. Johnson; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 14809) granting an increase of pension to Arminda V. Cornelius; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 14810) granting an increase of pension to Mary W. Latta; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 14811) granting a pension to Ina G. Felch; to the Committee on Invalid Pensions.

By Mr. TOLLEY: A bill (H. R. 14812) granting an increase of pension to Clara L. De Hass; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 14813) granting an increase of pension to Ellen E. Plumley; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 14814) granting an increase of pension to Kate McClure; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 14815) granting an increase of pension to Addie H. Gardner; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 14816) granting an increase of pension to Sarah M. Parrill; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 14817) granting an increase of pension to Richie A. Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14818) granting an increase of pension to Catherine Black; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 14819) granting an increase of pension to Jennie Barclay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14820) granting an increase of pension to Emma Beden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14821) granting an increase of pension to Sarah A. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14822) granting an increase of pension to Margaret Donahue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14823) granting an increase of pension to Rebecca E. King; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 14824) for the relief of Mrs. Gill I. Wilson; to the Committee on World War Veterans' Legislation.

By Mr. ZIHLMAN: A bill (H. R. 14825) granting an increase of pension to Jane F. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14826) granting an increase of pension to Margaret B. Parker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3292. Petition of the Danish Brotherhood, protesting section 2 of the immigration act of 1924 reducing the number of immigrants permitted to enter the United States annually; to the Committee on Immigration and Naturalization.

3293. Petition of Francis J. Sledzinski, protesting the sale of the present group of ships that make up the United States Shipping Board fleet; to the Committee on the Merchant Marine and Fisheries.

3294. Petition of Butte Chamber of Commerce, requesting the Committee on Banking and Currency to act on Senate bill 756 immediately upon reconvening of the Congress, and to provide for its early submission to the House for final action thereon; to the Committee on Banking and Currency.

3295. Petition of the municipal board of the city of Manila, submitting to the Congress of the United States its most energetic protest against a bill to separate Mindanao, Sulu, and Palawan from the Philippine Archipelago; to the Committee on Interstate and Foreign Commerce.

3296. By Mr. ADKINS: Evidence in support of House bill 13507, granting an increase of pension to Rebecca Patterson, and House bill 14571, granting an increase of pension to Nianna M. Ruckel; to the Committee on Invalid Pensions.

3297. By Mr. CULLEN: Petition of American Federation of Labor, favoring Senate bill 3170 and House bill 9498; to the Committee on Interstate and Foreign Commerce.

3298. By Mr. COYLE: Evidence in support of House bills 13612, 13613, and 13614, granting increase of pensions to Diana Koch, Emily R. Albee, and Francis Haney; to the Committee on Invalid Pensions.

3299. By Mr. DOYLE: Resolution of the city council of Chicago, asking that consideration be given to the proposition of transferring either the Military or Naval Academy to an appropriate location on the shores of Lake Michigan; to the Committee on Naval Affairs.

4300. Also, resolution of the Norwegian National League of Chicago, protesting against certain sections of the immigration act of 1924; to the Committee on Immigration and Naturalization.

4301. By Mr. JOHNSON of Washington: Petition of James H. S. Bates and 165 other citizens of the State of Washington, urging enactment of the resolution proposing a constitutional amendment fixing the commencement of the terms of President, Vice President, and Members of Congress and fixing time of

assembling of Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

4302. By Mr. KUNZ: Resolution adopted in the regular meeting of the Norwegian National League of Chicago, held on the 15th of November, 1926, protesting against the amendment to the immigration law, to become effective July 1, 1927, which will reduce the immigration quotas of the Scandinavian countries; to the Committee on Immigration and Naturalization.

4303. By Mr. LEAVITT: Petition of the Missoula Bird Club, Missoula, Mont., protesting against the proposed elimination of the Bechler Meadows from Yellowstone National Park; to the Committee on the Public Lands.

4304. By Mr. MORROW: Petition of New Mexico Bankers' Association, favoring the McFadden banking bill, with the Hull amendments; to the Committee on Banking and Currency.

4305. Also, petition of Wild Life Protection Campaign, in support of the Copeland-Merritt bill (S. 3580); to the Committee on Agriculture.

4306. Also, petition of residents of Dexter, N. Mex., and Guadalupita, N. Mex., favoring Civil War pension legislation; to the Committee on Invalid Pensions.

4307. By Mr. O'CONNELL of New York: Petition of the National Automobile Chamber of Commerce, Mr. P. Johnson, Washington representative, favoring the passage of the Federal judges' salary increase legislation; to the Committee on the Judiciary.

4308. By Mr. O'CONNOR of New York: Resolution of the New York State Bankers' Association, urging passage of the McFadden banking bill (H. R. 2); to the Committee on Banking and Currency.

4309. By Mr. PHILLIPS: Evidence in support of House bill 14070, granting a pension to William D. Duerr; to the Committee on Invalid Pensions.

4310. By Mr. PRALL: Petition of New York State Bankers' Association, held in Syracuse Saturday, November 20, 1926, favoring the amendment of the national banking laws; to the Committee on Banking and Currency.

4311. Also, petition of the National Council of Catholic Women, assembled in national convention, Milwaukee, Wis., October 10, 1926, regarding conditions in Mexico; to the Committee on Foreign Affairs.

4312. By Mr. THURSTON: Petition of 35 citizens of Blanchard, Page County, Iowa, for an acknowledgment of the authority of Christ and the law of God in the Constitution of the United States; to the Committee on the Judiciary.

4313. By Mr. WATSON: Petition of several retail dealers of Montgomery County, Pa., favoring Capper-Kelly resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

4314. By Mr. WYANT: Protest of Board of Fish Commissioners of Pennsylvania against diversion of water from the Great Lakes; to the Committee on Rivers and Harbors.

4315. Also, petition of Vandergrift Radio Listeners' League, of Vandergrift, Pa., urging a bill to regulate radio broadcasting; to the Committee on the Merchant Marine and Fisheries.

SENATE

FRIDAY, *December 10, 1926*

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

Gracious Father, we do thank Thee for the manifold mercies so bountifully given unto us, granting to us many opportunities for service and inclining us to follow in paths of righteousness and of truth, making ourselves benedictions to humanity. Hear our prayer this morning. May we be moved by the highest ends in life, to the glory of Thy name, through Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF THE SECRETARY OF THE TREASURY

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1926, which, with the accompanying report, was referred to the Committee on Finance.

REPORT OF THE COMPTROLLER OF THE CURRENCY

The VICE PRESIDENT laid before the Senate a communication from the Acting Comptroller of the Currency, transmitting, pursuant to law, the annual report of the Comptroller covering the activities of the Currency Bureau for the year ended October 31, 1926, which, with the accompanying report, was referred to the Committee on Banking and Currency.

ALLEGED INJUSTICES IN THE PROMOTION LIST IN THE ARMY

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, reporting, pursuant to law, relative to alleged injustices existing in the promotion list of the Army and the promotion and retirement of officers, which, with the accompanying papers, was referred to the Committee on Military Affairs.

REPORTS OF THE FEDERAL POWER COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, a statement showing permits and licenses issued under the authority of the Federal water power act, during the fiscal year ended June 30, 1926, the parties thereto, the terms prescribed and the moneys received during the fiscal year 1926 on account of permits and licenses, which, with the accompanying statement, was referred to the Committee on Commerce.

He also laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, a report giving the aggregate number of various publications issued by the commission during the fiscal year ended June 30, 1926, with other details, which, with the accompanying report, was referred to the Committee on Printing.

He also laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, statements, which were referred to the Committee on Appropriations, as follows:

A statement of detail travel taken by officers of the Federal Power Commission to points outside the District of Columbia during the fiscal year ended June 30, 1926; and

A statement showing typewriters, adding machines, and other similar labor-saving devices purchased during the fiscal year ended June 30, 1926.

ADDITIONAL REPORTS OF THE SECRETARY OF THE INTERIOR

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements made for the current fiscal year to the several States and Territories under the acts approved August 30, 1890, and March 4, 1907, applying a portion of the proceeds of the sale of public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, together with a statement of the amounts paid out to the several States and Territories since the enactment of said acts, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of travel expenses of certain officers and employees of the Interior Department on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1926, which, with the accompanying report, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, an itemized statement of expenditures made by the Department of the Interior and charged to the appropriation "Contingent Expenses, Department of the Interior, 1926," during the fiscal year ended June 30, 1926, which, with the accompanying statement, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Interior relative to the following reports, required by law to be transmitted to Congress, with the statement that the size and bulk of the reports being voluminous, copies were transmitted to the Speaker of the House of Representatives, which were referred to the Committee on Printing:

A report embodying the number of documents received and distributed by the Interior Department during the fiscal year ended June 30, 1926; and

A report embodying the aggregate number of various publications issued during the fiscal year ended June 30, 1926, the cost of paper, the cost of printing, the cost of preparation, and the number of each distributed.

REPORT OF THE INTERSTATE COMMERCE COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the fortieth annual report of the commission, which, with the accompanying report, was referred to the Committee on Interstate Commerce.