pensions to Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

5197. By Mr. TROLLEY: Petition of eight residents of Oneonta, N. Y., for the liberalization of the Civil War pension laws; to the Committee on Invalid Pensions.

5198. By Mr. VAX: Petition of employees of the navy yard, Philadelphia, Pa., requesting that if appropriation is made for 10 new vessels, cruiser type, one of them be built at the navy yard in Philadelphia and named in honor of that city, to take the place of the U. S. S. Philadelphia, which has been stricken from the Navy list; to the Committee on Naval Affairs.

5199. Also, petition of voters of Pittston, Pa., requesting Civil War pension legislation; to the Committee on Invalid Pensions.

5200. By Mr. WOLVERTON: Petition of Mrs. Jennie M. Chapman and other voters of Ritchie County, W. Va., asking that Congress consider a bill increasing the pensions of Civil War widows; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, January 19, 1897

(Legislative day of Tuesday, January 18, 1897)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst  Freze  McKellar  Schall
Bayard  George  McLeay  Shepard
Bingham  Gerry  McNary  Shipstead
Blassed  Gillett  Massey  Shortridge
Bowah  Glass  Means  Smith
Bragton  Goff  Metcalfe  Moore
Bradbury  Gooding  Moses  Stanfield
Brooke  Bond  Neely  Steck
Cameron  Greene  Norbeck  Stephens
Carper  Hale  Norris  Stewart
Caraway  Harris  Pennypacker  Swanson
Copeland  Harrison  Oddle  Tramell
Connors  Hayes  Overman  Tyron
Curtis  Heilin  Pepper  Wadsworth
Deegan  Johnson  Pike  Walsh, Mont.
Dill  Jones, N. Mex.  Pittman  Warren
Dise  Jones, Wash.  Ramsdell  Watson
Edwards  Kendrick  Reed, Mo.  Weller
Ernst  Key  Reed, Pa.  Wiseman
Ferris  King  Robinson, Ark.  Willis
Fess  La Follette  Robinson, Ind.  Wills
Fletcher  Lenroot  Sackett

The VICE PRESIDENT. Ninety Senators having answered to their names, a quorum is present.

SENIOR FROM ILLINOIS

Mr. DEENE. Mr. President, I send to the desk the credentials of Col. FRANK L. SMITH, of Illinois, and ask that they may be read.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read the credentials, as follows:

STATE OF ILLINOIS,

EXECUTIVE DEPARTMENT.
Springfield, Ill.

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Lenn Small, the governor of said State, do hereby appoint FRANK L. SMITH a Senator, from said State, to represent said State in the Senate of the United States to fill the vacancy therein, caused by the death of the Hon. William B. McKinley, and for the unexpired term of the said William B. McKinley deceased.

Witness: His excellency our governor, Lenn Small, and our seal hereunto affixed at Springfield, Ill., this 16th day of December, in the year of our Lord 1896.

By the governor:

Lenn Small, Governor.

LOUIS L. EMMONS,
Secretary of State.

Mr. DEENE. Mr. President, I offer the resolution, which I send to the desk.

The VICE PRESIDENT. The clerk will read the resolution.

WHEREAS, FRANK L. SMITH, claiming to be a Senator from the State of Illinois, has presented his credentials, which are regular and in due form, and there being no contestant for the seat; Therefore be it Resolved, That the oath of office be now administered to the said FRANK L. SMITH:

Resolved, That his credentials and all charges which may be filed against him and all objections that may be raised as to his right to a seat be, and the same are hereby referred to the Committee on Privileges and Elections, and that committee is hereby directed to hear and determine all charges and objections which may be submitted and to report to the Senate after due inquiry and as early as convenient.

Mr. DEENE. Mr. President, COLONEL SMITH is present, and I ask that he be now sworn in. He was appointed by the Governor of Illinois to fill the vacancy occasioned by the death of my late colleague, the Hon. William B. McKinley, who passed away December 7, 1901. The credentials of Colonel Smith are in due form. He possesses the qualifications prescribed in the Constitution for the office of Senator. He is 30 years of age, has been a citizen of the United States for nine years last past, and is an inhabitant of the State of Illinois. He is not disqualified by reason of any inhibition in the fourteenth amendment.

I wish to present briefly my views on the right of Colonel Smith to take the oath at this time.

It has been the practice of the Senate, with a few exceptions, to administer the oath to the senator elect or designate when he presented himself at the bar of the Senate with credentials in proper form, regardless of a pending contest. I cite, first, precedents within the memory of sitting Senators.

(1) On February 23, 1903, the credentials of Senator Symons were presented by his colleague, Senator Kearns. At the same time a contest was filed, raising the question of Senator Symons's qualifications aside from those prescribed in section 3, Article I, of the Constitution. On March 5, 1903, the oath of office was administered and his case referred to the Committee on Privileges and Elections, and thereafter his right to a seat was upheld.

(2) In 1905 Hon. John W. Smith, of Maryland, presented his credentials. Objection was raised to him taking the oath and a motion was made to refer his credentials to the Committee on Privileges and Elections before the administration of the oath. This motion failed of adoption by a vote of 28 to 34. Senator Smith was sworn and took his seat.

(3) On December 4, 1916, the senior Senator from Arkansas [Mr. Roosnau] presented the credentials of Hon. William F. Kirby as a Senator from that State. The senior Senator from Maryland [Mr. Kezzi] moved to refer the credentials to the Committee on Privileges and Elections before the oath was administered. That motion was lost by a vote of 32 to 44 and immediately Senator Kirby took the oath of office.

On November 18, 1918, Senator Lodge presented the credentials of the Senator from New Hampshire [Mr. Mossa], asked that he be read, and moved that Senator Moss be sworn in. Senator Pomerene, chairman of the Committee on Privileges and Elections, moved that the credentials be referred to that committee before the administration of the oath of office. On that motion Senator Lodge quoted and adopted the statement made by Senator Hoar, of Massachusetts, in the case of Senator Symons, as follows:

Mr. HOAR. The chairman of the Committee on Privileges and Elections, the Senator from Michigan [Mr. Burrows] is obliged to be absent. He desired me to state on his behalf that he understands the orderly and constitutional method of procedure in regard to administering the oath to the newly elected Senator to be that when any gentleman brings with him or presents credentials consisting of the certificate of his due election from the executive of his State he is entitled to be sworn in, and all questions relating to his qualifications should be postponed and acted upon by the Senate as soon as convenient.

If there were any other procedure the result would be that a third of the Senate might be kept out of their seats for an indefinite time on the presentation of objections without responsibility and never establishing the facts in the case, and this would be a great inconvenience to the Senate by the same time. And it may be that a change in the political power of this Government which the people desired to accomplish would be indefinitely postponed.

Senator Lodge insisted that his motion to have Senator Moss sworn in was of highest privilege and must be disposed of.
Discussing the right of Senator Moses to take oath at that time the Senator from Missouri [Mr. Reed] said:

It is not, as I understand, the custom of Congress, when a man presents himself in either House with a certificate in proper form, to deny him the seat pending the contest. If, then, we were to treat the matter in this instance as what it is, entitled by the certificate in proper form; that is an admitted fact.

Do we propose to keep this man from his seat while the Committee on Privileges and Elections institutes an inquiry as to whether or not an election can be held while he is still in the Senate during all of the contest, for all the weeks or months that that contest might proceed? If that course is to be followed in this case, then it can be followed in all other cases. As was so well said by the Senator from Illinois (Mr. Kilgore), the Constitution might be kept from their seats and business of the greatest importance might be transacted while the representatives of one-third of the States of the Union were deprived of the opportunity to sit in this Chamber.

If we do that, then the better course is at once to permit the swearing in of any man who comes here with a certificate, the regularity of which is not challenged, and then, if a contest is instituted, let that question be tried; but in the meantime the Senate should not be deprived of its representation.

The Senator from Alabama [Mr. Underwood] said:

I think the important question before the Senate in reference to the seating of a Senator is that the State from which he comes may have the representation of the people of that State that they may have a voice in the Senate according to their own selection.

Mr. Kellogg then asked the Senator from Alabama if his credentials are in proper form, indicating that he has been the selection of his State for a seat in the Senate, that makes out a prima facie case that he is the man entitled to the seat, and nobody else is; and that as the man elected has the duty of administering the oath of office to the Senate elect and allow him to exercise his functions in this body. Of course if there is a contest of the election that is a matter that can come up afterwards. His taking the oath of office does not preclude a subsequent contest on the part of some one else.

If this rule was not followed and because a contest may be threatened a Senator is deprived of his right to take the oath of office when he presented himself, you might have the contingency here that one-third of the Senate would be prevented from acting because objection was made to theirs taking the oath of office when their credentials were presented.

I think that is the only question involved in the case, and so far as I know the universal precedent almost heretofore has been in accord with this proposition. There may be one or two exceptions, but they are exceptions growing out of other matters.

Senator Lodge's motion prevailed and Senator Moses was sworn in.

(5) November 5, 1918, Hon. Truman H. Newberry was elected Senator from Michigan. A petition of contest was filed in the Senate on January 6, 1919, and on January 7, 1919, referred to the Committee on Privileges and Elections. On March 1, 1919, his credentials were presented by Senator Smith. On May 19, 1919, the oath of office was administered.

On the following day, May 20, 1919, another petition of contest was filed, which was referred to the Committee on Privileges and Elections, and thereafter, on December 3, 1919, a resolution was adopted by the Senate ordering an investigation.

On January 12, 1922, his right to his seat was sustained.

(6) On November 7, 1922, Hon. Edgar H. Mayfield was elected Senator from Texas. January 17, 1923, his credentials were presented and placed on file. A contest was filed by George E. B. Paydy on February 22, 1923. The contest was referred to the Committee on Privileges and Elections, and, after the committee reported, his right to his seat was sustained.

(7) On November 4, 1924, Hon. Thomas D. Schall was elected Senator from Minnesota. His credentials were presented and filed on December 8, 1924. Notice of protest was presented and filed with the Secretary of the Senate February 2, 1925. Senator Schall took the oath of office on March 4, 1925.

(8) On November 29, 1926, Hon. Arthur R. Gould was elected a Senator from Maine. On December 6, 1926, after his credentials were presented and while he was awaiting the oath, the committee reported, the credentials of Senator [Mr. Walsh] presented a resolution in which were incorporated certain statements purporting to have been made by a judge in the Province of New Brunswick in the Dominion of Canada, charging that bribery had been offered. The resolution offered by the Senator from Monmouth directed the Committee on Privileges and Elections to investigate the truth of the charges made and to report same, with such recom
has no right to reject without examination a Senator, when he presents his credentials in due form, showing that he has a right to a seat here.

The Vice President. Does the Senator from Illinois insist on his question of privilege?

Mr. Douglas. Mr. President; on the ground that the State of Illinois is entitled to two votes in this Senate. * * *

My motion is not made at the request, nor even with the knowledge, of General Shields. It is made by me, as a Senator from Illinois, insisting on the rights of that State. I have no objection to the Senator from Wisconsin making any statement he chooses, at the proper time; but if he is to go on and make statements of facts with respect to the question at issue—thus superseding my motion—I contend that the wholly irrelevant and inadmissible mode is to allow General Shields to be sworn, and then to proceed with the investigation of the testimony in the case regularly. As regards the facts in the case, I do not know what they are myself, and I therefore do not propose to make any statement as to the legality or nonlegality of the election.

Mr. President. I have carefully examined 39 cases which have arisen between the case against Senator Shields in 1849 and that against Senator Saco in 1866 in which there were objections to the credentials offered by Senators elect or designated. Of these there were 23 cases in which the oath of office was administered over objection and the matter thereafter referred to appropriate committees for investigation, as follows:

(1) Stephen B. Mallory, of Florida, in December, 1851. Objection was that he was not elected by a majority of the legislature.

(2) Lyman Trumbull, of Illinois, March 4, 1855. Objection was that he had been a State judge less than a year previous to his election, which under the Illinois statute was a disqualification.

(3) James Harlan, of Iowa, December 3, 1855. Objection was that in the joint session of the legislature electing a majority of the State senate was not present.

(4) Graham N. Fitcho and Jesse D. Bright, of Indiana, 1857. Objection was that they were not elected by the Legislature of Indiana but by a convocation of a portion of the members thereof, not authorized by any law of the State by resolution adopted by the legislature or by any provision of the Constitution of the United States.

(5) States of Indiana but by a convocation of a portion of the members thereof, not authorized by any law of the State by resolution adopted by the legislature or by any provision of the Constitution of the United States.

(6)宽带 W. Willey and John S. Curillo, of Virginia, 1861. Objection because Virginia was in a state of rebellion. The debate on the motion made to refer credentials to the committee was lost and the oath of office administered.

(7) John T. Stockton, of New Jersey, March, 1865. Objection was that the Senate committed for investigation, as follows:

(8) Alexander McDonald and Benjamin F. Rice, of Arkansas, 1866. Objection was that the Senate had not received a majority vote.

(9) John T. Morgan, of Georgia, 1868. Objection was that the Senate had not received a majority vote.

(10) La Fayette Grover, of Oregon, March, 1877. Objection was that the Senate had not received a majority vote.

(11) T. Q. C. Lamar, Mississippi, March, 1877. Objection was that the Senate had not received a majority vote.

(12) John T. Morgan, of Georgia, March, 1877. Objection was that the Senate had not received a majority vote.

(13) Charles J. Faulkner, of West Virginia, December, 1887. In this case the legislature had adjourned without electing a Senator. Mr. Lucas, the contestant, was shortly thereafter appointed Senator by the governor. Thereafter the governor called a special session of the legislature, which then elected Senator Faulkner.

(14) George L. Shoup, William T. McConnell, and Fred T. Dubois, of Idaho, December, 1890. There was a file of a statement denouncing the Governor of Idaho for not presenting a certified copy of the proceedings of the joint convention of the legislature of that State in which three Senators were elected; one for the term beginning March 4, 1890, was presented to the Senate and on the same day the credentials of Messrs. Shoup and McConnell as Senators were presented. Mr. Shoup, who was present, was sworn and took his seat. The credentials were on the same day referred to the Committee on Privileges and Elections, which reported that the credentials constituted sufficient certificate of the election and recommended that Mr. McConnell be also sworn and admitted to a seat. The report was adopted and McConnell was sworn. It is fair to presume that Senator Shoup, who would have taken the oath with Senator Shoup had he been present at the time the oath was presented to Senator Shoup.

Regarding Frederick T. Dubois, his credentials were presented December 30, 1890. On January 5, 1891, the committee reported that it was not customary to consider any questions arising on the credentials of a Senator until the term for which he was elected, and recommended that his credentials be placed on file.

(19) Fred T. Dubois, of Idaho, 1892. His seat was contested by William H. Chaggett. Two legislatures had attempted to elect a Senator. The oath was administered to Chaggett and the case referred to the Committee on Privileges and Elections.

(20) Wilkinson Call, of Florida, 1891-92. Charge was made that Call was elected illegally by the legislature.

(21) Senator John Martin, of Alabama. Martin and Joseph W. Ady were elected by two different legislatures. Martin's title was sustained.

(22) Richard R. Kenney, of Delaware, 1897. John E. Ad­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­
The so-called Louisiana cases, 1873 to 1880, involved the question of whether there was a constitutional State government.

Matthew C. Butler, of South Carolina, 1877. Ground of contest was election by two legislatures. David T. Corbin, contended that the State had never organized itself constitutionally.

Henry A. du Pont of Delaware, 1895. The ground of contest was alleged illegality of election.

It will be observed that in the foregoing 16 cases the grounds for contest related to the validity of the Senate election; in the case of Adelbert Ames, of Mississippi, in 1870, the question related to inhabitancy; and in the case of Shields in Minnesota and in the case of Shields in Illinois, the question was not whether there was no constitutionally organized State government.

Mr. NORRIS. Mr. President—

Mr. DENISON. May I finish the statement? If the Senator will permit me, I have but one page more. I shall be through in just a moment; then the question may be put. I desire to read the conclusion drawn from these precedents.

It appears, therefore, that in these 16 cases where the oath was denied until charges were heard by committees, the grounds of contest were the lack of the qualifications defined in section 3 of Article I of the Constitution (relating to age, citizenship in the United States, and inhabitancy) and the inhabitants of the United States, and the examination of the certificate under the conditions specifically defined in section 3 of Article I of the Constitution itself were involved.

In the case of Col. Frank L. Sumner there is no charge that he has lacked the qualifications specified in the Constitution. He is 30 years of age, is a citizen of the United States and has been for over nine years, was an inhabitant of the State of Illinois when appointed, and has never violated the limitations of the fourteenth amendment. Therefore, under the precedents he is entitled to take the oath of office.

Mr. REED of Missouri, Mr. President, I shall detain the Senate but a few moments, because it is not my purpose at this time to enter into a discussion of the precedents or even to analyze the provisions of the Constitution.

All Senators will pursue such a course as they desire in the matter of this discussion. My own preference is that the discussion of the construction of the law and the merits of the case may take place hereafter on what I conceive to be a more appropriate occasion. However, other Senators may entertain a different view.

I simply remark at this time that the present case is distinguishable from all the cases referred to, and the line of demarcation is so clear that, in my humble judgment, it needs only to be stated to be fully realized.

In the cases cited the applicant for a seat presented credentials, and upon the credentials asked to be sworn in. He contended that the credentials entitled him prima facie to his seat, and the act of the Senate before the Senate's action on the case was allowed to take the oath, and then the question as to his right to continue to sit was referred to an appropriate committee. That action in itself asserted the right and power of the Senate to overturn the prima facie case made by the certificate, and upon a proper showing to disregard the certificate and deny the right of occupancy to the applicant for a seat.

In the present case Mr. Sumner appears with credentials. The credentials are, in my judgment, in proper form, and if that were all the information the Senate had before it officially, the ordinary course would be to accept the prima facie showing and allow the oath to be administered, although I am sure that if the Senate possessed the information putting it upon notice that the applicant was an unfit person to be seated in the Senate, the Senate would not be abundantly authorized to withhold the oath until a proper investigation had been made.

In this case, however, the Senate has official knowledge, which was gathered through a select committee of the Senate. The evidence was taken under oath. It has been printed and submitted to the Senate. I do not think the duties of the Committee, as I understand them, on the finding of the Committee.

It is here and is now within the conscience of the Senate.

If that evidence is sufficient to raise a serious question as to the fitness of Mr. Sumner to a seat, then it oversteps the prima facie showing made by the certificate of the Governor of Illinois, and the question becomes one of first instance and must be tried out and settled upon its merits. To my mind, under such conditions, it is almost absurd to say that the oath must be first administered, then a hearing, the evidence already having been adduced, and then an expulsion take place. That would seem to be a rather ridiculous performance.

It is claimed that this certificate makes a prima facie case, and that we must accept it temporarily, but that the moment the oath is administered the action of the Senate under the certificate is complete, and the action of the Senate is determinative, and the wrong, if any there be, has been done, the Senate then, upon the instant, has the power of expulsion. That, to my judgment, is an unsound theory.

I grant, sir, that we should proceed in this matter with circumspection, with deliberation, and always observing the highest principles of justice. But to my mind the showing that has been made and officially reported to the Senate demonstrated that the fraudulence of the certificate cannot be proved and that the person whose seat is to be vacated should not be violated. We are asking the Senate toープrove his personal unfitness, and the evidence further discloses enough of the fact to make it a justifiable conclusion that his appointment springs from and comes out of his election, and that it would not have been made save for his apparent triumph in that election, which the evidence thus far taken discloses was wickedly and fraudulently accomplished. That seems to me, therefore, that this fraud taints the entire transaction, and puts its challenges and status upon these credentials here presented.

The claim that the Senate cannot reject an applicant upon the narrow ground that he is not possessed of constitutional qualifications is unsound. The language of the Constitution, found in section 3 of Article I, is the language of prohibition. It is a command to the Senate, "Thou shalt not." It is a disqualification fixed by the Constitution, and the action of the Senate under the Constitution no right to a seat here, and if we were to knowingly seat him we would violate our oath of support of the Constitution.

No person shall be a Senator who shall not have attained to the age of 30 years, and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

That language, I repeat, is the language of prohibition. It goes to the qualifications of the applicant. It is a command to the Senate that it shall seat no man who lacks these qualifications. But when we come to section 5 of the same article of the Constitution we find words conferring power, granting authority.

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

That is a grant of power, and it is an unlimited grant. There is no authority to supervise it. It is not to be appeal from the decision. Courts may not interfere. The Executive can not interfere. The action is not reviewable. It is the only authority: the only independence of the legislative branch of the Government.

How can any man contend that this language can be so twisted as to be made to read, "Each House shall be the judge of crimes returning returns." No; the Senator from Idaho is not the judge as to whether the applicant is 30 years of age, and for 9 years has lived in the United States and been a citizen? That would be a strange distortion of the plain language of the Constitution and would be a direct negation of the powers actually intended to be conferred.

Mr. BORAH. Mr. President.

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

Mr. REED of Missouri. I yield.

Mr. BORAH. The Senate has referred to section 5 of the Constitution, which provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

Does the Senator regard Sumner a Member of the Senate at this time?

Mr. REED of Missouri. Technically no; but until the Senator from Idaho thought of that distinction I question whether it has ever occurred to anyone else.

Mr. BORAH. No; the Senator from Idaho is not the originator of that question. It was raised by one of the most distinguished Senators of the past.

Mr. REED of Missouri. Perhaps; but what a strange construction that is of words. Here comes a man who flies his papers, asks to be sworn in, and the question at once is, Should he be a Member? If we decide that he should be a Member, we swear him in, if we decide he is not, we pass upon his right to be a Member; and the Senate then says that, having determined that he shall be a Member, for the first time our jurisprudence attaches to determine whether he is qualified to be a Member.

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Mr. BORAH. The Senator will remember that that was the main point in the argument of Senator Douglas. I simply wanted to get such language before the distinguished Democrat's slate of Hon. Mr. REED of Missouri. I might say that the Senator's answer undoubtedly deserves the right to differ from Mr. Douglas on some other historic occasion.

Mr. REED of Missouri. I want to find some word or other kind of men may have continued, that the main point in his qualifications is a very strained and unnatural construction which reads:

"I hereby certify that that means disorderly behavior in any statute, is inconsistent with the trust and duty of his office."

"However, the committee, and provisions for proper ingress and egress to said buildings, the right to certain civilian instructors in the United States Military Academy, in which it requested the concurrence of the Senate."

The message also announced that the House had passed a bill (H. R. 15653) to furnish public quarters, fuel, and light to certain civilan instructors in the United States Military Academy, in which it requested the concurrence of the Senate.

 MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Halti-gan, one of its clerks, announced that the House had passed the bill (S. 564) confirming in States and Territories title to lands granted by the United States in aid of public schools, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 15653) to furnish public quarters, fuel, and light to certain civilan instructors in the United States Military Academy, in which it requested the concurrence of the Senate.

 ENROLLED BILLS SIGNED

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

S. 1759. An act to authorize the payment of indemnity to the Government of Great Britain on account of losses sustained by the owners of the British steamship "Avalon" as a result of collision between it and the United States transport "Carolo-nian."

S. 5414. An act to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States."

S. 3902. An act to provide for the purchase of land for use in connection with Camp Mark, Tex.

S. 3292. An act setting aside a certain land in Douglas County, Ore., as a summer camp for Boy Scouts.

S. 4333. An act extending to lands released from withdrawal under the Carey Act the right of the State of Montana to secure indemnity for losses to its school grant in the Fort Belknap Reservation.

S. 2231. An act authorizing the sale of land at margin of the Rock Creek and Potomac Parkway for construction of a church and provisions for proper ingress and egress to said church building; and

H. R. 16164. An act to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes, approved December 29, 1936.

SENIOR FROM ILLINOIS

Mr. BINGHAM. Mr. President, it is with great pleasure that I presume to take a position in opposition to the distinguished constitutional lawyer who has just spoken [Senator REED of Missouri] and with whom I generally agree on all matters regarding the Constitution and the necessity of preserving the rights of the several States.

But it seems to me, Mr. President, that the Senate, due in part to the investigations which were conducted by his committee, has been led astray by this matter, and has been led to a novel position in regard to the unlimited power of the Senate to decide on the qualifications of its Members.

The Senator from Missouri, after he had read this clause of the Constitution which gives them, he said, the power to decide the qualifications of its Members, said:

That is a grant of power, and it is an unlimited grant.
Mr. President, that the provision of the Constitution referred to is an unlimited grant of power to the Senate to decide as to the guilt of any citizen of the United States, and certainly bars those who framed the Constitution, nor of the majority of the Senators from the States represented in the Congress in the years when the Constitution and what it meant was discussed in the minds of men and Senators who were contemporaries of the Constitution makers. One of the very first cases to arise was considered in 1796, before the Constitution had been in effect long enough to give us the compromise to which Mr. Marshall referred to by the distinguished Senator from Montana [Mr. Walsh] at the beginning of this session, when he quoted from the remarks of the then Senator from Massachusetts, Mr. Sumner, in the middle of the last century. Mr. Marshall was a Senator from the State of Kentucky. He was charged with gross fraud and with perjury by two judges of the State of Kentucky. A memorial was presented to the Senate, and it was also voted to indorse the resolution and ask for an investigation. The memorial was referred to a committee of the Senate. The committee made its report, and during the discussion it was agreed on the floor of the Senate to amend the last clause of the report to read as follows:

And they are also of opinion that, as the Constitution does not give jurisdiction to the Senate, the consent of the party cannot give it, and that, therefore, the said memorial ought to be dismissed.

Mr. President, I desire to call the attention of Senators to those words in which certain Senators who had been members of the constitutional convention and others who were contemporaries of those who drew up the Constitution stated that the Constitution does not give jurisdiction to the Senate to inquire into acts done prior to the election.

Mr. Smith had a motion to expunge this clause, and those who voted in favor of the motion to expunge represented only four States of the original thirteen States, while those who voted in favor of this clause remaining in the report represented 31 States, and included a distinguished list of names, members of constitutional conventions of the several States, members of various Continental Congresses. In other words, they were more imbued with the spirit of the Constitution and knew more of the powers intended to be given the Senate than do some of us to-day.

Furthermore, when that resolution was adopted another very interesting but now somewhat antiquated position was taken with regard to a man being innocent until he had been proved guilty. With the consent of the Senate, I should like to read the last paragraph of the report as adopted in 1796 by the Senate. It reads:

Mr. Marshall is solicitous that a full investigation of the subject should take place in the Senate, and urges the principle that consent takes away error, as applying, on this occasion, to give the Senate jurisdiction; but, as no person appears to prosecute, and there is no evidence of guilt in the Senate, nor is there probable cause to think it likely that the inquiry will become necessary for the Republican Governor of Illinois, as to whether the person accused has done any act which this Government was empowered to charge against us that we are making any kind of right for Mr. Smith in order to preserve a Republican vote here. The question, as stated by the Senator from Missouri, is, as to whether the person accused is a man who, keeping it in mind that we have a high moral standard and say to the States of the Union, "You can not elect; you can not send anybody here to us whom we do not consider fit to sit alongside of us." In other words, we hold that this Senate shall be an extra ordinary committee, which decides on the qualifications—social, ethical, moral, and otherwise—of those who desire to come into this body, a position absolutely contrary to that on which this Government was founded.

As superior Tories looked with scorn and contempt on those who proclaimed the cause of the recently thieves and rioters who threw the tar into Boston Harbor, so superior Senators who scorn to approve the choice of the Governor of Illinois will look with contempt on those of us who place the constitutional right of the States above popular clamor, even when it means the seating of one who is said to be guilty of moral obliquity. The dignity of the Senate, the integrity of the Senate, it seems, can brook no opposition to any possible power which by its inherent rights of Government is given to this body, or by the Constitution. It is a principle which I hold as the most perfect principle, the most perfect principle that can be conceived, and if it be carried out, there is no reason why the Senate should not be able to determine the qualifications of the man who here represents their State. And if the words I have read are the act of the Senate, and if the words are the act of the Senate, I have no intention of interfering with the action of the Senate. I will not attempt to discuss the constitutional right of the Senate to determine the qualifications of the man here.

Mr. President, the Government of the United States has not been organized or its first meeting of the Senate but to carry out the wishes of the people in the several States. We may not like their choice. I have heard it said that there are sections of the country where New Englanders are not liked and where the Yankees are particularly disliked for the indigentibility of their "wooden nutmegs." Is the Senate then empowered to decide that no one who ever made or sold a wooden nutmeg may be sent here by the people of Connecticut? That might disfranchise all of us.

I have never met Mr. Smith nor had any correspondence with him, nor do I care to enter into a discussion or defense of any actions of which he may be accused. My interest lies solely in the position given to the Seventeenth amendment and in the rights given the Senate by the Constitution. My object is solely to preserve representative government, to foster loyalty to its principles, and to maintain our system of government, which has been more successful than any other in history.

With the consent of the Senate I should like to read once more that part of the Seventeenth amendment which is concerned with the right of Mr. Smith to take his seat, as follows:

The legislature of any State may empower the executive thereof to make temporary appointments to fill the vacancies caused by the death, resignation, or removal from office of any person elected to any term for the office of Senator from such State, and which temporary appointment shall be so designated to come here and take the oath and take his seat.
Mr. President, as I see it, this resolution is simply another step in the direction of an American empire. Is it another nail in the coffin destined to receive the last of State rights? In the ninth and tenth amendments to the original Constitution the States reserved to the States all powers not delegated to the Federal Government. Is that now the direction of an American empire? I do not like it, and I am sure the people who live in the States do not like it. We desire and need a Federal Government which could undertake the dangers of centralization, and the dangers of centralization. It is one which is able to build up a Federal Government which could undertake the duties of the States under the Constitution. I am sure that the States must be the beneficiaries. The Senate can not trust the whims or political changes of an American empire. Is that the business of the States and the people who live in them? If so, the States must have the right to send whom they please, if they do it in the right way and if we judge that the men they send meet the few qualifications which the United States Senate is going to set itself up as an arbiter of public and private morals, it then ceases to be a constitutional law-making body and becomes an agent of tyranny.

We are undermining the sound division of power which has preserved our citizenship. What if governments and citizens do make mistakes? Whose business is that? It is not ours. It is the business of the States and the people who live in them. Are the States mere children and we their parents, who lay down rules for their guidance in this matter? There is more manslaughter in the United States than in any other country. More than 15,000 people a year meet violent death by automobiles. It is said that more than 10,000 persons are murdered. Some of our states are treading crime waves. Our courts are not free from lynching law; yet we assume a pity that is amusing to our foreign critics. And now the Senate is asked to assume a standard of morality higher than that of the Senate of 1917. Why has it been a success? Because citizens know the kind of citizens who live near them and are not so well able to do much about citizens who live far away from them in other States.

Are we not then, so perfect? Are we better able to judge of a man's character than his neighbors and fellow citizens? What is representative government? It is the principle of sending to the body those of the citizens who know whether we elect them. Why has it been a success? Because citizens know the kind of citizens who live near them and are not so well able to do much about citizens who live far away from them.

We are unaware of the growing restlessness of the American people under our blind passion for investigating everything and everybody? Is this body to be destructive or constructive? Are we to give our strength and time to furthering intelligence and active loyalty to the principle of representative government, or are we to tear it down because we do not like its results and are conscious that they are not always perfect? Instead of haggling over party principles, let us take our stand on the solid ground that the only lasting basis of our government is the States and the people who live in them. Mr. Smith concerns a primary, but no secondary, question. The limits are clearly set forth in the Constitution, and how much they may wish to elevate a brilliant young genius, 30 years is the limit granted by the Constitution. No matter how much the people of a State may desire to take advantage of the services of some famous advocate who lives in some other city or some other State, who lives in New York or Washington, he must be a resident of the State. No matter how excellent a new citizen has recently come into a State, he must have had nine years of citizenship. But as to religion, color, politics, morals, intelligence, or character, these matters are all relative and can be decided in a representative system only by the people who are to be represented. Is the Senate the proper source? If the source is to be an aristocratic Senate of refined and cultured moralists, fearful lest evil communications corrupt their good manners, then the chosen ones will be representatives of the Senate, but the result will be an oligarchy, an aristocracy, a seniocracy, not a republic.

It is unfortunate that this case has arisen over a man who is charged with an offense against public morals. However, we must remember that the desire has been to increase the qualifications for the Senate, to make them more than in the Constitution. The qualifications are increased, why not in the direction of an American empire? The Constitution as it was adopted by the Senate should be the Constitution as it was adopted by the Senate. The Constitution as it was adopted by the Senate was a paragon of morality. John Wilkes was no paragon. John Wilkes, famous hero in English constitutional history, was a convicted criminal in jail at the time his right to sit in Parliament was being brought up. The times are much different. America appears trivial to us at this time; so do manners and morals change.

In the case before us, however, there is no evidence that Mr. Smith has been convicted of a crime in a court of law. Public
opinion has been offended, it is true; but who are the culprits? The voters of the State of Illinois are the culprits. In the face of a solemn resolution of the Senate, referred to so often in the debate, the question as to whether a State can be deprived of its power to send a proper representative to Congress in the face of an outraged public conscience, they have by a large majority placed the seal of their approval upon Mr. Surrin; and their governor, exercising the power given him by the Senate, has declined to send him. 

An ambassador who is persona non grata, and is known to be such, is usually not sent to a foreign country. We are under no obligation to send a foreign representative of that kind in the face of a Senate of the United States, and we need not receive him if we wish to be at war with another country. With one of our own States, however, the case is different. Do we wish to deny to Illinois the right to send here her proper chosen representative? Do we wish to declare war on Illinois? Her junior Senator knocks at the gate. He has a right to be admitted.

Mr. President, if it was the intention of the makers of the Constitution to give the Senate the right to prescribe the qualifications of Senators, why did not the Constitution say so? Why specify such a relatively insignificant thing as nine years of citizenship? Why limit age?

It is true that we are the judges of the elections and of the qualifications. We judge of the elections, but we do not elect. We judge of the qualifications, but we do not make the qualifications; otherwise the Union of States which can never be deprived of their power to elect Senators, would be absolutely necessary for the preservation of the Federal Government.

There is even an interesting passage in the secret proceedings for Saturday, June 9, 1787, in which Mr. Gerry stated, that he took it for granted that "in the National Legislature there will be a great number of bad men of various descriptions." The makers of the Constitution were under no misapprehension as to the probability that there were likely to be elected to the Congress "bad men of various descriptions," but they made no effort to keep them out. They knew that such an effort on their part would be instantly met with opposition by the States, which could not be done without an amendment of the Constitution, and that would practically place the power to regulate qualifications of Senators in the hands of the States themselves. That is the one reason why the qualifications of a Senator cannot be amended.

Article V of the Constitution provides that "no State without its consent shall be deprived of its equal suffrage in the Senate," and that is the one amendment which can not be amended. Yet we have before us this resolution, which seeks to prevent an ambassador from a State coming here with unquestioned credentials from breaking his seat, thereby depriving that State of a vote in this body.

The question does affect most deeply our form of government. If we were to take the word of some people hope, then the Senate would be responsible for the type of man it permits to sit here. But if we are a union of the States, then the States are responsible, and not the Senators who sit here. Deprive a State of its representation, and you make it merely a province of the empire of America.

I admit that this has been the trend in recent years. Senators who still believe in State rights regret that trend, and regret the constant increase in the number of Federal commissions, the constant increase in the power of the Central Government. The rage for bigness, efficiency; our Impatience with slow growth, with natural growth—these things have been the motive for much of this legislation.

Mr. President, what greater responsibility can rest upon a State than the duty of selecting the right kind of governor and the right kind of Senator? Here we have a governor exercising the power of the State, created to the end that he may send here his representative to represent the State. What right have we to deprive a governor of that power? Does anyone think that it would be possible to secure an amendment to the Constitution as to amending the Constitution itself so that the governor can exercise that right only by and with the consent of the Senate? Try it, and see how far we get with such an amendment. Yet our Supreme Court judges, our ambassadors, our even our postmasters, can not be so deprived of the power of the State as the governor.

But try to get such an amendment incorporated in the Constitution—that no State can send here a Senator without the advice and consent of the Senate—and see how far you get.

This is a move on the part of those who truly believe in an imperial federal government. Shall those of us who believe in a representative and republican form of government—in a word, who believe in State rights—nay, more, who believe in State rights—nay, more, in regard to Senator designate Surrin, not Senator-elect Smith.

I have no desire to prejudice this case. No court has found Mr. Surrin guilty, and I am an old-fashioned Connecticut
Yankeo brought up to believe that a man is innocent until a court has found him guilty.

But that has nothing to do with the present case. This case concerns the right of the sovereign State of Illinois to not let a man hold office of honor or trust to the State. What are our immediate duties as Senators? It is for us to judge who is the Governor of Illinois, and whether he has signed these credentials. That is not questioned. It is for us to see that this Governor, who claims to be the legal representative of the people of Illinois, did not secure these credentials by fraud, but is in deed and in truth the man whom the governor appointed legally and lawfully, and for whom the credentials were made. That is the case in question. It is for us to see whether he meets the qualifications laid down in the Constitution. That is not the point at present.

Why am I interested that the rights of the States should be involved in the Illinois question? I tell you why. If the other contention is admitted, then the Senate, in its rights, is restricted to the three members of its own permanent committee, and in the addresses made by the Senator from Illinois [Mr. Reeder] as chairman, and in the addresses made by the Senator from Washington [Mr. Duvall] and the Senator from Arizona [Mr. Atwood] and the Senator from Tennessee [Mr. McKellar], it will not be necessary to detain the Senate now with any detailed statement concerning their character. They are, as intimated by the Senator from Connecticut [Mr. Bingham], who has stated it before the House, have united in their belief that the fundamental right of the States of the Union to be represented in the Senate of the United States.

Mr. WALSH of Montana. Mr. President, the nature of the charges against the Member designate from the State of Illinois has been set forth in the report of the special committee of which the senior Senator from Missouri [Mr. Reed] is chairman, and in the addresses made by the Senator from Washington [Mr. Duvall] and the Senator from Arizona [Mr. Atwood] and the Senator from Tennessee [Mr. McKellar]. It will not be necessary to detain the Senate now with any detailed statement concerning their character. They are, as intimated by the Senator from Connecticut [Mr. Bingham], who has stated it before the House, have united in their belief that the fundamental right of the States of the Union to be represented in the Senate of the United States.

There is involved in the question now before us a very important point of law touching the powers of the Senate in the premises. The Constitution gives to each House of Congress the high privilege of investigating the credentials and qualifications of its own Members. It likewise provides, as recited by the Senator from Missouri [Mr. Reed], that no person shall be a Senator who shall not have attained the age of 30 years, been nine years a citizen of the United States, and at the time of his election a resident of the State from which he is chosen.

It is contended on the one hand that the Senate, in judging the qualifications of its Members, is restricted to the three qualifications or disqualifications thus enumerated in the Constitution, and that it has no power to go beyond them. It is, upon the other hand, asserted that the power of the Senate is not thus limited. Those who assert the limitation of the powers of the Senate in the terms as indicated must, of course, maintain that if a man appears here with credentials fair upon their face even the charge that we are that that course is arbitrary, must be taken up at some other time. The question before the Senate now is as to whether the Senate has the power to deny the immediate admission and qualification of the Senator from Illinois. That is the question. This committee for inquiry as to his right to membership in this body.

The charges made against the Member elect from the State of Illinois relate to acts done by him or conduct of which it is charged he was guilty prior to the time he was appointed, and thus is presented the question to which I have adverted. I shall, as I stated, confine myself solely to the question of whether the Senate has the power at this time and were this in committee of the whole, to discuss this matter. The Senate might well be regarded as a governing precedent, for the Constitution, it will be perceived, gives the same powers to each body.

Each House shall be the judge of the elections, returns, and qualifications of its Members.

I refer to the case of Brigham H. Roberts, who came to the House and was heard with the credentials of this body to refer to his credentials, without permitting him to take the qualifying oath, to the proper committee for inquiry. The legal question to which I have adverted came to the Senate. In which case as well as the preceding cases of the Senate for nine years, and a resident of the State from which he is chosen. That is the right of the Senate, though he may be a confessed traitor to the Government of the United States, though he may have committed murder or any other crime denounced in the Decalogues or in the statutes for his State in that he may lose his seat in Congress, it should be impossible to expose him from this body provided he has the qualifications of age, citizenship, and residence enumerated in the Constitution.

On the other hand, if the other contention is admitted, that the power of the Senate to judge of the qualifications of its Members is not so limited, it must be admitted that the power is almost, if not quite, unlimited. So the Senate might conceivably exclude a man because we did not like his politics or his views upon economic questions or the cut of his clothes or his views upon other questions. But we are obliged to choose either the one or the other contention of the Constitution. It seems to us most accurately to carry out the intent of the framers of the Constitution and to safeguard the institutions of the country.
only that the Senate has the power but that it has frequently exercised the power.

I now yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Referring particularly to the loyal conduct of Mr. Stark, and in that bearing the receiving of the oath in the presence of that Senator, is the Senate, will not the Senator indicate, as he reviews them, whether the Member elected was sworn in and then expelled or whether he was barred from taking the oath?

Mr. SENATー. Yes; the correct course to do so. I propose to consider only those cases in which the Member elected was refused the oath and his credentials were referred to a committee for proper inquiry, just as is proposed here.

That page of the majority report of the Committee of Representatives in the Brigham Roberts case, concurred in by the other branch of Congress by an overwhelming vote, so well settled was the right of Congress in the premises that when President Lincoln telegraphed the message of the Congress of the United States during his term, which commenced, it will be remembered, in 1872, he said as follows:

In the admission of Senators and Representatives from all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress. Each House is made the judge of the election, qualifications, and returns of its own Members, and may, when a doubt arises concerning a Member, or, when a Member, who has a Certificate of election, who presents his certificate of election he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate House; if admitted to a seat, it must rest upon evidence satisfactory to the House of which he thus becomes a Member that he possesses the requisite constitutional and legal qualifications. If refused admission as a Member for want of due allegiance to the Government and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the Nation and the political power and moral influence of Congress are appropriately exerted in the interest of loyalty to the Government of the United States and fidelity to the Union.

Yet, if the contention of the Senator from Connecticut is correct, a man actually coming here and confessing his treason to this Government before this body; therefore, if the contention of the Senator from Minnesota is true, then open is the way for any man who might have his certificate, or other credentials, referred to the Senate, and the Senate to determine the loyalty of such a man. When a certificate or other credentials of Hon. Benjamin Stark [Mr. Denny] will not the Senate admit that his conduct and loyalty are shown, as the Senator from Connecticut has shown, that in the case of Mr. Lincoln and his great rival, the Little Giant, Stephen A. Douglas, the Senate had no power to make a precedent in order to deal with an unprecedented case. The Constitution was the work of wise and practical men, and they made no provision for such cases. I have seen the proceedings in the case of Hon. Benjamin Stark, and I am satisfied that the Constitution has been interpreted by this Senate.

I merely rose to correct an impression which prevails in the Senate, arising from a statement made by the Senator from Indiana and acquiesced in by the Senator from Maine. It is not true that credentials have not been referred before parties have been sworn in the Senate. Usually, where the credentials were fair upon their face, the person claiming a seat has been sworn in as a Member, but the practice has not been uniform, as the Senator from Indiana supposes it has and as the Senator from Maine agreed that it had been. There are a number of cases where the credentials themselves were referred cases where Senators were refused their seats, and where Senators received their seats after the credentials had been referred.

Another Senator participated in the discussion at that time with whose name Representatives on the other side of the House were quite acquainted. A Member present referred to the remarks of Senator Hoar quoted by the late Senator Lodge In the Smoot case. In the Smoot case the question now before the Senate was not presented at all. Senator Hoar had not presented his credentials before he came in without objection. Thereafter the Committee on Privileges and Elections were authorized to inquire into his case; and it was clearly established in that case that Senator Smoot had never been guilty of polygamy, but had only one wife, and never had had but one wife; and the only charge was that his relations with the Mormon Church were such as to disqualify him from a seat in this body; a view that the Senator Hoar's remarks were made in that situation of affairs. Mr. Sumner's comments were made when the very question was before the Senate as to its right to refer credentials for inquiry for the Member designate or elect was sworn in. Mr. Sumner said:

I desire, Mr. President, to make one single remark. It is said that the proposition now before the Senate is without a precedent. New occasions arise continually; new precedents are to be made when the occasion requires. Never before in the history of our Government has any person appeared to take a seat in this body whose previous conduct and declarations, as presented to the attention of the Senate, gave reasonable ground to distrust him. That case, sir, is without a precedent. It belongs, therefore, to the Senate to make a precedent in order to deal with an unprecedented case. The Senate is at this moment engaged in considering the loyalty of a person, the conduct of whose case seems to call upon it to do its duty if it admitted among its Members one with regard to whom, as he came forward to take the oath, there was a reasonable suspicion. So, Mr. President, this is an unprecedented case. I think the record of the precedents of this body will be searched in vain for a case in which charges against a Member elect or designate had already been investigated by the Senate and a report unfavorable to the Member was before this body. Therefore, if it were necessary, as suggested by Senator Sumner, we might well establish a new precedent in this case; but, as I shall demonstrate, the course suggested by the substitute resolution of the Senator from Missouri [Mr. Reed] is in no sense a departure from the established practice of the Senate.

Mr. President, Mr. Seward has said not a word to say about this matter. I read from page 862 of the Congressional Globe of February 18, 1862. In the course of his remarks he said:

But it is argued by the Senator from New York [Mr. Harris] that the Constitution has provided for the expulsion of a Senator by a vote of two-thirds, and that there can be no inquiry on the threshold, except with regard to the qualifications of age, citizenship, and residence of the State whose certificate be bears. If this be true, then open is the way to disqualify; and yet it would not be allowed to go at large, might present his certificate and proceed to occupy a seat in this body. A proposition is sometimes answered simply by stating it; and it seems to me that this is done in the present case. The Senator from New York was the second and third wise and said they were not guilty of the absurdity while such an interpretation attributes them. They did not announce that a disloyal man, or, if it be, a traitor, might enter this Chamber without opposition, and then
Bear in mind that this was on the motion that Mr. Thomas be denied permission to take the oath. It was in the year 1868, and I read from the Congressional Globe of February 13 of that year.

Now, to return, the question first is: What are our rights under the Constitution over this man without regard to the statute and the law, and with reference to any ever-existing necessity? The Constitution declares, and that is all that it says upon the subject that is pertinent here:

"No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, before he shall be elected, be an inhabitant of that State for which he shall be chosen."

Senators will observe that these are negative statements: they are exclusive, every one of them. It is not declaring who shall be admitted into the Senate of the United States. It is declaring that he must not be eligible to election to this body; that is all. It is the same as to the House of Representatives and as to other officers—always in the negative, always exclusive, instead of in the affirmative and inclusive. And upon what principle was this Constitution founded? Will lawyers here deny that we have a right to look to the course of constitutional and parliamentary jurisprudence in that country from which we derive our origin and most of our laws to illustrate our own Constitution and to enlighten us in this investigation? By no means. And what was that? The House of Commons in Parliament, using the very language that in another section of the Constitution is used here, were the exclusive judges of the elections, returns, and qualifications of their own members. Their qualifications were their own construction. It was that we were the sole and exclusive judges not only of the citizenship and of the property qualification of persons who should be elected, but of whether or not any one was entitled to enter into the political machinery to be presented himself at the doors of the House of Commons with a certificate of election for admission. And what were those rules? One was that an idiot could not be a representative in the Commons; another was that an insane man could not be a representative. A society of which the Commons themselves alone were the sole and exclusive judges.

We declared in our Constitution that a certain class of persons should never, under any circumstances, whatever their other qualifications might be, be Senators of the United States; no alien should be a Senator. Did it therefore follow that every citizen, male or female, black or white, rich or poor, sane or insane, innocent or criminal, should be a Senator? Not by any means, I take it. We declared then that no person shall be a Senator who shall not be a citizen, and who shall have the qualifications of residence and of age, and there we stopped the rule of disqualification, leaving the common law exactly where it stood before; and that common law, in the very language of its immemorial time, was inserted in another section of the instrument, which declared that this body should be the judges of the elections, returns, and qualifications of its Members. And that very word "qualifications," by the known history of jurisprudence, had the scope and significance that I have now described. That was that, that is the rule, that we referred it to the candidate, to keep itself pure from association with criminals and incompetent persons.

Thomas was excluded and was denied the right to take the oath. That is the rule there.

The large number of other cases of the same general character came before the other body, and the rule was properly well established, after more or less variation, just the same as in the case of the Senate, that when serious charges of that character were made against the man coming here with credentials fair upon their face, the credentials were referred to the committee for inquiry, and if the charges were sustained he was excluded, meanwhile being denied the right to take the qualifying oath.

There is another consideration that ought to be adverted to here. It is very seriously urged, and urged with much plausibility—although I do not accede to that view—that once a Senator has been admitted into this body, and the question is unrelated to his election or the validity thereof, he can not be expelled for any cause arising antecedent to and unrelated to his election; so that, Mr. President, if we shall now administer the oath to the Member designate or elect—with credentials fair upon their face, it is entirely within the wellучрен himself securely behind the provision requiring a vote of two-thirds for his expulsion. They did not declare that the mere certificate of a Senator was an all-sufficient passport to shield a hateful crime itself from every inquiry; nor did they insist that disloyalty in this high place to be treated so lightly. nor even to be tried until, perhaps, it was too late. This whole argument that the claimant must be admitted to the Senate and then judged afterwards is more kind to the claimant than to the Senate; it is more considerate to personal prejudices. To admit a claimant charged with disloyalty to a seat in the Senate, in the hope of expelling him afterwards, is a voluntary abandonment of the right of self-defense, which belongs to the Senate as much as to any individual.

The irrational character of such an abandonment is aptly pictured by the old member of Parliament in these verses, more expansive than poetical, once quoted by Mr. Webster:

"I hear a lion in the lobby roar!
Say, Mr. Speaker, shall we shut the door
And keep him out, or shall we let him in,
And see if we can get him out again?"

But the Senate is now asked to do this very thing. Instead of shutting the door and keeping disloyalty out, we are asked to let it in and see if we can get it out again.

Mr. COPELELAND. From whom did the Senator quote?
Mr. WALSH of Montana. I quoted from Charles Sumner in the case of Lyman Thomas. I quoted also from the Eugene Edmunds' case. The passage was quoted in 1868. It was quoted by Mr. Webster from an old member of the English Parliament.

Mr. President, another name ought to make a strong appeal to Senators on the other side of this Chamber, that of George F. Edmunds. In his time he had the reputation, no doubt deserved, of being the ablest lawyer in this body, and in his time the Senate was remarkable for the calm lights that illuminated the discussions in this Chamber. He was heard in the Philip F. Thomas case in the year 1868.

Mr. LENROOT. Mr. President, will the Senator yield?
Mr. WALSH of Montana. Yes.
Mr. LENROOT. Has the Senator concluded with the Stark case?
Mr. WALSH of Montana. Yes.
Mr. LENROOT. Will not the Senator please complete the history of the Stark case and tell us what the Senate did?
Mr. WALSH of Montana. Yes; the Senate adopted the resolution of Mr. Fessenden, prosecuted an inquiry about the matter, and finally sent Mr. Thomas, holding that the charges of disloyalty against him were not sustained.

Mr. LENROOT. If the Senator will yield further, the credentials were referred to the Committee on the Judiciary, and that committee reported that Mr. Thomas had a prima facie right to his seat; they allowed him to take the oath, and then afterwards the inquiry was pursued.

Mr. WALSH of Montana. Yes; the Senator is right. They reported on his prima facie right, and then went on with the inquiry.

Mr. LENROOT. Certainly.
Mr. OVERMAN. Notwithstanding the speech of Charles Sumner, Mr. Webster found they found Mr. Thomas was entitled to be seated, and they tried the charge of disloyalty afterwards.

Mr. WALSH of Montana. That is quite right. We have the facts in the case.

I referred to Mr. Edmunds' argument in the Thomas case. In the light of everything that was done by the Senate in the Stark case the Senate was called upon to consider the Philip F. Thomas case, from the State of Maryland. Thomas was charged in the same way with disloyalty. He had been Secretary of the Treasury during the administration of President Buchanan, because he disagreed with the President in sending aid to the beleaguered forts in South Carolina. His son joined the Confederate Army, and in departing for that purpose the father gave him $100. That was the whole charge against him. An effort was made to exclude him. He was denied the right to take the oath, and eventually was excluded from the body. Mr. Trumbull made a speech in that case. He did not recede at all from the position. Thurlow Weed charged him with being disloyal to the Senate, and power of the Senate, but he argued that the charge of disloyalty against Mr. Thomas was not sustained by the evidence, or, at least, if it was that the Senate might well overlook the facts proposed. Mr. Edmunds, Mr. Sumner, and others did not take that view of it. He voted that Mr. Thomas be refused the oath and voted to exclude him from the Senate. He said:

"Now, to return, the question first is—"
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desires to do that and vote the charges against him to the proper committee for inquiry.

If the former course has been the one more commonly followed, it was because in these cases the charges appertained to the legality of the election of the Member claiming the seat, of the fact for which the Senate had no official information of any character whatever. That is the nature of nearly every case to which attention has been called by the Senator from Illinois [Mr. Denny]. This is an unusual case, as I think, in which the Senate has no official information of any character whatever. I think the nature of the case in which the Senate had no official information of any character whatever was an unusual case; but I submit the resolution proposed in the substitute resolution of the Senator from Missouri there is no departure from the well-established rule of this body.

The resolution was read, and discretion in the premises; and it is for each individual Senator to say whether that discretion ought to be exercised by allowing the Member designate from the State of Illinois to take the oath or by referring his credentials to the appropriate committee. I have no hesitancy, for myself, in saying that the latter course is the one that ought to be pursued.

Mr. OVERMAN. Mr. President, I take it for granted that this matter will be referred to a committee. As there are differences of opinion on the questions of law and many other questions here, I do not object to that; but I submit the resolution, which is read to the desk and ask to have read.

The resolution will be read.

The Clerk reads the resolution, as follows:

Resolved, That Frank L. Smith, of Illinois, duly appointed a Senator of that State by the governor thereof, is entitled to take the oath of office thereon, and be admitted prima facie entitled to his seat without prejudice to any subsequent proceeding in the case.

Mr. OVERMAN. Mr. President, that is my view upon this case; and I am satisfied that when the committee investigate the precedents for a hundred years they will find that this has been the course of the Senate.

The Senator from Montana [Mr. Walsh] talks about Trumbull and Sumner, and reads their speeches. What was the result there? What did the committee do? I am sorry the Senator did not read a short extract from the report of the committee, for they did exactly what my resolution proposes; they admitted him to a seat in this Chamber, although it was charged that he was a traitor.

Mr. President, an eloquent Senator deemed the uniform of a brigadier general and went to the front to fight the battles of his country, and the next day, I think, or a day afterwards, was killed at the front. There occurred a vacancy in Oregon, and the Governor of Oregon appointed a man by the name of Stark. It was alleged that he was a traitor, that he was a secessionist, that he was in sympathy with the South, and it appeared here by affidavits and all kinds of charges and warrants and affidavits that Stark was a traitor, a secessionist. The committee, after the speeches of Mr. Trumbull and Mr. Sumner, reported unanimously in favor of Mr. Stark taking the oath, notwithstanding it was alleged he was a traitor and a sympathizer with the Confederacy.

I ask the clerk to read the report of the committee, one of the ablest committees of the Senate, of which Trumbull and Sumner were members, I think. See what they say about this matter, and whether I am not sustained in my proposition that the resolution I have introduced should be the action of the Senate.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Clerk reads as follows:

[From p. 436, Hinds' Precedents of the House of Representatives, vol. 1.]

The question submitted to the committee was, Whether or not evidence of this description (certain ex parte affidavits alleging treasonable declarations) could be allowed to prevail against his prima facie right to take his seat as a Senator. The committee were of opinion that they could not. The Constitution declares what shall be the qualifications of a Senator. They are in respect to his age, in respect to his residence, in respect to his citizenship; and the committee were of opinion that the Senate were limited to the question: First, whether or not he complied with every qualification named in the Constitution, to be seated.

I admit that many cases have been referred to committees. I do not object to that being done in this case; I do not know whether the Committee on Privileges and Elections will vote for that. I will vote for it. I am willing that it should be referred to a committee. I am willing that it should go to the committee, and that my resolution be sent to that committee also, because I want them to know my views; and I want them to know the views of the Member from Illinois, Stephen A. Douglas; I want them to know the views of the Senators from Illinois, Stephen A. Douglas; I want them to know the views of Hiram R. Thurman and of other Democrats.

Mr. President, if the procedure here attempted and advocated by some had been the rule from 1850 to 1876 there would not have been a southern Senator upon this floor; not one. Two cases come to my mind. General Morgan, a Confederate general and later one of the great Senators in this Chamber, sat at the right of the Senate, and wide and high for his ability, came here with his credentials. The remarkable thing about that case—which is analogous to this—is that there had been a committee appointed by the Senate to investigate the "southern outrages"—so called—and came back and reported. Then Morgan came here with a certificate; and then there was a charge that there was fraud in his election. He was admitted. So with Lanman. Those were two of the great southern men. So with Haneson, from North Carolina, and other Senators, who were here with certificates which were entitled to be admitted upon his certificate. Then, if charges are made, there is nothing to prevent a trial.

One Senator has argued that we would have to expel Mr. Smith if we do not know whether that is so or not, but I doubt it. I think after he gets to be a Member of the Senate we can declare his seat vacant, as we did in
the Lorimer case, as the resolution in the Stephenson case provided, as the resolution in the Newberry case provided. We could declare the seat vacant. Why could that not be done in this case? If the Member is guilty, or not guilty, he can not invoke the clause of the Constitution which I have read. The first clause to which attention has been called refers to the age, citizenship, and qualifications. Then our fathers went a step further, in considering that, and in the fifth section they provided that—

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

"Its own Members!" Is Smith a Member of the Senate now?

Well do I remember 24 years ago, when I was admitted to this floor as a Senator. In the class admitted in that year was my distinguished and able brother Senator, who sits to my right, Senator Smoor. There was objection to his being sworn in. There were memorials of all kinds filed with the Senate, and the sentiment of the whole country seemed to be against him. I heard one of the greatest arguments I had ever heard on the floor on this very question. There was a great argument, participated in by great lawyers. Senator Smoor was seated. I doubt whether he ever would have been seated if we had not seated him at that time. He came here with lawyers and defended himself, and showed that he was not guilty, and he was admitted.

Every man is entitled to a fair trial. The committee which investigated the Smith case proceeded with an investigation, and it was in the nature of a grand jury of inquest. That is all the committee was, and no one had more to do with that committee than I. I came back here and reported. They had no right to try Mr. Smith. A man is entitled to a trial. He is entitled to be heard, not ex parte, not by a grand jury of inquest, but to be heard by the whole Senate in the proper way. If we proceed as we are going to proceed, we are going to destroy a minority and keep 18 other men who are to be members of the Senate.

Mr. President, the action of the House on the Independent offices appropriation bill was a precedent. The PRESIDING OFFICER (Mr. McNary in the chair) laid before the Senate the action of the House of Representatives. Mr. McNary was not permitted to take the oath of office. His credentials were in the usual form on their face, were in due form. The motion was agreed to, and the Senate appoint the conferences on the part of the Senate.

The motion was agreed to, and the PRESIDING OFFICER appointed Mr. Warren, Mr. Smoor, and Mr. Overman conferees on the part of the Senate.

SENATORS FROM ILLINOIS

Mr. SHIPSTEAD. Mr. President, the Senator from Illinois [Mr. Deneen], in his very eloquent and able presentation in support of his resolution, read a long line of precedents bearing upon the question at issue as expressed in the two resolutions before the Senate.

In order that the record shall to some extent be more complete, I want to cite another precedent of more recent date. On the 7th day of December, 1923, there appeared before the Senate one Gerald P. Nye, Senator designate from the State of North Dakota. His credentials were in the usual form, and being in the usual form on their face, were in due form. His credentials were referred to the Committee on Privileges and Elections, and as the result of that action the State of North Dakota was deprived of its right to equal representation in the Senate pending an investigation in the committee and later upon the floor of the Senate.

Mr. BINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senate from Minnesota yield to the Senate from Connecticut?

Mr. SHIPSTEAD. I yield.

Mr. BINGHAM. Is it not true that in that case the credentials were in question, and the right of the Governor to sign such credentials, the legislature not possibly having explicitly given him that right, was the very point at issue, which is not at issue in the present case?

Mr. SHIPSTEAD. Mr. President, the Raccoon does not show what the objections were except so far as they were stated by the senior Senator from North Dakota [Mr. Faatz] at the time.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. ROBINSON of Arkansas. There was never any question about the regularity of the credentials presented by the Senator from North Dakota [Mr. Nye], was there?

Mr. SHIPSTEAD. None at all, so far as the Raccoon shows.

Mr. ROBINSON of Arkansas. And the Senate did stand him aside until his eligibility was determined?

Mr. SHIPSTEAD. I yield.

Mr. ROBINSON of Arkansas. That case, of course, is distinguishable from this case, but the suggestion of the Senator from Minnesota that it is a precedent for this case is warranted in the fact that the Senate was not willing to seat the Senator from North Dakota. His credentials were regular, but he was not permitted to take a seat on the floor of the Senate until the question of his eligibility or of his qualifications was determined. The oath of office was administered to him until the Senate had investigated the matter; and his credentials were regular.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7565) to authorize for the fiscal years ending June 30, 1929, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13693) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1928, and for other purposes; requiring a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Wool, Mr. Wason, and Mr. Sandlin were appointed managers on the part of the House at the conference.
Mr. GLASS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Virginia?
Mr. DENEEN. I yield.
Mr. GLASS. Precisely the same thing occurred some years previously in the case of Mr. Frank P. Glass of the State of Alabama. He came here with credentials apparently just as sound as the credentials presented here by the Senator from North Dakota. He was set aside and his case referred to the Committee on Privileges and Elections for a report as to whether or not the Governor of Alabama had the right to appoint Mr. Glass and not have known whether he had the right to appoint until it had investigated.
Mr. ROBINSON of Arkansas. There is no difference in principle whatever.
Mr. DENEEN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Illinois?
Mr. SHIPSTEAD. I yield.
Mr. DENEEN. May I ask the Senator if it is not a fact that when the credentials of Mr. NYE were presented by the senior Senator from North Dakota [Mr. FAZIER] that he, the senior Senator from that State, asked to have the case referred to the Committee on Privileges and Elections without any further proceedings, because he anticipated that there would be some objection, and the case therefore was referred by unanimous consent?
Mr. DAILY. Mr. President, will the Senator yield?
The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from West Virginia?
Mr. SHIPSTEAD. I yield.
Mr. DENEEN. Mr. President, I will say that when the credentials of Mr. NYE came in at the beginning of the Sixty-ninth Congress, the leader of the Republican Party in the Senate, the Senator from Kansas [Mr. CURRUS], in a conference with me suggested that I had better move an appointment of a State by the Senate of the credentials, and that he would like now to yield to the senior Senator from North Dakota [Mr. FAZIER] in order that he may explain how he came to make that request upon the floor of the Senate. He was not at that time ready to make the request, but as the Senator himself is here I prefer to have him state it himself.
Mr. FAZIER. Mr. President, I will say that when the credentials of Mr. NYE came in at the beginning of the Sixty-ninth Congress, the leader of the Republican Party in the Senate, the Senator from Kansas [Mr. CURRUS], in a conference with me suggested that I had better move an appointment of a State by the Senate of the credentials, and that he would like now to yield to the senior Senator from North Dakota [Mr. FAZIER] in order that he may explain how he came to make that request upon the floor of the Senate. He was not at that time ready to make the request, but as the Senator himself is here I prefer to have him state it himself.
Mr. GLASS. The contention here is that the Senate cannot constitutionally prevent a man from taking the oath if his credentials appear on their face to be clear of objection.
Mr. ROBINSON of Arkansas. Mr. President—
Mr. SHIPSTEAD. I yield to the Senator from Arkansas.
Mr. ROBINSON of Arkansas. The contention is that the presentation of the credentials for the first time to the Senate is merely a matter for the Senate to determine whether the Governor of North Dakota had the right to appoint or not, and entirely misconceives the issue in the North Dakota case. The credentials were regular on their face. They recited the existence of the vacancy. They recited the power of the Governor to fill the vacancy by appointment, so that the credentials, when measured throughout their four corners, were perfectly regular and came within the provision of the Constitution of the United States. But what the Senate did was to go behind that and examine the statute of the State of North Dakota to determine whether the Legislature of North Dakota had passed an act vesting the appointive power in the governor of that State. We were not trying the Governor of North Dakota to determine whether he had committed an offense. We were not measuring the credentials to see whether they were regular or irregular upon their face. We were passing upon a matter behind the credentials which supported the credentials, and that is whether the Legislature of North Dakota had empowered the Governor to make the appointment, and, as my good friend the senior Senator from Arkansas [Mr. ROBINSON] just suggested sotto voce, the Senator from Connecticut decided that the Governor of North Dakota did not have the power because the legislature of that State had not empowered him to make the appointment. The Senator from Connecticut in that case went beyond the credentials to determine for himself what the Legislature of North Dakota had done or failed to do and what the effect of it was, and that was the question upon which the Senate passed.
Mr. BINGHAM. Mr. President, will the Senator permit me to answer the Senator from New Mexico for just a moment?
Mr. SHIPSTEAD. I shall conclude in a very few moments, and then the Senator from Connecticut can take the floor. I did not want to go into any extended discussion of the various phases of the matter. I wanted to apply my brief observations to the contention that the only issue before the Senate now is the question of the power of the Senate to refuse to accept the credentials of a man who presents himself as a Senator elect or Senator designate, and whether the Senate has the right to refuse to accept the credentials on their face.
Mr. GLASS. The credentials of Mr. NYE from the Governor of North Dakota were in due form and were in the usual form. The Senate did not accept them at their face value. If that rule applied in 1923, it ought to apply to-day. I think that is the only question for the Senate to decide now. We can not here upon the floor of the Senate decide, nor do I think it is proper to discuss at this time, the fitness or unfitness of Mr. SARRR,
the Senator designate from Illinois, to take his seat in the Senate the 4th of March, because it seems to me is a matter of procedure, whether or not there shall be an investigation, who shall conduct that investigation, and whether Mr. Smirn shall have an opportunity to be heard, as I think he ought, and whether or not the Senate should proceed to vote against him at this time. Whichever way the Senate decides there are plenty of precedents for their decision. I did not think that the record would be complete without including this precedent of yesterday.

Mr. HEFFLIN, Mr. MOSIESE, and Mr. BINGHAM addressed the Chair.

The VICE PRESIDENT. The Senator from Alabama.

Mr. BINGHAM. Mr. President, we have here the Alabama yield to me? I will take just a moment. I should like to answer the question of the Senator from New Mexico [Mr. Blaylock], which he addressed to me and which I was unable to answer yesterday, and so the Senator from Minnesota [Mr. Smith] stated would not yield to me.

PROTECTING HONOR OF SENATE

Mr. HEFFLIN. Mr. President, I am not going to occupy the floor very long. I would rather the Senator from Connecticut would wait until I finish my speech.

Some contend that Mr. Smirn ought to be admitted by the Senate and permitted to serve out the unexpired term of Senator McKinley. If that should be permitted, how ridiculous the Senate would look for the next man elected to the Senate to be a man whose election to the Senate is tainted with fraud and corruption, according to the testimony already taken and returned to this body by a committee of the Senate. The Governor of Illinois picked out this particular man, who is already under investigation by the Senate, charged with gross misconduct and corruption in securing election to a seat in Congress, and permitted him to serve until the 4th of March, and then refuse to admit him on his credentials March 4 of this body.

W. H. McKinley, a representative of Minnesota, we voted on the question as to whether or not he should be permitted to serve until the 4th of March, and then refuse to admit him on his credentials on the 4th of March. Mr. President, we may differ as to tax reduction should be had; we may differ as to when tax reduction should be had; we may differ as to what I thought the State of Illinois is a matter of less than 100 years old, and what did it's merits of the citizen asking it. The youth of the country was here, and the integrity of institutions intrusted to the American people to protect this nation, its own good name, its own honor, and the integrity of institutions intrusted to its care.

It was intended by the founders of this Republic that the honor of being a Senator should be sought and won upon the merits of the citizen asking it. The youth of the country was told that in order to become a Senator he must be honest, patriotic, and able enough intellectually to make a capable and worthy representative of the rights and interests of the people. Then the appeal of the candidate for the Senate was made to the common sense, judgment, and conscience of the voter, and the only inquiry the voter made about the candidate was whether he was honest, capable, and worth the vote. However, Mr. President, I have fallen upon a time when in some of the States of this Union they ask how much money has the candidate got? Who is backing him? How much is he paying for his campaign? What big concern controls him? Senats are being bought in the Senate.

Mr. President, the one hundred and fiftieth anniversary of our independence found the most corrupt political campaign ever inaugurated in America. It found men trying to sell what the people wanted, and there was a general breakdown in politics. It has become the most powerful, dominoing trend in the Republican Party to-day. The independence of our country is 150 years old, and what did its one hundred and fiftieth anniversary find? It found a demoralizing, degrading, destructive influence at work in American
politics. It found a coterie of financiers on a little strip of land in New York, called Wall Street, directing the policies of the party controlling the politics of the General State of the Union. It found money the controlling force in Republican politics; it found public office, places of honor, and the principles of right and Justice being sold as a commodity in the market places.

The citizen is the defender and preserver of the Republic. Its honor, well-being, and preservation are all in his hands. If he becomes corrupt and dishonest, the poison of his corruption and dishonesty goes into the very vitals of the Republic, and unless this poison is quickly eliminated the Republic is doomed.Corrupting          the voter, buying seats in the Senate, and bribing Government officials are crimes and scandals that shock and shame the country on the one hundred and fifteenth anniversary of our Independence. God help the Senate and the American people to wake up and wage war, relentless war, on the forces that threaten our free institutions! God forbid us to deliver our country out of the hands of those who have brought disgrace and dishonor upon it!

Senators, are you ready to enlist in this warfare and do battle until these enemies are driven from the Capitol and the confines of our country? We have been chosen as the representatives and the guardians of the rights, interests, and liberties of the American people. The good name, the honor, and the dignity of the Senate have long been entrusted to our care and keeping; a grave and responsible duty rests upon us, and if we fail to discharge that duty, we are unworthy and unfaithful public servants. A citizen has no right to sell his vote, and the State which he holds before; not? He has a right to see that his qualifications are not impugned.

Mr. MOSES. Mr. President, the great admiration which I have always felt for the senior Senator from Missouri, for his power of expressing his opinions, for the vigor with which he formulates his conclusions, is by no means diminished. In my conversations with him, I have heard him say that it is a great advantage for a Senator to have a good reputation, and I am sorry the Senator is so credulous. I have heard Mr. Nye express the opinion that the Senate should not accept Mr. Nye's credentials and refuse to seat him. I was not in favor of investigating Mr. Nye's case, but I am in favor of rejecting his credentials. I would not object to Mr. Nye to occupy a seat in this body?

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Mr. NEELY. The Senator has intimated that Mr. Nye's credentials were tainted. What does the Senator mean by that?

Mr. MOSES. I did not say "tainted."

Mr. NEELY. I believe the Caucus will show that the Senator used that word.

Mr. MOSES. Well, assuming that I did, I went on.

Mr. NEELY. Assuming that the Senator did say tainted, may I inquire what he meant?

Mr. MOSES. I shall not, but what I said."tainted," but for the main idea we will pass that. It is not necessary to call in the Reporter to find out what I said. I amplified that, if the Senator will do me the justice to recall it, as I went on to answer the question, by saying that there was a grave question whether the Governor of North Dakota had the power, under the statutes of his State, to issue those credentials.

Mr. NEELY. And the Senator was in favor of the Senate's determination of propriety of the authority, for determining whether the presumpions of regularity were well founded in the Nye case, before permitting Mr. Nye to take the oath of office. Now, he is in favor of swearing in Mr. Smith, and finding out the facts in the case afterwards; is he not?

Mr. MOSES. Oh, no; the two cases are not alike, and the Senator, with all his plausibility, can not make it appear that they are.

Mr. NEELY. Does it not occur to the Senator that the demand for an investigation in the pending case is mere moribund than was the demand for similar action in the Nye case?

Mr. MOSES. Frankly, no.

Mr. NEELY. The fact that Mr. Smith is reputed to be a "regular" Republican and that Mr. Nye was understood to be a progressive does not, of course, affect the Senator's opinion above.

Mr. MOSES. The Senator from West Virginia has been here long enough to know that the regularity of my Republicanism has often been called in question. [Laughter.]

Mr. NEELY. Well, I am not so constrained to add that I have always considered an impatience of party irregularity to the able Senator from New Hampshire as the basest of shaming.

Mr. DENEN. Mr. President, in answer to the remarks made by the Senator from New Mexico [Mr. Bnorrows] some time ago, I should like very briefly to point out why I believe this case is not at all like the Nye case.

The credentials offered by Senator Nye to the Senate on December 7, 1925, read as follows. I shall read only the first sentence, or part of it:

This is to certify that, pursuant to the power in me vested by the Constitution of the United States and the constitution and State laws of the State of North Dakota, I, A. G. Billeter, the governor of said State, do hereby appoint Gerald F. Nye a Senator from said State.

That sentence was in question; and it only shows the extraordinary corner into which the opponents of the taking of the oath on the part of Mr. Smith, of Illinois, are drawn that their only argument is that the credentials of said Mr. Smith were not in question. The very statement in the credentials was the statement that was in question. The Constitution had given by the seventeenth amendment to the legislature of any State the authority to empower the executive thereof to make temporary appointments. Now, the question was, Had the legislature given him that power?

In the credentials it was claimed that the legislature had done so. That was in question. Whether the credentials themselves stated the facts, or whether they did not state the facts, was the very matter that was in question; and therefore it is proper to withdraw the credentials to Senator Nye until it should be shown whether or not the credentials were proper. In this case the leading opponent of Senator Smith has stated that the credentials are not in question.

There is one other difference between the two cases, and then I have done. In the case of Senator-designate Smith of Illinois, the State of Illinois, through its senior ambassador here, the Senator from Illinois [Mr. DENEN], presented the credentials and asked that he be sworn in; and we are trying to deny to the State of Illinois what it is asking through its Senator. In the case of Mr. Nye, the State of North Dakota asked, through its Senator [Mr. freshman], that he be not sworn in until the credentials were determined upon, as to whether the Legislature of the State of North Dakota, as the governor claimed, had given to the governor the power to sign such credentials. There was no one who be sworn in.

Mr. FESS. Mr. President, in giving a detailed recital of the various precedents covering this case—-the large majority of which are in accordance with the resolution he offered—specifies something like 15 exceptions in which the oath of office was denied. I should like to call the attention of the Senate to those exceptions, and demonstrate that they do not stand on the same level with any of the others.

The Senator will recall that most of those, if not all, came in the period of reconstruction immediately following the war. In each case, if I remember correctly, the period of reconstruction immediately following the war was one of loyalty on the one hand, and on the other, one of whether the State had been sufficiently reconstructed under the Constitution of that period to justify the receipt of the Member. There are three things there that are not here. One is that the cases arose immediately after a great civil war, when public and political opinion ran very high.

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

Mr. FESS. I yield.

Mr. MCKELLAR. Knowing the Senator to be a great student of American politics and American Government, I wonder if he would admit a little error when he said that all those cases arose after the Civil War. I want to call the attention of the case of Kenser Johns, of Delaware, which arose in 1794, 67 years before the Civil War. Mr. Johns presented his credentials to the Senate, whereupon it was moved that they be referred to the consideration of the Committee on Elections before the said Kenser Johns should be permitted to qualify. The committee reported that he was not entitled to a seat, and it was so held by the Senate.

I want to say that between that time and the time of which the Senator speaks, after the Civil War, there were some 15 like cases, where the credentials were referred to the Committee on Elections, and after examination were had and reports made to the Senate, as I recolled, in 13 of those cases the applicants were excluded without ever having taken the oath, and only 2 of them were seated.

Mr. FESS. I am not entitled to a seat, and it was so held by the Senate.

Mr. MCKELLAR. In reply to the remarks of the senior Senator from Tennessee, I read the resolution which was finally adopted:

Resolved, That Kenser Johns, appointed by the Governor of the State of Delaware as a Senator of the United States for said State, is not entitled to a seat in the Senate of the United States, a session of the legislature of said State having intervened between the relinquishment of the said George Read and the appointment of the said Kenser Johns.

The governor had no jurisdiction to appoint him.

Mr. FESS. Mr. President, my statement as originally made stands, that the cases cited, which were the exceptions detailed by the Senator from Illinois, are almost exclusively those that followed the Civil War, and there were other phases behind the denial of the right to have the oath administered. One was that the sentiment of the country had never run so high as immediately following the Civil War. I think every Senator, on both sides of the aisle, will appreciate at once, as they have always appreciated, that that was a period when deliberation did not exist to sustain. There was much difference of opinion, and even on both sides of the political issue utterance were very unguarded, and I think very unfortunate.

So in the reorganization following the Civil War, when Members were elected to this body, and from a section recently in a dispute, it would be easy to see why their qualifications would be questioned quite seriously. It is easily understood why that would be the case, and that it is not a very safe course to follow.

Secondly, nearly all the issues went to the question of loyalty to the Constitution, and the question of taking an oath is intimately associated with loyalty to the Constitution. As during the very early history of the country, the Constitution was very vague, whenever a question of loyalty came up there was a hesitancy on the part of some in this body to have the oath administered.

It is another thing that I think Members here might overlook; that is, the validity of the credentials at that time. It would be determined by inquiring whether the State in which
Mr. BAYARD. Mr. President, in my own work, I should like to call the attention of the Senate to the peculiar situation which existed. If an examination is made of the list of those who, immediately following the Civil War, voted to send the men whose right to the seat was in question, it will be found that they were universally on the Democratic side, while it will be found that those who denied the right to take the oath were universally on this side. I mention that to indicate that it is not a question of politics.

Mr. CARAWAY. The Senator is proving he is right by showing that his party has always been wrong.

Mr. BAYARD. Mr. President, may I state that the du Pont case, to which I referred, came up before a Republican Senate, and Mr. du Pont was not given his seat.

Mr. FESS. Mr. President, the Senator from North Carolina [Mr. OVERMAN] quoted the utterances of the "Old Roman," and I wonder that the Senator thought probably, in this body, as by Allen G. Thurman, of Ohio. At one time when Mr. Thurman was speaking he was somewhat disturbed about some historical question when Maine, of course, the original Constitution and the amendment refer to the manner in which the House of Representatives is to be constituted and how the Senate is to be constituted. The seventeenth amendment provides that—

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years.

What would happen if the people of any State would decline to elect Senators? W. H. G., in the power in the Senate of the United States to mandamus the State? How influential could this body, a Federal body, a branch of the Congress, be to enforce that provision of the Constitution? Under the Constitution, the Senate shall be composed of members elected by the people of the States, if a State would decide that it would not elect Senators, that would end it. The State is supreme in regard to the Constitution so far as its membership in this body goes. In that case, the State would have its vote in this body up to the time that the right of the man to sit was determined. That is the course I propose to pursue, to permit the State of Illinois to have representation in this body. I do not wish to mandate anything, but I do wish to go to the committee for investigation, and let him have his voice in this body so that he may be heard.

I should feel very much out of place as a student of the Constitution of the United States if I should deny that privilege both to the State of Illinois and to the Senator designate, and

the Senator was elected had under the requirements of the reconstruction act—whether that act was wise or otherwise, it had been reconstructed in accordance with the Federal law, in the enactment of which the Senate had been a party. The question of the validity of the credentials coming before this Senate, is the first step in going to the validity of the credentials would be to refer them to a committee before the oath was administered.

One point I want to bring out is that almost universally the presence of this committee to this House, that being the validity of the credentials would be to refer them to a committee before the oath was administered.

I think I am accurate in stating that aside of that particular period of our history it has been all but the universal custom that when the credentials are presented they are accepted and if any question is made there is no question of the validity of the credentials, which, of course, was the subject of the dispute in reference to North Dakota.

Mr. BAYARD. Mr. President, does the Senator FROM Ohio yield to the Senator from Delaware?

Mr. FESS. I yield.

Mr. BAYARD. I suggest to the Senator's recollection—I have no doubt it is somewhere stored away in his mind—the case of Henry A. du Pont, of Delaware, which arose in 1895. That was a case where credentials were presented, which, on motion of Senator Gore, were referred to the Committee on Privileges and Elections.

Mr. FESS. I would have to refresh my mind on that particular incident. Let me say again, and I do not say this to stir any question of politics.

Mr. BAYARD. I can state the facts in that case in a moment, if the Senator would like to have me do so.

Mr. FESS. I would prefer to have the Senator state them in his own words. I should like to call to the attention of the Senate just now the peculiar situation which existed. If an examination is made of the list of those who, immediately following the Civil War, voted to send the men whose right to the seat was in question, it will be found that they were universally on the Democratic side, while it will be found that those who denied the right to take the oath were universally on this side. I mention that to indicate that it is not a question of politics.

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I should feel very much out of place as a student of the Constitution of the United States if I should deny that privilege both to the State of Illinois and to the Senator designate, and
considering as was the immediate business of establishing such a policy. I really want to state that if we do this it becomes a precedent. These other cases are mere modifications easily understood. This is a precedent which we have not yet established, and I hope that every Senator will think of the meaning of Mr. Hough's question?

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

Mr. FESS. Yes, Mr. President.

Mr. BRATTON. Confining the discussion now purely to the procedural matter, assume that a man came here with his appointment regular under the Constitution which says we are the judges of the qualifications of our Members.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for another question?

Mr. FESS. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I would like to say that that is exactly the basis on which Henry Clay entered this Chamber and served.

Mr. FESS. That is true.

Mr. REED of Pennsylvania. He came here under age, with a certificate legal on its face. He was sworn in and no one challenged his age, as could have been done at any time.

Mr. BRATTON. I doubt very much if the Senator from Pennsylvania has given a fact which every Member of the Senate did not know already. I was simply directing my attention to the basis upon which Senator Fess assumes the procedural matter—not the substance of it but the procedural matter—and was about to say that with a fact of that kind, conclusive in character, before the Senator, if he would still vote to let him take his seat here, he is simply waiving a technicality.

Mr. FESS. I will say to my friend from New Mexico that under the qualification provision of the Constitution, under which the Senate acts, it would provide that he was under indictment on a question which involved loyalty. He was denied a seat. I voted as a Member denying him the seat. He was afterwards re-elected and the second time denied a seat. He was afterwards re-elected and the third time was seated. In the case in which we have before us here—

Mr. SMITH. May I suggest that I think the Senator from Ohio has forgotten that in that case the applicant was disqualified under the fourteenth amendment because of having given aid and comfort to an enemy?

Mr. FESS. The Senator from Massachusetts is referring to one case and I am referring to another.

Mr. SMITH, Mr. President.

Mr. FESS. I yield to the Senator from South Carolina.

Mr. SMITH. Will the Senator allow me to make a suggestion to the Senator from Georgia? In the case which he hypothesizes would it not be a safer plan for this body, whose powers and duties are so clearly defined in the Constitution, to give due regard to the chief executive of a great sovereign State who had appointed a man whom we unanimously rejected, and to hold a clear distinction between the dual powers, seat him and then reject him? We would be more nearly right than to assert the right which we are trying to assert now that this body has the right to go behind the regular and legal form of return and send our investigating committees into the dual powers and attempt to dictate what manner of man they shall send here.

Mr. FESS. I think the Senator. I am afraid of the tendency of the cases which may follow if we adopt this precedent. It will not occur in every case where religious feeling would run so deep that with some one coming from a State which was entirely under the domination of a religious cult which was not in control here, a proceeding of this kind to exclude a Member from the State in that degree. I can give something more pertinent.

Mr. WALSH of Montana. Mr. President, the Senator need not give himself any particular concern about that. The Constitution is a State matter and we have no right to ask the qualifications of the Senate to make a qualification to any office or public trust under the United States.

Mr. FESS. The difficulty here is that what the Constitution means about those who are disqualified is just not clear.

Mr. LENNOX. We might violate the Constitution under our right to determine the qualifications of a Member designate or Member elect.

Mr. FESS. I do not see how the Senate can be punished for committing any sort of crime. There is another thing that may be involved. Suppose the sentiment runs too high on the vet and dry question. Here the most radical utterances are heard on either side, utterances which it is difficult for me to understand, and utterances that I might make which it would be just as difficult for others to understand. Suppose that the sentiment would so dominate the situation here that we would not have the power of which I am using here and simply out our way by excluding those whom we did not like? If we may do it in this case, why can we not do it in the other case? It is not the effect in this particular case that concerns me, but what effect which may be established which I think may become a serious matter.

Mr. GEORGE. Mr. President, I rose to say that I was putting a hard case. I confidently assert that no man in this body will deny that in that event the Senate would imagine that it did not have the power to act, I am speaking about the naked power; that was all I rose to say.

Mr. REED of Pennsylvania. Mr. President, I do not flatter myself that. In the words of the Senator from New Mexico [Mr. BRATTON], I can tell the Senate anything that it does not already know, but I venture the hope that I may remind the Senate of some things that I know nothing about; those facts I know nothing; about Colonel SMITH I know nothing. I do not even know him when I see him. We must all agree, I think, that the facts of the matter are before us now.

Mr. FESS. I can answer the Senator by indicating to him my attitude in the other body when a case like that came up, where a man was elected who was under indictment on a question which involved loyalty. He was denied a seat. I voted as a Member denying him the seat. He was afterwards re-elected and the second time denied a seat. He was afterwards re-elected and the third time was seated. In the case which we have before us here—

Mr. SMITH. May I suggest that I think the Senator from Ohio has forgotten that in that case the applicant was disqualified under the fourteenth amendment because of having given aid and comfort to an enemy?
tion 6 of Article I, that no person holding Federal office shall become a Member of either House. The language of the Constitution is:

No person holding any office under the United States shall be a Member of either House during his continuance in office.

That should be added to the list of disqualifications; and the disqualification of section 6 of the fourteenth amendment is still further exemplified by the following line of reasoning:

We do not agree—and our disagreement is sincere—as to the power of the Senate to reject or exclude men who, in our opinion, are unfit because of their lack of other desirable qualifications. A provision of the Constitution is capable of a reductio ad absurdum; either one may be carried to such a point that it becomes clear absurdity. The Senator from Montana instance that when he suggested that his position could be carried to the absurdity of a Senator elected by a Member of Congress to the Senate, that the cut of his clothes. I want to be equally candid, and to say that the limitation of the power that I believe is vested in the Secretary of the Senate, that we were unable to reject a proven traitor if his State should elect him with knowledge of his treason. Those are the two absurdities to which the two propositions may be carried.

It does not disprove the existence of a power to say that it may be abused. On the other hand, it does not prove its nonexistence to say that it is in some conceivable cases almost essential that we have it.

Mr. McKellar. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I beg the Senator from Tennessee to let me proceed for a moment more.

Mr. McKellar. Mr. President, what is precise form the statement the Senator has just made in reference to qualifications provided by the Constitution that I desire to interrupt him. The Senator, I know, is familiar with the laws which were passed in the First Congress, one in 1789 and the other in 1791, which forever disqualified any judge who accepted a bribe from holding an office of any kind under the Government of the United States. The next year Congress passed another law forever disqualifying any officer who gave a bribe. If the forefathers—and Mr. Madison and other distinguished men who had taken part in framing the Constitution were in that First Congress—if they had thought that the qualifications were limited to those which the Senator has enumerated as being in the Constitution—and the Senator is exactly right about that—why would they have thought of violating the Constitution by adding other qualifications in the first session of Congress?

Mr. REED of Pennsylvania. Mr. President, I am perfectly familiar with the results that follow an attainment of anyone holding an office; it might follow an impeachment by the Senate, for example. If I did not make that point, I am not too strongly emphasize it—is that the question of the power of the Senate is not involved in the decision which we are called upon to make to-day. The question before us to-day is whether the Senate can be arrived at the point where it can declare, Senate, whatever it is, be applied to the facts, whatever they may be, or whether we shall deny him the oath and make our investigation before he is sworn. So that I say, whatever may be the facts and whatever may be the true doctrine as to the power of the Senate to exclude for want of qualifications, that question need not be decided before we cast our vote on the resolution and the substitute resolution before us.

The question that confronts us is the narrow one of pure law, I think; it involves no morals; the pure question of law under the Constitution is whether it is our duty to permit this man to be sworn and then have him, or whether we should postpone this being sworn until we shall have investigated him.

I think that we all agree that the investigation so far made, while it has been highly illuminating, and may forecast our future actions, is not such as a judicial investigation to preclude the necessity of anything further. I think we are all agreed that Mr. SMITH of Illinois has the right to be confronted by his accusers, to cross-examine them, the right to be represented. The investigation is an attempt to summarize our work. The necessary limitation upon the time and the convenience of an investigating committee are such as to prevent its having that kind of a hearing.

Mr. WILL of Illinois. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. DILL. Does not the Senator think, with the two kinds of prima facie evidence that the Senate has—namely, the credentials on the one hand, and the fair thing to do to Mr. SMITH, to the Senate, and to the country to allow him to have the judicial hearing to which he has a right, and to that I agree—and in the meantime not permit him, in face of the prima facie evidence against him, to be a Member of this body and partake in the enactment of legislation?

Mr. REED of Pennsylvania. I am not disposed at this point to which I want to address myself, because I think it is the only question that confronts us. The Senator from Missouri himself, so energetically and ably conducted that examination, that we do not need to go over it. Essentially, and I think it has been so thorough and impartial as to preclude the necessity of further investigation. As he said this morning, it may have some effect on the preliminary presumption, the prima facie case, but all he asks is that an investigation be conducted by a joint committee on Privileges and Elections. It is to that that I wish to address myself for not over five minutes, if I can help it, and certainly for not over 10 minutes.

The Constitution guards the right of the States to equal representation in the Senate. In order to limit the State of Illinois to one Senator it would not be sufficient to have the House of Representatives pass unanimously a joint resolution amending the Constitution to that effect, to have the Senate concur unanimously in that resolution, and to have 47 of the States ratify that amendment. The provision as to equal representation in the Senate is the only thing in the American Constitution that is incapable of amendment without the consent of the Senate that may be affected. Under Article V of the Constitution the one thing that can be taken out from any of the propositions in the Nation is the right to equal suffrage in the Senate. It is not so in the case of the House of Representatives. The representation of the various States in the House can be and has been modified by the States or by Congress. Should there be a vacancy in the Senate the seventeenth amendment and the laws of the States cooperate to bring promptly into this body a temporary representative to fill that vacancy. It is not so in the case of Representatives. The whole scheme of things is so arranged that each State shall always have on guard here in this body its two representatives.

Mr. GLASS. Mr. President—

Mr. REED of Pennsylvania. I yield to the Senator from Virginia.

Mr. GLASS. Is not that itself subject to constitutional limitation? Did not we stand aside as a Senator from Alabama until his case could be inquired into? Did we not in December, 1925, keep the junior Senator from North Dakota [Mr. Nye] waiting here weeks and weeks without permitting him to take the oath in order to ascertain whether or not he was constitutionally a Senator?

Mr. REED of Pennsylvania. We have in the past ignored what I think is our clear duty under the Constitution. Chiefly, that occurred under the pressure that followed the Civil War, that we did not think the States were established at that time need to be controlling us now.

Mr. GLASS. But, Mr. President—

Mr. REED of Pennsylvania. Will the Senator let me answer the question. In the Nye case, to which the Senator also refers, the question went solely to the right of the governor to appoint. The question was whether the State or North Dakota had complied with the seventeenth amendment to the Constitution. It went behind the credentials and went to their essential validity. If there were a question of the essential validity of these credentials I should say that Mr. Surrin should be stood aside until that was determined.

Mr. GLASS. In the last analysis, then, the Senator admits the supremacy of the States is obliged to be subject to the sovereignty of the Nation.

Mr. REED of Pennsylvania. I do not admit it in that way, of course. What I say is that if a State has not taken advantage of the seventeenth amendment it has itself to thank for its failure of representation here, but if it does take advantage of the seventeenth amendment—and Illinois clearly has—then it is our duty not to deny it that equal representation which the Constitution guarantees while we are making up our minds about the qualifications of the appointee.

Mr. GLASS. That has been the case of the credentials of the Senator from North Dakota, North Dakota plainly had complied with the Constitutional requirements.

Mr. LENROOT. Oh, no!

Mr. REED of Pennsylvania. That was the point. I did not think North Dakota had.

Mr. GLASS. That was the point that was raised by an investigation of the facts; but nobody could determine that point on the face of the credentials presented here by the junior Senator from North Dakota.
Mr. REED of Pennsylvania. It was not upon an investigation of the facts at all; it was upon the construction of the law of North Dakota.

Mr. GLASS. Did not that involve as a fact whether or not the statutes of North Dakota authorized the governor to make an appointment?

Mr. REED of Pennsylvania. That is a question of law, not a question of fact.

Mr. GLASS. Well, questions of law may be questions of fact.

Mr. REED of Pennsylvania. They are often confused, I grant it. The point was, I think, that there was no authority to appoint, and if that settles the matter, we did North Dakota a great wrong in holding out her Senator during that time, and those of us who believed that North Dakota had given her governor the right and nevertheless voted to prevent him from exercising that right were inconsistent and, in my judgment, indefensible.

Mr. WALSH of Montana. Mr. President, let me inquire of the Senator if he does not think that that is the case this time? That whenever a man appears here with credentials, whatever doubt may arise with respect to the power of the governor, we should swear him in at once, lest per chance we do some wrong, because we might eventually determine that the governor had the power to appoint and he was entitled to his seat. Of course, we do no wrong to the State of North Dakota. The Constitution invests this body with the power to determine the constitutional qualifications of its Members, and it is our duty to go on and do that.

Mr. REED of Pennsylvania. But the Constitution does not invest us with power to suspend the representation of those States pending our consideration of the qualifications of the Members.

Mr. WALSH of Montana. Quite right; but if the Senator's position is sound, and we did a wrong to the State of North Dakota, then, by unquestioned reasoning, whenever a man comes here with credentials fair on their face we can not stop to inquire whether the governor has or has not the power to appoint, because if we should eventually decide that the governor has or has not the power to appoint, we do no wrong to the State of North Dakota.

Mr. REED of Pennsylvania. The Senator from Georgia [Mr. Glass] answered that point in better words than I can use. I think he answered it conclusively; and if there were a question in my mind as to the authority of the governor to appoint, I should resolve that doubt in favor of the State. I voted as I did in the Nye case because I thought it was clear that the governor had no right to appoint; but that is a different case from this, because the Constitution, if by a majority to-day we deny her complete representation during that period.

Mr. GLASS. May I ask the Senator if the junior Senator from North Dakota had not just as implicit and sacred a right to take his seat here for weeks and weeks, and would not appear to be upholding it when by a bare majority we deny her one-half of her representation pending the decision of that question? How should we decide it when the facts are in, and what our power to determine cases like the case of Illinois is? For that reason, and to avoid any doubt may arise with respect to the power of the governor, we all of us have the power of the governor with power to suspend the representation of those States pending our consideration of the qualifications of the Members.

Mr. WALSH of Montana. Mr. President, the Senator from Connecticu [Mr. Bingham] read the credentials of the junior Senator from North Dakota [Mr. Nye]. It is not disputed that Mr. Nye was denied the right to take the oath of office. The only objections to his taking the oath of office were raised by his colleague [Mr. Sarra]. He said:

Mr. President, I see no reason why Mr. Nye should not take the oath of office at this time.

Objection was raised to his taking the oath by his colleague, who thought he had a right to sit in the Senate. He said:

But I understand that there is some question raised as to the regularity of our law in North Dakota. For that reason, and to avoid any unnecessary discussion at this time, I move that Mr. Nye's credentials be referred to the Committee on Privileges and Elections.

That is the only record, so far as the CONGRESSIONAL RECORD shows, of any objection to Mr. Nye taking his oath of office at the time of the presentation of his credentials. Objection was raised by his colleague, who believed he was entitled to his seat, and the CONGRESSIONAL RECORD shows the question is, Why did his colleague, who thought him entitled to his seat, raise the objection to Senator Nye taking the oath of office? Of course, the court of appeal must have taken that course contrary to his own best judgment. As a matter of fact, he did it upon advice. He had consulted with older Members of the Senate who were more familiar with the methods of procedure; but he did it upon advice, and he was right. He told me he was informed that whenever a question was raised as to the right of a Senator to take his seat the usual procedure at all times was that his credentials must go to the Committee on Privileges and Elections, and meantime he could not be sworn in. The Senator told me at that time, also, that he had been informed that it would come with better grace for him to raise that question, because if he did not do so easily, and nobody else did, he would have no votes to deny Mr. Nye the right to take his oath.

It seems to me that the only thing we can decide, the only issue that is before us now, is whether or not we must auto-
get his views on it. He says there is a wide distinction was not taken the oath of office; it would not have any effect. He could not take the oath of office. Pending the determination of the decisive appointment.

In the Nye case, pending the determination of the decisive question, the Nye case in point so far as the procedural question is determined now. The question was whether the governor of the State had the power to appoint. It was determined now. The Nye case was presented a motion to refer to the committee for the purpose of deciding certain questions and refer the matter to the Committee on Privileges and Elections and refuse meanwhile to administer the oath. It seems to me that will be perfectly consistent in the light of the past action of the Senate, the Committee on Privileges and Elections shall be sworn in, or whether, if an objection has been filed, the views I now express have nothing to do with the question with which we are dealing today. As I conceive it, that is the only question with which we are dealing today, and, in view of the Senator's learning, I would like to hear him discuss that feature of it.

Mr. LENROOT. I shall be very glad to; and the Senator proposes a very fair question.

I want to say first, Mr. President, that, as many other Senators have said, the views I now express have nothing to do with the merits of the proposition as to whether Mr. Smirn should be permitted to take his oath now. My argument goes to the question of procedure, and whether or not Mr. Smirn should be permitted to take his oath at this time, in the first instance, or whether there should be a reference to another committee of designation under the Constitution, and a report from them as to whether Mr. Smirn should then be permitted to take the oath pending an investigation upon the merits.

Mr. BRATTON. The Senator will allow me, I quite agree with the Senator, and I desire to refrain entirely from expressing any opinion respecting the merits; but on the question of the procedure to be followed, the Senator doubtless is familiar with the Niles case, where Mr. Niles was elected, came here with his credentials regular on their face, but some question was raised relating to the mental fitness of the Senator elect, and when his credentials were presented a motion was made to refer those credentials to a special committee. That was done on April 30, 1844. The Senator elect did not take the oath until that special committee made its investigation and reported, more than two years later. During the time the committee was investigating the matter before it, not going to the facts surrounding his election or his qualifications, Mr. Niles was not permitted to take his seat, but was stood aside. Will the Senator point out wherein there is a material distinction between the Niles case and this case? For my part, I cannot see the material fitness of the Senator elect, and the issue of the question with which we are dealing now, namely, the procedure to be followed pending a determination of the matter?

Mr. LENROOT. Will the Senator state what the question was in the Niles case?

Mr. BRATTON. The question was the mental fitness of Mr. Niles to sit here, and it was decided that perhaps he was not mentally sound, but sound enough to sit in this body. Mr. LENROOT. The Senator is well aware that goes to an entirely different question, as to whether a man who is mentally unsound can take the oath of office at all.

Mr. BRATTON. Not so far as the procedure to be followed is concerned, pending the investigation of the question?

Mr. LENROOT. Yes; if he is unsound, mentally unfit, he could not take the oath of office; it would not have any effect.

The case, however, directly in point, may I say to the Senator, is quoted by the Senator from Montana this morning, the Benjamin Stark case.

Mr. BRATTON. Of course, that is in point.

Mr. LENROOT. That is the leading case upon the subject. It was decided six years later, of Philip F. Thomas. Mr. WALSH of Montana. Why does not the Senator include the case, decided six years later, of Philip F. Thomas?

Mr. LENROOT. I will be glad to refer to the Thomas case.

Mr. BRATTON. I am unable to see any difference, so far as the procedural matter is concerned, and that is what we are talking about first.

Mr. LENROOT. I thought that I had made it clear that I would be perfectly willing to vote to refer to the committee for reporting the regularity of the certificate or the constitutional qualifications of Mr. Smirn as laid down in the Constitution. That was exactly what was done in the Stark case. I am willing to do that, but I was at the time of my having now my belief we should go so far as is contemplated by this resolution.
Mr. President, the question here is not as to the right of Mr. Smarr. The primary question is as to the right of a State to have its Members elected in this body, and I undertake to say that every State has a right to have representation when that State has complied with the provisions of the Constitution regarding the election of Senators.

The theory which the Senate has a right to create additional qualifications, or create a disqualification not named in the Constitution, is a question with which the State can not be charged until upon such time as this body shall create qualifications or a new qualification granting its right to do so, every State is entitled to representation in this body.

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

Mr. LENROOT. I yield for a question.

Mr. McKELLAR. I call the Senator's attention to the Niles case, of the Senator from New Mexico.

Mr. LENROOT. I am discussing this question.

Mr. McKELLAR. I ask the Senator--

Mr. LENROOT. I refuse to yield to permit the Senator to break in upon my discussion. The State in everyone of those cases has been at fault in some respect.

Mr. MCKELLAR. Mr. President--

Mr. LENROOT. I decline to yield. I have given my opinion of the Niles case, and the Senator heard it, and he does not need to interrupt me upon that. If the State has been at fault in the election, or in the making of the certificate, as in the Nye case, the State has no right to insist upon representation until that State has complied with every provision of the Constitution, when it has followed the Constitution of the United States, and the matter of an appoint­ment, that it has the right to do, is disposed of for the time that this certificate has been sworn, and there was no power in the Senate, 95 Members concurring, had no right to deprive a Member elected, who was sworn at the Senate, and was elected, who was sworn, and there was no power in the Senate, 95 Members concurring, had no right to deprive a Member elected, who was sworn at the Senate, and was elected, who was sworn, of his privilege to take the oath.

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right to render decisions affecting the validity of a Federal statute.

Mr. LENROOT. Upon this very point I want to read from the majority report in the Stark case, cited by the Senator from Montana this morning, which was adopted by the Senate of the State of Missouri. The Missouri court parlance would be in the nature of a dissenting opinion of certain eminent Senators.

Mr. WALSH of Montana. No; it was the argument of two eminent Senators.

Mr. LENROOT. But they were in the minority upon this question.

Mr. WALSH of Montana. They were in the minority, but I did not copy from the minority.

Mr. LENROOT. I understand.

Mr. WALSH of Montana. I read the views of those two eminent Republican Senators.

Mr. LENROOT. Yes; but they were in the minority and what they said stayed in the nature of a dissenting opinion from the majority. Now, I want to read what the majority said on that occasion. May I say first that in the Stark case the credentials were referred to a committee on the motion of William Pitt Fessenden, of Maine, and in the debate upon his motion he said that his motion was unprecedented in the Senate up to that time, but he considered it justified by the papers which he presented. The Senator from Missouri [Mr. Rea] this morning said that there was no case like the pending case, because in this case the Senate has certain information which that committee had before it. But in the Stark case the Senate had before it information alleging the disloyalty of Mr. Stark.

Mr. WALSH of Montana. If the Senator will permit an interjection from Mr. Walsh [of Montana]. Mr. Rea is here to speak for himself. The Senator from Missouri called attention to the fact that the Senate had official information before it given to it by one of its own committees. That is the distinction between the Smith case and the Stark case.

Mr. LENROOT. I will let the record speak for itself as to what the Senator from Missouri said.

Mr. WALSH of Montana. The only evidence the committee had in that the form of affidavits.

Mr. LENROOT. They were ex parte affidavits. They were introduced by Mr. Fessenden, and the majority of the committee, without going into an investigation of the charge of disloyalty, reported back a resolution, not that he was entitled to his seat, but that he was entitled to take his oath of office. That is what the majority of the Committee on the Judiciary decided, and they declined to express any opinion upon the question of the charge of disloyalty or upon the merits of the case. That was debated at great length. From the majority report I quote as follows:

The question submitted to the committee was whether or not evidence of the subscription of ex parte affidavits alleging treasonable declarations [could be allowed to prevail against his prima facie right to take his seat as a Senator. The committee were of the opinion that they could not. The Constitution declares what shall be the qualifications of Senators. They are in respect to their age, in respect to their residence, in respect to his citizenship; and the committee were of opinion that the Senate were limited to the question, first, whether or not the person claiming the seat and presenting his credentials produced the requisite evidence of his election or appointment; and, second, whether there was any question as to his constitutional qualifications.

I do not understand it. That is competent for the Senate, I think they step aside from their only jurisdiction when they attempt to punish a man for treason by misbehavior asserted to his election. If this were so, the Constitution ought to be amended so as to read that the legislature of a State or the governor of a State, in a certain contingency, shall elect or appoint a Senator, subject to the advice and consent of the Senate.

Mr. President, that is exactly what will happen if the precedents which is now proposed to be established shall be followed in the future. If the Senate shall now take the position that it can deny to a person holding proper credentials, a proper certificate of office and to a person holding proper credentials until after they shall have investigated, and in addition shall assert the right to add qualifications or decree disqualifications not named in the Constitution of the United States, then hereafter the Senate can by the body except by and with the advice of the Senate of the United States.

I wonder if Senators realize what that may lead to? Is the Senate saying that a man shall not have his seat in this body except by and with the advice of the Senate of the United States because they do not like his politics, because he may be a radical or socialist? Ah, but, you may say, they would not go that far, but there has to be moral turpitude of some kind involved. Very well; suppose it be charged at the beginning of some session, when a change of one vote or the depriving of a seat for the time being of his seat would mean the organization of this body by the other party, all we would have to do would be to charge, for instance, that some Senator on the other side of the aisle or some Senator on this side has failed to render decisions affecting the validity of a Federal statute. It would be sufficient grounds for denying him his oath of office under this reasoning.

Mr. GLASS. Was it ever done even in the days of reconstruction?

Mr. LENROOT. No.

Mr. GLASS. Has it ever been done?

Mr. LENROOT. No; and the reason is because until this time we did not know of a case but what the Senate had solemnly and deliberately said they had the right to do it.

Mr. WALSH of Montana. Let me inquire of the Senator if that was not done in the Thomas case?

Mr. LENROOT. It was not done in the Thomas case.

Mr. WALSH of Montana. The Senator will find it at page 470 of the first volume of Hinde's Precedents.

Mr. LENROOT. I do not find the Thomas case at page 470. Mr. WALSH of Montana. I will read the resolution if the Senator will permit me:

Resolved, That Philip F. Thomas, having voluntarily given aid, composure, and encouragement to persons engaged in armed hostility to the United States, is not entitled to take the oath of office as a Senator of the United States; and he be not held a seat in this body as such Senator; and that the President pro tempore of the Senate inform the Governor of the State of Maryland of the facts relating to the Senate in the premises.

The vote was 27 yeas and 20 nays.

Mr. WALSH of Montana. I refer to that case. I think there are several cases in the House of the same character.

Mr. WALSH of Montana. There are a number of cases of that character.

Mr. LENROOT. There were a number of such cases in the House.

Mr. ROBINSON of Arkansas. In this connection the Senator will also concede that the Roberts case, arising in the body at the other end of the Capitol, is an exact precedent for the present case.

Mr. LENROOT. So far as I know, outside of the Civil War and the passions and hostilities created by it, the Roberts case is the only case, and I admit it is a precedent the other way.

Mr. WALSH of Montana. The case of Whittemore, coming from the State of South Carolina, is another one. It was the case of a charge of having sold, while a Member of the House of Representatives, appointments to West Point, and proceedings were instituted to expel him. He thereupon resigned, went back to South Carolina, and was reelected.

Mr. LENROOT. To the same body?

Mr. WALSH of Montana. To the House of Representatives.

Mr. LENROOT. But the case of Whittemore, the case of South Carolina, is another one.

Mr. WALSH of Montana. It is another one. It was the argument of the case, but Whittemore, coming from the State of South Carolina, is another one. It was the case of a charge of having sold, while a Member of the House of Representatives, appointments to West Point, and proceedings were instituted to expel him. He thereupon resigned, went back to South Carolina, and was reelected.

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Mr. LENROOT. No, Mr. President. A distinction has been made upon that ground by all the authorities.

Mr. WALSH of Montana. He was stopped at the door and not permitted to take the oath. That is exactly the case proposed by the Senator from Georgia [Mr. Greene]. But suppose a member of this body were expelled from the Senate because of some crime of particular atrocity and infamy, and he goes back to his State and is there reelected and appointed by the governor. According to the argument of the Senator from Wisconsin we must admit him. As indicated by the Senator from Pennsylvania [Mr. Rea], his argument, driven to its ultimate conclusion, leads to something of an absurdity.

Mr. LENROOT. No, Mr. President. A distinction has been made by all the writers in the Whittemore case that he was reelected, and sought a seat in the same body, which the position was which the House had a right to expel him, he resigned to avoid expulsion, and sought to circumvent the constitutional right that Congress had by coming in in this way. Those were the facts in that case; but I call attention to the fact that in every comment that I have seen upon that by legal writers, mention has been made that he came back to the same Congress, making a distinction as to what might have been the case had it been a different Congress.

Mr. ROBINSON of Arkansas. What is the distinction as a matter of law? Of course, the discussion has hinged to-day upon the question of power; but I should like the Senator to indicate whether there is or is not a case where he makes a distinction as a matter of law. I can conceive that questions of policy might be involved, but discussing now the question of the power of the Senate to exclude a Member for alleged disqualifications, what difference would it make in the case which the Senator
Another of our greatest writers upon the Constitution was Cushing. Coolidge, in his Constitutional Limitations, says:

Another rule of construction is that where the Constitution defines the circumstances under which a right may be exercised, or a penalty imposed, the specification is an implied prohibition against legislative interference, to add to the condition, or to extend the penalty to other cases.

Cushing and other writers upon the Constitution says:

The Constitution of the United States having prescribed the qualifications required of Representatives in Congress, the principal of which is inaptitude within the State in which they shall be respectively chosen, leaving to the States only to prescribe the time, place and manner of holding the election, it is a general principle that neither Congress nor the States can impose any additional qualifications.

John Randolph Tucker—

Mr. McKELLAR. Will the Senator suffer an interruption there?

Mr. LENROOT. Just a moment. I should like to finish the quotation, and then I will yield.

John Randolph Tucker, in his work on the Constitution, says:

Nor can the Congress nor the House change these qualifications.

I now call the attention of the Senator from Montanna to the point that he made that it might apply to legislation by Congress or a legislative body, but did not apply to the House.

The House—

Tucker says—

Nor can the Congress nor the House change these qualifications. To the latter no such power was delegated, and the assumption of it would lead to results as invading a right which belongs to the constituent body, and not to the body of which the representative of such constituency was a member.

Mr. WALSH of Montana. Mr. President, if the Senator will allow me, I merely desire to say that I had no purpose of arguing the merits or demerits of the general legal proposition involved. At the proper time I shall say whatever I may feel justified in saying in relation to the comment by Story, but I may add here that the House has declared that Story stands alone in the position which he takes.

Mr. LENROOT. I would not have adverted to this question at all if the Senator himself had not done so in the first instance.

Mr. McKELLAR. Now, will the Senator yield?

Mr. LENROOT. I yield.

Mr. McKELLAR. The Senator did not read all of what Mr. Cushing said. Mr. Cushing adds this language:

To a qualification of this kind may be added those which may result from the commission of some crime which would render the Member ineligible.

The Senator omitted that.

Mr. LENROOT. But that does not change the situation. Foster on the Constitution says:

The principle that each House has the right to impose a qualification upon its membership which is not prescribed in the Constitution, if established, might be of great danger to the Republic. It was on this excuse that the French Directory procured an annulment of elections to the Council of Five Hundred, and thus maintained themselves in power against the will of the people, who gladly accepted the depopulation of Napoleon as a relief.

Paschal's Annotated Constitution says:

It is a fair presumption that where the Constitution prescribed the qualifications it intended to exclude all others.

Then, Mr. President, what did the framers of the Constitution have in mind? It seems to me that ought to be a very material question in this discussion. Let me read from James Madison, whom there certainly can be no greater authority as to what was in the minds of the framers of the Constitution.

He says:

- The qualifications of electors and elected—

Mark the words "and elected" were fundamental articles in republican government, and ought to be fixed by the Constitution, as otherwise the legislature might subvert the Constitution.

And so here, if it shall be held that the Senate may add any qualification that it chooses or create any disinqualification that it desires, what becomes of the Constitution of the United States?
so far as free government is concerned and the protection of the rights of the people and the rights of the States with regard to the election of their representatives in the Congress of the United States?

Mr. President, I wish to repeat that there is to my mind the clearest kind of a distinction. To refer to a committee, before I am permitted to refer to the case of Mr. Riddle, to the question of the regularity of his certificate or his qualifications under the Constitution of the United States, I concede, can be done, and has been done, many times; but to refer to a committee in regard to one who, in the future, may be the subject of the question of the authority to appoint him or to the mode of appointment or to the qualifications not required by and not named in the Constitution, and depriving a State of representation under such circumstances, as this body has declared such additional qualifications, can not, it seems to me, be defended under the Constitution of the United States.

Mr. BINGHAM. I ask unanimous consent that there be printed in the Record a portion of a speech delivered in 1862 by Senator Bayard, of Delaware, which bears very interestingly on this question.

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

The matter referred to is as follows:

James Asheton Bayard, 29, a Senator from Delaware, was born in Wilmington, Del., November 15, 1799; pursued classical studies; studied law; was admitted to the bar and began practice in Wilmington; was United States solicitor for Delaware 1838-1843; was elected as a Democrat to the United States Senate; re-elected in 1857 and again in 1863, and served from March 4, 1857, until January 29, 1864, when he resigned; was appointed a United States Senator to fill the vacancy caused by the death of George Read, who was selected and served from April 5, 1867, to March 3, 1869; was a delegate to the Democratic National Convention in New York in 1868; died in Wilmington, Del., June 13, 1890.)

[From the Congressional Globe of January 10, 1862, pp. 263-267]

Mr. BAYARD. On Monday last the honorable Senator from Oregon [Mr. Neumitl} presented the credentials of Mr. Stark as a Senator appointed from that State. The honorable Senator from Maine objected to Mr. Stark being sworn in as a Member of the Senate and presented certain papers which showed 9 my certification under the authority of State of New Hampshire.

The Senator from Oregon was accompanied by affadavits, which be considered imposed by any body to decide upon those qualifications. No one doubts that a major­ity of the body to decide upon those qualifications. No one doubts that a majority feels that be entitled to a seat. And that clause no one doubts that authority is given to a majority of this body to decide upon those qualifications. No one doubts that authority is given to a majority of this body to decide upon those qualifications. The authority is unques­tioned; no one has objected to it. Next comes the clause of the Constitution which provides the qualifications of a Senator, and under that clause no one doubts that authority is given to a majority of this body to decide upon those qualifications. No one doubts that a majority decides on the returns—meaning the credentials—and the qualifications of the member. The Senator from Oregon has a majority in a majority of either House; and therefore, when an individual applies to be sworn in as a Senator, if objection is made either to the authority to appoint him or to the mode of appointment or to his qualifications beyond all question it is competent for the Senate, by a majority, judicially to decide that question, and that is what they always do. There may have been erroneous decisions made, but the presumption is that every Senator feels that he is acting judicially in deciding under the Constitution and on the credentials whether the party is entitled to a seat.

Among the qualifications prescribed by the Constitution you can find no ground for interposing an objection to a party being sworn in who is properly appointed; no ground for interposing an objection to a member of the Senate if it would afford no ground, it would give no warrant to the Senate of the United States in ref­ecting by a majority a person who presented himself as a Senator, legally appointed by the proper authority in his own State. The Constitution prescribes the qualifications, and it has not touched any question of that kind relating to the capacity or the morality of the party. If he was an idiot, you would not reject him. If he was a man, destitute of all moral character, such that you would feel disgrace in his association with you, you would not by a majority of this body reject him when his State chose to send him here by the properly constituted authority. You have some authority over the subject, to be sure, as I admit; but you are violating the Constitution if under the power which is given to you to decide by a majority on the returns and qualifications of a Member you undertake to usurp the power of adding qualifications which the Constitution has not prescribed.

I submit, therefore, that Mr. Stark has a right to be sworn in.

Mr. CURTIS. Mr. President, from information which has come to me I doubt if we can reach a vote to-night. I would like to ascertain if it is possible to arrive at some under­standing about taking a recess at this time until 11 or 12 o'clock to-morrow.

Mr. ROBINSON of Arkansas. Mr. President—

Mr. CURTIS. I yield to the Senator from Arkansas, although I was about to move a recess.

Mr. ROBINSON of Arkansas. I hope the Senator will with­draw the motion for a recess.

Mr. CURTIS. I withdraw the motion.

Mr. ROBINSON of Arkansas. With respect to the sig­nification of the Senator from Kansas, I wish to say early in the afternoon I conferred with him and with the Senator from Illinois [Mr. Denzen] with a view to ascertaining, if possible, whether a vote could be taken to-day.

I am advised that a number of Senators expect to speak, and that this will be impossible to do to-night. Many of us are told by the Senator from Kansas whether he can indicate about what time a vote may be reached to-morrow?

Mr. CURTIS. I hope it will be reached early; but there are three or four Senators on our side who desire to make short speeches, and I do not know how many there are on the other side.

Mr. ROBINSON of Arkansas. The Senator expects that a vote will be reached to-morrow?

Mr. CURTIS. I hope so, and I shall do all I can to bring about a vote to-morrow.

Mr. ROBINSON of Arkansas. I shall make no objection to that a recess. I would ask the Senator whether the Senate would be willing to agree to a limitation on debate? I realize that it would not be proper to insist upon a limitation if any Senator objected, but this situation exists:

There are a large number of Senators who have other mat­ters claiming their attention. Some of them desire to leave the city for a day or two; and it would be very convenient for them to know, if an agreement can be reached, when they may expect to get away.

Mr. CURTIS. Mr. President, so far as I am concerned, I should be perfectly willing to agree to vote not later than 4 o'clock to-morrow.

Mr. CURTIS. Mr. President, I hope that agreement will not be entered into. I had not expected to say a word on this question, but I think I shall discuss it; and while I imagine I shall not speak over 50 or 40 minutes, I should not want to enter into such an agreement.

Mr. ROBINSON of Arkansas. I realize that the subject matter under consideration is such that there ought not to be any attempt to restrict debate if Senators feel that it would deny them the privilege of expressing their views. I will not, therefore, insist upon any limitation.

PETITIONS AND MEMORANDUMS

Mr. WILLIS presented a petition of sundry citizens of Cincinnut, in the State of Ohio, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Napoleon, in the State of Ohio, praying for the passage of the so-called alien deportation bill, which was referred to the Committee on Immigration.
In the name and on behalf of the people of a sovereign State, albeit the youngest of the American Union, and with assurance that this plea voices the views and commands the earnest support of practically all citizens, irrespective of political faith, financial interest, or occupation, your memorialist, the Eighth Legislature of the State of Arizona, in regular session assembled, respectfully but earnestly prays:

That the Congress of the United States do not pass the bill "To provide for the proper utilization of the water of the Colorado River Basin," commonly known and referred to as the Swing-Johnson bill (H. R. 9826), nor its companion measure of identical tenor (S. 3331).

In support of this prayer your memorialist represents:

1. That the passage of either of these measures in their present form and scope would constitute an attack upon, and their enforcement a serious and unwarranted invasion of the sovereign power of the area in question, as asserted in numerous and recognized in every important item of Federal water legislation to date, to control the appropriation, use, and distribution of water within the respective borders of these arid States.

2. That the attempt at usurpation by the Federal Government of a political power which these arid States, dependent for their growth and prosperity upon the orderly, systematic control of their water resources, hold by the application of the water law since time immemorial, and recognized in every important item of Federal water legislation to date, to control the appropriation, use, and distribution of water within the respective borders of these arid States.

3. That it would necessarily force upon Arizona measures of legal defense which could only end with the final word of the highest courts of the land, and therefore not only would visit great expense upon the people and the government of this State but great and unnecessary delay, with its attendant formidable economic losses in the inauguration of development of the Colorado River and in the conversion of that stream from a national nuisance into a national asset.

4. That the passage of either of these measures in their present form and scope would create an attack upon, and their enforcement a serious and unwarranted invasion of the sovereign power of the area in question, as asserted in numerous and recognized in every important item of Federal water legislation to date, to control the appropriation, use, and distribution of water within the respective borders of these arid States.

5. That the arrogant attitude of the Federal Government, expressed in the manner in which the terms and conditions proposed would work irreparable injury to Arizona, prejudice its most vital interests, and offer up its growth and welfare as a sacrifice to the ambitions of a sister State.

6. That the passage of either of these measures would violate and contravene both the letter and the spirit of the act of Congress approved August 19, 1922, "to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, respecting the division and apportionment of the waters of the Colorado River." That although the act of August 19, 1922, provides for the establishment of a compact among the said States, it neither obligates, as stated in the said compact, nor require any of the parties thereto unless and until the same shall have been approved by the legislature of each said State and by the Congress of the United States, this compact would be null and void, this just safeguard destroyed, by the proposed legislation embodied in the said compact.

7. That had the Congress of the United States given to the people of Arizona the promised assurance that a compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each said State and by the Congress of the United States, this compact would be null and void, this just safeguard destroyed, by the proposed legislation embodied in the said compact.

Your memorialist submits that these questions constitute fundamental issues, which are entitled to fair and deliberate consideration and accurate determination.
the Colorado River, and reported to the governor in July, 1923. This report indicated the probability of the feasible reclamation from the Colorado River, including the lands already irrigated, of approximately 1,000,000 acres. Preliminary investigations and surveys by engineers representing the Colorado River states showed that some 3,000,000 or more acres of Arizona’s lands could be watered from the Colorado River. Thus the question of Arizona’s water requirements became the subject of a controversy.

4. The possibility, if not the likelihood, that the combined requirements of California and Arizona might exceed the supply of Colorado River water available to the States of the lower basin, and the fear that California’s swifter and more insistent demands might deplete that supply to the injury of Arizona, formed the basis of a strong demand that as a condition precedent to ratification of the Colorado River compact, a treaty should be effected between the lower States of California, Nevada, and Arizona, by which the use of water on private lands, the Governor of Arizona, on two occasions, suggested a conference between representatives of the three States, but the Governor of California failed to concur in the suggestion. At a later date conversations occurred between representatives of the Governor of Arizona and the Governor of Nevada, but California was not represented. This greatly intensified the demand upon the part of the people of Arizona for a supplemental treaty with California and Nevada.

5. The Governor of Arizona again laid the Colorado River compact before the seventh legislature, upon the convening of its regular session, in March, 1925, but with a condition that the instrument be submitted to the legislatures of California and Nevada for their approval, unless a satisfactory supplemental treaty could be effected with the States of California and Nevada.

6. This recommendation the Arizona Legislature endeavored to carry out, and on June 19, 1925, presented to Congress a resolution recommending that a treaty be entered into between the several States, the States of California and Nevada, and the United States, for the purpose of providing for the use and conservation of water from the Colorado River, and for the settlement of controversies arising therefrom.

The Arizona committee would not accept the treaty provisions embodied in the said house concurrent resolution No. 1, which embodied: (a) The text of a proposed treaty providing for the division of the waters allocated by the Colorado River compact to the States of the lower basin, and upon the acceptance of which by the States of California and Nevada, the treaty would be approved; and (b) the authorization of a legislative committee with authority to confer with like legislative committees of the States of California and Nevada and the United States to make a supplemental treaty, which would be deemed to be approved by the Legislature of Arizona; and (c) the authorization of a legislative committee with authority to confer with like legislative committees of the States of California and Nevada and the United States to make a supplemental treaty, which would be deemed to be approved by the Legislature of Arizona.

7. That the formulation of such principles concerning which the people of Arizona are practically a unit. With that in view, it was recognized that the memorialists and the people of Arizona, are agreed that the compact between the States of Arizona and California, or of any of said States with the United States, should contain an express provision for the settlement of all controversies arising under the compact.

8. That the compact between the States of Arizona and California, or of any of said States with the United States, should contain an express provision for the settlement of all controversies arising under the compact.

9. That the possibility, if not the likelihood, that the combined requirements of California and Arizona might exceed the supply of Colorado River water available to the States of the lower basin, and the fear that California’s swifter and more insistent demands might deplete that supply to the injury of Arizona, formed the basis of a strong demand that as a condition precedent to ratification of the Colorado River compact, a treaty should be effected between the lower States of California, Nevada, and Arizona, by which the use of water on private lands, the Governor of Arizona, on two occasions, suggested a conference between representatives of the three States, but the Governor of California failed to concur in the suggestion. At a later date conversations occurred between representatives of the Governor of Arizona and the Governor of Nevada, but California was not represented. This greatly intensified the demand upon the part of the people of Arizona for a supplemental treaty with California and Nevada.

10. The possibility, if not the likelihood, that the combined requirements of California and Arizona might exceed the supply of Colorado River water available to the States of the lower basin, and the fear that California’s swifter and more insistent demands might deplete that supply to the injury of Arizona, formed the basis of a strong demand that as a condition precedent to ratification of the Colorado River compact, a treaty should be effected between the lower States of California, Nevada, and Arizona, by which the use of water on private lands, the Governor of Arizona, on two occasions, suggested a conference between representatives of the three States, but the Governor of California failed to concur in the suggestion. At a later date conversations occurred between representatives of the Governor of Arizona and the Governor of Nevada, but California was not represented. This greatly intensified the demand upon the part of the people of Arizona for a supplemental treaty with California and Nevada.

11. This recommendation the Arizona Legislature endeavored to carry out, and on June 19, 1925, presented to Congress a resolution recommending that a treaty be entered into between the several States, the States of California and Nevada, and the United States, for the purpose of providing for the use and conservation of water from the Colorado River, and for the settlement of controversies arising therefrom.

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That no such treaty was entered into, the memorialists are of the opinion that the failure of the Congress to enter into such a supplemental treaty has been largely due to the fact that the people of Arizona are practically a unit with that in mind, it was recognized that the memorialists and the people of Arizona, are agreed that the compact between the States of Arizona and California, or of any of said States with the United States, should contain an express provision for the settlement of all controversies arising under the compact.

12. That the possibility, if not the likelihood, that the combined requirements of California and Arizona might exceed the supply of Colorado River water available to the States of the lower basin, and the fear that California’s swifter and more insistent demands might deplete that supply to the injury of Arizona, formed the basis of a strong demand that as a condition precedent to ratification of the Colorado River compact, a treaty should be effected between the lower States of California, Nevada, and Arizona, by which the use of water on private lands, the Governor of Arizona, on two occasions, suggested a conference between representatives of the three States, but the Governor of California failed to concur in the suggestion. At a later date conversations occurred between representatives of the Governor of Arizona and the Governor of Nevada, but California was not represented. This greatly intensified the demand upon the part of the people of Arizona for a supplemental treaty with California and Nevada.

13. That the possibility, if not the likelihood, that the combined requirements of California and Arizona might exceed the supply of Colorado River water available to the States of the lower basin, and the fear that California’s swifter and more insistent demands might deplete that supply to the injury of Arizona, formed the basis of a strong demand that as a condition precedent to ratification of the Colorado River compact, a treaty should be effected between the lower States of California, Nevada, and Arizona, by which the use of water on private lands, the Governor of Arizona, on two occasions, suggested a conference between representatives of the three States, but the Governor of California failed to concur in the suggestion. At a later date conversations occurred between representatives of the Governor of Arizona and the Governor of Nevada, but California was not represented. This greatly intensified the demand upon the part of the people of Arizona for a supplemental treaty with California and Nevada.

14. That the possibility, if not the likelihood, that the combined requirements of California and Arizona might exceed the supply of Colorado River water available to the States of the lower basin, and the fear that California’s swifter and more insistent demands might deplete that supply to the injury of Arizona, formed the basis of a strong demand that as a condition precedent to ratification of the Colorado River compact, a treaty should be effected between the lower States of California, Nevada, and Arizona, by which the use of water on private lands, the Governor of Arizona, on two occasions, suggested a conference between representatives of the three States, but the Governor of California failed to concur in the suggestion. At a later date conversations occurred between representatives of the Governor of Arizona and the Governor of Nevada, but California was not represented. This greatly intensified the demand upon the part of the people of Arizona for a supplemental treaty with California and Nevada.

15. That the possibility, if not the likelihood, that the combined requirements of California and Arizona might exceed the supply of Colorado River water available to the States of the lower basin, and the fear that California’s swifter and more insistent demands might deplete that supply to the injury of Arizona, formed the basis of a strong demand that as a condition precedent to ratification of the Colorado River compact, a treaty should be effected between the lower States of California, Nevada, and Arizona, by which the use of water on private lands, the Governor of Arizona, on two occasions, suggested a conference between representatives of the three States, but the Governor of California failed to concur in the suggestion. At a later date conversations occurred between representatives of the Governor of Arizona and the Governor of Nevada, but California was not represented. This greatly intensified the demand upon the part of the people of Arizona for a supplemental treaty with California and Nevada.
An act to amend the act of February 21, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States";

An act to provide for the purchase of land for use in connection with Camp Marfa, Tex.;

An act setting aside certain land in Douglas County, Oreg., as a summer camp for Boy Scouts;

An act extending to lands released from withdrawal under the Ceny Act the right of the State of Montana to secure indemnity for losses to its school grant in the Fort Belknap Reservation; and

An act authorizing the sale of land at margin of the Rock Creek and Potomac Parkway for construction of a church and provisions for proper ingress and egress to said church building.

BILLS INTRODUCED

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

By Mr. CAPPER:
A bill (S. 5340) to amend section 7 (a) of the act of March 3, 1925, known as the "District of Columbia traffic act, 1925," as amended by section 2 of the act of July 3, 1928; to the Committee on the District of Columbia.

By Mr. JONES of Washington:
A bill (S. 5350) granting an increase of pension to Frank E. Wilson (with accompanying papers); to the Committee on Pensions.

LOAN TO FARMERS IN THE CROP-FAILURE AREA

Mr. TRAMMELL submitted an amendment Intended to be proposed by him to the bill (S. 5350) authorizing an appropriation of $60,000,000 to loan to farmers in the crop-failure area of the United States for the purchase of feed and seed grain, said amount to be loaned under the rules and regulations prescribed by the Secretary of Agriculture, which was ordered to lie on the table and to be printed.

CLAIMS AGAINST GERMANY AND THE UNITED STATES

Mr. McLEAN submitted an amendment Intended to be proposed by him to the bill (H. R. 15000) to provide for the settlement of certain claims of American nationals against German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, which was referred to the Committee on Finance and ordered to be printed.

HOUSE BILL REFERRED

The bill (H. R. 15053) to furnish public quarters, fuel, and light to certain civilian instructors in the United States Military Academy, was read twice by its title and referred to the Committee on Military Affairs.

EFFECT

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 32 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 20, 1927, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1927

The House met at 12 o'clock noon.

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

O God, give us a sweet and unmurmuring faith in all Thy providences. Eternal are Thy mercedes, Lord, and He who watcheth over us neither slumbers nor sleeps. As we wait at the threshold of duty, give us a high and solemn sense of our obligations. Only through righteousness and consecution service can our Republic be a blessing to all men. In the recesses of our beings may there be the sense of obedience to divine authority. Prosper our country through the diligence and fidelity of all our law citizens. Bless all influences that are promoting greater unity, cooperation, and brotherhood. May Thy kingdom of Christian fraternity and good will reach to the ends of the earth. Amen.

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

BRANCH BANKING

Mr. STRONG of Kansas. Mr. Speaker, on request of Chairman McFadden I desire to present a conference report on the McFadden banking bill and ask that it be printed under the rules.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5203 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 6, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes.

The SPEAKER. Ordered printed.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 2, entitled "An act to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5203 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes," having met, after conference have been unable to agree:

LORUS T. McFADDEN, Managers on the part of the House.

JAMES G. STRONG, Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 2, entitled "An act to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5203 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes," submit the following statement:

That the managers have been unable to agree.

LORUS T. McFADDEN, Managers on the part of the House.

FIRST DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I wish to present a privileged report from the Committee on Appropriations for the first deficiency appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes.

LORUS T. MCRAE, Managers on the part of the House.

MATERIITY

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7555, which was amended in the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7555) to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921.
The SPEAKER. Is there objection?  
Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I ask that the Senate amendment be reported.  
The SPEAKER. Without objection, the Senate amendment will be adopted.  
The Senate amendment was read.  
Mr. GARRETT of Tennessee. Will the gentleman permit a question?  
Mr. PARKER. Certainly.  
Mr. GARRETT of Tennessee. Does the gentleman from New York construe the language of the Senate amendment to be a virtual repeater act?  
Mr. PARKER. In answer to the gentleman I will say I do, judging from the discussion which took place in the Senate regarding this amendment, and I am going to move to concur in the Senate amendment.  
Mr. GARRETT of Tennessee. Under that construction I shall not object.  
Mr. PARKER. Mr. Speaker, I move to concur in the Senate amendment.  
The motion was taken, and the amendment was agreed to.  
The SPEAKER. Without objection, the amendment to the title will be agreed to.  
There was no objection.  

A MESSAGE FROM THE SENATE  
A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed, with amendments, the following bill: H. R. 13599, entitled "An act making appropriations for the Executive Office and sundry independent executive agencies, boards, commissions, and offices for the fiscal year ending June 30, 1928, and for other purposes," in which the concurrence of the House is requested.  

INDEPENDENT OFFICES APPROPRIATION BILL  
Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Independent offices appropriation bill, to introduce amendments and send it to the conference asked for and that conference be appointed.  
The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill, which the Clerk reads as follows:  
A bill (H. R. 13599) entitled "An act making appropriations for the Executive Office and sundry independent executive agencies, boards, commissions, and offices for the fiscal year ending June 30, 1928, and for other purposes."  

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Independent offices appropriation bill, to introduce amendments and agree to the conference asked for and that conference be appointed.  
The SPEAKER. The gentleman moves to disagree to all Senate amendments and ask for a conference. Is there objection?  
Mr. BYRNS. Mr. Speaker, reserving the right to object, I understand the Senate committee adopted an amendment increasing the salary of the Chief of the Bureau of Efficiency to $10,000. Is that true?  
Mr. WOOD. I do not know.  
Mr. BYRNS. That is my information. I want to say this to the gentleman and also to the House under this reservation, that we increased the salaries of the civil service commissioners in the bill which passed recently—in fact, in the gentleman's bill—to $7,500 on the theory that the Chief of the Bureau of Efficiency was getting $7,500, and that they were entitled to at least an equal amount, and I think it was very proper they should get it. I have no objection whatever to that salary, but now it is proposed in the Senate that the Chief of the Bureau of Efficiency shall get $10,000, and I seriously question the propriety of raising the salary of the chief of the bureau to that amount when the civil service commissioners and many salaried employees of this Government, who do just as important work, only get $7,500.  
It simply means this, that when you promote this official to $10,000 and take him out from under the provisions of the reclassification law you are going to have next year a demand that others be given that salary. I want to suggest to the gentleman from Indiana that before he agrees to any amendment of that kind he should bring the bill back to the House and permit the House to express its views on the matter.  
Mr. BLANTON. The gentleman no doubt has noticed in the press that there is to be a new policy established, to increase the salaries of all the bureau chiefs just before next year's election.  
Mr. BYRNS. I read a notice in the papers of some proposed increases. I do not know when it is going to be done. But in the case of the various bureaus the House have an opportunity to express themselves as to these unusual increases that are proposed to be made.  

Mr. WOOD. I will say to the gentleman that if the Senate does not recede, I will bring it back to the House.  
The SPEAKER. Is there objection?  
There was no objection; and the Speaker announced as the conclusion of the part of the House Mr. WOOD, Mr. WASON, and Mr. SANDLIN.  
The SPEAKER. Pursuant to the order of the House, the Chair recognizes the gentleman from Texas [Mr. RAYBURN].  

THE INTERSTATE COMMERCE COMMISSION  
Mr. RAYBURN. Mr. Speaker, and gentlemen of the House, I do not think those who have served with me during the years I have been a Member of Congress believe that I ever indulge in criticism of those in authority, high or low, for criticism's sake alone. I only criticize and challenge the officials of men when there is no malice taken that are detrimental to the welfare of the country and the administration of laws that are upon the statute books. I am one of those who are very jealous of the good name of every commission under the Government. I was a member of the committee that considered the Federal Trade Commission act, and I was a member of the subcommittee that drew the act. I have been very much interested in its administration from that time until now.  
I was also interested in the Tariff Commission, as other Members were. Being a member of the Committee on Interior and Foreign Commerce, I have been a member of that commission for many years, and I am vitally interested in the administration of that law, and being vitally interested in the administration of that law, which touches every part of our country, I am, of course, vitally interested in the administration of that commission. On account of an appointment made to the Interstate Commerce Commission recently, I have asked the privilege of indulgence for 15 minutes in order that I might express my opinion with reference to it.  
I take the position that Mr. Cyrus E. Woods, of Pennsylvania, recently appointed to the Interstate Commerce Commission, is not only disqualified under the law to sit as a member of that commission, or be considered as a member of that commission, but that he is incompetent and disqualified in fact. Allow me to read just a few lines from the law with reference to the appointment of Interstate Commerce Commissioners. The act authorizing going on to establish that commission shall be composed of 11 members, the qualifications to some extent are set out, and they are in part:  

No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act, or owning stock in railroad companies, he made this reply:  

I do not have very much stock in any railroads. I have some bonds in railroads.  

And then he goes on to answer questions, and states that he owns $50,000 worth of the bonds of the Pennsylvania Railroad and $25,000 of its stock; he owns $25,000 worth of the bonds of the Atchison, Topeka & Santa Fe; he owns $50,000 worth of the bonds of the Norfolk & Western; he owns $25,000 worth of the bonds of the Union Pacific; he owns also $25,000 worth of the bonds of the Northern Pacific Railroad. And note this significant fact in Mr. Wood's answers. Talking about the reason why he invested in railroad stocks and bonds, he says:  

I have naturally invested and placed my investments in those places that I knew most about from my past railroad experience. I was able to analyze the reports of these various companies and see where there was a place to put my money, and then that was the reason that it went there.  
The Interstate commerce act goes on further, and makes this provision, so jealous were the men who framed the act under the leadership of John H. Reagan, of Texas, 40 years ago:  

Said commissioners shall not engage in any other business, voca- tion, or employment.  

And so forth. About a year ago I stood on this floor and challenged the appointment of another member of the Interstate Commerce Commission, for the reason that I believed that his appointment was doubly a violation of the law. In the first place, it was a Democratic appointment, or an appoint­ ment by a Democratic commission of a man who was not a Republican. A man who was not a Democrat was appointed; also a man who owned at that time tremendous amounts of  

...
This present appointment is in flagrant violation of the law; a violation of a law that nobody anywhere at any time can misunderstand has been made. It is up now for confirmation in this Senate and subject upon the Federal Government's power to allow the same trading and trafficking that was done with reference to the confirmation of Mr. Woodlock a year ago. But the very argument will be: any violation of the law is bad. However, when the appointing power, responsible as he is, and when the Senate of the United States, responsible as it is, places upon these commissions men who in the beginning of their service have no qualifications or experience of any kind whatever in their fitness, then there is just cause for criticism.

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

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may proceed for three additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAYBURN. But when a man is appointed to a high and responsible position like membership upon the Interstate Commerce Commission, the decisions of which touch every avenue of business, and the American people look upon him with suspicion, that commission and its opportunity to serve the people is destroyed. That is what has happened in this case. This man says he belongs to the railroad clique, has no railroad holdings. Of course, he does, because he could not take the oath of office unless he did. If this man, holding these titles of railroad holdings, divests himself of these holdings before he takes the oath of office, then the president of any railroad in this land and the chairman of any board of directors of any railroad in this land, or anybody who does business anywhere, it matters not what the provisions in the law may be, can legally be appointed upon any commission or to any court in this land.

I thought this was a matter which was important enough to bring to the attention of the American people, and probably to some other people who read the Record. Therefore, Mr. Speaker, I asked the indulgence of the House that I might make these few observations as one jealous of the reputation of every administrative commission in the Government and jealous also of every man, high and low, from whatever region and whatever party he may come, keeping the law the same as the humblest citizen in all the land.

I thank you. [Applause.]

THE MATERNITY BILL

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in connection with the name of Mr. Parker from New York. Mr. Parker, that the House concurred in the Senate amendment to the maternity bill, which amendment repeals that law.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record on the subject of the amendments to the maternity bill. Is there objection?

There was no objection.

Mr. TUCKER. Mr. Speaker, I should be lacking in patriotism and loyalty to the Constitution of my country should I in any way attempt to impede or delay the motion of the gentleman from New York [Mr. Parker] that the House concur in the Senate amendment to the maternity bill (H. R. 7555), for that amendment repeals the law which I have been fighting for years to get repealed.

That said act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other proper purpose" approved November 23, 1921, shall, after June 30, 1929, be of no force and effect.

The extension of the bill for two years was asked for by the friends of the measure in order that the States that have been accepting this fund should have time to adjust themselves to the repeal of the law. The appropriations for two years, therefore, are of little importance in comparison with the great end attained in wiping from the statute books of the country...
a law unconstitutional from the beginning, and which in its administration was teaching the harmful lesson of dependence upon the Federal Government for those things which alone the States, the counties, the municipalities, and local organizations should provide. Judge Marshall, in speaking of the powers reserved to the States says that "... their government is such as could not have been intended to embrace anything within the territory of a State not surrendered to the General Government, all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State...

Is not this law one affecting health? If so, where did the Federal Government ever get the power claimed under the law?

With the abolition of this law I confidently look forward to the ample fulfillment of their duty by the States and for an increase of those private hospitals that have for the last 25 years been springing up in nearly every community of the country for the amelioration of suffering women and children. In my own State, 25 years ago, between Winchester and Bristol, a distance of 300 or 400 miles, I recall but one hospital, and to-day there is not a county in that long stretch of territory whose people are not provided with well-known hospital facilities. I rejoice that this law, humane in its intent but unjustified under the Constitution of the country, is at last repealed, and that the act of repealing the same happened to be on the 30th of January, the birthday of Gen. Robert E. Lee, the great Confederate hero who fought the battles of the South for the great doctrine of local self-government and the rights of the States; for it is only fitting and proper following the announcement of President Coolidge in his Williamsburg speech, May 15, 1926, wherein he said:

No method of procedure has ever been devised by which liberty could be divorced from local self-government.

The preservation of liberty was one of the objects of the struggle for independence which found such a durable and unyielding constancy as a reward for it; and the President says liberty cannot be preserved without the maintenance of the doctrine of local self-government, for which the South fought, a great principle. But the North, as well as the South, fought for a less government, the annexation to the Union. By the result of the war the Union was preserved and the North was proclaimed the victor; and now the President of the United States, in sympathy with his section of the country that fought for the maintenance of the Union, has the magnanimity to declare that that Union which was preserved by the results of the war and the liberty which it secures to the people can not be preserved if the doctrine of local self-government, for which the Confederates fought, is not maintained.

I also have an additional pleasure in the results of this bill—believing that the President, in signing it, will rejoice in an opportunity of carrying out the principles which he has enunciated, and giving freedom and independence to the States against the aggressions of the Federal Government.

**REJUVENATION OF THE RobILTY AND SEXUAL POWERS OF MEN AND WOMEN**

Mr. KINDRED. Mr. Speaker, in view of the announcement in the morning papers of the views of the celebrated Doctor Mayo on the important subject of the sexual rejuvenation of the aged or both sexes, I ask unanimous consent to extend my remarks in the Recess upon the physical and sexual rejuvenation of the middle aged as well as the aged, both men and women.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Recess on the subject indicated. Is there objection?

Mr. KINDRED. With the expression of a ray of hope and a note of warning. [Laughter]

Mr. BLANTON. Mr. Speaker, is this more of that monkey business? [Laughter]

Mr. KINDRED. Only in the sense of the possible transplination of hormones, or gnomes, of monkey glands.

There was no objection.

Mr. KINDRED. Because of the widespread misunderstanding and misinformation concerning rejuvenation I have been requested by many of my constituents to contribute something to the public health. I cannot satisfy the technical reader and at the same time make perfectly clear and acceptable to the intelligent public the medical and surgical phraseology necessarily employed in presenting it. Unfortunately the term "rejuvenation" has become associated in the public mind almost exclusively with "monkey glands," or the transplantation of glands of the lower animals into the human body for the purpose of artificially and unnatural stimulating sexual functions of worn-out persons of both sexes. The idea of "rejuvenation" has been suggested as more appropriate than rejuvenation, because they may imply a broader application of the idea under discussion than the term "rejuvenation" as just defined.

I wish to emphasize that medical and surgical means other than the transplanting of monkey glands are constantly employed by physicians to arrest old age and restore bodily and sexual functions to the individual. Many agents that have been employed with more or less success are the medicinal extracts of the testicles, the ovaries, the thyroid gland, the pituitary gland, the pineal gland, and the suprarenal glands (known as organotherapy), electrical treatment (electrotherapy), radium, radiorhod and applications of radium (radiotherapy), and general hygienic and tonic treatment.

During recent years much health research work has established the fact that the functions and disorders of the ductless glands are of vital importance to the health of the body and its functions and that the restoration of glandular functions may delay and even arrest bodily states that result in senile conditions or old age. Numerous functions of these bodies have been suggested. People at a much earlier age than in others and accompanied or constituting senility or old age are caused by changes in the structures and functions of the ductless glands to be referred to later; other changes in the mental and physical activities; changes and atrophy in the brain and spinal cells; diminishing or loss of sexual powers, and so forth.

The age-long question in the minds of both physicians and others has been how to arrest these changes and restore the individual's youth and sexual power.

The restoration of the sexual powers and functions might or must not follow the arresting of the symptoms of old age and the prevention of the senility of the body, mind, and soul (perhaps in a small percentage) when the sexual function has been lost or nearly impaired the sexual power is restored as an incident to the restoration of the general bodily health.

Just as the idea of evolution in its broad reaches is far back as the Greek classical ages, the idea of rejuvenation—or the dream of rejuvenation—and restored bodily and sexual health is as old as mankind itself.

Even the beliefs revolving around the idea of resurrection, the transmigration of souls, and eternal life are in a way fundamentally manifestations of the one unquenchable desire to regain lost youth.

During all ages there have been claims, sincere and otherwise, to make this dream come true. In old China, the Taoists gave for this purpose a secret potion called Kin-Tan, and others fed the drinkers with secret potions called Kin-Tan, and others fed the drinkers with "monkey glands," and "monkey glands" (as organotherapy), electrical treatment (electrotherapy), radium, radiorhod and applications of radium (radiotherapy), and general hygienic and tonic treatment.

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the thyroid gland, or other ductless glands, of whose important functions in the human body much of late has been written. The importance of the thyroid gland to the vital importance of the ductless glands—the thyroid, the suprarenal, the pituitary, and the pineal on the body and their functions—I quote from a scientific article by Prof. Julius S. Huxley, appearing in the Century Magazine for February, 1922.

In part, in this connection, as follows:

From studies on the lower animals we get two fundamental ideas:
First, that old age depends on an internal state and not necessarily on lapse of time; second, that an organism can be thought of as a system of glands, each one of which can be manipulated over the rest.

The thyroid is as the draft to the fire; more thyroid secretion, you burn up quicker; less, and you are sluggish in mind and body alike. The pituitary, in part, regulates growth, especially the growth of bones. The pituitary hormone produced in the glands one sees at circuses. The pineal, the strange gland on the top of the brain, once supposed to be the seat of the soul, now shown to be derived from an original third eye, possibly determines the time at which sexual maturity begins. The secretion of the interstitial cells in the genital organs brings about the growth of most secondary sexual characters, such as deep voice and beard in men, and arouses the sexual instincts from their shivering potentiality in the brain.

The higher animals, too, on the whole, are bigger and live a longer time than the lower; and instead of growing continuously, they reach a condition, the adult state, in which they continue for most of their life without notable change. The adult stage of animals is 20 to 40 years, or what the man or animal spins on its axis as a top.

The balance, however, helps in one respect. The top has a gyroscopic resistance. It attempts to keep its balance. The analogy of the spinning top, however, cannot be thought to apply in the case of the sex or puberty glands, which mark the beginning of the adult state.

It is frequently asked whether the rejuvenation operations actually prolong human life or not. It is impossible to answer this question. Simple yes or no do not show what age any individual would have lived without operation. But it is certain that a rat operated on by Steinach did live to the age of 37 months while three of his brothers and sisters, from the same original parents, died by the age of 8 months.

This is an increase of over 25 per cent on the average length of life and seems pretty conclusive, as to rats at least. Whether a similar prolongation of life will occur in humans the subject is still too early to decide. There is a great deal of evidence available from investigators in different countries of the world that the operation is usually followed by a considerable improvement in the patient's general health.

It is usually only necessary to operate on one side of the body, so that if the effect begins to wear off after some years it may be repeated on the other side. Steinach believes that the effect may be expected to last in human beings for a period of from 3 to 10 years. Still later a sex gland may also be transplanted, and, indeed, theoretically this might be repeated indefinitely at necessary intervals until the patient at last succumbed to some disease or accident. But on this point we cannot speak with any certainty. The whole subject is so recent that some years must elapse before we can arrive at final judgment.

In the Steinach operation is on both sides (bilateral), the graft being removed out of the reproductive function, but the interstitial cells continue vigorous and active. The internal secretions, accelerated by the operation, are poured out into the blood stream, exerting its influence on his physical, mental, and sexual vigor, and at the same time stimulating the interstitial cells to renewed activity of both its spermogenetic and internal secretory functions.

It was found that if the sperm duct was cut and tied so that the sperm cells could not longer escape from the testicle the seminiferous tubules soon showed degeneration and loss of activity, which lasted for some time, while the interstitial cells increased in number. This change was accompanied in cases of senility by improvement in the health and sexual vigor, pointing to an increase in the quality or quantity of testicular hormone.

The ovary also has two functions. It produces the ova, or egg cells, which are conveyed to the uterus by the Fallopian tube; the ovary has no duct attached to it analogous to that of the testicle. In the Fallopian tube, or uterus, the ova are either fertilized by the male cells or are cast out unfertilized. In addition the ovary produces a very important hormone, which is poured directly into the blood and which governs the female secondary sexual characters.

Steinach's experiments in the female, however, the implantation of an ovary has very striking results. If an ovary is transplanted from a young into an aging female, it ceases to produce ovum but continues to secrete hormones which are capable of stimulating the bodily and sexual powers.

The questions are frequently asked: Why is it that, in connection with a ligature of the spermatic duct performed on diseased persons and criminals, symptoms of unintentional rejuvenation
are never reported? Why is it that women who are treated with X rays for one reason or another do not develop symptoms of rejuvenation, whereas men do? Why is it that the X-ray treatment is comparatively old and well established in connection with the treatment of female disorders?

These questions are basically wrong, because they are asked in bad faith. The fact is, in all of the cases where vasoligature for men or X ray for women were resorted to, unexpected symptoms of rejuvenation were observed. But, as the possibility of rejuvenation was not established then, these symptoms were simply registered as proofs of a surprising recuperation. To-day, however, being better informed regarding the probabilities and possibilities of rejuvenation, we are able to see the real reason for these cases, in some of which the imagination of the patient was sufficiently alive to produce the desired effect.

A general inquiry by Holmezicht among his patients treated with X ray for certain female disorders brought out the same fact that was established by Lichtenstein, who investigated the old records of patients who had been subjected to vasoligature and prolactectomy to alleviate urinary complaints. Detailed information of cases where the X-ray treatment or the surgical treatment was followed by a remission of the sexual function, revealed a certain amount of joy in life, offered themselves readily and in considerable numbers. Records reporting symptoms which we now are able to recognize as symptoms of rejuvenation had been communicated by Holmefeld and Janand in 1886. Lastly as in 1905, More cases (Steinach operation) from American sources were reported by Chetwood, Payr, Rueshmann, and Haberer, the latter reporting that among his cases were no less than 40 per cent in which rejuvenation appeared.

Of course, certain questions would seem fitting here: Why should there not have been an even higher percentage of such favorable cases reported? why did not other cases bring positive results? why are physicians reporting predomi- nately unfavorable results after the performance of vasoligature—a simple operation to be described later. If these questions are asked, we have to remember that before Steinach introduced vasoligature for the purpose of rejuvenation, the ligation of the spermatic duct was not performed with the intention of bringing about effects of rejuvenescence. Not trying to achieve such a result and without performing the ligation in the spermatic duct, according to Steinach, the operation was not performed in such a manner as to stimulate a regeneration of the generative gland.

STEINACH'S OPERATIONS AND THEIR PURPOSE

The theory of Steinach in his chief operation, vasoligature (vasectomy), the cutting and tying or ligaturing of each of the cut ends of the vas deferens prevents the leakage of sex secretion from the sexual gland of the male which should be retained.

If this leakage is not prevented by employing careful technique in this operation, it is impossible to get the back pressure necessary to stimulate the generative tissue into new growth. A casual tearing of the spermatic gland would fail to prevent the secretion from leaking out and cause the operation to be a failure.

The success of the operation depends on storing up in the upper part of the seminal vesicle for rejuvenation purposes the secretion which was, before the operation, leaking and wasting. Rejuvenation will only occur in this operation when the cutting or severing of the duct (vas deferens) results in the formation of a scar (elecrix) tissue, which will close up the stump (the cut ends) and thus produce stimulating back pressure.

Dr. Harry Benjamin, of New York, the leading exponent of Steinach's work in America, has reported on more than 100 cases operated by Steinach's method, with what he claims to be gratifying results.

Chetwood, of New York, reports four favorable cases operated on by the Steinach method.

Having performed this operation over a period of 20 years—

Doctor Chetwood observes—

and having been in communication with all of the patients following operation. I have been to state without reserve that at no time have I observed any complication arising as a result of the operation, or any psychic disturbance develop thereafter.

This to my mind—

He says—

disposes of the fear of detrimental effect, a fear that would naturally delay decision upon any operative procedure, if not outweighed, by other more important considerations.

He further says—

I would anticipate vigorously the notion that the chief consequences of vasification are within the sexual sphere and would denounce the purpose of vasoligation to the generative ducts in this view. Double ligature is seldom indicated in a young man, in which case single ligation may serve as a means to an end.

As to the effect upon the general vitality, there can be no doubt that a ligation of the generating ducts, as it is performed, will produce some effect. It will have a noticeable effect on the secretions of the male as well as of the female by stimulating the tendencies to production and reducing the discharges of stagnant blood.

In connection with the Steinach method, I have been informed of certain cases in which the patient, after performing the operation, did not have any appreciable effects, but in which, however, a marked alteration in his general health and strength was observed. In subsequent years, there was a decided improvement in the general health and strength, and a remarkable tendency to better health was observed, which was in marked contrast to the general condition of the patient before the operation.

More cases (Steinach operation) from American sources are added yearly to the literature of rejuvenation. A. L. Wolbarst reports II cases to the American Urological Association. Of the II patients studied by Wolbarst, 7 were actually senile and 4 were prematurely senile.

The differentiation between senile and prematurely senile cases is to be determined by the age of the patient, his general physical condition, and his outstanding physical disturbance. The premature cases deal with men varying in age between 40 and 52, prematurely gray, generally weak or "played out" and presenting the predominating symptom of sexual impotence.

Of these seven cases of actual senility, Wolbarst informs us of five of the men were in a home for aged men and were typical of the decrepit and hopeless inmates of such institutions. The men were hopelessly depressed in the application of rejuvenation was understood. But, in the case of the heroine of Gertrude Atherton's novel, Black Oxen.

The question of rejuvenating the fallopian sex is of absorbing interest. To women, youth is even more precious than to men. Yet, for reasons intimately connected with her anatomy, woman's road to the goal of rejuvenation is more laborious than man's. The problem is more obscure, the technique more difficult, the time at her disposal for this purpose more limited. Nevertheless, women have been successfully Steinached.

The female glands, like the male, exercise a dual function. They produce egg cells to be expelled for the purpose of reproduction and an interplay with man, the hormone. Steinach speaks of woman's interstitial cells as the female puberty gland. Its function and composition are, in part, still unsolved mysteries.

TRANSPLANTATION AND STIMULATION OF OVARIAN

The transplantation experiments of Steinach and others with animals have been as successful in females as in males. But there is no operation in women analogous to vasectomy and vasoligature in man. The Fallopian tube which serves to convey the egg cells from the ovary to the womb is not structurally connected with the ovary, and the operations of tubectomy and tuboligation provoke no change in the ovary corresponding to that which occurs in the male.

The transplantation of young ovaries brings about somewhat analogous results to those which occur after testicular grafting in man, but it entails a major operation for both the donor and the recipient, since the ovaries are situated in the abdominal cavity. It is thus not at all such a simple procedure as in man. Further, there is no supply of human ovaries comparable to the undescended testicles available for the male sex.

There is a considerable amount of literature on ovarian transplantation, but most of it refers to the influence of ovarian transplantation in preventing the onset of the menopause after removal of a woman's own ovaries.

Sippel reports four cases in which previously sterile women conceived and passed through a normal pregnancy after the transplantation of the ovaries from another woman, which had been used and speeded up by transplantation into the abdominal wall of two disks of ovarian tissues, still warm from the body of another woman. The grafts were taken from women suffer-
ing with cancer, myoma of the uterus, or pulmonary tuberculosis.

Nattrass, of Melbourne, was able to prove that a transplanted ovary can persist in the tissues for over nine years. He operated upon a woman into whom he had grafted her own ovaries more than nine years earlier. The ovaries were found to be about normal in size. A piece was examined microscopically, and found to contain perfectly formed Graafian follicles and corpora lutea in normal ovarian stroma, while the abundant blood vessels and nerves showed how completely the graft had been adopted by its new environment. The sexual life of the patient had been quite normal.

The X-ray method also meets with almost insurmountable obstacles. The ovary can persist in the tissues for over nine years. He ascribed the result to the alteration of local ailments. To-day we know that some of these patients were unintentionally Steinachized. The X ray stimulated the female pubertal gland to greater activity, while demolishing the egg-producing cells. In other words, the revitalizing effect achieved is analogous to the result of the Steinach operation in men.

However, only an experienced X-ray specialist, guided by a physician who is thoroughly familiar with the Steinach method and with the specific case, should undertake the task of revitalizing the aging gland. An exposure of the X ray unduly prolonged or too powerful may destroy rather than stimulate the tissue.

Mild exposures, so-called stimulation doses, may involve little or no such danger. In the hands of a conscientious Roentgenologist the treatment, experts claim, may be absolutely safe. It need not induce permanent sterility. The reproductive tissue, shriveled under the X-ray, is capable of regenerating under favorable circumstances to reconstitute itself. If the reproductive tissue is damaged irreparably, complete sterility results. The operation cannot be repeated to this experience of Mrs. Arthurson's heroine in Black Oxen, who employed the temporary stimulation of the X ray to the ovaries for sexual and bodily rejuvenation.

The Steinach operation turns the sex gland from a mixed into a ductless gland, in order to stimulate its internal secretion. The duct of the reproductive gland in the male is called the vas deferens. There are two such ducts, one from each testis, leading to the external organ of generation.

The removal or cutting away of a portion of the vas deferens is called vasectomy. The constriction or strangulation of the vas deferens is called vasaepididymitis. The combination of both constitutes the famous Steinach operation. The Steinach operation turns the sex gland from a mixed into a ductless gland, in order to stimulate its internal secretion.
Subjective feelings, e. g., mental vigor, initiative, memory, increase in capacity for physical and mental work, and change in any pains or disabilities which previously existed due to arteriosclerosis or the climacterium.

In reexamination there will be added:

Photographs (both face and body).

Temperature and coloration of the cars and extremities.

Muscular strength, as measured by a dynamometer.

Blood pressure and pulse rate.

Urine albumen and sugar.

Organs, especially the prostate.

Nerves.

Vision.

Blood count.

Venereal reaction for presence of syphilis.

 Gonorrhea. (When? Complications?)

The Steinach operation does not disavow the implantation of youthful glands recommended by Voronoff and others. In fact, he frequently uses the method in his experiments with animals. He describes cases similar to those of Voronoff— for instance, between the 12th of June, 1920, and October 15, 1923, he performed 52 testicular grafted operations. He gives an account of the first 43 grafts, which were all transferred from monkeys. In 34 cases, the results as to bodily rejuvenation and a small percentage as to sexual rejuvenation, including sexual rejuvenation, in several cases advanced in symptoms of old age (senility) and general bad physical condition. He also describes some of the principles which guided him in his experiments in animals and his subsequent application of these results to man.

Voronoff's experiments left no doubt, he says, that testicles derived from an animal of the same species when grafted into the recipient— the testicle—react upon the organism in a manner similar to the normal testicles belonging to the animal itself.

The object of the Steinach operation is to stimulate, either directly or indirectly, by the agency of other endocrine glands, the cellular activity of all the organs and tissues. In order that it may perform its function, namely, thought (mental), the cerebral cell requires that the internal secretion of the thyroid shall be conveyed to it by way of the blood stream. The victims of myxedema are idiots, because their cerebral cells are deprived of this secretion; but it is practically certain that a direction of the blood stream toward the interior of the brain can be made by stimulating the thyroid gland. In old men who have undergone orchitis, there is to be seen a temporary diminution of the secretion of the thyroid gland, the result of which is the diminution of the secretory functions of the thyroid gland. In old age, general and cerebral activity, functions which are also accompanied by the testicular hormone, which possesses the property of stimulating psychic activity. This is the explanation of the fact that the period of greatest intellectual activity coincides with the most intense period of sexual life.

The testicular hormone is also a stimulant of other organs and tissues. Increased energy of the muscular cells is shown as much by improved intestinal peristalsis and better outer ac- commodation as by the findings of the dynamometer. It increases muscular power and cerebral activity, functions which have been enfeebled but not suppressed by old age. It also explains the failure of the graft in certain cases to promote general activity. Construction of the dynamometer by the results of Voronoff's 43 grafts, he claims. He has seen old men of 70 to 73, in whom progressive mental debility has been recorded, recover all their powers, and also men of 22, impotent before the operation, and after the result of the testicular grafting, so after testicular grafting, in spite of the fact that in every other respect their energy had increased.
(The first class of cases the testicles still retained a certain proportion of functional elements, the activity of which was reduced. The results failed to the second the epithelial cells of the gland were definitely destroyed, and no power on earth could restore them. The hormone from the graft is capable of stimulating sometimes to an extent which seems unbelievable, the activity of the destroyed cells, but these must be alive, the hormone can not wake the dead.

The testicular graft, then, brings to the economy an organic stimulant and an activator which can be readily or indirectly by way of the other endocrine glands, intensifies the reduced activity of all the organs and restores vital energy.

Regarded in this light, Voronoff says the graft is indicated in a number of pathological cases. For example, the fact that testicular insufficiency resists unfavorably upon the majority of organs and particularly so upon the brain, suggests the testicular graft as a reasoned measure in the management of dementia praecox, a common form of insanity among young people.

In his masterly study of this condition, Sir Frederick Mott (London) is inclined to regard congenital or acquired dementia praecox, but I do not follow his reasoning in this after studying several thousands of cases of dementia praecox. The testicles in dementia praecox in some cases show atrophy of the seminiferous tubules with sclerosis of the interstitial tissue similar to that observed in senile decay and senile dementia. The similarity between the two conditions suggests that dementia praecox is accompanied by the breaking up of the genital organs, a sort of retrogression which in the male is often accompanied by impotency or during adolescence and becomes progressively more marked, culminating finally in complete genital impotence. Mott believes that the genital insufficiency, together with the cellula's of the organs, is the cause of dementia praecox.

The final problem is: Can the testicular graft, by stimulating the cellular activity of the organs, by increasing energy, endurance, and powers of resistance, can it appreciably prolong life? Where animals are concerned, I answer yes. My experiments proved this to be the case, and the life of animals exceeded by four or five years—that is to say, by a third—the normal age of the species.

It is probable that human life might be similarly prolonged if, after the age of sixty, the testicles are replaced by testicular grafts, the conditions being the same. In the first place, the hormone from the graft is capable of restoring them. The hormone from the graft is capable of increasing energy, and the activeness of the younger men.

The operative technique, however, is, like every other operation, a matter of judgment and care. The principles are as follows:

1. Anorchidism, whether congenital or acquired
2. Infantilism of the genitalia.
3. Congenital testicular insufficiency

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The operation of Voronoff

He describes the various steps by which he ultimately arrived at what he believes to be the most rational method of grafting a testicle. The operative technique, however, is, like every other method in surgical or medical science, susceptible of improvement, and this it will possibly receive as those who practice it become more numerous, and profit by experience. Valuable results already have been suggested by Bandet and Dartigues, assistants of Voronoff.

According to Voronoff, the operation is carried out simultaneously upon the man and the ape, who are placed on separate tables in the laboratory. For example, the path to get the ape on the table while conscious, as even the gentlest subject fights desperately when an attempt is made to tie their limbs. They are extremely suspicious and, in order to anesthetize them, a drug necessary to be administered. The second half of the testicle is divided into three longitudinal slices, and this may be done either now or later, when the second grafting into the other side of the scrotum is carried out. The slices bleed, because the testicle has not been separated from its vascular connexions. They are cut until the end of the operation in order that the grafts may be assured of nutrition until such time as they are definitely removed from the ape and implanted into the new host. If hemorrhage is very profuse, the surgeon arrests it from time to time by compressing the vascular pedicle with forceps, for it is important that the ape should not lose too much blood. The surgeon
now detaches a slice and conveys it to the man. The sponge is removed from the scarified bed, the thready layer is turned back, and the graft is fastened into one of the cul-de-sacs previously described. This is done by applying the pulpy, glandular surface of the graft to the external face of the highly vascularized parietal layer, to which it is attached by its two umbilical points and without stretching it unduly, by means of cutit sutures.

The surgeon now removes a second slice from the testicle of the ape, such that the second cul-de-sac, between the unopened tunica and the connective tissue, placing the graft in the same manner as the previous one, with its glandular surface toward the tunica vaginalis. The third slice is affixed to the most convex portion of the tunica, and in the other two grafts this means advancing the edges of the grafts against each other. There is sometimes a distance between the grafts, which is assured by the spacing of the sutures. The graft is extremely important, and it is necessary, above all things, to guard against the slices touching one another. It is essential that new capillaries shall form in the interstices of the graft, and if two slices touch, neither can receive capillaries on the face which is in contact with the other. If this is not strictly carried out, the nutrition of the grafts is disturbed and necrosis and total or partial failure may ensue. The three grafts are now covered over with the connective tissue layer, which is extremely vascular. The edges of the incision, which are still held by the forceps, are brought together and secured with continuous catgut. By this means the pulpy glandular surface of each graft is brought to the external layer of the parietal layer, the tunica vaginalis, while the external surface of the grafts, their tunica albuginea, is covered over and protected by the connective tissue. Thus the grafts are in contact only with this vascular layer, which has been cut away by the intentional incision, and is therefore in a condition to supply nutrition. All that now remains is to suture the skin with separate silk stitches or to close it with Miculicz's clips.

This was Voronoff's method, but he later changed it. It now consists of burying each graft in an external fold of the tunica vaginalis, before finally covering them with the connective tissue. This, he says, is comparatively easy in the case of the two lateral grafts, which are placed in the two cul-de-sacs, the external boundary of which is the connective tissue itself. But it is rarely possible in the case of the median graft, for the tunica vaginalis is here stretched taut over the testicle and it is not possible to draw it up to form a nest or pit in which to embed the graft. By burying each graft in this manner in a fold of the parietal layer it is probable that its chances of nutrition are increased, and for this reason the method is recommended, provided always that it does not tend to compress the grafts.

He in some cases fixes the median graft first, leaving the lateral grafts to the last. Petit pointed out that it is always preferable to place the median graft first, for in this way it is not exposed to the air during the second operation, the testicle of a large baboon being sufficient for this operation on two men.

The testicle of the ape should be cut into small, thin slices, in order that the extravasated serum may entirely permeate them and that the new blood vessels may eventually link with the whole of their surface. The testicle of the chimpanzee, being small, it is cut into six fragments or slices, each of which is about 2 centimeters in length, half a centimeter in width, and a few millimeters thick. These are the idea of the testicle of the chimpanzee is much larger, and if a slice is cut into six portions the slices would frequently be too thick and would run the risk of necrosis. The slices should in this case also be of the dimensions given above. If any material remains over it can be left in situ or used for a second operation, the testicle of a large baboon being sufficient for this operation on two men.

The idea that the larger the amount of glandular tissue employed the better will be the result is not true. The contrary is usually the case. If the graft is too large then the danger that at least will become necrosed. On the other hand, if the grafts are too small they will be rapidly absorbed by the surrounding tissues and at the end of a few weeks nothing will remain. Thus the grafts must be neither too large nor too small; the dimensions given prove to be the best. The preliminary steps are the same, but where the graft is to be extravaginal it is not necessary to dissect out the connective tissue. The vas is divided about its breadth. The tunicus vaginalis is then opened and the parietal and visceral layers are scarified by small, discrete cuts with the scalpel. If the testicle of which the graft has already been divided, it is now cut into three longitudinal slices and these are united by one, onto the internal aspect of the tunica. As in the extragastral operation, the slices of testicle are spaced out as far apart as possible, and are inserted so that the glandular surface of each lies against the parietal fold, the tunica albuginea, and the graft being thus in contact with the tunica albuginea of the host.

Voronoff used three kinds of grafts:

1. The autograft or graft upon the same subject.
2. The homograft or graft between individuals of the same species, as from man to man, monkey to monkey.
3. The heterograft or graft between individuals of different species.

In this connection he says, 'But to separate the need of a category to include all grafts between individuals of allied species, is very apparent. It should be termed 'homograft' (hominis, like), as distinguished from the true homograft; and the clinical justification for the employment of the term is found in the duration and persistence of the phenomena observed in man as the result of such grafts. The heterograft is condemned to inevitable necrosis, absorption being accomplished in the course of weeks, or, at most, of a few months. Now, if the testicular graft from ape to man were a true heterograft, would my patients, several years after operation, still be in full enjoyment of its benefits? Yet this they undoubtedly are. Some of Voronoff's patients left the hospital the next day, and even on the day of operation itself, by rail or by car, returning a week later to have their stitches removed. Their very was not in any way compromised. The operation on the recipient is considered of so slight a character that he is not, as a rule, inconvenienced by it. On the first day there is a slight sensation of pain, and occasionally there may be some edema. In view of possible impingement on the part of some patients, it is deemed advisable to keep them in hospital for a few days. Voronoff performed his operation for the following conditions:

Two cases, loss of the testicle by castration.

Two cases, infantilism of the gonadit.

Three cases, double orchitis, the sequo to mumps.

One case, myopathy.

Two cases, chronic intoxication, due to the abuse of narcotics (general debility).

Five cases, retarded puberty with testicular insufficiency.

Three cases, neurasthenia.

Ten cases, arteriosclerosis with premature senility.

Fifteen cases, general debility and senile decay.

CLINICAL RESULTS OBTAINED OVER PERIODS VARYING FROM FOUR MONTHS TO THREE YEARS

The operative mortality was nil, the negative results were 5 cases, or 12.5 per cent. Three cases of mumps, one case of myopathy, one case of infantilism of the gonadit, the chimplzee in this instance being too young, and one case of double orchitis following mumps. The positive results were as follows: Physical and mental restoration was absolute in 36 to 88 per cent of cases, while in 26 to 55 per cent the physical and mental rehabilitation was accompanied by complete restoration of sexual activity. In one instance death occurred at the age of 77, a year and seven months after grafting, as the result of delirium tremens.

AGE OF THE SUBJECTS OF THE GRAFT, BY VORONOFF

Three subjects were, respectively, 22, 22, and 23 years old. Four subjects were, respectively, 30, 33, 38, and 39 years old. Seven subjects were, respectively, 40, 40, 42, 45, 46, 49, and 49 years old.

Nine subjects were, respectively, 50, 50, 52, 56, 57, 58, and 59 years old.

OBSERVATIONS AND EXPERIMENTS OF VORONOFF LEADING TO HIS TRANSPLANTATION OF HUMAN GLANDS

Voronoff says—

In the year 1885 I was in Cairo, where for the first time I saw and examined eunuchs. I discovered that these people are castrated at the age of 6 or 7, thus well before the age of puberty, before growth and development are complete, and before the organism has experienced, physically, all the influence of virility. I found, too, in a number of these people, several years old, and the resemblance to man is in a degree enhanced by their characteristic high-pitched voices. The muscles are flabby, the walk and movements languid, the gums and sclerous pale. They present, in short, all the signs so characteristic of anemic, feeble, and flabby organism.

The intellectual and moral characters of eunuchs are entirely in accordance with the physical signs. The intelligence is low, the memory bad; they are lacking in courage and enterprise. I found, too, that many of these people, several years old, and the resemblance to man is in a degree enhanced by their characteristic high-pitched voices. The muscles are flabby, the walk and movements languid, the gums and sclerous pale. They present, in short, all the signs so characteristic of anemic, feeble, and flabby organism.
this I mean those external characteristics which distinguish the male from the female—the growth of hair on the face, the introvert pelvis, the deeper and more measured voice, etc.

My observation of enunciators now led me to infer that the internal secretion of the testicles also influences the development of the bones of the leg and cranium; that it either destroys adipose tissue or prevents its development; that it combats acerosis, annihilates the intelligence, diminishes courage, and prolongs life.

GLANDULAR GRAFTING EXPERIMENTS IN ANIMALS

Vorono\'ff says further:

When grafting the new testicles into old rams I had left the old testicles in place. Yet, where the original testicles have been removed, the new ones have taken the place of the original ones, and have performed their function in the place of the original testicles.

I found that the grafting of extraneous testicles, restores the castrate his secondary sex characteristics, his vigor, and his energy.

My further investigations were based on this hypothesis, and were encouraged, moreover, by a dictum of Claude Bernard: "The pre-eminence of truth justifies experiment." How much greater the justification when hypothesis is confirmed by a whole series of natural facts! But the scientist must beware of spiritual blindness; he must not seek for confirmation at any price; he must observe the results of experiments with the critical eye and ready mind, and not accept his theories if they are not borne out by facts. My first graft from the ape to man was made on June 12, 1920. My experience has extended over a period of three years and comprises 52 grafts. The number of cases would have been larger if I had not experienced an extreme difficulty in obtaining apes, including baboons. In 1920 I could get only three, and I made six grafts. In 1921 only one great ape was obtained, and only one graft was done. The situation improved somewhat, and I made six grafts. In 1923 the delivery of apes from Guinea became more regular, and in the first 10 months of that year I was able to make 36 grafts.

Practice and experience induced me considerably to modify my original technique, as I had applied it to animals. In several cases I encountered an unsurmountable difficulty in grafting the fragments of testicle into the tunica vaginals. This is a comparatively easy procedure when the scrotal cavity is filled with a small fluid, as is so frequently observed in men over 50. Without amounting to actual hydrocele the tunica vaginals contains as much as a teaspoonful of extravasated serum, while the space between the parietal and visceral layers is sufficiently enlarged to permit the introduction of the grafts without unduly distending the scrotal cavity. But in a large number of instances I found the parietal layer in close contact with the visceral layer, the scrotal cavity being merely potential, thus affording no possibility of introducing even the smallest graft. In these cases I was obliged to hasten the grafts to the external surface of the parietal layer—that is, to say, to its fibrous covering—and to cover them completely with vascular tissue.

Occasionally in the course of оперation I found fluid in the tunica vaginals of one testicle and not in that of the other. In such cases I fixed my grafts to the interior of the scrotal membrane of the one and to the exterior of the scrotal membrane of the other.

I have been fortunate in my grafts from the external grafts, but this expectation was not justified. The grafts fixed to the external surface of the parietal layer lived as long as those introduced into the cavity. These results were confirmed in a large number of cases.

It is not the less true, however, that the most suitable site for testicular implantation is undoubtedly the tunica vaginals, the site where the testicles have been placed by nature. Man can not hope to improve on nature, whose results have been evolved through thousands of centuries.

The site of each organ is determined by the physiological requirements of its nutrition and its function. The blood plasma is charged with the products elaborated by all the organs and by all the tissues, and the blood vessels are the pathways of the blood stream according to the predominance of individual secretions. Each organ is situated in such a relation to the blood stream as to best insure its provision with the material necessary to the harmonious life of its constituent parts. The site of the testicle was thus justified.

The next question concerns the age of the anthropoid donor.

In the course of my experiments with rams, I had found that young testicles were much more productive in grafts. Moreover, in the native people, there was a beneficial action from ages, but not before the age of puberty was in no way benefited. After due consideration, I arrived at the following conclusions:

The age at which puberty is reached varies in different species. In the case of the small mammals—rats, guinea pigs, rabbits—where the duration of life is short, it is a question of months or weeks. But in species where the process of growth takes longer the incidence of puberty is deferred, and the rate of growth during the years of childhood is more rapid. In man, puberty is said to be reached at 16 or 18 years; hence it is readily conceivable that the testicle from a 6-months ram will effect the desired results, seeing that it is within a few months of sexual maturity. The great apes, and notably the chimpanzee, have a duration of 3 or 4 years or more before they reach puberty and to become a true endocrine gland in the full acceptation of the term. It is not surprising, then, that the immediate results of grafting a gland should be negative.

But it is evident, then, that the testicular graft in man does not conform in all its aspects to the testicular graft in rams. Although the testicles of young sheep may be grafted into rams, the testicles of quite young chimpanzees can not be grafted into man. This is the stumbling block in the path of true neurtasthenia, and that they will have to be generalized from results obtained with cocks, guinea pigs, dogs, and rams.

Vorono\'ff's method being so entirely without precedent, his first step was to study the negative findings; the physical and mental debility of the subjects of testicular insufficiency, in which the function of the gland is diminished or suppressed as the result of local changes; the fecundity of the aged, castrated by nature either totally or in part.

As in all these instances the physiological phenomenon depends upon either the proper function or the insufficiency of the genital gland, there was the possibility that there was a way to be remediated by the grafting of a young gland. Vorono\'ff, therefore, chose these "insufficients" as the subjects of his first grafts; with results which will be described later. There was a second class of cases which aroused his interest, namely, those people, young for the most part, who present symptoms of physical and mental depression, complicated by sexual insufficiency, and who are included in the general category of "neurtasthenes." Neurtasthenia is a vague term, usually employed to hide ignorance. The question to be decided was, Are these people debilitated and demoralized because of their condition? Or are they impotent because of their demoralization and debility?

It is undeniable true that the entire organism may be influenced by its psychic condition and that this may react upon the function of the gland, but the reverse is equally true. Impotence arising from testicular disease or insufficiency is always productive of melancholy in the young, which may even amount to despair, ending in suicide.

RESULTS OF VORONOFF'S OPERATIONS ON MAN

Vorono\'ff says that those subjects in whom the neurtasthenia was dependent upon the testicular insufficiency derived immediate benefit from the graft, and that neurtasthenia was not provoked by the condition of the genital glands, presented after operation a clinical picture of profound interest. These first cases, in common with all those whose debility depended upon glandular insufficiency, were unaware of any sense of benefit for two, three, or even five months, during which time they deplored the unsuccessful results of operation. But these results were definitely ephemeral in character. Aurotension, so apparent here, dominated the situation immediately after operation, but it is evident that its effects soon waned. The results in these cases were absolutely conclusive—so much so, that Vorono\'ff never gives an opinion on the results of a graft before the third or fourth month after the operation.

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If these results were necessarily ephemeral in character, autotension, so apparent here, dominated the situation immediately after operation, but it is evident that its effects soon waned. The results in these cases were absolutely conclusive—so much so, that Vorono\'ff never gives an opinion on the results of a graft before the third or fourth month after the operation. If the patient announces a sudden and striking amelioration immediately after operation, which certainly suggests a decided mental or psychic element.

Vorono\'ff says that those patients who have derived benefit from the operation, do not owe that benefit to autotension, because not only has their improvement been slow and progressive in character, and in the whole course of three years there has been no sign of retraction. If the results of autotension could be similarly prolonged, the testicular graft might well be em-

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played by psychoanalysis in their management of neurotic cases of a certain type.

He also says that the human recipients of the graft have been affected in precisely the same way as his animal subjects, and it is obvious that autosuggestion played not only the same role in the former as in the latter. Thus, the case in point, which he operated in 1917, and which, after close upon six years, is still alive and active sexually.

Man, like the lower animals, has derived from the graft a generalized change in his physical and mental energy, as well as, in many cases, a resumption of sexual activity. He says further that he has operated upon several cases of hyper trophy of the prostate, so frequent in old men which, when oper ated upon, usually recovered up five or six times in the night for micturition. In some patients this condition was entirely relieved by the grafted testis; in others, their necessity was reduced to once or twice during the night.

Stanley has been able to observe certain manifestations in man which for obvious reasons were excluded from his observations on animals and which were in no sense referable to autosuggestion. Such were: A constant reduction of blood pressure, which fell from 23/14 to 16/14 by Pachon's instrument; the diminution of adiposity, due to an improved metabolism brought about by better nutritional exchanges; the improvement of vision, the bettering of the hearing, due to increased activity of the muscles of accommodation, and so forth. The most striking of the results claimed by Voronoff was that the effect upon the mental condition, impossible to verify in the case of animals, was very marked in human beings. Almost invariably the memory improved and the capacity for work increased. Those from whom their occupation demanded concentrated cerebral effort, such as men of letters, university professors, medical men, lawyers, and so forth, had been forced to give up their work on account of loss of memory and impaired cerebral activity, found that they could resume their occupation and work for hours at a stretch, as in their youth. This brilliant research worker in so-called rejuvenation was the first to verify a fact that the increase in physical energy and the improvement in mental capacity are not invariably accompanied in the recipient of a testicular graft by renewed sexual activity, it means that the graft, says he, very justly—and it is essential that this fact should be appreciated—the testicular graft is not an aphrodisiac sex stimulant.

STANLEY'S 1,200 CASES

Stanley summarizes his results as follows:

The result of 1,689 implantations of testicular substance in 650 human subjects, including 7 females, are reported. Striking objective improvement was seen in numerous cases of general asthenia, acne vulgaris, asthma, and senility. Subjective improvements were also seen in various cases of rheumatism, neurasthenia, poor vision, and a few other conditions. In general, testicular substance in Stanley's cases seems often to have a beneficial effect in relieving pain of obscure origin, in the restoration of bodily functions, in the classification of Stanley's cases, in which he used the above methods, with more or less success, is as follows:

- General asthenia
- Rheumatism
- Acne vulgaris
- Neurasthenia
- Poor vision
- Asthma
- Tabes dorsalis
- Sensation
- Sex hormone
- Impotence
- Psychopathic personality
- Epilepsy
- Dementia praecox
- Paralysis
- Diabetes
- Enamel patch
- Drug addicts
- Bed
- Uncertain
- No report

In 1920 Stanley, of San Quentin Prison, Calif., reported on the cases of 13 men who, since 1918, have been experimented on for the implantation of human testicles taken from recently executed convicts and 21 men who, in 1920, had implanted in them the testicular material taken from rams. I quote in part his report:

The first case, reported by Dr. Frank Lydean, operated on at San Quentin Prison in August, 1918, was a man aged 25 years, who, subsequent to a kick in the scrotum at the age of 20, had had atrophy of the testicles, with diminished sexual activity, as well as mental and physical languor.

Stanley also carried out a crude method of implantation of animal testicular substance in a series of 650 cases in the State prison at San Quentin, Calif. He cuts up the testicles into small fragments and injects these through a wide-bore needle into the subcutaneous tissue of the abdominal wall. This was rarely followed by any local disturbance, the health; he claims, was favorably influenced, and the grafts persisted for a few months. It is, of course, a method which is not to be recommended.

The following authentic case illustrates another method of gland transplantation mentioned by Voronoff and which is being somewhat extensively used in this country. This is a general improvement in the symptoms incident on the transplantation operation of Voronoff. If careful surgical precautions are taken against sepsis and infection that might result from the sloughing of the transplanted glands, which is not uncommon, the abd omen near the groin, in both men and women, there should be no particular danger in this operation.

I quote from the Journal of the American Medical Association the following significant result of this method of transplantation:

TRANSPANTATION OF GLANDS IN THE ABDOMINAL MUSCLE

Hammesfahr reports the case of a man aged 20 whose left testis had atrophied from unknown cause eight years previously, so that only a hard body of connective tissue the size of a peppercorn was left. Six years previously the patient injured the right testis by a blow with a hammer, whereupon also this testis atrophied in spite of all attempts to conserve it. Libido and interest in his work gradually decreased. By splitting the atrophied testis and obtaining the scrotal skin from the abdomen, it was thought to have part of the function, but histologic examination showed that there were no elements capable of functioning left—neither seminal tubules nor interstitial cells. He therefore transplanted half of a testis from a patient who had suffered a gunshot wound and this was done in the abdominal musculature in accordance with Lichtensfeld's method. Ten days later he noted over the transplanted a slight swelling, which in a few days became soft. On opening the swelling he found the whole upper portion of the testis soft and necrotic. At the base he discovered a thin (3 mm.) layer of the transplant firmly adherent to the underlying tissue and partially vascularized. Hammesfahr is almost certain that no appreciable portions of the testis implant became vascularized, that the adherent vascularized disk was also resorbed later. It was therefore all the more remarkable that within a few weeks libido became normal and had persisted to last accounts. It has thus been practically possible to vascularize this insensate tissue, though soon resorbed, exerting a stimulating effect on certain vicemiscel functionering endocrine glands, and that these glands, thus stimulated and metamorphosed, as it were, brought about the remarkable change. It is also possible that the result was due wholly to suggestion. Moreover, in judging the results of transplantation in man, we must not lose sight of the fact that sex function depends on purely psychic, imponderable factors to a greater extent than any other function. Thus, in human males, we know that we possess no definitely established general, normal measure by which to estimate such functioning. Hammesfahr does not wish to seem to oppose the idea of homoplastic transplantation of a testis, but urges the application of strict criteria to the results by the serologic methods proposed by Stocker.

CONCLUSIONS

Steinach's operation, vasectomy (or vasaligation), for sterilization of epileptics, incurable insane cases, and criminals seems not to have proven highly objectionable to these classes; although the highest courts in several States have decided that laws compelling them to undergo the operation are unconstitutional, some criminals have requested physicians to perform this operation on them, although the bilateral operation of vasectomy results in complete loss of procreative ability but not loss of sexual function and potency.

While it is well established from all the evidence that I have personally investigated (vasectomy, transurethra), and Voronoff, by transplantation of glands in animals, have, in a large number of experiments, actually lengthened the lives of these animals and restored their sexual activity, it was not concluded that rami phrums and investigators who have materially lengthened human life by these same operations; but it is equally well established that both Voronoff and Steinach's operations have, in some cases (in a very small per cent) extended the total number of years men and women, on whom in Europe and the United States, these operations have been performed, restored the general bodily health, varying for a period of many months or several years, in cases where physical and mental efficiency have begun to show unmistakable mental and bodily symptoms of senility or old age. In these same cases (in a very much smaller per cent) sexual power has been restored and for varying periods of time. It is well established by these extensive experiments and by science and by common sense that there is a
Ilimination, in a physiological and biologic sense, to which the organs, cells, and functions of the human body may be restored or preserved. Modern medicine and after science has in this country added, during the past 30 years, approximately eight years or more to the average expectancy of life and made old age infinitely more comfortable, yet the philosophic Oster and the French physicist still hold good to the physical and sexual slowing down of the average man and woman after the age of 60.

With all the available scientific and other evidence before us, there is, in this connection, still a ray of hope and a note of warning.

ROBERT E. LEE

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to add the name of Mr. Lee to the House for not exceeding 10 minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, always on this date, as we proceed with our accustomed work here, flowers are bunched about the pedestal of the figure of Robert E. Lee in the near-by Statuary Hall as a tribute to his undying memory, this being the anniversary of his birth. [Applause.]

I have no thought of speaking now in any detail of Lee. Others have done that far better than would be possible for me. I propose to come there will be others of many lands telling the story of his life.

With some knowledge of his career stretching from his boyhood until he passed away in his quiet home at Lexington, nowhere can you find a more noble, true, to use the word of Lord Bacon, of any idol of preconceived opinion, I hold the deliberate conclusion that there has been no more perfect product of our modern civilization. In hardly anyone else can there be found such a rare combination of all the mental and physical qualities of real manhood and greatness. It has been stated, and it is true, that every dramatist has failed in the attempt to depict the nobility and dignity of his appearance and action. It is the most minute examination has discovered no stain upon his public or private character; no sign of any yielding of his devotion to the loftiest standards of conduct; never the slightest turning away from his conception of what is right of duty; no weakening, amidst all the storm and stress of things, of his simple religious faith. Without personal ambition, without any egoism whatever, he performed great deeds, and all of his associations with his family, with his friends, with individuals outside of his own circle, with the thousands he led in war, were marked by the sweetness and light which glorify intellect and win the admiration that forever endures.

If such an estimate seems exaggerated, let us call from the great company of witnesses a Massachusetts writer of distinction. At the close of his work on Lee, the American, Gamaliel Bradbury, says:

"It is an advantage to have a subject like Lee that one can not help loving. I say, can not help. The language of some of his readers teads at first to breed a feeling contrary to love. Persist, and make your way through this, and you will find a human being as lovable as any I have ever known. At least I have loved him. I have loved him so much that I may say that his influence upon my own life, though I came to him late, has been as deep and inspiring as any I have ever known. If I convey but a little of that influence to others who will feel it as I have, I shall be more than satisfied."

In recent months to a remarkable extent writers on both sides of the ocean have been freshly treating of the lives of two Virginians who, let it be noted, were of the same ancestry, the ancestry to which also John Marshall belonged. Since 1824, 22 volumes of the published papers of Thomas Jefferson and 20 volumes of his private and official papers have been issued, discussing the career of Thomas Jefferson, and almost innumerable essays, not less impressive have been the publications relating to the life of Mr. Lee. One such of this year's publications is "The Life of Robert E. Lee," by Major CharlesCette, of the Midwest country which poured its sons into the armies of the Republic during the Civil War. It exalts the character of Lee. With rich imagination, it visualizes that sleepless soul of war, which, alone in his room, he sought an answer to the question as to what should be his course in the war that was then imminent. In those dark hours, when as a "silent court of justice in himself" he was striving almost in agony to arrive at a conscientious judgment, he is finally made to say:

"I can not draw my sword against my State, against my kinsmen, children, and my home!"

Like his father, Light Horse Harry Lee, he doubted about secession, but in the end he did not doubt that in the approach

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ing conflict, which he viewed as a revolution, his native State was entitled to his allegiance.

As a general in the Army of the Potomac and as Secretary of War in the Cabinet, Mr. Lee continued to fulfill these duties with perfect fidelity. The public adoration which he received on the field of battle was bestowed by his countrymen upon the character and accomplishments of the great commander. Mr. Lee was a man of the highest ideals.

The public is gratified that Mr. Greene has provided a thoroughly safe trust of the mighty figures, the biographies of Thomas Jefferson and Robert E. Lee. They are now available for the use of all who wish to know about these men. We are delighted to have them with us in this great national commerce.
accept these pseudo facts as truth to such an extent that those of us who could not disbelieve them, the plain and honest presentation of the fact that will cease this unfair estimate of the great Lee from the minds of our people and the world.

Lee was the embodiment of the spirit and civilization of his section. He was a true southerner. No foreign blood coursed through his veins. He was born In the South, reared and nurtured there, in line with the best traditions and principles of the South. If he failed to overtop to them, it was her fault. The history of Lee is the history of the South during the greatest crisis of her existence. The portrayal of his achievements is a picture of the army that he led. His administration of every place that he filled was a demonstration of his ability to grapple successfully with the problems that came to him.

He avoided all civil office, claiming that an officer in the military service of the country was unfit for civil duties. Senator R. B. Hill, of Georgia, in a conversation with him on one occasion, suggested that in the event the South was successful in the war he would probably be at once chosen by the people as a successor to Mr. Davis. General Lee replied, "Never, sir; I will never permit it. Whatever talents I may possess—and they are but slight—are military talents. My education and training are military. I think military and civil talents are distinct, if not different, and full duty in either sphere is about as much as one man can qualify himself to perform. I shall not do the people of the Southern States a service by keeping those who have with whose questions it has not been my duty to become familiar."

"Well, but, General," said Hill, "history does not sustain your views; Caesar, Frederick of Prussia, and Bonaparte were great statesmen as well as great soldiers."

"And grand tyrants," said Lee, "and I speak of the proper rule in republics, where I think we should never have military statesmen or political generals."

"Washington was an exception to all rules, and there are none like him," Lee said, solemnly.

This conversation with General Lee, it has been said, caused the eloquent Hill to say of him, "that he was Caesar without his ambition, Frederick without his tyranny, and Napoleon without his reward of power.

We often get the clearest pictures of public men from those who view them from a distance, either the distance of actual miles or down the vista of years. So from the able men of other nations, many of them dead, we get to know the glorious and grandeur of the spirit of greatness of the character of Lee, which we are scrutinizing to-day in living memory. Thus, Lord Wolseley, of England, regarded by competent judges as standing at the head of the military profession at that time, wrote of Lee immediately after his death that he "was the greatest soldier of his age," and also "the most perfect man I ever met.

Then, 40 years after this, in his memoirs, his judgments ripened and seasoned by years of meditation and wisdom, Lord Wolseley says of Lee, in comparing his campaign of 1862 with Napoleon's of 1796, that he was "the greatest of all modern leaders." And speaking of his visit to Lee, he writes: "... He was the ablest general and to me the greatest man I ever conversed with; and yet I have had the privilege of seeing Louis Napoleon, Prince Klemans. General Lee was one of the few men who ever seriously impressed and awed me with their natural and their inherent greatness. Forty years have come and gone since our meeting, and yet the majesty of his manly bearing, his genial, winning grace, the sweetness of his smile, and the impressive dignity of his old-fashioned style of address come back to me amongst the most cherished of my recollections. His greatness made me humble and I never felt my own individual insignificance more keenly than I did in his presence. He was, indeed, a beautiful character, and of him it might truthfully be written: 'In righteousness he did judge and make war.'... I have met many of the great men of my time, but Lee alone impressed me with the feeling that I was in the presence of a man who was cast in a grander mold and made of different and finer metal than all other men. He is stamped upon my memory as a being apart and superior to all others in every respect. Indeed, I am not afraid to accept the thorny maxim from the British Isles written to a friend: 'I have known only two heroes in my life, and Gen. R. E. Lee is one of them.'... I believe that when time has calmed down the angry passions, General Lee will be accepted in the annals of Britains the greatest living military genius you have ever had, and second as a patriot only to Washington himself."

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In those words, 'simple devotion to duty,' I find the motto, as it were, of the life of Gen. R. E. Lee. Only with a soldier like him can any man go through success, bear criticism, endure adversity, and keep serene and helpful to his fellows as he did always. You all of you know the story of the old knapsack which had been used for many years by him. After his death there were discovered in it a few dried bread crumbs and one dingy slip of paper on which were these words: 'There is a true glory and a true honor—the glory of duty done. The honor of integrity and principle. These words had supported him through the strife of battle and through the stress of life.'

Of his greatness and ability as a soldier let some of those speak to us who have been at the forefront of life in this and other countries. General Alexander spoke of the 'unparalleled audacity of his campaigns.' Colonel Tiers avers that 'his name might be called audacity.' Col. Evan Swift said, "Lee made five campaigns in a single year; no other man and no other army ever did as much.'

The London Times: 'His campaigns have much in common with those of Napoleon and fascinate the reader for the same reasons,' while the London Standard said: "The fatherlands of Sidney and Brough never produced a nobler soldier, gentleman, and Christian than Robert E. Lee." Colonel Henderson said, "I have perused every one of the greatest, if not the greatest, soldier who ever spoke the English tongue. Morris Schaff wrote: 'From the bottom of my heart I thank Heaven for the comfort of having a character like Lee to look at, standing in burning glory above the smoke of Manasses's altar.' This profound and sacred devotion to his duty guided General Lee to accept the call of duty to the University of Virginia in 1865.

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Mr. RANKIN. Mr. Speaker, I wish to call the attention of the House to the fact that to-day is not only the birthday of the illustrious leader of the Confederacy, Robert E. Lee, but it is also the anniversary of the birth of America's greatest poet, Edgar Allan Poe. Every year when these exercises have been held I have thought I would call the attention of the House to the fact that this great sculpture was also born on the 19th day of January, in the year 1809.

I think it not unfitting to call attention to it now, in this day, when we seem to be drifting so far from the literary moorings of this great man and his immortal contemporaries who contributed so much to the purity and the elevation of the literature of his time. As has been well and wisely said:

He was a devotee to beauty; but his large mind, illuminated with unusual intuition, apprehended the significance of creation in the appalling as well as in the beautiful, and to his mental touch those antipodal phases became interchangeable and were sometimes united. His tuneful poems revived in America the dying notes of the Georgian era, and his wonderful stories lit the reading lamps of the world.

[Applause.]

THE CRISP-CURTIS BILL

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, on Monday last, Judge Crisp showed me a letter, and subsequently a telegram, which he had received from Mr. E. J. Connell, who is the president of the Georgia Cotton Growers Cooperative Association, as well as offering these communications I asked the Judge if he would let me have the same, my purpose being to put them in the Record. This is the letter referred to:

GEORGIA COTTON GROWERS COOPERATIVE ASSOCIATION, Atlanta, Ga., January 15, 1917.

DEAR CONGRESSMAN CRISP: I have received a copy of the Crisp-Curtis bill which Mr. Fearing wired for you, and want to thank you for same.

I was in Washington last week but did not call on you as I did not know that you were going to introduce this bill. I was called there on a conference December 23 and some of these ideas were discussed, and had I known for certain that you were going to introduce this bill I would certainly have called on you.

Now I am confident that this bill will put agriculture on an equal basis with manufacture, the carriers of the country, organized labor, and the Federal reserve system. I can not see anything in it but what is amiable.

I took it up with the board of directors of this association last Monday. They endorsed it 100 per cent and ask me, as the head of the organization, to get behind it.

I see that the McNary-Haugen bill was reported. But with a few amendments to the Crisp-Curtis bill, we favor it.

I am confident that you can get the support of both of our Georgia Senators, as I had a talk with each of them and they expressed themselves as favorable, or at least as favoring some sound legislation that would help agriculture.

I have talked to the bankers of Atlanta and all that I have been to see and talked to are for the Crisp-Curtis bill. I have not found a single one for the McNary-Haugen bill.

I am expecting to have a conference with the heads of the Atlanta daily papers within a day or two. I am satisfied that we can get their support. I am also confident that every farmer in the State will back you in this legislation—and I believe that all the farmers in the South will do so.

I want your service and trust that you will not fail to call upon me if I can be of assistance in any way.

Yours very truly,

J. E. CONWELL,
President-General Manager.

This is the telegram referred to:

HON. CHARLES R. CRISP:
House Office Building, Washington, D. C.

Dear Congressman Crisp: I want to congratulate you on speech you made before Agricultural Committee on farm-relief legislation. It expresses my views exactly. I believe it is soundest argument that has been put up in interest of American agriculture. You have faith in our Representatives as sincere and wanting to do something to help producers and am satisfied this bill will meet demand. Thanking you for your stand for producers in our country and offering you services and support of this association.

J. E. CONWELL.

Mr. Connell is a constituent of mine, and when the Haugen bill was up for consideration at the last session of Congress he was in Washington on the purpose of lining up the Georgia delegation in behalf of the Haugen bill. He was very active in his efforts to have the Haugen bill passed. All of the Georgia delegation, including myself, except three Members, voted against the Haugen bill, chiefly because of the provision therein putting a tax on cotton, denominated as the equalization fee. So far as my vote is concerned, I am satisfied he was very much displeased with it.

Mr. Connell's attitude on the Haugen bill, so far as he is concerned as the head of the Cotton Growers' Association of Georgia, is a vindication of my vote as well as the votes of all the Members of the Georgia delegation who refused to vote for the Haugen bill because it put a tax on cotton.

Mr. Connell is not only an active and enthusiastic supporter of the Crisp bill, for which I heartily commend him, but he says in his letter that all of his associates are likewise for the Crisp bill and every banker in Atlanta with whom he has talked.

Mr. Connell's opposition to the Haugen bill and that of his associates I think reflects public sentiment in Georgia in regard to the propriety of every farm-relief legislation which levies an equalization fee or puts a tax upon cotton.

I requested time to read this letter and telegram and make as few remarks as possible. I am very anxious that the members of the House to the fact that the president and all the officers of the Cotton Growers' Cooperative Association of the State of Georgia have abandoned their support of the Haugen bill and are solidly and enthusiastically supporting the Crisp bill, and to the further fact that the officers of the farmers' institution have come around to our way of thinking and voting on farm-relief legislation. [Applause.]

AGRICULTURE

Mr. GARNER of Texas. Mr. Speaker, I ask permission to extend my remarks in the Record in order to insert a statement by a group of Texas business men on the agricultural situation. These men are of such high type intellectually that I feel their views on this question would be of interest to the membership of the House.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, under the permission granted me I submit the following memorial to Congress concerning the agricultural crisis and the policies proposed in the McNary-Haugen bill by a group of Texas business men:

To the honorable Members of the Senate and House of Representatives of the Congress of the United States:

Sirs: Your petitioners respectfully represent that they have sought, in the preparation and presentation of this memorial, not to obtain the signatures of numerous voters but to offer the serious conclusions of a group of representative business men who, from careful study and intimate contact, believe they have fair knowledge of the conditions underlying the farming problem of the South in particular and of the United States in general.

Your petitioners have full confidence in your faithful intent and your sense of responsibility, and they assume that you will welcome and weigh their suggestions for the amelioration of a manifest crisis.

CONTROL OF FARM SUPPLIES

The plight of agriculture is known to all men. It is not sectional or regional or temporary. The entire Grain Belt and the entire Cotton Belt are deeply involved and there is more or less a like condition in every other agricultural region of the United States.

Agriculture represents a greater investment than the investment in manufacturing, mines, and railroads combined, and the decline in its investment value since 1921 represents a shrinkage of nearly one-third of its entire appraisal. The actual earnings of farmers for that period are lower than the earnings of laborers in manufacturing, workers in transportation, clerical workers, and Government employees. Agriculture products constitute nearly one-half of the total value of our exports; farmers and their families purchase nearly $10,000,000,000 worth of goods and services of other industries; the farm supplies material upon which depend the employment of nearly one-half of our workers. The elimination of about one-fifth of the total tonnage of freight carried by the railroads, pays one-fifth of the total...
cost of government in the United States, and is the means of living of about one-third of the entire population. Therefore agriculture is a
national concern and its decadence demands the serious thought of
every man who is mindful of his own welfare and of the Nation’s
welfare.

RECURRENT CALAMITIES

That these conditions are not temporary, as many casual observers
assume, is shown by the fact that agricultural distress recurs at more
or less regular periods by reason of the surplus production which
depresses market values below the cost of production. For example, the
Cotton Belt experienced a long period of distress from overproduction
in the early nineties and more or less distress in the first decade of the
present century; it suffered severe losses in 1914, due in part to the
World War but mainly to overproduction; it suffered a worse calamity
in 1922, now in the fourth season of distress from overproduction in the
short space of 25 years. The Grain Belt has had somewhat similar
cases.

These facts demonstrate the inevitable recurrence of years and per-
iods of agricultural distress to be expected under present practices,
customs, and conditions which govern the value and earnings of an
industry greater than any other single industry in the United States.

SELF-HELP FAILS

Self-help has failed. All efforts to prevent those recurring disasters in
agriculture have failed except as temporary expedients. The sheer
loss occasioned by overproduction from time to time impels reduced
acreage both by the limitations of credit and by the elimination of the
less resourceful producers, but that process has led immediately or soon
to high prices, stimulated by scarcity of supply, and overproduction
has occurred again. This is the vicious circle in which agriculture finds
itself.

Cooperative marketing during the last five years has made a valiant
effort to overcome these difficulties and has been potential in modifying
excesses and fluctuations in prices; it has also eliminated or reduced
some evils of the speculative marketing of farm products, and it has been a
wholesome influence in both rural life and in the commerce of agricul-
tural commodities, but cooperative marketing as an adequate means of
conserving a surplus and merging it into a reduced supply in the subse-
quent years without a calamitous decline in values has proved ineffective
in a large way, and the small success which is to be credited to it has
been obtained at the expense of the members of the associations, who
have been forced into carrying a surplus, while other farmers not members
of the association have obtained the benefit of the steadying influences in	rade exercised by the cooperatives.

SUPPLIES INVARIABLE

It is inevitable that there will be weighty surpluses of agricultural
products because weather and pests are uncontrollable and more or less
uncontrollable factors affecting yield. For example, the crop yield of
cotton lint in 1921 was 124.5 pounds per acre and in 1926, 181.4. If
the yield in 1926 had been at the same rate per acre as the yield of
1921, the production would have been less by more than 5,000,000 bales
and there would be no surpluses with which fluctuations in acre yield
varying as much as 50 per cent, it is absolutely impossible dependably
and accurately to provide a volume of production well within demand with-
out incurring the risk of precipitating a shortage amounting to famine.

In the great agricultural distress of the recent years, farmers found
themselves in a position to adapt supply to demand, as manufacturing is able to do, and the difficulty is
still further increased by the fact that the number of producers of any
given agricultural commodity, as distinguished from the number of
producers of any manufactured commodity, is so large that concert
and unity of action are utterly impracticable, as has been repeatedly
shown by efforts to affect uniform reduction of acreage. For example:
There are approximately 2,000,000 producers of cotton. They are of
all classes and all grades of financial standing and there can be no common planes of concept or activity between the city
dweller owning large tracts of cotton land and the impoverished and
ignorant share crouper. Moreover, generations of practices of indi-
vidualism and the exaggerated appraisal of the right of each man to
conduct his own affairs in his own way, together with inheritance
and habits of method which have become fixed and governing character-
istics of operation, all conspire to render the regulation of supply
by concert an utterly impossible accomplishment.

WHAT HAS BEEN DONE FOR OTHER INDUSTRIES

Those who recoil from suggestions of relief of the agricultural situa-
tion by governmental activity or agency are strangely unmindful of
historical facts concerning other great industries that have been
restrained by governmental interposition from similar disorder and recur-
ing distress.

It is only about a third of a century ago that the railroad business of
the United States was in a state of confusion, reaching at times the
proportions of chaos, due to the buccaneering of railroad operators
and wreckers, to the favoritism and invidious practices of railroad
managers, and to the nagging of political demagogues. When it was
seen that no one could establish or operate a railroad without
some sort of protection from the rights of other railroads, there
was a loud protest of paternalism by the owners of railroads and
the traditionally minded citizens who gave extreme and illogical applica-
tion to the otherwise sound doctrines of political economy resting upon
the need of a people for individual initiative and encouragement of
governmental overlordship. At length, however, the people of the
United States, grown weary of the hurt to their own business by
the disorder in railroad operations, set up State commissions and the Inter-
state Commerce (Commission) and many other governmental agencies.
The railroads were quick to discover in these agencies the means of
protecting themselves from their own bad practices of cut-throat
competition and manipulation and became the most ardent advocates of
these governmental agencies. For many years the railroads
were under the rule of the Interstate Commerce Commission, which at first was a mere
bureau of information, have been enlarged until now that powerful
bodies have so encroached upon private property rights that even a new
railroad can not be built without its consent. Whatever may be
thought of the wisdom of certain late phases of the policy of regulation
of railroads by the Government, it can not be denied that that
policy has brought the railroads to their most efficient and most
profitable condition ever known in the history of transportation.

In like manner, until a few years ago, the business of the United
States was upset and injured by bank panics. For more than 100
years communities, states, and the entire Nation had been embra-
ced in the web of bank failures caused by dishonest bookkeeping.
As a rule, the banks were out of business because of bad debts
and among businesses dependent upon banks, and various and sundry
expedients of emergency, currency, public accounting, and of guar-
antee of the safety of deposits. For more than a century the Nation
must have been in constant despair and uncertainty as to its
future. The owners and the operators of railroads and banks, and
over the protest of the greatest banking minds of the United States
they set up the Federal reserve system, which served almost miracu-
lously to avert the emergency of the World War and which has since main-
tained the most stable and the most prosperous condition of banking
ever known in our history.

In both these outstanding examples of the efficient use of the
powers of Government the people chiefly concerned proved their utter
incapacity to stabilize their own financial business, and it was the
Government by the Federal Reserve System and the Federal Reserve
law that has restored stability and steadiness in the financial
affairs of the Nation.

In the case of agriculture it is the Government which is, or should be,
the agency to provide some regulation of supply and demand in a
way which will guard the farmer owner from the pressure of over-
production and assist him in his efforts to avert destitution.

BOARD OF AGRICULTURAL CONTROL

Many thoughtful and patriotic men, who have given intelligent and
patient study to the agricultural problem, have reached the conclusion that the
situation calls for the establishment by the Federal Govern-
ment of a board of agricultural control, with powers comparable to
the powers exercised over railroads by the Interstate Commerce
Commission and the powers exercised by the Federal Reserve Board
over the banking system. These men, who include the leaders of the
principal cooperative undertakings, a large number of eminent economists
and a considerable number of Senators and Representatives in the Con-
gress of the United States, after repeated conferences and deliberating
deliberations, have reached a general concert of view in favor of the
measures embodied in those measures commonly designated as the
McNary-Haugen bill. The essential features of this legislative proposal
are as follows:

1. A Federal farm board is to be constituted of 12 men, one from
each Federal farm bank district, selected by the President of the United
States from three nominees in each district submitted by the representa-
tives of the outstanding cooperative associations and farmers' organizations.

2. The Federal farm board will be empowered to furnish information
in a general way concerning the economic status and the world trade
conditions affecting the value of agricultural commodities from time to
time, and upon the approval of representative cooperative associations
and farm organizations will be empowered to take cognizance of the
existence of a surplus of any given agricultural commodity, and to
act to regulate the market, whether by supervision of cooperative
associations or with other agencies which the Federal farm board
may select or may constitute to segregate the surplus of such base agricul-
tural commodity from the quantity needed for domestic supply, and to
finance the disposition of the surplus by levying an equalization
fee or assessment upon each unit of the commodity produced in the United States.

3. The initial activities and operations of the Federal farm board are to be in the nature of an experimental, and the Federal farm fund, which may or may not be returned to the Treasury of the United States accordingly as the Federal farm board is successful or unsuccessful with its undertakings. It will be observed that no subsidy or outright grants, such as were the prevalent legislation, or a mere token subsidy, is ample for the policy of advancing funds by the Government for the development of an undertaking entirely beyond the capacity of private capital or personal effort. The Government incurred liabilities amounting to billions of dollars in the development of transcontinental railways, in the fostering of an American merchant marine, in the reclamation of arid lands, and in the establishment of the Federal farm land banking system. Certainly the development of the transcontinental railways was influenced by the American merchant marine, the reclamation of arid lands, and the establishment of the Federal farm land banking system were praiseworthy objects, but they can not be rated as more important to the general welfare than the maintenance of agricultural stability. Therefore no argument can properly lie upon the policy of governmental encouragement by the advancing of $100,000,000, but argument properly lies only upon the single point of the efficacy of the proposed system.

A VOICE IN AGRICULTURE

It is obvious that the proposed Federal farm board would give agriculture a voice in the economic councils of the world which it can not raise on its own account. The board, as proposed in the McNary-Haugen bill, would consist of men of intelligence, ability, and intimate knowledge of rural affairs, men of some standing, men of the dignity of an authorized agency of the Government of the United States, and its outgrowths would unquestionably exercise a tremendous influence both upon the minds of tractors and the minds of farmers. There is a power of action in any given emergency, like the present cotton emergency, which no group or aggregation of farmers and their sympathetic banking and commercial friends can possibly have. Commercial values are not altogether a matter of calculation and statistical figures of supply and demand, but are to a very considerable degree matters of judgment. It will be recalled that in the depression of 1921 the expressions of confidence uttered by the War Finance Corporation and its activity in financing surpluses of cotton and cottonseed, in contrasted as much as it could to the rapid recovery of values.

PROPOSED EQUALIZATION FEE

Since the producers of a given basic agricultural commodity are to receive the direct benefit of the expected stabilization of values to be accomplished by the operations of the Federal farm board, it is equitable that those producers should incur the risk of the board's undertakings. The equalization fee is designed to effect that purpose, and the bill provides that in the event a profit accrues from the equalization fund, the increase may be returned ratable to the producers against whom assessments of the equalization fee were made.

EFFECT UPON ACREAGE

There is apprehension that producers will accept the benefits of the proposed Federal farm board, and not use their increase in profit to their profit will proceed in the ensuing year to increase their acreage, and therefore that the operations of the board will not serve the general purpose intended.

It is our opinion, after careful reflection based upon observations and experiences in similar situations, that the equalization fee may not only be employed wisely to restrain undue increase of acreage but that the producers themselves, upon the first instance of unsuccessful operation or upon the first instance of increased production following a successful operation, will be most earnest in demanding an equalization fee that will effectively penalize and thereby prevent efforts to increase production or to take selfish advantage of a situation in which the board counsels reduced acreage.

If, for example, the Federal farm board were now in existence it would be able to segregate the estimated 4,000,000 bales of surplus cotton, and that segregation would in the very act have an appreciable effect upon cotton prices, because the supply of cotton actually withdrawn from commerce and current demand would readily absorb the remainder at considerably higher prices than now prevail. We can not imagine such a board functioning in such a way that it would not at times warn ing the producers of cotton substantially to this effect:

"We have retired, or caused to be retired, 4,000,000 bales of your excess production of 1923. We can not consume this cotton; we must utilize this product by the end of next July the Department of Agriculture of the United States. The demand of railroad in the used in cotton in 1927 is not at least 25 per cent lower than the acreage of 1926, we will have reason to expect at least an average yield and we will know that the surplus of cotton has not been decreased. We will then proceed expeditiously to sell the 4,000,000 bales which have been retired, and that cotton will of necessity come into destructive competition with the cotton which it is sought to preserve." We can not imagine such a warning and such a prospect. It will be the most probable inference to be derived for the cotton producers from the proposed legislation.

Under the terms of the pending bill the equalization fee to be assessed after two years is limited to $2 a bale, and that would hardly reimburse the board for the losses to be sustained in such a transac­tion of $8,000,000,000 for a single cotton crop. In such a situation, with the experience that the producers, themselves had defeated the objects of the Federal farm board, we believe that those producers would be the first and the most insistent to demand that the equalization fee be increased to such an amount as would cover the loss, and thereby to an amount which would be an effective penalty upon subsequent overproduction. Our views on this particular point are fortified by the experience of the Interstate Commerce Commission, which at first was a mere bureau of information but which has since become, by the demand of railroad owners themselves, as well as by the demand of railroad patrons, an all-powerful agency of complete control.

A BEGINNING AND A PROBABLE DEVELOPMENT

In our opinion that if a Federal farm board be established as proposed in the McNary-Haugen bill, the neither the proposed activities will demonstrate such marked improvement in agriculture, or in the status of any particular basic agricultural commodity, that the producers themselves and the sympathetic business interests related to their operations will lose the benefit, but it is possible that the equalization fee may, if at first, prove itself only a short cut to the attainment of an effective control and thereby to the development of an undertaking entirely beyond the capacity of private capital or personal effort. The board, with the aid of the two essential elements of a great agricultural and railroading, will be most earnest in demanding an equalization fee of such amount as would cover the loss, and thereby to an amount which would be an effective penalty upon subsequent overproduction. Our views on this particular point are fortified by the experience of the Interstate Commerce Commission, which at first was a mere bureau of information but which has since become, by the demand of railroad owners themselves, as well as by the demand of railroad patrons, an all-powerful agency of complete control.

We do not venture otherwise criticism of particular features of the bill. The proposed Federal farm board may come to pass that the equalization fee to be assessed after two years is limited to $2 a bale, and that would hardly reimburse the board for the losses to be sustained in such a transac­tion of $8,000,000,000 for a single cotton crop. In such a situation, with the experience that the producers, themselves had defeated the objects of the Federal farm board, we believe that those producers would be the first and the most insistent to demand that the equalization fee be increased to such an amount as would cover the loss, and thereby to an amount which would be an effective penalty upon subsequent overproduction.
Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Tilson in the chair.

The Clerk read the title to the bill.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Subsistence of the Army: Purchase of subsistence supplies: For issuance as rations to troops, including retired enlisted men when ordered to active duty, the items below, namely, the rations equal to that of the Navy, if the bill passes the Senate, for the further consideration of the bill H. R. 16249, the War Department appropriation bill.

Page 16, line 17, after the figures "$17,670,923," strike out the balance of the line, all of lines 18 to 25, inclusive, and on page 17 strike out lines 1 and 2.

Mr. Laguardia. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 16, line 17, after the figures "$17,670,923," strike out the balance of the line, all of lines 18 to 25, inclusive, and on page 17 strike out lines 1 and 2.

Mr. Laguardia. Mr. Chairman, it may be contended by the committee that the reappropriation of $2,691,039 is on account of the changes in the rations and that that change will necessitate this amount. I do not believe that to be the fact. If there is to be a change in the rations making the Army rations equal to that of the Navy, if the bill passes the Senate, then that can be taken care of in the next deficiency bill.

This $2,691,039 over and above the budgetary recommendation will be a source of revenue and profit rather than expense to the Treasury.

PERMISSION TO ADDRESS THE HOUSE.

Mr. Green of Florida. Mr. Speaker, I ask unanimous consent to address the House for four minutes.

Mr. Tilson. May I ask the gentleman upon what subject?

Mr. Green of Florida. I want to make a few remarks in behalf of the World War veterans.

Mr. Tilson. We have gone on for nearly an hour now with addresses, and I wish the gentleman would withdraw his request.

Mr. Green of Florida. I will withdraw my request, Mr. Speaker.

Mr. Tilson. Later on we will see if we can not take care of the gentleman.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. Barbour. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16249, the War Department appropriation bill.

The motion was agreed to.
they now come and ask the Appropriation Committee to reappropriate.

Under ordinary circumstances that might have gone through without much debate, but this bill provides that the Army does. You will recall that it. If these fellows spent as much time drilling for military purposes as they do on appropriation bills, perhaps we could save a few million dollars and have a more efficient Military Establishment.

Now it will be argued that this is solely for the purpose of the changed rations. Let me say that I am in complete accord with the change of rations in order to make the rations of the Army a little more in keeping with the Navy. But we ought not to appropriate in anticipation of legislation. The provision for the increase of rations is not yet a law, so you are not justified in now appropriating for something that may not become a law.

I want to say while I am on the subject of rations that it is not only the amount of money appropriated for rations that will secure a company a good mess. It is the kind of supervision you have. An incompetent mess sergeant, without proper supervision, will not be able to give the men any better food at 60 or 60 cents than at 59 cents. A great deal depends on the management.

I say again if more time was spent by these officers at their posts in looking out for the men they would not receive the poor kind of food that they are now getting. And with all the increase will secure a company a good mess. The management.

I say again if more time was spent by these officers at their posts in looking out for the men they would not receive the poor kind of food that they are now getting. And with all of this bill, because of the changed circumstances as they do on appropriation bills, perhaps we could save a few million dollars and have a more efficient Military Establishment.

During the last year, the gentleman from New York, Mr. Briscoe, brought to the attention of the House the fact that last year the number of desertions from the Army was derelict, in my opinion, in not going to the President and asking him to reduce the number of desertions.

Mr. HILL of Alabama. I think that is one element, but I think that of the two the ration is the more important. The ration allowance has been miserably small during the last few years, and it is during these years that we have had so many desertions from the Army. This is a matter which deserves careful study when you read the record to see the paucity that we have been allowing the enlisted man in our Army for his ration. In the year 1923 the allowance was 20.78 cents; in 1924, 31.65 cents; in 1925, 31.50 cents; and in 1926, 30.12 cents. Nowhere does the ration allowance exceed 37 cents, and in 1923 the allowance was just a little over 20 cents. This amount has been so paltry, so meager, so insufficient, that the company commanders have been forced to raise supplementary sums to properly feed the soldiers in their companies. The company commanders have been forced to raise funds from the post exchanges. In other words, the price placed on articles in the post exchanges which were purchased by the enlisted men had to be fixed so that sufficient profit would come out of the articles to help pay for the food of the men. The barber shops and the billiard rooms have had to be run on the same basis. In many instances the company commanders were advised by their adjutants to fix the prices of chickens, to raise chickens, and do like things in order to get enough food to properly feed the men of the Army. It is quite easy to understand why men desert. A man joins the Army to be a soldier, to play the will game, and to take a box of wrappers in a garden or to be chambermaid to a cow or to raise chickens.

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

Mr. HILL of Alabama. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

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

Mr. HILL of Alabama. Yes.

Mr. BRIGGS. Does the gentleman, in the legislation recommended in his committee the other day, take care of that situation? Does it provide legislative authority for a more adequate allowance?

Mr. HILL of Alabama. Absolutely. Not only does this appropriation bill provide that the Army enlist personnel the same ration that the Navy and the marines personnel get. That bill was passed by the House on Monday last.

Mr. LANTICUM. Does not the gentleman think that the miserable housing condition has a great deal to do with the desertions?

Mr. HILL of Alabama. I think that is one element, but I think that of the two the ration is the more important. The ration allowance has been miserably small during the last few years, and it is during these years that we have had so many desertions from the Army. This is a matter which deserves careful study when you read the record to see the paucity that we have been allowing the enlisted man in our Army for his ration. In the year 1923 the allowance was 20.78 cents; in 1924, 31.65 cents; in 1925, 31.50 cents; and in 1926, 30.12 cents. Nowhere does the ration allowance exceed 37 cents, and in 1923 the allowance was just a little over 20 cents. This amount has been so paltry, so meager, so insufficient, that the company commanders have been forced to raise supplementary sums to properly feed the soldiers in their companies. The company commanders have been forced to raise funds from the post exchanges. In other words, the price placed on articles in the post exchanges which were purchased by the enlisted men had to be fixed so that sufficient profit would come out of the articles to help pay for the food of the men. The barber shops and the billiard rooms have had to be run on the same basis. In many instances the company commanders were advised by their adjutants to fix the prices of chickens, to raise chickens, and do like things in order to get enough food to properly feed the men of the Army. It is quite easy to understand why men desert. A man joins the Army to be a soldier, to play the will game, and to take a box of wrappers in a garden or to be chambermaid to a cow or to raise chickens.

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

Mr. HILL of Alabama. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

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

Mr. HILL of Alabama. Yes.

Mr. LAGUARDIA. Does the gentleman know how many men are needed to do menial work around the officers' quarters?

Mr. HILL of Alabama. I could not enlighten the gentleman on that.

Mr. LAGUARDIA. Quite a large number of them.

Mr. HILL of Alabama. I would be pleased if the gentleman would put the figures in the record. I would like to have that information.

Mr. VINSON of Kentucky. Is it not true that the Budget allowance for the present year for the enlisted personnel of the Army was approximately $2,691,030? Mr. HILL of Alabama. Yes; that is true. We find the Army feeding its men with this paltry sum running from 29 to 30 cents, while the Navy has had 55 cents for its men and the marines have had 60 cents for their men. Often we find the Army quartered with the Navy or quartered with the marines. You gentlemen can imagine the effect upon the morale of the soldier when he is getting 33 cents' worth of food each day while his buddy in the Navy, who is quartered with him, is getting 55 cents' worth of food. Napoleon once said that an Army marches on its stomach. No man can question the fact that nothing enters more into the morale of the Army than the food of the Army. Nothing makes for the satisfaction and the contentment of the men as giving the men three square meals a day. In this connection I would like to point out this: Undoubtedly the cost of feeding 5 cents in beans, 3 cents in rice, 4 cents in chowder and 6 cents in vegetables that the gentleman of Kentucky has just asked for by the Executive order of the President of the United States, and the record shows that Congress has never yet failed or refused to give to the Army just the amount asked for by the Army in the appropriation bill for the Army.
asking for an increase in the Army ration. In the year 1924 the Quartermaster General of the Army asked the War Department to do that very thing. This request only met with disapproval on the part of the War Department. The condition we find to-day, as Mr. Chairman, is that the Army lies at the doors of the War Department and not at those of the Congress. Let me say that on yesterday when the gentleman from South Carolina spoke about the Chief of Staff as a man of honor, a gentleman, and a scholar, he voiced my estimate of General Charles P. Summerall. It is largely due to the efforts of General Summerall that the ration has been increased by the Appropriations Committee of the House brought in the bill which passed this House Monday providing for an Army ration equal to the ration of the Navy and Marine Corps. I only wish that General Summerall were here to persuade him that the Chief of Staff, if other conditions similar to this where the enlisted personnel has been neglected and the War Department has been derelict exist, he will bring those matters to the attention of Congress as he did in the case of the ration.

Mr. O'CONNELL of New York. Is it not due largely to the fact that the Military Affairs Committee of this House has nothing to do with it, but the Bureau of the Budget?

Mr. HILL of Alabama. No; I can not say that. The ration is fixed by Executive order, and I take it the President would fix any ration within reason that the War Department asked of him, but the War Department has never requested any change in the isution. That is the reason why be asked the question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The gentleman from Texas (Mr. BARBOUR) raises a question.

None of the funds appropriated in this act shall be used for the payment of expenses of operating sales commissaries other than in Alaska, Philippine Islands and China, at which prices charged do not include the customary overhead costs of freight, handling, storage, and delivery.

Mr. BLANTON. Mr. Chairman, I make a point of order against the language contained in lines 3, 4, 5, 6, 7, 8, and 9 just read, because the same is legislation unauthorized on an appropriation bill, and it seeks to change existing law. The Chairman will note it proposes to do away with the act of July 5, 1884.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. BARBOUR. Will the gentleman reserve the point of order?

Mr. BLANTON. Well, it is subject to the point of order.

Mr. BARBOUR. Oh, yes; but the gentleman has been very enthusiastic about saving money on this bill and here is the case where it saves money, and now the gentleman proposes to strike it out.

Mr. BLANTON. I am interested in two propositions; one is the general principle of legislation and the other is to let the legislative committees function once in a while and not permit the Committee on Appropriations to take all of their powers and duties away from them.

Mr. BARBOUR. I will say to the gentleman this is one of the bills the gentleman objected to the other day that came from our committee. We believe with the gentleman from Texas that everything regarding legislation should come out of our committee.

But the gentleman evidently had not looked into the matter at that time.

Mr. BLANTON. No. The gentleman had looked into it, and that is the reason he has been enthusiastic. He measures of this kind to come up under the ordinary rules of the House, where they can be debated and passed upon intelligently. The Members of the House can not pass intelligently upon legislation which is called up and considered in gross and passed and a motion to reconsider and lie on the table agreed to and all done in about a second.

Mr. BARBOUR. This provision has been carried in the bill for many years, and if it is subject to a point of order, why not let it go through until the military bill comes in the regular way?

Mr. BLANTON. I am not doing it antagonistically against the gentleman. What I want to see is that the gentleman from Texas is ready to see one committee of the House making appropriations. But if you want the committee preserved and its functions and powers preserved, you had better stop legislating, because these concessions to sell certain things at a profit are the basis of legislation. Why should the Military Establishment engage in commercial pursuits?

Mr. BARBOUR. Mr. Chairman, a point of order; I reserve the point of order, in order to ask the gentleman from California a question.

This provision, while skillfully drawn, apparently in the shape of a limitation, is nevertheless an authorization for the Military Establishment to encourage in commercial pursuits so long as they get a profit large enough to pay all expenses.

That is the purpose and intention of this provision, and it is undoubtedly legislation. Why should the Military Establishment engage in commercial pursuits?

Mr. LA GUARDIA. At many posts, located far away from the cities, they have to have what is called the canteen, and then they have to bring them in, and unless we provide for the ordinary method by which I mean the cost of the ration, we shall have to have officers in charge of it paid at Government expense.

Mr. BLANTON. These concessions to sell certain things at Army posts are granted by Army officers to certain particular individuals in the cities, and the boys in the Army who get these things have to pay two or three times their value and get inferior stuff.

Mr. LA GUARDIA. Take, for example, the post near Mineola, N. Y., that is 4 miles from Mineola. Any one of my constituents can buy anything at the regular price there.

Mr. BLANTON. Does the gentleman think this is a salutary policy?

Mr. LA GUARDIA. It takes money.

Mr. BLANTON. Mr. Chairman, I withdraw the reservation.

Mr. GREEN of Florida. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. GREEN of Florida. I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN of Florida. Mr. Chairman and gentlemen of the committee, this morning we have had eulogies upon the heroes of yesterday from the gentleman from Mississippi (Mr. DIXON) and the gentleman from Virginia [Mr. Moore]. I think it is time for us to say something of the heroes of to-day.

In reading over the papers last night my pride as an American was humiliated when I read a headline which ran something like this, "Police disperse vets after bonus." Has the time come here in America when our ex-service men, who have fought to defend our country in its hour of need, when the country is filled with patriotism and enthusiasm, and ask that they be cashed at a bank or that they receive a loan thereon, are to have the police called out to disperse them? Only about 10 years ago, when the shot and shell were bursting, when the Nation was filled with patriotism and these gallant heroes were passing down the streets and avenues of our Capitol City, at that time were the police called out to disperse them? To-day, when they come in and ask for their rights, why should the police come in and disperse them? Was it not mentioned by one of our veterans today that the Nation should sit here and permit these conditions to go on? Is it possible that these men...
The gentleman from New York offers an amendment, which the Clerk will report.

The amendment offered by Mr. LaGuardia: Page 19, line 24, strike out "$12,925,279" and insert in lieu thereof "$12,771,083."

Mr. LaGuardia. Mr. Chairman, my amendment simply provides the figures recommended by the Budget Bureau. I will not take any more of the time of the committee just now because I may want more time on some of the amendments I intend to offer later. This gives the committee an opportunity to stand by the Budget estimate.

The question was taken, and the amendment was rejected.

Mr. Fish. Mr. Chairman, I move to strike out the last word, I want to speak under that part of this paragraph which refers to the disciplinary barracks authorized by the Budget Bureau and refer to the next paragraph, which provides for an orphans' home in these barracks.

I received this morning a letter from one of my constituents asking me what I could do to help a private soldier of the Regular Army who had been court-martialed and sent to one of these disciplinary barracks for a period of 10 years. I have not had time to investigate the case or find out the facts. I have referred it to the proper authority and to the gentleman interested, of course, in seeing that these disciplinary barracks are provided with orphans' homes or, at least, for sake of my constituent until I have had an opportunity to ascertain all the facts in this amazing case.

These are the charges that were sent to me to-day for which this young American, who is an orphan, and who went into our Army probably for patriotic reasons, is to be confined in a disciplinary barracks for 10 years:

Paul V. Alverson, formerly a private, Tenth Signal Company, Signal Corps, was tried by a general court-martial jointly with five other members of the same organization and was convicted of: (a) burglary; (b) larceny of property of the value of about $1.80; (c) unlawfully, willfully, and maliciously, and for the purpose of obtaining therefor, obtaining and using a false and forged bank note of the value of about $15; and (d) violating standing orders by taking a horse out of camp. He was sentenced to be dishonorably discharged from the service, to forfeit all pay and allowances due or to become due, and to be confined for the period of his enlistment at Allentown Branch Barracks, Governors Island, N. Y., being designated as the place of confinement. The sentence became effective April 3, 1926.

These are the charges that were sent to me to-day by one of my constituents, who asked me to investigate the case in order to submit a request for clemency. I thought this might be an opportunity to get a little help out of the subcommittee and that they might be good-natured enough to advise me how to start to obtain justice for this young fellow, who is about to spend 10 years of his life in the disciplinary barracks because he took a horse out of the barracks, destroyed $15 worth of Government property, and is charged with stealing $1.80.

Mr. O'Connell of New York. If he stole $25 he would get 25 years for it.

Mr. Fish. Yes.

Mr. O'Connell of New York. He stole $25; that is a very pertinent question. According to this boy's sentence for taking $1.80, he would probably be hanged. You gentlemen of the committee have just added a large amount to the appropriations for courts-martial, and as a man who has served in the Army I think I can say something about the general attitude of Army officers and marine officers in these general court-martial cases. It is a perfect outrage that in time of peace young fellows, who have got into the habit of thefts and have been nourished by the Government at the rate of 35 cents a day should be sent to jail for 10 years because of the charges I have submitted to you. I can not dis-
Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

Mr. STEVENSON. Will the gentleman yield?

Mr. FISH. Yes.

Mr. STEVENSON. Was it because this gentleman had a way with him or because he was associated with other officers?

Mr. FISH. Allow me to answer the question. This young boy whose case I am presenting here is an orphan. He has not any rich uncle, and the gentleman and every other Member of Congress know that I am busy with the different duties of a Congressman and we have not the time to prepare and write long briefs or to go through 400 or 500 pages of court-martial proceedings to find where these Army officers are located who served on a court-martial five years ago. I know how these young boys in the Army are treated. If this fellow is innocent and if this man was sent to jail for 10 years on the charges stated here, it is an outrage. We are going to take it up and do what we can, not only to get him out but to find out who is responsible.

If such a thing was done in Nicaragua five years ago, it can be done in the United States Army today, and such things ought to be stopped. Such things were done during war times constantly, and we did not have the time then to stop and remedy the situation, but it is now our duty to see that there is an end to things of this kind in time of peace, and I hope the subcommittee will back me up and advise me and help me in every way they can. I will present the facts to them and show the real merits of the case.

Mr. BLANTON. Will the gentleman yield?

Mr. FISH. Yes.

Mr. BLANTON. The gentleman will not stop these injustices of court-martial in the Army and the Navy until we take away from the Army and the Navy the right of court-martial in peace-time. That is the only way to stop it.

Mr. LAGUARDIA. We increased the appropriation yesterday.

Mr. FISH. I submit the full text of the letters I have referred to, as follows:

SUPERVISORS' CHAMBERS, DITCHES COUNTY,

POUGHKEEPSIE, N. Y.

Mr. Hamilton Fish, Jr.

Dear Friend: I am again taking the liberty of imposing on you and your friendship. You will find enclosed two letters, which are self-explanatory. I am going to add that, knowing this boy personally and by personal knowledge and by the speech of people, he has always led a good, clean life. I personally know his folk; in fact, I am at present rooming with his uncle and aunt. My judgment may be all wrong, but I think 10 years is a long stretch for a small offense. I served six years in the Queen's Own Rifles, Second Battalion, and know what army life is without being in jail. The carbon copy spoken of in letter leads one to believe that he had it for his personal use. That's not as I understand it. One copy was made for the five soldiers charged with this offense. This boy is an orphan, and the relatives, while respectable people, are in moderate circumstances. This appeal to you is one that interests me personally; and if you feel that you can do anything, I can assure you that I will be more than grateful to you.

Kindly let me have these letters back when you get through with them.

Yours respectfully,

FRANK R. ABERCOMBIE.

January 17, 1926.

WAR DEPARTMENT,

Washigton, September 14, 1926.

Mr. William F. Welch,

85 Garden Street, Poughkeepsie, N. Y.

Dear Sir: I am furnishing you the following information in response to your letter of the 18th instant, relative to Paul Alverson, confined at the Atlantic Branch, United States Disciplinary Barracks, Governors Island, N. Y.:

Paul V. Alverson, formerly a private, Tenth Signal Company, Signal Corps, was tried by a general court-martial jointly with five other members of the same organization, and was convicted of (a) burglary, (b) lack of respect for the flag, and (c) violation of standing orders.

Thus is when a court is called upon to render a great many cases at the same time and rushes them through with wholesale. Although I have no fear that we might go to war, I fear that a race riot such as occurred five years ago may very well occur. (d) This is not as I understand it. One copy was made for the five soldiers charged with this offense. This boy is an orphan, and the relatives, while respectable people, are in moderate circumstances. This appeal to you is one that interests me personally; and if you feel that you can do anything, I can assure you that I will be more than grateful to you.

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FRANK R. ABERCOMBIE.

January 17, 1926.

WAR DEPARTMENT,

The Adjutant General's Office,

WASHINGTON, September 14, 1926.

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Kindly let me have these letters back when you get through with them.

Yours respectfully,

FRANK R. ABERCOMBIE.
It will be necessary, therefore, that you obtain the consent of Alverson before a copy of the record of trial can be furnished.

In the case of Fehn v. United States, in the War Department that a carbon copy was furnished Alverson and, such being the case, there is no authority of law for furnishing another copy at Government expense. However, after Alverson consented to the furnishing of a copy of his record of trial, a check should be made payable to Loe Bres, (Inc.), and not to the War Department.

Very truly yours,

L. W. WATKINS,
Brigadier General,
Acting The Adjutant General.

The pro forma amendment was withdrawn.

Mr. BLANTON. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 19, lines 3 and 4, strike out the words "for purchase of commercial newspapers, etc."

Mr. BLANTON. Mr. Chairman, I want to call the attention of the Committee to the practice of using a carbon copy in an appropriation bill, "and so forth." That embraces everything. We ought to stop it. The Appropriation Committee in many bills has eliminated that language.

Mr. BARBOUR. Will the gentleman allow me to state what this is for?

Mr. BLANTON. I know what it is for. I want to state what can come in under that language. I hold in my hand an additional copy that has appeared in all newspapers. Let me read the following excerpts from it:

A series of most un-American measures are before the United States Congress proposing the registration, etc., of foreign-born workers. President Coolidge and Secretary of Labor Davis are vigorous champions of these vicious alien laws.

One of these bills, bill No. H. R. 5583, introduced by Congressman Aswell, of Louisiana, and now pending before Congress, provides for the registration of aliens and for other imposition.

Section 2 of this bill states that every alien in the United States shall, within the time fixed by the President in a proclamation made by him, within 90 days after the enactment of this act, register as provided in this act. An alien under 16 years of age may be registered by parent or guardian.

The foreign born constitute a majority of the workers employed in the basic industries. The low wages they receive and the oppressive conditions under which they labor have in the past and will again in the future drive them to strikes.

This legislation is a direct threat against the entire working class of this country. It is a threat against the trade-union movements.

And it is an attitude of open shops by insisting on the protection of the foreign born or join the councils already in existence.

That is signed by an organization that fosters communism in the United States. Talk about communism being dead! This article is published in pamphlet form in six different languages and scattered throughout the Union, and I hold in my hand here the six pamphlets printed in six different languages.

It is an attack on your President; it is an attack on your Secretary of Labor; it is an attack on Congressman Aswell, and says that "the foreign born constitute a majority of the working men of the country in basic industry." Is that so? Here is one pamphlet published in the English language, another published in the German language, another published in the Italian language, another published in the Yiddish language, another published in the Polish language, and a sixth one published in the Croats-Serbian language, and these pamphlets are scattered throughout the United States.

Mr. LINTHICUM. Are there any stock quotations in it?

Mr. BLANTON. It is an appeal in favor of the foreign born against the interests of the native born of this country. I agree with Mr. Aswell. I do not agree with the President of the United States and with the Secretary of Labor that there should be proper registration of every foreign-born citizen in the United States. It is the only way to check their number and it is the only way we can protect the American citizen. [Applause.]

Mr. BARBOUR. The gentleman presents these publications in Yiddish and other languages to show what can be done under these words "and so forth."
MR. LAGUARDIA. Mr. Chairman, this item is for Army transportation. The Budget, in the House appropriation bill, found that $133,947,678 was all that was required. That is the amount in my amendment. I want to call the attention of the committee to the fact that the last appropriation bill was for $1,200,000 last year, and we are reappropriating that amount for other purposes this year. The committee goes nearly a million dollars over and above the requirements of this purpose, according to the testimony and showing made by the representatives of the Army before the Budget Bureau. There is nothing in the hearings to justify this increase, and you gentlemen who will be here at the next session of Congress, during the consideration of the next Army appropriation bill, will find in it a surplus of $1,000,000, which they will reappropriate for other purposes. I believe we should use common sense and reasoning before we swallow every provision that is contained in an Army appropriation bill. I cannot do any more than merely submit these facts and figures to you gentlemen who are here to support and approve the President's financial program. Here is your opportunity.

MR. LAGUARDIA. Mr. Chairman, this increase which the gentleman's amendment would strike out goes to several different items in the bill. For instance, a part of it goes to the increase of the Army. It also provides that 200 officers may attend the service school at Fort Leavenworth, instead of 100, as the estimates of the Budget provided.

It enters into the purchase of 125 new motor cars for the Army, 725 new miles, and $1,000,000 for experimental horses. A further appropriation of $400,000, for the reconditioning and converting an oil burner of the transport Grant, so that it can be made serviceable and run economically. Then there is $10,000,000 for the joint maneuvers of the Army and Navy off the New England coast this coming fall.

MR. LAGUARDIA. Ten thousand dollars is a long way from a million dollars.

MR. BARBOUR. All of these items I have mentioned go to make up the whole increase. With that statement I submit the matter.

THE CHAIRMAN. The question is on the amendment offered by the gentleman from New York. The amendment was rejected.

MR. LAGUARDIA. Mr. Chairman, I offer the following amendment which I send to the desk.

The amendment offered by Mr. LAGUARDIA: Page 23, line 25, before the word "freight," insert the words "passenger or."

MR. LAGUARDIA. Mr. Chairman, the words "passenger or" were in the last year's appropriation bill, and were contained in the recommendations of the Budget Bureau. I am informed by the Budget Bureau that there is no real urgent need for more passenger automobiles. In the small town where I reside—New York City—around the theater districts and the shopping districts, one can always see the large khaki-colored limousines with "U. S. A." on them, taking the ladies from Governors Island and other nearby places to do their shopping and theater-going.

When General Lord tells us that the Army does not need any more passenger automobiles during the next fiscal year, you can be pretty sure that he knows what he is talking about.

There is a provision here which I shall move to strike out, which is not contained in the Budget recommendation, about buying 125 motor-propelled passenger-carrying vehicles. It would not do so of these Infantry officers any harm if they did not have it, and it would do some officers some good if they would get on a horse once in a while. You are making tenderfeet out of these men, coddling and humoring them. I wish I could make the kind of a speech that Mr. NIXON makes when he talks about the U.S.O. Mr. LAGUARDIA (Mr. EILANTOYX) makes a subject of this kind. Of course, I might not be any more successful in having the amendment adopted, but I submit in all seriousness to the small but select representation of the members of the committee the present right now that it is absolutely absurd to provide for these automobiles. General Lord says that these machines are not necessary, but you are running wild in the purchase of classy sport models to carry officers and their ladies around the theater district of my town.

Mr. BARBOUR. Mr. Chairman, the word "passenger" was stricken out of the bill at this place, because later on we provided for the purchase of 125 passenger-carrying vehicles. It was necessary to strike out the word at this point so that there would not be any conflict in the language. The 125 automobiles which is which it is proposed to purchase will not supply anybody with any very urgent need, because they are limited to an expenditure of $1,000 each, which also includes any exchange value they may get from automobiles on hand.

MR. LAGUARDIA. You could exchange a half dozen of these cars and get a plenty nice-looking car.

Mr. BARBOUR. I have had some experience lately in trying to exchange a car. The present Army automobiles, if offered for exchange, will not bring very much in exchange value. The Army would like to have a whole lot of animals to come in this bill, and I believe he would like to have a 10-year program of supplying automobiles, which will turn the entire number over every 10 years. This contemplates that the life of a car in the Army will be 10 years. The 125 will be used, and then the Army will not begin to permit them to carry out the 10-year program.

MR. LAGUARDIA. Does the gentleman know where the 125 comes from?

Mr. BARBOUR. No. They will be scattered all over the country.

MR. LAGUARDIA. In the large centers?

Mr. BARBOUR. No; at the Army posts.

The CHAIRMAN. The amendment is offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

HORSES FOR CAVALRY, ARTILLERY, ENGINES, ETC.

For the purchase of horses of the limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including $150,000 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding, providing for the maintenance, $480,000. Provided, That the number of horses purchased under this appropriation shall be limited to the actual needs of the mounted service, including reasonable provision for remounts. When purchases are made there shall be provided, for the purchase of remounts for officers at posts or stations, when needed, within a maximum price to be fixed by the Secretary of War: Provided further, That no part of this appropriation shall be expended for the purchase of any horse below $400; and Provided further, That the Secretary of War may, in his discretion, and under such rules and regulations as he may prescribe, accept donations of animals for breeding and donations of money or other property to be used as prizes or awards at agricultural fairs, horse shows, and similar exhibitions, in order to encourage the breeding of riding horses suitable for Army purposes.

MR. LAGUARDIA. Mr. Chairman, I offer an amendment. The CHAIRMAN. The Clerk will report the amendment.

Page 24, line 29, strike out $480,000 and insert in lieu thereof $225,000.

MR. LAGUARDIA. That is in keeping with the budgetary recommendation, and I submit it to the House for its action. The question was taken, and the amendment was rejected.

Mr. CHABOT. Mr. Chairman, I strike out the last word. Mr. Chairman, I do this in order to call the attention of the committee to a little sentiment I find is
The question is on agreeing to the amendment offered by the gentleman from New York. The question was taken, and the amendment was rejected. The Clerk read as follows:

ROADS, WALKS, WATERS, AND DRAINAGE

For the construction and repair by the Quartermaster Corps of roads, walks, and wharves; for the pay of employees; for the disposal of drainage; for dredging channels; and for care and improvement of wharves, levees, and levee districts, $14,400: Provided, That none of the funds appropriated or made available under this act shall be used for the permanent construction of any new roads, walks, wharves connected with any of the National Army cantonments or National Guard camps.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to say just a word about roads generally which this Government is constructing, and while it may not be strictly in order, it is not often I speak, and I think it for granted the membership will not be very critical as to whether it is in order or not. I just want to call attention to the fact that the justification for the appropriation annually of $75,000,000 recommended for the public highways of this country by the Federal Government is that clause of the Constitution which provides for the establishment and maintenance of post offices and post roads. That was the clause upon which this authority was hung in the beginning. Just in reference to the things done by my own own Department, I would like to refer to the fact that the money is not being spent on post roads to any considerable extent. The district which I represent has 190 rural free delivery routes and I have figures for 126 of them. The average cost of each of these miles that are free delivery carriers. There are 638 miles of highway that is maintained and constructed out of the Federal appropriation. In the last seven years there has been spent in my district $809,000, that is, a million dollars, and all has been spent on the 638 miles of highway which is used by the postal carriers, while there is something like 2,900 miles of highway used by the rural carriers that does not get a dollar of it. Now, that is the thing that we are asking for. I have introduced a bill to require the road authorities of my State to use 20 per cent at least of this fund upon the postal routes that are not through highways. A great majority of the people live on these cross-country roads. A great many of the people are using these roads that are not being improved by the Federal funds which are being appropriated, and it ought to be corrected. It is no accident that the people live on these cross-country roads. The population is gathered along the cross-country rural routes in just about the per cent that the routes demonstrate.

For instance, in my district, as I say, out of the rural routes there is only 128 per cent of them that get any dollar of the Federal appropriation. Eighty-seven and two-tenths per cent have not had a dollar out of the million dollars that has been spent in that district. And that is the case all over the United States. The Postal Service is being asked to take care of the postal routes of this country is being used for great commercial through highways and diverted entirely from the population that is gathered along the routes all through the country. That is gathered there to be served by the roads and the mail carriers.

Mr. BURTON. Mr. Chairman, will the gentleman yield there for a question?

Mr. STEVENSON. Yes.

Mr. BURTON. What is the gentleman's explanation of the policy adopted in his own district? Why is it that it is on the nonfree rural delivery routes that the money is expended?

Mr. STEVENSON. The explanation of it is this: That the great automobile industry and the American Automobile Association are all the time right at the door of the highway commission that is processing these funds, and they are monopolizing for a great through boulevard for the through interstate highway. That is all right, but they ought to spend enough on the rural routes to make them passable and to serve at least the people and the population. (Applause.)

The CHAIRMAN. The time of the gentleman from South Carolina has expired. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

WATERFRONT BUILDING, QUARTERMASTER DEPARTMENT

For rent of buildings and parts of buildings in the District of Columbia for military purposes, $14,400: Provided, That this appropriation shall not be available if space is provided by the Public Buildings Commission in Government-owned buildings.

Mr. LAUGUARDIA. Mr. Chairman, I move to strike out the last word.
The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LAGUARDIA. I do so for the purpose of congratulating the gentleman from New York on giving the $2,000,000 that is the basis of this amendment in this item. Surely the committee ought to be congratulated. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk reads as follows:

AIR CORPS

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbook, books, and other professional publications and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways, for constructing, developing, purchasing, and reproducing photographs in connection with aerial photography; for improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light, and gas facilities; for maintenance and repair of such utilities at such plants; for the procurement of helium gas; salaries and wages of civilian employees as may be necessary, interest on the purchase, purchase, and operation of new airplanes and equipment, spare parts, and accessories to the Chief, Air Corps, when authorized by the Secretary of War to enter into contracts prior to July 1, 1929, for the production and purchase of new airplanes and their equipment, spare parts, and accessories; for not more than $41,450,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. LANHAM. Mr. Chairman, I do this for the purpose of making an inquiry of the committee with reference to its action concerning the provision touching helium. It seems that in the estimates submitted by the Department of the Interior it is recommended for this purpose, and in the bill that item has been reduced to $200,000. The purpose of my inquiry is this—to determine whether or not that sum will be sufficient to provide the requisite helium for the Air Corps, and other necessary purposes, during the lifetime of this bill.

Herefore the appropriations for helium production and development were made on the 50-50 basis in the Army appropriation bill and the naval appropriation bill. Since the expiration of the time has been placed in charge of the Bureau of Mines, the Bureau of Mines has been carrying on the project, and the Army and Navy have had their appropriations for the purpose of purchasing from the Bureau of Mines the volume of helium necessary for their operations. I understand it is estimated that a yield of helium per cubic foot will be obtained before the close of this session to provide for building a pipe line to the Nocena field, about 30 miles distant from the present Government pipe line, and thereby add greatly to our production. The production of the plant has decreased in the last year from 1,000,000 cubic feet per month to approximately 400,000 cubic feet, due to the fact that the gas is reduced in the Potrillo fields, and as that production has gone down, the cost of production per cubic foot has necessarily gone up. It costs now about 5 cents a cubic foot to produce helium, whereas about a year ago it cost 2½ cents.

I understand the amount here is reduced to $200,000 by reason of the fact that it is estimated the funds will be forthcoming for the purpose of tying on to this field at Nocona, thereby increasing our helium extraction to such volume that the cost will be practically cut in two, and that under the circumstances $200,000 will be sufficient for the year's work during the time covered by this bill. I simply want to make inquiry to see if it was on that assumption that the reduction to $200,000 was made in this bill.

Mr. BARBOUR. The amount allowed for 1927 was $250,000. The amount allowed for 1928 was $200,000. The Bureau of the Budget this year recommended $200,000. General Patricck said that would be sufficient, for the reasons that gentleman has stated.

Mr. LANHAM. Of course, if we connect with this additional field the cost of the extraction of helium will be so reduced that $200,000 will get much more of it for the Army than under the circumstances. I simply want to inquire whether it was contemplated that the committee would bring in a recommendation to build that pipe line and tap that field.

Mr. BARBOUR. That is correct.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk reads as follows:

For maintenance and repair of searchlights and electric light and power equipment for seacoast fortifications, and for tools, electrical and mechanical supplies, and appliances to be used in their operation, including the purchase of reserve lights, $52,640.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BRIGGS. I would like to ask the chairman of the subcommittee what action, if any, is being taken toward providing
the coast defenses with antiaircraft guns? Is there any action along that line at all, or is that awaiting experiments to be conducted to find out the efficiency of this weapon?

Mr. BRIGGS. I will say to the gentleman from Texas that this bill provides for finishing the antiaircraft project at the Panama Canal. We are also providing in this bill for carrying on experiments.

Mr. BRIGGS. I am referring to the experiments with antiaircraft guns. I know, of course, that most of the coast defenses are equipped with modern rifles—those artillery posts that are still being maintained. I understand that last fall there were experiments to test out the effectiveness of the new antiaircraft weapon. What has the Ordnance Department been doing along those lines?

Mr. BARBOUR. They are doing some very fine work along those lines, and some that I have seen were very efficient antiaircraft guns.

We have a supply of them in the United States at this time. This bill will complete the project in the Panama Canal Zone, and the bill also provides for carrying on experimental work in antiaircraft fire.

Mr. BRIGGS. I was wondering whether the developments along those lines in any way correspond with the rapid development of the airplane itself and its effectiveness.

Mr. BARBOUR. I think they are making some very satisfactory progress, both with regard to the antiaircraft gun itself and with the devices for locating the target or finding the range.

Mr. BRIGGS. That was my impression; that the results of experiments show very much more efficiency at certain altitudes.

Mr. BARBOUR. A great deal more efficiency, and the committee is providing to very satisfactory those experiments, and we have provided for them in the bill.

Mr. BRIGGS. You have a provision in this bill for carrying on those experiments?

Mr. BARBOUR. Yes.

Mr. LAGUARDIA. I want to say that last summer I attended some of this practice at Fort Tilden. The gentleman knows, I presume, that the antiaircraft guns shoot at a sleeve target towing a sleeve plane. Two pilots flew over there for about three-quarters of an hour and there was no shooting. We finally asked what was the matter and why they were not shooting, and they said they could not see us, that the fog was too thick to see, and then one time we flew over there at night, and they did not shoot because they could not see. That is the progress they are making with antiaircraft guns.

Mr. BARBOUR. The gentleman really shows the progress that is being made. That was a year ago last summer, while last fall tests were held at Aberdeen, and 15 targets were shot down.

Mr. BRIGGS. My recollection is from what I have heard and from what I have read in the hearings that the efficiency has improved very greatly and that the percentage of hits at certain altitudes has increased very materially because of the kind of weapons they have and the character of the explosives they are using.

Mr. BARBOUR. That is the fact.

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

The pro forma amendment was withdrawn.

The Clerk read as follows:

AUTOMATIC RIFLES

For the development, purchase, manufacture, test, repair, and maintenance of automatic machine rifles, or other automatic or semiautomatic guns, including their mounts, sights, and equipment, and the machinery necessary for their manufacture, to remain available until June 30, 1929, $205,000.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 51, line 10, strike out "$205,000" and insert in lieu thereof "$237,000."

Mr. LAGUARDIA. Mr. Chairman, I submit the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

TANKS

For the development, purchase, manufacture, test, maintenance, and repair of tanks and other self-propelled armored vehicles, to remain available until June 30, 1929, $237,000.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 51, line 15, strike out "$237,000" and insert in lieu thereof "$300,000."

Mr. LAGUARDIA. Mr. Chairman, I submit the amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 51, line 20, strike out "$300,000" and insert in lieu thereof "$385,000."

Mr. LAGUARDIA. Mr. Chairman, I submit the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

GAGES, DIES, AND JIGS FOR MANUFACTURE

For the development and procurement of gages, dies, jigs, and other special aids and appliances, including specifications and detailed drawings for the manufacture of artillery posts, hangars, and so on, at air fields. As I understand it, that is in accordance with the recommendation of the Chief of the Air Service, and it meets the full requirements of that service does it?

Mr. BARBOUR. The Chief of the Air Service advised the subcommittee that the provisions in this bill would enable him to very satisfactorily carry on the first year's work under the five-year program.

Mr. BRIGGS. The provision for this work of the improvement of stations, and so on, is in accordance with the provision mentioned in the hearings at page 531, where they are itemized and set forth at the various air fields of the United States?

Mr. BARBOUR. Yes. A lot of these fields have got to be prepared for this program; hangars and buildings must be erected in order to take care of the increase in airplanes and airstrips.

Mr. BRIGGS. And the account provided, does it in full comply with the recommendations of the Chief of the Air Service?

Mr. BARBOUR. The Chief of the Air Service is very well satisfied with it.

Mr. BRIGGS. And it also provides for the number of airplanes needed and necessary in carrying on the five-year program?

Mr. BARBOUR. That is true.

The pro forma amendment was withdrawn.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 15508) entitled "An act making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1928, and for other purposes," and had appointed as conferees on the part of the Senate Mr. Warren, Mr. Smoot, and Mr. Overman.

WAR DEPARTMENT APPROPRIATION BILL

The committee resumed its session.

The Clerk read as follows:

CHEMICAL WARFARE SERVICE

For purchase, manufacture, and test of chemical warfare gases or other toxic substances, gas masks, or other offensive or defensive materials or appliances required for gas-warfare purposes, including all necessary precautions, research, design, experimentation, and operations connected therewith; purchase of chemicals, special scientific and technical apparatus and instruments; construction, maintenance, and
countries. An unnecessary amount of agitation has slightly in consistency and, I may also say, fairness in our relations with importation are strictly forbidden in Germany:

Allied Powers and Hungary was the same. In our own treaties with all three of these non and noisy element in our population which, whenever a controversy

briefly

posed that England, France,

shall I refer to the present controversies relating to so far as my own personal opinion is concerned, it is strongly in adherence to the League of Nations, nor to a like refusal to join this pact, and yesterday it was rejected. In all these cases the

ranges,

machines, including their exchange, office furniture, tools, and instru-

ments; for incidental expenses; for civilian employees; for libraries of the Chemical Warfare Service and subscriptions to periodicals which may be necessary for the conduct of the industry incidental to the organiza-

tion, training, and equipment of special gas troops not otherwise pro-

vided for, including the training of the Army in chemical warfare, both offensive and defensive, together with the necessary schools, tactics, and manuals, and current expenses of chemical projectile filling plants and proving grounds, including construc-

tion and maintenance of rail transportation, repairs, alterations, acces-

ories, building and repairing butts and targets, deserts, and grading ranges.

Mr. BURTON. Mr. Chairman, I move to strike out the figures $1,304,780 and substitute therefor the figures $700,000.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURTON: Page 57, line 2, strike out the figures $1,304,780 and insert in lieu thereof the figures $700,000.

Mr. BURTON. Mr. Chairman, I ask unanimous consent to address the committee for 15 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. BURTON. Mr. Chairman, I am compelled to express the fear that in the negotiations we are drifting away from those policies which the United States should strenuously main-

tain and from the best traditions of this Republic. These policies should be characterized by a spirit of amity, by helpfulness, by reasonable concessions, and compromise, for, these must always be made when conflicting claims are asserted, and, above all, by that consistency and sincerity which are necessary for the maintenance of good faith.

I wish at this time the refusal of the Senate to advise and consent to the Versailles treaty, which included adherence to the League of Nations, nor to a like refusal to join in the treaty of security for France, under which it was proposed to place the United States and the United States should join.

I make only brief reference to the pending Lausanne treaty; so far as my own personal opinion is concerned, it is strongly in favor of the negotiation of that treaty with Turkey, but unfor-

tunately the national Democratic platform of 1924 condemned this pact, and yesterday it was rejected. In all these cases the Senate had an undoubted right to refuse its approval. Nor shall I refer to the present controversies relating to Mexico and Nicaragua, out of respect for the opinion of the majority in Congress, which has been expressed in that regard, coupled with what I verily believe is an absolutely groundless fear of war. No one would condemn more than I the habitual attitude of an aggressive and sometimes

volatile people, which, whenever a conflict arises with a foreign nation, immediately takes sides against our own country. Nor would I for a moment advocate the framing of treaties which do not square with the interests of the United States, our safety, and prosperity.

But on this occasion I wish to refer to opposition to a treaty for the prohibition of the use of poisonous gases in warfare, which is a most striking example of departure from consistency and principles which have become thoroughly established in our international polices with the distinct approval of the President, the Senate, and every branch of our Government. Let us briefly review the action of the United States in recent years in this subject. Such a review will clearly disclose that if we fail to ratify this treaty or protocol we shall have departed far from consistency and, I may also say, fairness in our relations with other countries. Why should we ratify this treaty? Why should we join in the prohibition of this new and frightful element of warfare?

A most compelling reason is found in our treaties of the year 1921 with Germany, Austria, and Hungary. The Versailles treaty contained an article, No. 171, in this language:

The use of asphyxiating, poisonous, or other gases and all analogous liquids, materials, or devices being prohibited, their manufacture and importation are strictly forbidden in Germany.

Similar articles were included in the treaties between the Allies and Germany, respectively, on the treaties at Washington, and on St. Germain, respectively. While the treaties differed slightly in language from the treaty of Versailles, their purport was the same. In our own treaties with all three of these countries in November, 1921, we included and incorporated these provisions, thus making the prohibition binding upon them.

Thus it appears that we have imposed by treaties on these three countries—Germany, Austria, and Hungary—a prohibition of the use of these gases or devices, or even upon their manufacture and importation. A refusal to agree upon a similar provision binding upon ourselves means that we seek to treat these three countries as servile nations, upon whom we can impose an obligation which we cannot expect ourselves. If the pending treaty is not adopted, in all sincerity and fairness we should enter into negotiations with these countries and say that we will relieve them from an obligation which we are unwilling to accept.

This, however, was but the beginning of a declaration of policies on our part. In September, 1921, Mr. Hughes, Secretary of State, suggested a tentative agenda for the Conference Limitation of Armes, which was adopted at Washington in November of that year. On this agenda was an item, "Rules for control of new agencies of warfare."

At a meeting of the Conference on November 23, 1921, Mr. Hughes proposed that a subcommittee representing the various nations at the Conference should be constituted to study and report on the utilization of poisonous gases. The subcommittee

made a report that the only limitation practicable was wholly to prohibit the use of gases against cities and other large bodies of noncombatants. With this opinion the representatives of the United States were not satisfied, and after this report had been presented Mr. Hughes submitted to the conference the conclusion that the United States would act by a resolution of the General Assembly of the United States was perhaps best equipped of all nations to use chemical warfare effectively, but that an indication of the willingness to refrain from the use of this method of warfare would be a true expression of the sentiment of the American people.

A subcommittee of the advisory committee of the American delegation, under the chairmanship of General Pershing, submitted a report embodying the following recommendation:

Chemical warfare should be abolished among nations as abhorrent to the American people. It is a part of the history and science of warfare.

It is fraught with the gravest danger to noncombatants and demor-

alizes the better instincts of humanity.

The General Board of the Navy submitted 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 against every objective, and so recommends.

Mr. Hughes, on behalf of 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 specific recommendation of the General Board of the Navy, stated that the delegation from the United States would present a recommendation that the use of asphyxiating or poison gas be absolutely prohibited.

The Hon. Elihu Root accordingly presented 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 con-

demned by the general opinion of the civilized world, and a prohibi-

tion 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 acts of nations, the signatory powers declare their assent to such prohibition, agree to be bound, especially between themselves, and invite all other civilized nations to adhere thereto.

The Italian delegation immediately gave unqualified support to this resolution.

M. Sarraut, of the French delegation, supported the resolution but pointed out the difficulties, fearing that it was impossible to prevent any country from arming itself in defense against the unfair use of poison gas by an inscrupulous enemy. He urged secretly preparing a sudden gas attack upon an unprotected opponent, in violation of solemn undertakings, but further said that the proposed resolution was most useful because it formed a bond of union between the powers repre-

senting France and, and their example might be such as to bring about the adherence of all nations to the same principles.

The remarks of Mr. Balfour, representing the English Gov-

ernment, are significant. He stated that the use of po-

isonous gases in warfare was contrary to the law of nations,
but no nation could forget it was open to attack by unscrupulous enemies. He went on to ask whether the above obvious fact justified the nations assembled in Washington in saying that they would do nothing. Were they therefore to say that the resolutions of 1921, as was well known, they might well say that it was an empty form solemnly to repeat rules which were already accepted although they were not in a position to compel their observance, by the establishment of new sanctions, absolutely to prevent their use by States who should by their conduct detract from the value of these resolutions. These questions he answered in the negative. He believed that if by any action of theirs on such an occasion the nations could do something to bring home to the consciences of mankind that they had a form of warfare that civilized nations would tolerate, they would be doing something important towards discouraging it.

Baron Kato, of the Japanese delegation, supported Mr. Root's resolution.

The resolution 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 form:

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 decreed in treaties to which a majority of the civilized powers are parties,

The said committees, having, 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.

The United States Senate on March 29, 1922, unanimously advised and consented to the ratification of this treaty. The British Empire, Italy, and Japan have ratified it, although it has not yet gone into effect because France, objecting to certain provisions contained therein as in the use of asphyxiating, has refrained from ratification.

The plain intention of this Article VII, incorporated in a treaty proposed by the United States, and which has received the unanimous approval of the United States Senate, has been to place a moral obligation upon the United States to endeavor to secure for the principles contained therein universal acceptance by the nations of the world.

The prohibitions contained in Article V of the Washington treaty have profoundly influenced the conclusions of two important conferences in which Latin-American countries have participated. At the conference of Central American Republics, held at Washington and presided over by Secretary Hughes, a Convention on the Conduct of Biological Warfare was signed on February 7, 1923, by the Republics of Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica, Article V of which is as follows:

The contracting parties consider that the use in war of asphyxiating gases, poisonous or similar substances, as well as analogous liquids, materials, or devices, is contrary to humanitarian principles and to international law, and oblige themselves by the present convention not to use said substances in time of war.

The Fifth International Conference of American States, held at San Ildefonso, Chile, March 25 to May 3, 1922, adopted a resolution, the pertinent portion of which is as follows:

FAHTHGH AGREEMENT

The Fifth International Conference of American States: Resolves, * * * To recommend to the governments of nations the prohibition of the use of asphyxiating or poisonous gases and all analogous liquids, materials, or devices, such as are provided for in the treaty of Washington, dated February 6, 1922.

In furtherance of the policy adopted at the Washington conference of 1921-22, and steadfastly maintained thereafter, the instructions to the American delegation to the International Conferences on Traffic in Arms, which met in Geneva on May 4, 1925, contained certain instructions, which were elaborated in consultation with delegates chosen by the War and Navy Departments:

In connection with the definition of categories, or wherever in the convention the United States considered most appropriate, the delegation 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 8, a prohibition against the use of such gases. This treaty, it may be noted, is not now ratified by France. 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 to think that the United States will not press for the inclusion of such an article prohibiting the shipment of such gases in foreign trade for possible use in war.

The provisions of the treaty of February 6, 1922, was added with instructions to seek an agreement in accordance therewith.

The American delegation at Geneva, on May 7, 1925, brought forward a proposal on a parallel footing, on the ground that the treaty of Washington, dated February 6, 1922, was drawn as a definite step toward the universal prohibition of gas warfare. Such a proposal was presented by the American delegation immediately after a report had been received from the technical committee of the conference at Geneva on the subject of chemical warfare.

The members of this military committee had consulted scientists throughout the world, and in particular bacteriological experts, physiologists, and chemists. The report had been considered in the formulation of this report, which was presented by General DeMarinis, of Italy, who stated that such a prohibition as that first proposed by the American delegation would place nonproducing countries in a dangerous position of inferiority as against producing countries, and that the radical solution of the terrible problem would be found in a solemn and universal undertaking on the part of the all the peoples of the world to prevent the use of poisonous gases. The American delegation, however, had, in the discussions leading up to the signature of this protocol, there was no dissonant voice among the delegates as to the desirability of abolishing chemical warfare. Special support was given to it by Mr. Hughes, from the United States, and Mr. Paul-Boncour, chairman of the French delegation, said:

I desire to say that France gives her spontaneous, immediate, and whole-hearted adhesion to anything which can be done to prohibit chemical warfare.

I had no intention of taking part in this discussion. I thought that the last word on chemical warfare had been spoken when the delegates of the United States took the generous and noble initiative of bringing this question before our conference, a question which, as a matter of fact, was not included in its program. I thought that every word had been said after he had spoken and whose words had been received with unanimous approval. *

The military regulations of France on the conduct of the larger units will include the following words: 'Such as the French Government will, on the outbreak of war, and in agreement with the Allies, endeavor to obtain from enemy governments an understanding that they will not employ gas as a weapon of war.'

That is set out not in a vague proclamation, not in a political manifestation, but in the forefront of our military regulations. It is the doctrine which the French Government intends to guide the action of the commander, its officers, its commissioned officers, and its common soldiers.

The Japanese delegate, M. Matsuda, said:

* * * I am at once supported the United States proposal, because it is of very great value for mankind and the cause of peace. It was this humanitarian view, and not any political, military, or strategical idea which led me to give my opinion.

The prohibition of the use in war time of asphyxiating gases is, as Colonel Lohnert has very justly pointed out, a injunction which is
almost universally recognized. This prohibition is to be found in the solemn declaration made at the peace conference of 1899, and it appears again quite recently in the treaties of peace, e.g., in article 171 of the treaty of Osnabrück, signed in 1814, by Prussia, Russia, Austria-Hungary, France, Italy, and Sweden-Norway, analogously liquids, materials, or devices is condemned. I need hardly mention that in the treaty of Washington the same prohibition expressed in categorical terms is agreed to by all the five signatory powers, namely, the United States, Canada, Great Britain, France, Italy, and Japan. The desire was even expressed in this treaty that every effort should be made to secure universal acceptance of this prohibition as a part of international law. The treaty goes even further. It is the duty of the civilized nations to adhere to this agreement. Japan is therefore under an obligation to press this view strongly.

To summarize, this, then, is the plain, bald situation: The United States imposed upon three countries—Germany, Austria, and Hungary, with which our relations should be of a most friendly nature, the prohibitive obligation not to use poisonous gases. We followed that in the same year by bringing forward by our Secretary of State, reinforced by the efforts of Mr. Root, after distinct approval by the Army and the Navy, a proposition for prohibition of gases, which was embodied in a treaty. This treaty was approved by the unanimous vote of the United States Senate and ratified by Great Britain and Italy. The refusal to ratify by France was not because of adverse discussions of the use of poisonous gases and the implementation of warfare, but because the same treaty included a prohibition on submarines.

Acting on our advice, Central American Republics framed a treaty containing a similar provision. We participated in a Pan American conference at Santiago in 1923, in which we maintained the same contention, and, finally, in pursuance of a uniform policy, initiated by the United States with lofty propositions, in the Inter-American conference for the Control of Traffic in Arms, which was held in the United States and concluded by the same conference that our delegation made the Geneva conference for the Control of Traffic in Arms. It was there enthusiastically received by other nations, in no small degree because the restrictive delegations welcomed the participation of the United States and thought they were following our example. If we are to be thoroughly honest, we must notify Germany, Austria, and Hungary that they are released from the provisions of the treaties with those countries unless we confirm the Geneva protocol.

Is it just or wise for us to change our policy in this year 1927 from that which was initiated in 1921? It is much less justifiable to change international policies than domestic policies, and might not every foreign nation which deals with us rightly say, “What is the use of making treaties with the United States? Whether from fickleness or some incomprehensible motive, that country rejects her past policies and her promises.” I must say most solemnly that this is placing us in an attitude which must cause us to pause.

But it is said that other nations even after they join in the treaties in emergency of war, will violate it. The same is true of every treaty that has ever been framed; there is the possibility of bad faith. The whole framework of international relations rests upon mutual confidence. I commend for your attention the words of President Coolidge in his Trenton address:

Nations rejoice in the fact that they have the courage to fight each other. When will the time come that they have the courage to trust each other?

It must be noted that the contracting parties to the protocol agree only among themselves. There is reason for maintaining preparation for chemical warfare, though not on an extravagant scale, in order that we may meet the contingency of a contest with some power outside the treaty which makes use of such a weapon, one of which might violate the agreement, as did one of the nations in the last war; but that country, dominated then by a military dynasty, incurred widespread condemnation and suffered far more from the breaches of faith which were committed by it. It is not true that agreements for amelioration of methods of warfare are disregarded. Treaties concerning hospitals and Red Cross activities have been very generally observed. There have been instances throughout this war, and up to the present, of a disregard against the poisoning of wells which have been carefully observed, certainly by all civilized nations; also prohibition of dum-dum bullets.

Again, it is said by a considerable number that the use of poisonous gases is less inhuman than any other agencies of warfare. The defense of poisonous gases has been carried by some experts to ridiculous limits. It has even been said that one who is gassed may be relieved of tuberculosis rather than subjected to that frightful disease. To read some of the literature in defense of this dreadful weapon, one might think that it was similar to confetti scattered at a picnic or a wedding, but a decent respect for the opinion of mankind prevents us from acceptance of such views.

The overwhelming sentiment of the civilized world is against the use of poisonous gases. The tens of thousands in our own country who are still suffering from its effects bear witness to this horrible nature.

Without any regard to partisanship of either view, I will give a brief summary of some opinions on the effects of poisonous gases and their future:

SUMMARY OF EFFECTS OF POISON GAS AND FOR FUTURE

American Army (reference: Medical Department of the United States in the World War, Vol. XIV; The Medical Aspects of Gas Warfare, pp. 273-283): Thirty-one per cent of the total number of casualties due to gas, total number 70,552; 8.9 per cent of total number of deaths due to gas, total number 1,292.

British Army (reference: The Medical Aspects of Chemical Warfare, by Lieut. Col. Edward B. Vedder, United States Army): Total number of gassed casualties, 180,083; total number of deaths due to gas, 6,002.

DEFENDERS OF DISABILITY

American Army (reference same as above): Six hundred and sixty-two service men now drawing compensation on account of disabilities due to gassing, of whom 174 have tuberculosis.

British Army (reference same as above): Nineteen thousand, or 12 per cent of total, gas cases now drawing compensation from British Government for war disabilities.

SILENCE OF DISABILITY

From a British study of 150 cases, 40 per cent suffering pulmonary diseases were unlikely to improve and would tend to get worse in later life. From a study of 700 Canadian cases, 154 at the end of four years suffering from either bronchitis and irritable heart. (Reference: History of the War Based on Official Documents, Medical Service, Diseases of the War, vol. 2, pp. 387-388. This is a British publication.)

Opinion—(References: History of the War, based on official documents, Medical Service, Diseases of the War, volume 7, pages 215-216. The remote results of gassing.” in Medical Journal of Australia, by Dr. Andrew Stewart, 1924, volume 2, page 505.)

From the majority of reports one gathers that the usual symptoms were due to a lack of oxygen in the lungs. Many cases have resulted in prolonged inability for serious muscular effort or moderate exercise, giddiness on standing, headaches, and the like.

Opinion dissenting from the majority—(References: Dr. J. F. Robins in New York Medical Journal, volume 111, page 293; “Some late effects of the war gases on the organic structure,” by Dr. Lucas Dautrebande, in Archives Medicale Belgique, 21, 1924, volume 1, page 16.)

A dissentient minority are of the opinion that the results are more serious, and that many of the patients who were not so immune to the poisoning have become easily disposed to tuberculosis and bronchial troubles of a serious nature.

FUTURE OF GAS WARFARE

(References: Mr. D. C. Walston, chief, department of toxicology, Edgewood Arsenal, in “Americal Military Medicine,” 1928; Maj. Gen. Amos Fries, Chemical Warfare; General Feuille in “La France Militaire,” volume 34, page 1, 1922.)

Mr. Walston thinks that many compounds exist which may be introduced into warfare with fearful consequences, producing death very quickly and terrible skin burns from contact. A much more extensive use of gas in war is certain, according to General Fries, by the use of aircraft bombs and sprinkling devices already tried out; by the use of hand grenades, smoke candles, and concealed bombs already being made.

The battle fields of the future will be saturated with gas, says General Feuille.

It should be borne in mind that dreadful as was the destruction accomplished by poisonous gases in the late war, which were intended for the decimation of capitals and the peaceful homes of civilians, indiscriminately employed against combatants and noncombatants alike, the last invention in this terrible arm of the destruction of human life, is 2.8 times as destructive as any ever yet devised. Chemicals were in process of manufacture just at the close of the late war which it was believed would destroy a city at one fell swoop. A description of poisonous gases says that a much more extensive use of gas in war is certain by the use of aircraft bombs and sprinkling devices already being made, and, as stated by General Feuille, the battle field of the future will be saturated with gas.

I deeply regret that the American Legion at its recent convention at Philadelphia condemned this treaty, and that prominent officials of that organization are active in supporting the use of asphyxiating gases and chemicals. For this organization...
tion we all have the utmost respect, but I cannot believe that their action expresses the sentiment of the rank and file or the members of the soldiers who took part in that war. I believe he has met 15 members of this organization returning from the Philadelphia convention, 14 of whom condemned the use of poisonous gas. I shall meet with interest expressions from members of the American Legion who are aware of the facts. I call attention to a propaganda on behalf of chemical warfare which is evidently very heavily financed and very active. The facts are set forth in an article appearing in the Washington Post of Sunday, November 28, 1926, from which I quote as follows:

A barrage of propaganda designed to defeat American approval of the Geneva protocol outlawing poisonous gas in warfare is being fired over the Nation by those who are behind it. I confidently predict that it will prevent Senate ratification of the protocol.

The propaganda is being sent out in the name of the American Legion, but not by the Legion. Its dissemination is in the hands of a private publicity firm employed by an organization of manufacturers and chemists. Col. John Thomas Taylor is the liaison between the American Legion and the manufacturers and chemists, and it is he who is sponsor of most of the propaganda aimed at the gas protocol.

Colonel Taylor is director of the American Legion's national legislative committee, a job that takes him before congressional committees in the interest of Legion affairs. He also is listed as treasurer of the National Association for Chemical Defense, the organization financing the propaganda campaign.

The first gun in the propaganda campaign against the protocol was fired Oct. 17 when the public relations firm released a statement announcing that the American Legion was out to defeat ratification. The article quoted arguments by Colonel Taylor and embodied the resolution adopted by the American Legion at its Omaha convention opposing any movement to interfere with the Chemical Warfare Service.

I accept the statement made to me by Colonel Taylor that he is not receiving any salary as treasurer of this association, but it seems to me a most unnatural relation that the Legion should have our most earnest consideration. 'There have been investigations emanating from committees in this body, It must be said that any organization which is formed for such purpose as the National Association for Chemical Defense should be subjected to the closest scrutiny. There have been numerous investigations emanating from committees in this control, and while I am not generally in favor of the appointment of such committees, there certainly is as much ground for an investigation of this organization as for many of the investigations which have been conducted.

There is one conclusive argument against the use of poisonous gas. Any country which really desires peace would limit rather than enlarge the means for human slaughter. This applies with special force to a destructive agency which has such frightful possibilities. I am not opposed to legislation for the prevention of war, and of the treaty now pending, it must be conceded that the consistency, may I not say, the sincerity, of the American Nation in its advocacy of peace will be tested. Will we assume the responsibilities of the empire in the world? Are we for making the horrors of war, if war must come, as humane as possible? In the disposition of treaties such as that now pending, are we moving forward or backward?

These are the searching questions which are before us, and which, in all our legislation and in our international relations, should have our most earnest consideration.

Mr. Chairman, I withdraw the amendment, but I give notice that when the item comes up another year it will be very closely scrutinized. [Applause.]

The Clerk read as follows:

SEACOAST DEFENSES, UNITED STATES
For construction of fire-control stations and accessories, including purchase of lands and rights of way, purchase and installation of necessary lines and means of electrical communication, including telephones, dials and other telegraphs, wiring and all special instruments, apparatus, and materials, coast signal apparatus, subaqueous, sound, and flash apparatus, including their development, and salaries of electrical experts, engineers, and other necessary employees connected with the use of coast artillery; purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the artillery necessary for their manufacture at the arsenals, $148,500.

Mr. LaGuardia. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 69, line 24, strike out the figures "$148,500" and insert "$18,500,000."

Mr. LaGuardia. Mr. Chairman, I would like to ask the chairman of the subcommittee what justifies this increase of $90,000 over what the Budget recommended.

Mr. Bariour. It provides for the installation of fire control at seacoast defenses. There are three places at which the work should be continued, including their development, and salaries of employees.

Mr. LaGuardia. Does the gentleman know that the seacoast defenses are just about as effective as my efforts to reduce the appropriations in this bill?

Mr. Bariour. Oh, I would not agree to that. [Laughter.]

Mr. LaGuardia. It is absolutely useless with the long-range guns if you do not have the range. We have spent millions of dollars in constructing defenses at Corregidor, and everybody knows that the defenses are a joke. So I think when the hearings were held at the Budget Bureau the Budget Bureau should have known what they were doing when they held them down to $58,000.

The Chairman. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For expenses of enlisted men of the Regular Army on duty with the National Guard, including the hiring of quarters in kind, $418,729.

Mr. LaGuardia. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 69, line 23, strike out "$418,729" and insert "$189,945."

Mr. LaGuardia. Mr. Chairman, I shall only offer one or two more amendments, because I am beginning to realize that I will have to acknowledge defeat before long. But I deem it my duty to call the attention of the House to what we are doing; at least to prepare for the next year. This year we have spent more than $148,500, and next year, if we continue, we shall have spent $58,000. That is to say, it will require in the neighborhood of $700,000 to complete the installation of fire control at Sandy Hook, Chesapeake Bay, and Los Angeles.

Mr. LaGuardia. Does the gentleman know that the seacoast defenses are just about as effective as my efforts to reduce the appropriations in this bill?

Mr. Bariour. I would not agree to that. [Laughter.]

Mr. LaGuardia. I would not agree to that. [Laughter.]

Mr. Chairman, I call the attention of the committee to the appropriation before us now and in the next item, where we appropriate $4,398,000 for the National Guard. The National Guard is not the original American institution that it used to be, but the enactment of the National Guard Act in 1916 was a time when service in the National Guard was a duty that young men performed willingly, attending their drills without pay. Since the enactment of the national defense act men are held to do 50 drills and the actual pay they get for them is so small that each man gets a dollar a drill. What has happened? It has resulted in the most vicious system of pay-roll padding with which we have ever been confronted. The officers get their pay if they keep up 50 per cent of attendance. One company will have a full attendance and another company will be deficient. There are transfers from the company that has a little over 50 per cent to the company that has less than 50 per cent, and everybody is happy. Of course, no actual transfer takes place; it is simply a paper transfer.

In the hearings it is stated that this money is paid only after the company is checked up by a Regular Army officer, but all we have is papers and nothing else. We
have enough Regular Army officers in these various centers to personally attend these drills, but they do not. Once a month they make an inspection of paper reports, that naturally checks the money spent. The point is that these are paying $9,988,000. Mr. TEMPLE. Mr. Chairman, will the gentleman yield?  
Mr. LAGUARDIA. Yes.  
Mr. TEMPLE. Is that transfer possible in country places where they are only one company in a town or perhaps in a county, or is it possible only in the large city regiments?  
Mr. LAGUARDIA. There must be a regiment.  
Mr. TEMPLE. In a city.  
Mr. LAGUARDIA. In a city.  
Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?  
Mr. LAGUARDIA. Yes.  
Mr. WAINWRIGHT. Do I understand the gentleman is now accusing the responsible officers of the National Guard of falsifying their returns?  
Mr. LAGUARDIA. I charge that that is the practice; that it is almost universal in every army.  
Mr. WAINWRIGHT. That is a very serious charge.  
Mr. LAGUARDIA. You bet it is.  
Mr. WAINWRIGHT. I do not believe the gentleman has any justification for it.  
Mr. LAGUARDIA. I have.  
The CHAIRMAN. The time of the gentleman from New York has expired.  
Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.  
The CHAIRMAN. Is there objection?  
The CHAIRMAN. Is it so ordered?  
Mr. LAGUARDIA. Mr. Chairman, I say to my colleagues from New York that I have the justification. I have spoken with National Guards men and officers who told me this, and you can check it up.  
Mr. WAINWRIGHT. General Lord will provide, for $48 drills. I do not believe the National Guard will stop drilling if we did not appropriate this money. General Lord informs me that the amount recommended of $9,988,000 is sufficient for $48 drills, and I believe he knows what he is talking about.  
Mr. WAINWRIGHT. I am going to make another charge. I show you a picture here of a chateau which the State of New York built at Devens, and it has been there for a number of years. It was acquired the bad habit of the General Lord, who was in command there, of having a chateau for the present commanding general of the New York Army officers. The major general of the National Guard of this State, who is paid by the State, who receives $7,500 or $10,000 a year while he is on duty for the 15-year period and as long as he stays there; so he stays as long as he lives. Mr. WAINWRIGHT. Do I understand the gentleman to say he puts in some voucher to the Federal Government? Is not his pay received on that account entirely a matter that goes out of the State treasury and not out of the Federal Treasury?  
Mr. LAGUARDIA. The point I desire to make is that the major general of the State of New York puts in a voucher for $2,777 Federal pay in addition to his salary being paid by the State. He was so paid in 1923, 1924, 1925, and in all likelihood in 1926.  
The CHAIRMAN. The time of the gentleman has again expired.  
Mr. SCHAFER. I ask that the gentleman's time be extended one minute.  
Mr. SCHAFER. The time of the gentleman has again expired.  
Mr. LAGUARDIA. For the reason that prior to the time that the Comptroller General passed upon such vouchers it had been held by the Judge Advocate General of the Army, I believe, that there is sufficient technical compliance with the requirements of the law to justify the payment.  
Mr. SCHAFER. Then, really the National Guard officers are paid money in violation of law under false pretenses.  
Mr. LAGUARDIA. They have been paid quarters allowance while they were living under canvas and had no disembursing officer to meet for which they had received any money.  
Mr. CONNERY. Mr. Chairman, right in opposition to the remarks of the gentleman from New York [Mr. LAGUARDIA] comes a letter from Massachusetts from a newspaper man who is a member of the National Guard of that State and has been a member of it for the past 25 years. First I desire to read the following, which is from a newspaper of my district:  
NATIONAL GUARD NEEDS RECRUITS TO MEET LOSSES

With a loss of 578 enlisted men during the period of January 1, 1925, to January 1, 1927, the Massachusetts National Guard faces a serious situation. Many efforts have been made to enlist in the service, but the effect of the measure has been lost to the present 170 and more units composing the organization. The Twenty-sixth (YD) Division is the principal portion of the guard in this State, and every member of the service necessary to complete a division is represented in the Air Service, in the artillery, in the engineer corps, in the infantry, and in the combat engineers. There are some 8,000 officers and men in the division, the remainder of the near, 10,000 men being divided among separate infantry battalions, Coast Artillery units, and antiaircraft batteries.  
Lynn has three units of the Twenty-sixth Division, Companies F and D, One hundred and first Engineers, and Battery E, One hundred and second Field Artillery, all of which need many men to fill the ranks to the full extent allowed in peace times. Recruits are being enlisted Tuesday nights in Company D, Wednesday nights in Company F, and Thursday nights in Battery E.  
There has been considerable of a turnover in the enlisted ranks of the guard during the past. The losses were 4,850 and the gains 4,523, for a net loss of 327. Men of the Twenty-sixth Division are those who have been discharged for "natural causes," such as by death, 21; desertsions, 53; to take commissions or warrants, 59; for disability, 51; for enlistment in the National Guard, 147; and for insanity, 281.  
Removal from the State and other reasons account for the remainder of the total loss.  
Reports from the adjutant general's office show that 53 per cent of the men whose time expired in 1926 reenlisted, whereas in 1925 it was only 39.9 per cent. One of the reasons for the decrease is that the men are going into other service, 216, and that 112 are going into the Service, whereas in 1925 these accounts were only 96.  
In some States the percentage range as low as 30 in relation to reenlistments.  
And now we have this letter, gentlemen of the committee, which I have received from a newspaper man who knows what he is writing about, a man very much interested in the National Guard, a fine soldier. The letter is as follows:
To Congressman William P. Connery, Jr.

Dear Congressman: Some time ago I talked with you about the condition of the National Guard, so here's some of the things I want to get off my chest.

Needs of the National Guard can be summed up quickly; yet, if those things which are needed can be supplied, the results will be far-reaching. Much could be gained for the Nation and the guard could be put back on its feet again. In a word, it is sufficient to say, believe me, that those who let the great majority of the enlisted men and many of the officers want the National Guard to grow to healthy manhood and become equal to the same things that go with a snappy uniform.

First of all, the guard needs the whole-hearted support of authorities at Washington for its organization and should be equally as responsible for its welfare. As it is, the situation is analogous to a child and its unwilling parents, the child being the National Guard and the parents those authorities at Washington responsible for the birth of the guard since the World War. Those "parents" are responsible for the presence of the "child," but have evidently turned a deaf ear to the cries for the very things needed to allow the child—the guard—to grow to healthy manhood and become a man of whom the Nation would be proud. The guard certainly has been neglected.

What it needs right off is better equipment, mostly in relation to uniforms; and it needs authority for more drills each 12-month period. The many companies and outfits as uniforms are made is absolutely a disgrace. The campaign hats are even worse, and the barracks caps are shameful. All these things, too, are just the things which the public sees. The public forms its opinions of the guard, in a great measure, from its uniform and its attitude shows some of the terrify uniforms. Recruiting is difficult enough under normal conditions, and when uniforms are plentiful and of good material, but really, Billy, when a new recruit is introduced to his uniform for the first time, he has been led to believe that this Nation is rich and that it can afford good uniforms at least for the men who volunteer to be "the first to go." They have been led to believe—and rightly, too—that the khaki uniform is to wear is the symbol of Uncle Sam. It is the irony of fate, however, that at the very outset of a man's service with the red, white, and blue he takes one look at the shoddy, and its poor tailoring, and his interest begins to wane before he has even started to serve; and yet, by oath, he must continue to serve for three long years, laying himself liable to be called for instant service in the defense of his country.

If it is with pardonable pride that I make this next statement, "It is this—I feel competent to judge the needs of the National Guard. I am a boy of 25 years ago, and here I am still playing the game. Now then, here's something to think about. I played the game away back when I was a young fellow, which was in 1909, which was a ten or more. I served when we wore that good old blue uniform, and here's a point; I feel that the guard needs it again, or something equally as attractive. For myself I have gotten away past that stage, but thinking of the things, just think of this—the things that are certainly like the glint and the glitter that goes with a snappy uniform, and for that reason the guard—and the Regular Army also—should have one.

Then, again, here's another thing: Before the World War recruiting was brisk, and company commanders had little difficulty in keeping their ranks filled with good men. The snappy uniforms had something to do with it, but there's something else the matter. To-day we have the jazz drums, the cheap automobile, and the radio. So, you see, the guard has competition, and that competition must be met. We must "sell the guard" to the young men. The cheap auto, "fleet of foot," takes the young men to one, two, and even three different dances in a night. In the old days the guard was the center of general activity, and competition. Then, again, here we are in Lynn, serving in an armory now 32 years old and which has had no improvements since, with the exception of the addition of a cellar with a rifle range and two bowling alleys, which we keep in condition ourselves. The uniforms of shoddy or worse, are not the answer to the situation. The cutting of drills from 60 paid drills a year to 48 paid ones has raised merry Hades. Now, Billy, please don't get me wrong. I am not squawking; if I was, I would not be here, attempting to do a Tito, but I would quietly drop out and forget it. But I can't forget it. Things are just terrible, that's all; and if some one don't tell some one else, we'll never get anywhere.

Here is another of the unpardonable offense committed by somebody somewhere at Washington. They authorized the organization of the National Guard. Men volunteered to serve their country, and that service, according to the very law which that somebody or other at Washington created, is such that those brave young lads, true American
Mr. CONNERY. No; I am against the amendment of the gentleman from New York, and I am willing to do anything that will help the national defense. I have been watching the newspapers of the United States lately, and have read them carefully, and I am convinced that we have a strong pacificist sentiment in this country, and I have heard men in this House fighting against national defense and fighting against granting adequate appropriations for the Army, Navy, Marine Corps, and air force.

I am against a permanent and organized force in the American Expeditionary Forces. I am not boasting of that merely to speak of my war record. But in God's name, I do not want to see these young fellows who are coming along now and perhaps may perhaps have to go to war and be unprepared for it. I do not want to see them go in as unprepared as we were sent unprepared into the World War. I asked my colleague from Indiana [Mr. Uronaska] the other day if he remembered when we marched up in the Argonne Forest and the German airplanes would come over and leave a trail of smoke over our Infantry, so that their artillery could ascertain our position and march off out of the front, and he agreed with me that there were no American planes over our heads to fight the enemy back. As a result hundreds of our men were needlessly sacrificed. Those conditions would not have occurred in the World War if Congress, back 10 years or 15 years before, had seen fit to have the country adequately prepared when war came. It was only the tender mercies of God that saved thousands of our young men in the American Army.

Mr. CONNERY. The time of the gentleman from Massachusetts has expired.

Mr. CONNERY. May I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNERY. I asked for time to speak in general debate because I have felt very strongly on this proposition, but I understand all time was taken up with executive business, however, gentlemen can take but little more time now. When we got over to France, as I say, it was only through the mercy of God and good luck that many of our men were saved from death. I remember Collier, who was in the Ohio hot line on the first Regiment of Infantry, my own regiment, when we were on the front line and they had sent us replacements, many of whom had never had a rifle on their shoulders, I remember how the colonel quickly sent them to the rear to be trained, considering it practically a slaughter to send them into the line.

Our men at times went into battle with their equipment worn out, no boots, no socks, worn-out shoes, and with nothing to protect them in the front line.

You will remember sugar. I have always laughed when the matter of sugar was mentioned. Nobody ever saw any sugar in the Twenty-sixth Division. I gave you some line-trench tales.

You will remember that you ever saw any it. You will remember that any of the things which the folks at home were giving up in order that we might have them. I do not want to see those things repeated in the case of the men who would fight another war, whether a war with Mexico on any other country.

It is all very fine when the bands begin to play and the men march before the photographers, going to war, from all over the country, but it is another story when the war is over—for, when service men in Congress went before the Committee on Ways and Means and asked for a proper adjustment of the compensation bill and they gave us the undertaker's bill. And now when the veterans go to the bank, they have to go on their certificates, to get a loan, they say, "Oh, no; the war is over; there is no money to be made in loaning you boys anything at all. You can go and get it from the government for our millions for us. Go back to the Veterans' Bureau and try to get an accommodation." And then we have the spectacle of the administration cutting down the Johnson veteran legislation bill $30,000,000, and instigating the House of Representatives to go before the country and say, "We are doing everything in the world to take care of our disabled, gassed, and insane soldiers." It is rank hypocrisy.

I am not going to say that, so far as I am concerned, if we must have another war, I want those young fellows who have to go to that war to be properly taken care of, whether in the Army or in the Navy or in the Marine Corps or the air force, but I want this House, and this Committee, and the Government, the Government of the richest country in the world, can furnish in order to take care of them properly; a Government which, to my mind, is not now adequately protecting our soldiers who are fighting for democracy in this country. I am for the United States of America first, last, and all the time against any country in the world, and I am in favor of adequate national defense, because it is the best insurance against war, I believe.

Mr. WAINWRIGHT. Mr. Chairman, I rise in opposition to the amendment, simply for the purpose of answering in some way the rather serious charge that has been made by my colleague [Mr. LAGUARDIA] concerning the inadequate and surprising appropriation made for national defense.

Mr. LAGUARDIA. I am referring to his predecessor.

Mr. WAINWRIGHT (continuing). The commanding general of the National Guard of New York. The charge is that the commanding general of the National Guard gets his quarters allowance or commutation of quarters, notwithstanding the fact that during the summer encampment, or drill season, he occupies quarters at the State camp at Peekskill. The commutation of quarters allowance in addition to pay is granted in lieu of providing quarters, not only in the Army but by the State for the full-time officers of the National Guard.

Now, of course, during the drill season the officer can not occupy his permanent quarters or the residence where he maintains his family, and the inference given us by the gentleman from New York is that if during the drill season he is provided with a tent or a shack, or some kind of a habitation to live in while he is in camp, the requirements as to quarters should be dispensed with during the time he occupies such temporary quarters.

It may be that, as a matter of fact, this so-called chateau is nothing more than a wooden shack or bungalow, as the photograph shows, the same kind of a structure that all of you were familiar with at the cantonments during the war. The major general who occupies the shack when it is worn out, with a voucher as true on a technicality a voucher, which he received for quarters allowance. That is not a matter of quarters in any sense. And I am not sure he even stays there over Sunday, but it is simply the quarters he occupies when his duties require him to be at the camp of instruction. Surely the fact that he very properly goes up to an old barn or a shack during the summer camp season should not deprive him of the very proper allowance which the law accords him for permanent quarters.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

For pay of National Guard (armory drills), $8,498,000.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 67, lines 1 to 3, strike out "$8,498,000" and insert in lieu thereof "$10,258,000."

Mr. LAGUARDIA. Now, Mr. Chairman, I want to point out that there is a vast difference between the sum now proposed for the National Guard and what the people of the United States want and that of supporting a pacific movement. The gentleman from Massachusetts says the National Guard in his State is poorly equipped, poorly drilled, and in an inefficient state of service. If that is so, gentlemen, I think it is a state of conditions that you are wasting $8,400,000 a year is absolutely sustained.

The gentleman from Massachusetts suggests that the victory of the American people is due to the personal and individual courage of the volunteer and citizen soldiers who were not paid $1 a drill. Our National Guard did not receive $1 a drill previous to the World War. I do not believe that the efficiency of the National Guard depends upon paying a man $1 to go to his armory to drill. If that is what we depend upon we might as well know it, and determine whether we are going to abandon the American people of citizen soldiers, the American Institution of National Guard, and have a professional Army. Seeking to prevent these abuses, seeking to prevent the padding of pay rolls, and seeking to prevent the bad habits of an Army officer when administering the law is not supporting a pacific movement.

The gentleman from Massachusetts is not the only one in this House who served in the World War. There are others. The gentleman from New York, my colleague [Mr. Wainwright], does not know all about the National Guard of his own State or he would not have made the statement that he made. His own argument falls when he says the major general who occupies a shack or barn, when he puts in a voucher for quarters allowance. That is not giving a good example to the men of the National Guard.

You talk about efficiency depending upon appropriations. I do not think this argument is going to be sustained. This bill is faced with a fact that this country has sunk to such a low level that they will go on strike against drilling if we do not pay them a dollar a drill.
The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HARE: On page 82, line 21, after the words "national," add a comma and insert the following: "post, city, town, and village."

Mr. BARBOUR. Mr. Chairman, I make the point of order that the amendment is legislation.

Mr. HARE. Mr. Chairman, I will be glad if the gentleman will reserve the point of order.

Mr. BARBOUR. I reserve the point of order, Mr. Chairman.

Mr. HARE. Mr. Chairman, I would like to have the attention of the chairman of the subcommittee. I offer this amendment for the purpose of clarifying the idea expressed in lines 13 and 14. It appears that under the acts of 1879, 1873, and 1906 it was provided that the graves of Confederate soldiers should be marked in the national, post, city, town, and village cemeteries. When the bill was under discussion a few days ago I understood the chairman of the subcommittee to say that it was his understanding that this appropriation provided for the marking of all these graves in all classes of cemeteries; but under a ruling of the War Department I understand the marking of all these graves to be confined to national cemeteries, and I have introduced this amendment to make the matter more definite and certain.

I feel this is in accord with the statement made by the chairman of the subcommittee some days ago, because, as I understand, he stated it was his understanding and interpretation of the law that it provided for the marking of all graves of this character, and I am offering this amendment purely for the purpose of making clear and certain this point.

Mr. BARBOUR. Mr. Chairman, I make the point of order that this is legislation.

The CHAIRMAN. Unless the gentleman from South Carolina can produce some authorization for this appropriation, the Chair will be compelled to sustain the point of order.

Mr. HARE. Mr. Chairman, I was relying wholly on the statement of the chairman of the subcommittee when he stated that this appropriation provided for the marking of all the graves of Union and Confederate soldiers, sailors, and marines in all other classes in national, post, city, town, and village cemeteries, and I thought that was the meaning of the bill.

Mr. BARBOUR. The question was asked me the other day about this language, and it appeared to me that the language in the first part of the paragraph was sufficiently broad to cover the furnishing of headstones for the unmarked graves of Union and Confederate soldiers, sailors, and marines in village cemeteries and national cemeteries at navy yards. I thought it took in all the cemeteries. But the gentleman's amendment, it seems to me, by adding similar language to the last clause, would broaden its scope beyond that of the present language of the bill.

Mr. HILL, of Alabama. If the gentleman will yield, why would this amendment arrive at the same thing that the gentleman from South Carolina is seeking? That is, to strike out in lines 20 and 21 the words—

and furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in the national cemeteries.

Mr. HARE. I would accept any amendment that attained the result. My only purpose was to make it certain and clear, because I understood the gentleman's Interpretation was that it was intended to cover all the graves, but under the practice it does not prevail.

Mr. BARBOUR. Will the gentleman from South Carolina accept the suggestion offered by the gentleman from Alabama? Mr. HARE. I am not particular as to the form of the amendment if it only accomplishes the result.

Mr. BARBOUR. I do not think there would be any objection to adopting the suggestion of the gentleman from Alabama. It would not then tend to broaden the language of the paragraph as I think the amendment of the gentleman from South Carolina would do.

Mr. HARE. Mr. Chairman, I will accept the substitute.
The CHAIRMAN. A point of order has been reserved against the gentleman's amendment.

Mr. BARBOUR. I will withdraw the point of order.

Mr. HARE. I withdraw the amendment and accept the substitute.

Mr. HILL of Alabama. Mr. Chairman, I offer the following amendment.

The Clerk reads as follows:

Page 82, line 20, after the semicolon, strike out the following language: "And furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries."

Mr. BARBOUR. There is no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

The Clerk reads as follows:

FICKSVILLE NATIONAL MILITARY PARK

For continuing the establishment of the park; compensation of civil commissioners; clerical and other expenses of the establishment of the park; compensation of labor, iron gun carriages, mounting of siege guns, memorials, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps, surveys, roads, bridges, restoration of earthworks, purchase of lands, purchase and transportation of supplies and materials; and other necessary expenses, $25,000.

Mr. McSWAIN. Mr. Chairman, I offer a point of order on the amendment.

Mr. McSWAIN. Mr. Chairman, it is true that there is no authorization in law for this provision. The House last year on many an amendment to a bill creating a national park but struck out of the bill an authorization for $25,000 and cut it down to $2,000. Action upon that has not been taken in the Senate, but we believe when the Senate comes to act upon that it will go back to $2,000.

A hundred and forty years ago on the day before yesterday, to wit, on the 17th day of January, 1781, Gen. Daniel Morgan with about 800 American patriots from the backwoods completely routed and either killed or wounded or captured practically the entire force of about a thousand British Regulars under Maj. Banastre Tarleton. Beginning there the tide of fortune turned. For two years previous it had been one disaster after another—the fall of Savannah, the fall of Charleston, the fall of Camden, the draw at Brandywine—with all of the series of misfortunes that seemed to darken the hopes of the American patriots seeking independence. All that changed on the 17th day of January, 1781, at Cowpens. Yet in spite of that not one single nickel has ever been spent by this Government or by the government of the State of South Carolina to preserve that sacred spot and commemorate the event in the history of the Union and the growing over the battlefields. I wish to preserve the Treasury of the United States by putting a limitation upon it of not to exceed 20 acres of land at not to exceed $200 an acre. I submit that is a conservative price for land situated as that is situated, as I believe the gentleman from New York, Col. Wainwright, who was in camp at Spartamburg, within 12 miles of this battle field, for one year, will testify. In any event, it is up to the Secretary of the Treasury.

If he thinks it is not worth $200 an acre he can decker it for less. If he can not get it by negotiation, then he can take it by condemnation. That is only $4,000 for 20 acres of land and $1,000 to defray the incidental expenses of acquisition.

We ought to start this, because it is on the great highway for automobile tourists from here to Florida. The people of our country, in passing to and fro, ought to have notice that we revere the memory of such heroes as those who made possible the independence of this Republic and the glorious privileges that we enjoy.

I frankly say that as yet the authorization does not exist, but it would be fair for the cause it stands for, for the cause it seeks to promote, the request is modest, indeed insignificant.

Mr. McSWAIN. Mr. Chairman, I know the War Department has made a study of these matters; and do you know what the War Department recommended for Cowpens? A monument—just some stone and mortar put up there in the fields, with no land around it. Representing the people of that section, understanding, I believe, the sentiments of the Daugh-ters and the Sons of the American Revolution and of the citizens of that country, I say that we do not want just a mere monument. We want about 20 acres of land which can be made a place of resort, which will be kept up and beautified by the Daughters of the American Revolution as a shrine of liberty. Off yonder at Kings Mountain this gentleman some years ago spent $35,000 for a monument. There is no road to it—there is no land around it. If you should go there to look at that monument, you would be amazed at the fact that this Government owns no land. The consequence is that you will find there old postchase boxes of all kinds, newspapers, trash, litter strewn about everywhere. There is no protection for the shrubbery nor any of all sorts of souvenirs everywhere. The monument is cut in the woods, with no road to it, not a marker to indicate the positions on the battle field; nothing but a pile of stone at the bottom of the hill to indicate where Colonel Ferguson lies—not a single thing else. Our people know about that. That is just about 35 miles from Cowpens. Our people do not want a mere monument; they do not want something like that sticking up in the woods by itself. We want 20 acres of land that will be properly sodded, with some grave roads through it, so that the people can come from a hundred miles distant in their automobiles, with their families and lunches, and picnics in a proper way on this sacred, historic spot. This is the last chance at this session to do something for this purpose; and in the name of patriotism I ask it after the lapse of 140 years and 2 days.

Mr. BARBOUR. Mr. Chairman, I am willing to join with the gentleman from South Carolina. In his demonstration of patriotism, but I am compelled to make the point of order that this is not authorized by law, and would be legislation on an appropriation bill.

Mr. BULWINKLE. May I be permitted to make a suggestion to the chairman of the subcommittee? Under the act of June 11, 1826, there is authority of law for making a provision for a survey of a battle field. If the gentleman who proposed this amendment will join with me, I think we can get a provision for a survey of this, which is all that is necessary for an appropriation. The act has been amended and the appropriation has been exhausted. I ask the gentleman to withdraw this and let me work with him and with my colleagues for the purpose of getting this done for this place and also for Kings Mountain.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. There is one amendment already pending with a point of order made against it.

Mr. McSWAIN. I recognize that the point of order is good, and that I am at the mercy of the gentleman from California if he makes the point of order.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk reads as follows:

Amendment offered by Mr. BULWINKLE: Page 88, line 19, insert a new paragraph as follows:

KING'S KNIGHT BATTLEFIELD

For commemorating a study and survey, or other field investigations, in accordance with the act of March 3, 1879, entitled "An act for the study and investigation of battle fields in the United States for commemorative purposes," approved June 11, 1826, of the battle field of Kings Mountain, $1,000.

Mr. BULWINKLE. Mr. Chairman, some years ago the Government of the United States erected on this noted battle field a monument costing $5,000 or $25,000, which will manufacture park established at this place, for it was one, if not the chief battle of the Revolution in the Southern States. Last year I introduced and passed through the House, after being reported from the Committee on Military Affairs, a bill asking for a survey, but it could not pass the Senate, as the general law had passed. I asked for a survey from the Secretary of War, but on account of the lack of appropriation it could not be made, and $1,000 is the amount made by the Assistant Secretary of War for the cost of one of these surveys. This amendment will authorize the Secretary of War to make a survey and investigation in order that the battle field may be commemorated.

Mr. WAINRIGHT. Mr. Chairman, personally I believe this proposition of the gentleman from South Carolina to commemorate the battle field of Cowpens is a most meritorious one. I do not think we have begun to do half enough for the commemoration and preservation of the Revolutionary battle fields. We have very well taken care of the Civil War battle fields, but there are many Revolutionary War battle fields for which
The government has done little or nothing to preserve or commemorate them. I can state a little experience I have had.

Last year I secured an authorization of $2,500 for markers to mark the battle field of White Plains in my district, one of the important events of the Revolutionary War. The entire army, practically, of the colonists was there in battle under the personal command of General Washington. When I went before the Committee on Appropriations the authorization of $2,500 was cut down to $1,500 and then a concession, possibly to me as an individual, it was raised to $2,000. A beggarly $2,000 properly to mark a battle field of this importance! Last fall we have dedication or rather some ceremonies, incident to the designation of the points where these markers are to be placed, at this huge expense of $2,000, and I wish you gentlemen could have seen the patriotic demonstration in the city of New York to follow it, and which has been conducted under the personal command of General Washington, and all the old spirit of other days—the spirit of '76. [Applause.]

And I say that if the gentleman from South Carolina will come with the proposition to his own committee, to the Committee on Military Affairs, I believe we can give him the authorization that he wants there, even though it is out of order here; and if he gets it, all I can say is I hope he will have a little better luck with the Committee on Appropriations than I had in getting the full amount of my little appropriation for my Revolutionary battle field.

Mr. MOSSWAIN. Mr. Chairman, I sincerely appreciate the generous offer on the part of the gentleman that the committee of origin, I am told, the distinguished member will do all it can. This House has "done" me right, but the Senate is the body that has got my bill tied up.

The CHAIRMAN. The question is on the amendment offered by the gentleman from the North Carolina committee, which gives a survey in each instance and comes within the law.

The CHAIRMAN. The other amendment has been agreed to. Mr. STEVENSON. I want to amend the bill by inserting after paragraph 2, Mr. BARBOUR. I reserve a point of order on that. May I ask, is there any authority in law for it? Mr. SCHAFER. Yes, sir; surely; the general law which was adopted last year provides for these surveys. They have exhausted the appropriation, and I want an appropriation providing for the same amount. That is exactly why we are asking for this. The act of June 11, 1926, provides: That the Secretary of War is hereby authorized to have made and military interest.

The test of the gentleman from South Carolina will come with the proposition to his own committee, to the Committee on Military Affairs, I believe we can give him the authorization that he wants there, even though it is out of order here; and if he gets it, all I can say is I hope he will have a little better luck with the Committee on Appropriations than I had in getting the full amount of my little appropriation for my Revolutionary battle field.

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is just as good if not better than butter for a hospital patient. Medical authority clearly showed that butterine and oleomargarine do not contain the health-giving essential vitamins that butter does.

Mr. WYMAN. Can the gentleman tell us if the officers of the Army eat oleomargarine?

Mr. SCHAFFER. It is my belief that they do not.

Mr. CONNALLY of Texas. The gentleman can not explain that it should be held while in the Army was not my fault?

Mr. SCHAFFER. Some of it was, and some of it was not. The greater part of it was not. Anyway, what I had in the Army is not material to the question I am discussing.

It is regrettable that many of the Nation's war veterans—some lying on their death beds—should be served butterine as a substitute for butter. Especially regrettable is that this butterine substitute is served at the National Home, Northwestern Branch, which is located in the great dairy state of Wisconsin, the primary dairy of the Union—the great State of Wisconsin. Gentlemen of the House, the Wisconsin statutes prohibit the serving of butterine as a butter substitute to the prisoners in our penal institutions.

Mr. HARRISON. Did General Wood state that this oleomargarine and butterine were served to sick patients?

Mr. SCHAFFER. He speaks of three messes and mentions that two messes are furnished with butterine. Mr. HARRISON. That is for the inmates generally.

Mr. SCHAFFER. No; that includes the main hospital. Mr. HARRISON. I think the general stated otherwise.

Mr. SCHAFFER. The menu for the general hospital, appearing on the hearing, states: Sugar, syrup, catsup, bread, butterine, coffee, and milk served at all meals.

Mr. HARRISON. It is for the inmates of the home that are not ill.

Mr. SCHAFFER. No. The inmates of the National Home at the Northwestern Branch who are not ill do not eat in the general mess but last the general mess. The mess which has three messes—general hospital, hospital annex No. 1, and a general mess.

Mr. HARRISON. I think General Wood stated that sick men on the committee with butter.

Mr. SCHAFFER. He does, but the means he filed with the committee, which I previously mentioned, clearly indicate otherwise.

It is well known that butterine is served in lieu of the butter that the prisoners in Wisconsin's penal institutions are fed this inferior substitute at the National Home general hospital.

Therefore General Wood's statement that the sick people have butter is not based on fact, but is a careless, reckless handling of the truth. The general hospital mess is a mess for which there is no substitute, is not hospitalized, and these veterans are sick. Many are on their death beds.

It is about time that the use of butterine, which does not contain vitamins essential to the human body, ceases to be used as a substitute for butter, which contains these vitamins. We know that butter costs more than butterine, but why practice economy at the expense of our disabled veterans? As previously stated, the prisoners in Wisconsin's penal institutions can not be fed butterine as a substitute for butter. Yet disabled veterans, who have fought and bled for America, are fed this inferior substitute at the National Home general hospital mess.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For every expenditure requisite for and incident to the construction of a Government wharf at Juneau, Alaska, as authorized by the public resolution entitled "Joint Resolution authorizing the construction of a Government dock or wharf at Juneau, Alaska," approved May 28, 1924, $22,500.

Mr. SHREVE. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee whether the appropriation carried in this item for Alaska is for any purpose other than the Fairbanks and Circle?

Mr. BARBOUR. The only increase made in this item was made for that purpose. Two hundred thousand dollars was added to it.

Mr. SHREVE. I am very glad to hear that. I want to say it was my pleasure to visit Alaska during the last summer. I traveled about 75 miles on this highway. I learned that one of the mining companies, the United States is spending $9,000,000 in that Territory, $6,000,000 of which will be spent before a single dollar is taken out. It is a wonderful development, and it will last for 25 or 30 years. The manager of the Fairbanks Development Co. told me that the company never would have been able to undertake this development if it had not been for the Alaska Railroad and this highway. It should be completed and we should understand that this item of appropriation will complete a link that is lacking, and it will complete a main highway all the way from the Pacific Ocean to the Yukon River. It is an improvement that is very necessary.

The pro forma amendment was withdrawn.

Mr. BARBOUR. 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. TILTON, Chairman of the Committee on Ways and Means, made the following report on the bill (H. R. 8907) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Marine Commerce, Philadelphia, Pa., which, with the accompanying papers, was referred to the Committee of the Whole House on the state of the Union. The pro forma amendment was withdrawn.

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER of Texas. Is it necessary at this time to reserve a point of order as to the question of whether or not this is a privileged bill? If it is, I desire to reserve that point of order, so that the question of char acter may be determined at the time it may be called up.

The SPEAKER. The gentleman from Texas reserves a point of order as to the privileged character of this bill.

AGREEMENTS OF INDEMNITY

Mr. GREN of Iowa, from the Committee on Ways and Means, by direction of that committee, presented a privileged report on the bill (H. R. 16301) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Marine Commerce, which, with the accompanying papers, was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. GARNER of Texas. Mr. Speaker, I am in favor of this bill, and my understanding is there was not a member of the Committee on Ways and Means opposed to it, but, perhaps, in the interest of the Members of the House, I ought to make the same remarks in point of order with reference to this bill that I have made as to the other bill, although, as I say, the entire membership, as I recall, of the Ways and Means Committee is in favor of the last bill reported.

The SPEAKER. Are you in doubt as to whether this is privileged, and the Chair will note the gentleman's reservation of a point of order.

TIDE RIVERS AND HARBORS BILL

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the rivers and harbors bill by inserting an article from the Washington Post of yesterday, written by the gentleman from New York [Mr. DEMPSEY], the chairman of the Rivers and Harbors Committee.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MANSFIELD. Mr. Speaker, under the leave granted I desire to extend my remarks in the Record on the river and harbor measure just passed, which I believe I should say that that is the Rivers and Harbors bill by inserting an article from the Washington Post of yesterday, written by the gentleman from New York [Mr. DEMPSEY], chairman of the Committee on Rivers and Harbors. It is as follows:

RIVER AND HARBOUR NEEDS—CHAIRMAN DEMPSEY EXPLAINS AND DEFENDS THE MEASURE JUST PASSED

To the Editor of the Post:

Sirs: I have read the editorial in your issue of to-day quoting Representative CHALMERS as saying that he considers the rivers and harbors bill the worst ever passed, and stating that it carries authorizations of over $110,000,000, but that the total expenditures under it will be more.

It is unnecessary to refute the general statement of Mr. CHALMERS. To say that a bill is bad does not carry conviction unless it is bad by name, and it has been pointed out. To improve the rivers and harbors of the country so as to develop waterway transportation is as commendable work as Congress...
and the Executive can do. So the question is whether the projects embraced in this bill are good or bad projects.

The bill authorizes expenditures to the amount of $71,571,000, and no more than $400,000,000 a year on maintenance and improvements. Thirty-eight per cent as much freight is carried by water as is carried by rail, and on the basis of railway expenditures we should expend $200,000,000 a year on our waterways.

At the present time an additional population of about 50,000,000 persons in the central part of the country has been added to what we have experienced in the past 22 years, and if we have 40,000,000 additional population for whom we have no transportation facilities, and that if we are to supply our people with food and fuel we must provide new traffic facilities for this additional population, that suppose we have the rate per mile by water, and that with the facilities once provided water transportation costs much less than that by rail. So the size of the bill cannot be urged as an objection to it, provided the projects are proper ones.

Your editorial urges that $12,000,000 should not have been authorized for the upper Missouri River. This item was adopted on the recommendation of the engineers—the district engineer recommending that the section between Sioux City and Kansas City be systematically improved, securing a channel 6 feet deep, at a cost of $40,000,000; the division engineer concurred in general, but recommended that the present improvement extend from Kansas City to Omaha, costing $25,000,000, in which the Board of Engineers for Rivers and Harbors concurred, and the Chief of Engineers recommends an expenditure of $6,000,000. Congress, in view of the engineers differing in opinion, authorized $12,000,000, which, stricken a happy medium and authorized the expenditure of about one-quarter of the highest amount recommended—$12,000,000.

It surely is no objection to the project that, beside providing navigation, it will result in reclaiming 40,000 acres of land worth $1,200,000, and in increasing the value of other low lands $6,400,000; or that the cost of maintenance of railroad lines, highways, and levees will be greatly reduced, all of which benefits are pointed out by the Chief of Engineers as advantages resulting from the improvement of the project.

The engineers show, too, that the direct savings of the improvement of the river from Kansas City to Sioux City will be $4,978,000 annually.

In the face of these facts the Missouri River project can not be successfully attacked. Nor is it an objection to it to say that some future Congress may at some uncertain time appropriate more money for this project; it will be completed as far as the expenditure now authorized will go, and if found to be as highly useful as the engineers estimate, and the facts make reasonably certain that it will be, everyone will favor the continuance of the work.

The Missouri is the only item which your editorial attacks, but you state that the railroads spend about $350,000,000 a year on maintenance and improvements. So no charges can be made as this is, has ever failed, or ever will fail, to have a large traffic, much more than justifying any reasonable expenditure upon it.

The intracoastal waterway from New Orleans to Corpus Christi, Tex., will cost $7,000,000. This will connect the oil wells and sulphur mines of Texas with the Mississippi system as well as with the gulf and the two coasts, securing the distribution of these two base commodities expeditiously and at a very low cost.

St. Marys River, Mich., is a point through which 50,000,000 tons of freight pass annually. If one of the two existing channels should become blocked, as it is liable to be, the loss would be enormous. Where more would be granted if the same were well. Additional width is provided in one of the channels at an expense of $45,921,000.

After the Government had attempted to secure the Cape Cod Canal through litigation, resulting in a verdict of nearly $17,000,000, the Secretaries of War, of the Navy, and of Commerce, in pursuance of authority from Congress, negotiated a contract for the purchase of this waterway for $11,950,000. This bill authorizes the carrying out of that contract. The price paid for the property is exceedingly reasonable and is paid, as nearly as I can learn, at the rate of 40 cents per front foot. The project would deepen the same and 40 miles of the route trip, and is a safe way and avoids the danger to life and property of navigating outside the cape.

There is no record as to the Rivers and Harbors Committee adopting a project for the survey of the Tennesse River and its tributaries, resulting in the discovery of 3,000,000 horsepower, aside from Muscle Shoals, which can be developed at so low a cost that the power can be placed on the market for $15 per horsepower. In view of this

very wonderful result, a project for the survey of all of the greater rivers of the country for navigation, power, and other purposes is included in the bill, at a cost of $7,522,000. This is the electric age, and why has Congress never before taken up the proposition of a comprehensive survey of the Great Lakes and adjacent waters?

The commerce on the Great Lakes is the greatest in volume and is carried at the lowest rate in the history of transportation. Owing to a variety of causes there has been a shoaling of the channels of the Great Lakes of 40 inches in depth. This bill starts a project for deepening the channels and constructing regulatory works by which we will regain the needed depths in the channels. There can be no more important work than this. While this shoaling has been known for a considerable time and we have known that it could be remedied, it has been done until this year, and the present bill to supply the obvious remedy to this obstacle to the full usefulness of this great transportation system.

Both parties in their national platforms have long been committed to the improvement of the Illinois River, and it has been repeatedly urged in presidential messages. It has long been recognized that the great Mississippi system, with its 6,000 miles of navigable waters, improved at a cost of hundreds of millions of dollars, would never reach anything like its maximum of usefulness until Chicago, the metropolis of the system, was connected with it by a 9-foot channel in the Illinois River. There was much controversy over this project, because some Members of both Houses feared it might involve the diversion at Chicago. However, in the end this question was so successfully eliminated by an amendment to the bill that the project was adopted unanimously in the Senate. The $3,500,000 authorized for this project could not be more usefully spent.

With this system the Great Lakes will increase the traffic on both waterway systems and be of infinite value to both to the country.

Two intracoastal waterways are adopted, one from Beaumont, Tex., to the lower Ohio River at Mich., costing $5,500,000; and the other, the intracoastal waterway from Jacksonville, Fla., to Miami, at a cost of $4,521,000. It has long been the settled policy of the country to have a complete Intracoastal waterway from Maine to Florida, and by adopting this bill we add two necessary links to what is certain to be one of the most useful waterways in the world.

This constitutes a review of the more important Items in the bill. Every other item is as meritorious as any of those reviewed, and the important provided for.

All of our river and harbor improvements have cost to date but $1,250,000; in other words, we have spent in over 100 years considerably less than the railroads spend in maintenance and improvements in three years. The annual savings in freight bills through water transportation are over $500,000,000. Customs receipts of $500,000,000 more come in through the harbors.

To complete the projects adopted before the passage of the present bill will require $225,000,000. This bill will make the total about $300,000,000. At the present rate of appropriating, $50,000,000 per year, all the improvement will be completed in six years, which is about as short a time as that in which the work can be properly done. Funds will be raised by the sale of bonds, which is the most needed and which will bring the largest returns.

The prosperity of the city of Washington depends upon the prosperity of the country as a whole, and nothing can be done to promote and increase our commerce and navigation of our waterways. The Post, therefore, a great factor in the life of Washington, is vitally interested in the passage of river and harbor bills, and there has been no river and harbor bill in the history of such legislation more meritorious than that which has just passed both Houses by overwhelming majorities—277 to 82 on the conference report in the House, and with only 9 votes against the bill in the Senate.

S. WALLACE DEMPSEY,
Chairman of Rivers and Harbors Committee,
House of Representatives.

January 17.

POST-OFFICE SITUATION IN CAMDEN, N. J.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Risease by publishing a letter on the postal situation in Camden, and also making the suggestion to the Supervising Architect that landing places be provided for airplanes carrying the mails at the new post offices to be erected under the Elliott bill.

The Speaker. The Speaker will withhold objection, it is so ordered.

Mr. PATTERSON. Mr. Speaker, in accordance with the unanimous-consent privilege extended me by the House of Representatives, I beg leave to submit to the House copies of recent correspondence I have had with Postmaster General New and Assistant Secretary of the Treasury Schenck regarding the situation.
Under date of January 17, 1927, I wrote the above officials as follows:

Mr. DEAR SIR: A copy of the report of Mr. O'Brien, construction engineer in the office of Supervising Architect Wetmore, under date of January 6th, 1927, regarding the condition of the post office building in Camden, N. J., as to the needs and possibilities for a new building in that fast-growing city, has just reached me.

While I am not opposed to securing a new post-office building for Camden at this time, as it was being made in the Federal budget to make a monkey-wrench into the machinery just when the prospects were bright for securing relief of the acute condition that exists in the postal affairs of that city.

Presumably we have a new post office in Camden and the post that can be secured. So do a great majority of the business men and residents of Camden.

But if a new post office means delay or postponement of relief of the condition that now exists, then I am emphatically against any postponement.

As I understand the situation a recent survey indicated that additional ground and enlargement of the present post-office building could be secured within the appropriation of $500,000 contained in my bill for remedying the terrible conditions that exist in handling the mail and other Government activities in Camden. This survey, I understand, has been approved by both the Post Office and Treasury Departments, and Camden was scheduled to be among the first cities to be considered, under the provisions of the Elliott bill appropriating $100,000,000 for new Government buildings outside of Washington.

If the new survey proposing a new building in Camden does not mean a postponement of the relief promised, then I shall vigorously fight it and insist upon the terms of the bill being carried out.

As I have already said, if the plan is to substitute a new building in place of enlargement of the old building, I will enter no objection if assurance is given that it is the intention to include Camden in the list of those cities to receive first aid.

Engineer O'Brien in his report lists six possible sites that can be procured at a probable cost of $450,000 each. They are as follows:

Sixth Street between Market and Cooper Streets, Seventh Street (both sides), Market Street between Market and Cooper Streets, Federal Street and Haddon Avenue, Market Street from Seventh to Eighth Street, and Eighth Street from Cooper to Carpenter Street. They are all good, available sites, but none of them is over eight squares from the present location of the post office at Seventh and Arch Streets. Besides the sites mentioned are among the most valuable real estate parcels in Camden and will command $2,000 a front foot. This would permit a frontage of 225 feet only at an estimated cost of $450,000.

A much better deal, from the Government standpoint, would be to treat with the city commissioners for a site at the so-called new civic center. Here the city has acquired a tract of 57 acres at an approximate cost of $4,000,000, and they are now arranging to sell off small lots at a price which will pay the expense of purchasing and leave the city in the position of acquiring the balance at no cost to the taxpayers. Undoubtedly an arrangement could be made with the city commissioners to either donate a site for a new post office or, if the city wishes a public exchange of property the United States Government for the present post-office site and the buildings thereon. The Government could thus get a site for a new building free and the city could utilize the present post office for municipal purposes or sell it at an advantage to the taxpayers.

As to erecting a new post office at any of the sites suggested by Engineer O'Brien, I doubt the wisdom of it at this time. Ten years from now I expect to see Camden extend from Penauken Creek on the north, to Big Timber Creek on the south, and eastward as far as Berlin, a distance of 15 miles from Camden. Nearly all that section is now built up and several of the municipalities adjacent are branches of the Camden post office and served from that center. When greater Camden comes into being as it undoubtedly will, the civic center will be located at Haddonfield, Collingswood, Merchantville, or Haddon Heights; and if the convenience of all is to be considered, the new post office should be erected in one of those places.

When the present post office was built it was expected to take care of the needs of Camden for 50 years. But Camden has doubled in population since then and its postal and other Government demands have far outgrown the facilities provided. As yet no one knows where the present post office is to be located 10 years from today. Ten years from today may be able to determine that fact. In the meantime the present facilities can be doubled on the present site at a cost less than the original cost. As it is, the present building is in the heart of Camden as it exists today. It is adjacent to the two largest industries in the city—the Victor Talking Machine plant and the Campbell Soup Co. plant, both of great importance. The half-million-dollar plant of the Daily Courier and Daily Post is directly across the street, the Delaware River bridge is but six squares away, and the largest banks in the city are within two or three squares, as are the largest department stores and the Pennsylvania and Reading Railroads and ferries.

No advantage can be gained by removing the site a few squares. If a change is to be made, it should be a drastic one with a vision of the future. No harm can come by letting the post office remain where it is for the present, except in the event a new post office means delay in relieving the present acute situation.

On January 21, 1927, I received the following answer to my letter from Postmaster General New:


Office of the Postmaster General,

Hon. F. P. Patterson, Jr.,
House of Representatives.

My DEAR MR. PATTERTON: I have your letter of the 17th instant relating to the Federal building situation at Camden, N. J.

The recommendation that the site of the present building and the purchase of a new site and the erection of a new building was made in order that the business of the Government in Camden might be handled in an economical and efficient manner. It was not felt that this end could be as well attained by the erection of an extension to the present building.

I do not think that the time within which relief may be afforded can be delayed by the recommendation for a new building rather than an extension.

No priority list has yet been established and I am unable to say at this time in just what order the needs of the various cities will receive attention.

The selection of a suitable site for a new building is, of course, a matter that will require careful study before definite action is taken. Your views in this respect will have our serious consideration.

Sincerely yours,

HARRY S. NEW,
Postmaster General.

During the past six years that I have represented the first district of New Jersey in the House of Representatives I have made strenuous efforts to better the postal facilities of the residents of that district, and I have been uniformly successful. In that time a new post office has been erected at Woodbury, N. J., the county seat of Gloucester County, at a cost of $30,000 under the provisions of the Elliott bill. Bills have also been introduced by me for a new post office at Salem, N. J., the county seat of Salem County, on a site secured many years ago and now used as a public square, but which has been graced with a public building in the near future. So the structure is sadly needed there; for new post offices at Haddonfield and Gloucester City in Camden County, and a bill appropriating $200,000 for enlargement of the present post office in Camden. The latter bill was being favorably considered when the Elliott bill was passed, and in the first survey made Camden was included in the list of cities that were to be given first consideration.

The reasons for this were obvious. The present post office in Camden was erected 30 years ago to last for 50 years. But in the last quarter of a century the city has doubled in population, and the Government activities have grown in proportion. In the next 10 years this growth will be doubled. The recommendation granted before the war was for $2,000,000 for a new Government building outside of Washington. The appropriation of $2,000,000 will command the attention of the Congress, if the present building is doubled, but with a structure that is badly needed there; for new post offices at Haddonfield and Gloucester City in Camden County, and a bill appropriating $200,000 for enlargement of the present post office in Camden.

The present conditions in the Camden post office are terrible. Although an annex has been leased and a branch post office established in South Camden, the clerks and carriers in the main office at Third and Arch Streets are so crowded for space that they cannot do efficient work. The congestion is awful, especially at the holiday season.

The Internal Revenue office of the first New Jersey district occupies the second floor of the post-office building, and since the opening of the Camden post office there were 100 clerks except in the corridors, where they carry on the work of this important branch of the Government's business.

Last year I succeeded in having a bill passed calling for sessions of the United States courts to be held annually in Camden. These sessions were inaugurated last month, and as they had no home the county of Camden had to come to the relief of the Government officials and provide space for the United States courts in the county courthouse.

Therefore, the need for enlargement of the present Government building or a new one is not only imperative, but it is urgent. That is my reason I am opposed to any delay in this matter. My letter to Postmaster General New clearly sets forth my views on this matter, and I trust that when the question reaches Congress that Camden will be among the first cities to be favored. The present building is $500,000 for immediate necessary extension, I do not want to be sidetracked or put off with a glimmering future promise of $1,000,000 for a new building when the funds will warrant it.
I ask immediate authorization of a new building at Camden, N. J., or extensive extension of the present Government structure. As the funds bill authorizes the $100,000,000 to be spent should be spread out over several years, it will not be necessary to appropriate all the money required in any one year, but the necessary amounts can be provided annually as the work of construction goes on throughout the country for the hundreds of buildings to be authorized.

While this question of new post offices throughout the country is being considered, it would seem to me to be the part of wisdom for the Post Office and Treasury Departments and Supervising Architect Wetmore to take into consideration the rapid growth and probable extension of the air mail service and provide lighting facilities and landing places for airplanes carrying mail, including hangars to take off and land on battle-ships and airplane carriers, and the plans for the new post-office buildings should provide for landing platforms on their roofs. These buildings in the largest cities will undoubtedly be large enough to permit the taking off and landing of airplanes and sufficient lighting facilities could be devised and provided to have the mail planes land by night as well as day. The success of the air mail service is undoubtedly assured and it will not be many years before at the lighter and more valuable mail will be carried in that manner. Then I suppose they will be menaced by air mail bands and we will have to provide marines in flying machines to protect the mail carriers of the air. While I have not given this matter much thought or study, it would seem to me that the experts of the Post Office Department and the office of the Supervising Architect could develop the thought along medical lines and the enormous expense to the Government in the way of hangars and landing fields.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly applicable to the United States, and for other purposes, as amended, and for other purposes.

H. R. 16104. To amend the act entitled "An act to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes," approved December 29, 1926;

H. R. 7355. An act to authorize, for the fiscal years ending June 30, 1926, and June 30, 1927, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes;" approved November 19, 1911.

S. 2301. An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims; and

S. 4043. An act to reduce the Harrison Narcotic Act of Congress approved December 17, 1914, as amended, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Thursday, January 29, 1927, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILTON submitted the following tentative list of committee hearings scheduled for Thursday, January 29, 1927, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

To amend the packers and stockyards act, 1921 (H. R. 13184).

COMMITTEE ON APPROPRIATIONS

To amend the Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

To request the President to enter into negotiations with the Republic of China for the purpose of placing the treaties relating to Chinese tariff autonomy, extraterritoriality, and other matters, if any, in controversy between the Republic of China and the United States of America upon an equal and reciprocal basis (H. Con. Res. 40).

COMMITTEE ON THE JUDICIARY

To prohibit the United States from prosecuting or convicting any person in any of the United States courts of America who has been convicted or acquitted in any of the State courts of the State of America for the same offense, whether it be for a crime or misdemeanor, of which both the United States and State courts have jurisdiction (H. R. 16160).

To prohibit the prosecution under laws of the United States of any person for an act in respect of which he has previously been put in jeopardy under State law (H. R. 15540).

Prohibiting in the courts of the United States of America a further jeopardy for an act in violation of criminal laws of both State and United States, where jeopardy therefore by prosecution has been already inflicted for such act in the courts of any of the States (H. R. 16118).

To amend section 215 of the Criminal Code (H. R. 15012 and 16236).

COMMITTEE ON NAVAL AFFAIRS

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 14926).

COMMITTEE ON WAYS AND MEANS

To conserve the revenues from medicinal spirits and provide for the effective Government control of such spirits, to prevent the evasion of taxes (H. R. 15021).

EXECUTIVE COMMUNICATIONS, ETC.

S.889. Under clause 2 of Rule XXIV, a letter from the Secretary of the Interior, transmitting a copy of the annual report covering work accomplished at the Five Civilized Tribes Superintend­ency, Oklahoma, during the fiscal year ended June 30, 1926, was taken from the Speaker's table and referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOOD: Committee on Appropriations. H. R. 16426. A bill making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes; without amendment (Rept. No. 1757). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. J. Res. 332. A resolution to correct an error in Public No. 526, Sixty­ninth Congress; with an amendment (Rept. No. 1798). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 18453. A bill to authorize the Secretary of Commerce to acquire for the United States, and the Republic of America upon an equal and reciprocal basis, land and buildings in the city of Pomeroy, Meigs County, Ohio; with an amendment (Rept. No. 1760). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14842. A bill granting the consent of Congress to the Ohio & Point Pleasant Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Point Pleasant, W. Va., for a point opposite thereto in Gallia County, State of Ohio; with an amendment (Rept. No. 1790). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14842. A bill granting the consent of Congress to the Pomeroy-Mason Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of Mason, Mason County, W. Va., to a point opposite thereto in the city of Pomeroy, Meigs County, Ohio; with amendment (Rept. No. 1800). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14929. A bill to amend the act entitled "An act granting the consent of Congress to the Welton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio," approved May 7, 1926; with an amendment (Rept. No. 1801). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14530. A bill granting the consent of Congress to the H. A. Carpenter & Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near the town of St. Marys, Pleasants
County, W. Va., to a point opposite thereto in Washington County, Ohio; with amendment (Rept. No. 1952). Referred to the Committee on Ways and Means.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16222. A bill to change the title of the United States Court of Customs Appeals to United States Court of Claims and for other purposes, with amendment (Rept. No. 1953). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 15008. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes; without amendment (Rept. No. 1954). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 15473. A bill authorizing an appropriation of $50,000,000 for the purchase of feed and seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, with amendment (Rept. No. 1950). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16226. A bill to provide for one additional district judge for the district of Connecticut; without amendment (Rept. No. 1951). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 3418. An act to create an additional judge in the district of Maryland; without amendment (Rept. No. 1952). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 16212. A bill to authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak.; without amendment (Rept. No. 1953). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 16892. A bill to amend Title II of Division B and Title IV of Division E of the Revised Budget Act of 1935; without amendment (Rept. No. 1954). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 15391. A bill to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; without amendment (Rept. No. 1955). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. SWOOP: Committee on Invalid Pensions. H. R. 16461. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 1765). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on Claims. H. R. 8694. A bill for the relief of the Pacific Steamship Co. of Seattle, Wash.; with amendment (Rept. No. 1942). Referred to the Committee of the Whole House.

Mr. M E R R I T T : Committee on Claims. H. R. 15188. A bill for the relief of Eliza Eliza E. Hightower; without amendment (Rept. No. 1806). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 11064. A bill for the relief of Daniel Mangan; without amendment (Rept. No. 1811). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 14784. A bill for the relief of Daniel Mangan; without amendment (Rept. No. 1811). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWOOP: A bill (H. R. 16461) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; with amendment (Rept. No. 1950). Referred to the Committee of the Whole House on the state of the Union.

By Mr. WOOD: A bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. DAILEY: A bill (H. R. 16463) to require the Director of the United States Veterans' Bureau to send by registered United States mail adjusted-compensation certificates to veterans; to the Committee on Naval Affairs.

By Mr. DENTSON: A bill (H. R. 16434) to permit the granting of Federal aid in respect of certain roads and highways; to the Committee on Roads.

By Mr. LEATHERWOOD: A bill (H. R. 16465) granting certain lands to the Layton water system of the city of Layton, Utah, to protect the watershed of the water-supply system of said city; to the Committee on Public Lands.

By Mr. AUP DER HEIDE: A bill (H. R. 16466) to authorize and direct the sale of certain lands, docks, piers, warehouses, wharves, and terminal equipment and facilities, including easements, rights of way, riparian rights, and all other rights, estates, and interests therein, or appurtenant thereto, situate in the city of Hoboken, N. J.; to the Committee on Merchant Marine and Fisheries.

By Mr. HUDSON: A bill (H. R. 16467) to amend section 88 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mrs. K I A N : A bill (H. R. 16485) authorizing an appropriation for the repair and resurfacing of roads in the Presidio Military Reservation, San Francisco, Calif.; to the Committee on Military Affairs.

By Mr. LEA of California: A bill (H. R. 16400) authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.; to the Committee on Military Affairs.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 16470) to amend and recast an act entitled "United States cotton futures act," approved August 11, 1916, as amended; to the Committee on Agriculture.

By Mr. ROBSON of Kentucky: A bill (H. R. 16471) to amend section 33 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. ENGELBRIGHT: A bill (H. R. 16472) granting certain lands to the State of California; to the Committee on Public Lands.

Also, a bill (H. R. 16473) to provide for the protection of timberlands within the Shasta National Forest; for the protection of the McCloud River as a salmon-propagating stream; for the protection of the domestic water supply of the city of Redding, Calif.; for the protection of the Anderson irrigation district; and for the protection of the navigable channel of the Sacramento River, Calif.; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 16474) granting an increase of pension to Elvira J. Bartley; to the Committee on Invalid Pensions.

By Mr. BUL WINKLE: A bill (H. R. 16475) granting a pension to Melvin Bennett; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16476) for the relief of Olivia Mary Miller; to the Committee on World War Veterans' Legislation.

By Mr. DAVEY: A bill (H. R. 16477) granting an increase of pension to Lizzie W. Smith; to the Committee on Invalid Pensions.

By Mr. ENGELBRIGHT: A bill (H. R. 16478) for the relief of F. G. Baun; to the Committee on Claims.
By Mr. ROY G. FITZGERALD: A bill (H. R. 16479) for the relief of certain members of the National Home for Disabled Volunteer Soldiers, Southern Branch, Hampton, Va.; to the Committee on Military Affairs.

By Mr. GATHER: A bill (H. R. 16480) granting an increase of pension to Mary E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16481) granting an increase of pension to Hattie M. Bay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16482) for the relief of Pocahontas Fuel Co. (Inc.); to the Committee on Claims.

By Mr. HILL of Washington: A bill (H. R. 16483) granting an increase of pension to Mary A. Miller; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 16484) granting an increase of pension to Lizzie Young; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 16485) granting an increase of pension to Emma M. Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16486) granting an increase of pension to Laura A. Sweeting; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16487) granting an increase of pension to Charlotte A. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16488) granting an increase of pension to Mary A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16489) granting an increase of pension to Alice Montondo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16490) granting an increase of pension to Lucy A. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16491) granting an increase of pension to Flora D. Carpenter; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 16492) granting an increase of pension to Josephine V. Walker; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16493) granting an increase of pension to Carrie J. McClure; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16494) granting an increase of pension to Orphy E. Oldham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16495) granting an increase of pension to Annie Hinsey Lanaman; to the committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 16496) granting a pension to Bentley A. Worden; to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 16497) granting an increase of pension to Annie Burbackman; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 16498) granting a pension to Hannah Phillips; to the Committee on Invalid Pensions.

By Mr. STAHLBER: A bill (H. R. 16499) granting an increase of pension to Catherine E. Keck; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 16500) for the relief of certain officers and former officers of the Army of the United States, and for other purposes; to the Committee on War Claims.

Also, a bill (H. R. 16501) granting an increase of pension to Matilda Aldrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16502) granting an increase of pension to Esther A. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16503) granting a pension to Janet Murphy; 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:

By Mr. ADKINS: Petition of citizens of Mattoon, State of Illinois, urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

By Mr. ARENZ: Petition of certain residents of Sparks, Nev., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

By Mr. BEES: Petition of citizens of McCoysville, McAleys Fort, and Millinburg, Pa., urging passage of House bill 10011, to become Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BOYLAN: Resolution of the Maritime Association of the Port of New York, protesting against the United States Government entering into any arrangement for the construction of the Soo Locks River waterway which would be constructed almost wholly in foreign territory; to the Committee on Rivers and Harbors.

By Mr. CHAMBER: Petition urging an increase in the pensions of Civil War veterans and widows, signed by several constituents from Toledo, Ohio; to the Committee on Invalid Pensions.

By Mr. COCHRAN: Petition of Mutual Benefit Society of St. Louis, Mo., protesting against the persecution of the Jewish people in Rumania and Poland; to the Committee on Foreign Affairs.

By Mr. DOWELL: Petition of citizens of Winterset, Iowa, urging enactment of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: Petition of 65 voters of Montgomery and Butler Counties, Ohio, praying for the passage of a bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of citizens of Cooch d'Alene, Idaho, for Civil War pension bill; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petition of the League of Catholic Women, Mrs. Frances E. Slattery, president, 1 Arlington Street, Boston, Mass., protesting against extension of the so-called maternity act; to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER: Petition of W. J. Hawkins and 124 other citizens of Crawford County, Ind., urging immediate action and support of Civil War pension bill granting pensions to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

By Mr. GIBBON: Petition of the citizens of Deer Creek, Enid, Ringwood, Kingsfisher, and Fairview, Okla., urging enactment of legislation for the relief of certain officers and former officers of the Army of the United States, and for other purposes; to the Committee on War Claims.

By Mr. HUBBARD: Petition of 65 voters of Spokane, Wash., urging prompt action by Congress on pending bills to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

By Mr. HUSSEY: Petition of James J. Galvin, secretary-treasurer, favoring legislation to close the barber shops in the District of Columbia on Sundays; also petition of Master Barbers' Association of Mexico, Tex., G. W. Hopson, president; E. M. Hitt, secretary-treasurer, favoring legislation to close the barber shops in the District of Columbia on Sundays; to the Committee on the District of Columbia.

By Mr. JOHNSON of Texas: Petition of Journeyman Barbers International Union of America, Local 584, of Mexia, Tex., L. L. Wilkey, president, J. M. O'Neal, secretary-treasurer, favoring legislation to close the barber shops in the District of Columbia on Sundays; also petition of Master Barbers' Association of Mexia, Tex., G. W. Hopson, president; E. M. Hitt, secretary-treasurer, favoring legislation to close the barber shops in the District of Columbia on Sundays; to the Committee on the District of Columbia.

By Mr. KIRKLAND: Petition of 4960 citizens of Hillsburg, Oroville, and Butte County, Calif., protesting against the enactment of House bill 5174 and Senate bill 4924; to the Committee on the District of Columbia.

By Mr. MAJOR: Petition of citizens of Sedalia, Mo., urging immediate passage of Civil War pension bill for the purpose of securing benefits of veteran receiving small pensions; to the Committee on Invalid Pensions.

By Mr. MAPES: Petition of 17 residents of Grand Rapids, Mich., advocating the enactment by Congress of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.
5187. By Mr. SWING: Petition of certain residents of San Diego, Calif., urging the passage by Congress of a bill granting increase of pensions to Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

5188. By Mr. THATCHER: Petition of sundry citizens of Louisville, Ky., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5189. By Mr. VINCENT of Michigan: Petition of residents of Edmore and Portland, Mich., in favor of increases in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5190. By Mr. WOODWARD: Petition of citizens of Spencer, W. Va., relative to pension legislation; to the Committee on Invalid Pensions.

5191. By Mr. WURZBACH: Petition of J. H. Savage, Charles W. Claggett, P. A. Bollett, and 28 other residents of San Antonio, Tex., favoring pending legislation to increase the rates of pension of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

5192. By petition of A. M. Miles, J. L. Combs, J. T. Jackson, and 1,292 residents of San Antonio, Tex., opposing the compulsory Sunday observation bills; to the Committee on the District of Columbia.

5193. By petition of A. E. Richey, R. C. Cahill, Otto O. Brown, and 467 other residents of San Antonio, Tex., opposing the compulsory Sunday observation bills; to the Committee on the District of Columbia.

SENATE

THURSDAY, January 20, 1927

(legislative day of Tuesday, January 18, 1927)

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

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

Mr. GERRY. I am sorry, but I cannot answer that the Senate from Maryland [Mr. Burton] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

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

S. 2901. An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims; approved November 23, 1921, and for other purposes.

PUEBLO LANDS BOARD (S. Doc. No. 157)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, reporting relative to the operations of the Pueblo Lands Board and transmitting certain reports of that board, which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

THE FIVE CIVILIZED TRIBES

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, reporting relative to the operations of the Five Civilized Tribes in Oklahoma (“the reports in question, which are voluminous in character, have been forwarded to the Speaker of the House of Representatives”), which was referred to the Committee on Indian Affairs.

DISBURSEMENT OF PUBLIC MONEYS

The VICE PRESIDENT laid before the Senate a communication from the Attorney General relative to the receipt of deputies drawing official checks on the Treasury of the United States signed in the name of the marshal or disbursing officer by the deputy who has been designated and authorized by the Attorney General so to do, recommending certain proposed legislation to be recommended by the Treasury Department to be included in a general bill applicable to all disbursing officers or isiders, persons, or agents who may be charged with the custody of disbursing officers of the United States or funds held in trust by the United States, exclusive of officers or employees of the Post Office Department, which was referred to the Committee on the Judiciary.

Mr. DILL presented a memorial of sundry citizens of the State of Washington, remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, which was referred to the Committee on Commerce.

Mr. WILLIS presented petitions of sundry citizens of Cincinnati and vicinity, in the State of Ohio, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. JONES of Washington presented memorials of sundry citizens of Bellingham and Vancouver, in the State of Washington, remonstrating against any modification of the existing immigration law, which were referred to the Committee on Immigration.

Mr. OVERMAN presented a memorial of sundry citizens of Colorado, denouncing against the present policy...