# Congressional Record

PROCEEDINGS AND DEBATES OF THE SIXTY-NINTH CONGRESS
SECOND SESSION

## SENATE

THURSDAY, *February 24, 1927*

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

Our Father and our God, Thou hast us in Thy care. Sometimes we forget our dependence upon Thee, but do teach us, we beseech of Thee, through all the ways of life, that only as we have Thy companionship can we understand how to live, to love, and to serve. Give us Thy grace to-day, and may everything be done according to Thine approval. We ask in Christ our Lord's name. Amen.

The legislative clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 5699. An act relating to the admission of candidates to the Naval Academy; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the reunion of the United Confederate Veterans, to be held at Tampa, Fla., in April, 1927.

The message also announced that the House had passed the bill (S. 4305) to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 17243) to authorize appropriations for construction of military posts, and for other purposes, in which it requested the concurrence of the Senate.

### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 15547) to authorize appropriations for construction at military posts, and for other purposes, and it was thereupon signed by the Vice President.

### REPORT OF THE NEAR EAST RELIEF

The VICE PRESIDENT laid before the Senate the report of the Near East Relief, submitted pursuant to law, for the year ended December 31, 1926, and, on motion of Mr. WADSWORTH, it was referred to the Committee on Printing with a view to its being printed as a document.

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate Joint Memorial No. 2 (Senate) of the Legislature of the State of Wyoming, which was referred to the Committee on Public Lands and Surveys, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
*State of Wyoming, ss:*

I, A. M. Clark, secretary of state of the State of Wyoming do hereby certify that the annexed is a full, true, and correct copy of the enrolled joint memorial No. 2, of the senate of the nineteenth Legislature of the State of Wyoming, being original Senate Joint Memorial No. 6, as approved by the Governor of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 19th day of February, A. D. 1927.

[SEAL.]

A. M. CLARK,
*Secretary of State.*
By H. M. SYMONS,
*Deputy.*

Enrolled Joint Memorial 2, Senate, Nineteenth Legislature of the State of Wyoming to Congress, relating to the delivery to the States of all unappropriated public lands

*Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring)*, That the Congress of the United States be memorialized as follows:

Whereas the State of Wyoming is composed of lands acquired under four treaties: (1) Louisiana, 1803; (2) Texas, 1845; (3) Oregon, 1864, and (4) Mexico, 1848;

Whereas in the Louisiana Purchase treaty, covering land out of which most of the State is taken, it is provided:

"The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Whereas in the act of admission of Wyoming, approved July 10, 1890, the enacting clause reads:

"*Be it enacted, etc.*, That the State of Wyoming is hereby declared to be a State of the United States of America and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed."

Whereas the ordinances approved by the constitutional convention of Wyoming provided in section 3:

"The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States";

Whereas the Constitution of the United States nowhere grants any authority to Congress to buy or hold any territory, except in Article I, section 8, paragraph 17:

"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may be by cession of particular States and the acceptance of Congress become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof";

Whereas it is set forth in section 3 of Article IV of the Federal Constitution:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States";

Whereas the ordinances of 1787, establishing the Northwest Territory, out of which was carved Ohio, Indiana, Illinois, Michigan, and Wisconsin, provided as follows:

"The legislature of those districts or new States shall have powers, among others, to provide also for the establishment of States and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest. The legislatures of those districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. And whenever any of the said States shall have 60,000 inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever";

Whereas it was said by the Supreme Court in Pollard's Lessee *v.* Hagan (15 U. S. Sup. Ct. p. 391):

"We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes and to execute the trusts created by the acts of the Virginia and Georgia Legislatures and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana";

Whereas the power so given in the Federal Constitution to dispose of the territory of the United States, whatever such territory may have been, was intended to be confined to the territory which at the time of the founding of the Federal Government belonged to or was claimed by the United States, and was within the boundaries as settled by the treaty with Great Britain, and can have no influence upon a territory afterwards acquired from a foreign government (which acquirement was not even within the purview of the Constitution, as was shown by Thomas Jefferson when he sought to secure ratification thereof after the purchase was made), such constitutional provision as to disposing of territory being a special provision for a known and particular territory and to meet a then present emergency and no more;

Whereas the same sovereignty was given to the States which were carved out of the lands covered by the Louisiana Purchase as was given to the States which were carved out of the Northwest Territory; and

Whereas the territory covered by the Louisiana Purchase when obtained from France contained no population fit to be associated together and admitted as a State, and it was therefore absolutely necessary to hold possession of it as a Territory belonging to the United States until it was settled and inhabited by a civilized community capable of self-government and in a condition to be admitted on equal terms with the other States as a member of the Union, and was acquired by the General Government as the representative and trustee of the people of the United States to be held only as such trustee until such time only as it had sufficient population to assume the position to which it was destined among the States of the Union; and

Whereas, as was said by Senator Hendricks, of Indiana, in Congress as far back as January 28, 1828, explaining why the States acceded to the deprivation of sovereignty by the Federal Government in organic acts, that the Territories anxious to gain a political elevation, anxious to gain the level of equality with the original States, did not rightly consider the immense sacrifices they were making for the name, while they were not really acquiring the substance of equality and independence;

Whereas the Senate Public Lands Committee in 1832, after a comprehensive survey and study of the public lands, made a formal report in which it said, among other things: "Our pledge would not be redeemed by merely dividing the surface into States and giving them names," supplemented by Congressman Winter, of Wyoming, when he said: "We ask the status of States of a Union, not provinces of a central power";

Whereas Chief Justice Marshall, in Martin *v.* Hunter (1 Wheat. 325) ruled that the sovereign powers vested in the State governments by their respective constitutions remain unaltered and unimpaired, except so far as they are granted to the Government of the United States, and their apparent grant to the United States in the organic acts, was unconstitutional and therefore void and not binding on the States;

Whereas in the case of Coyle *v.* Smith (221 U. S. 559), the Supreme Court, referring to the case of Pollard's Lessee *v.* Hagen, used the following language:

"The plain deduction from this case is that when a new State is admitted into the Union, it is so admitted with all of the powers of sovereignty and jurisdiction which pertain to the original States, and that such powers may not be constitutionally diminished, impaired, or shorn away by any conditions, compacts, or stipulations embraced in the act under which the new State came into the Union;"

Whereas we search in vain for any clause in the Federal Constitution which prohibits to the States the exercise of any powers connected with the public lands, and the control asserted by the Federal Government is a growth of a system nowhere even contemplated by the founders of our Government and in violation of the sovereignty of States which came into the Federal Union on an equal footing with the original States in all respects whatever;

Whereas the present public-land policy of the Federal Government, which was inaugurated in or about the year of 1905 under the present system of reserving to the Federal Government title to public lands and natural resources, had resulted in a condition which threatens the continued progress and prosperity of 11 States of the Union known generally as semiarid or public-land States, same being as follows: Wyoming, Colorado, New Mexico, Arizona, Utah, Montana, Idaho, Nevada, California, Oregon, and Washington; in which the said Federal Government now retains title to more than 586,000 square miles of public land, not including Indian reservations or parks;

Whereas this area amounts in the aggregate to one-half the total land areas of these aforesaid States, and that of this area about 205,000 square miles have been placed in forest reserves, over 75,000 square miles in coal, oil, phosphate, and other reserves, leaving only about 300,000 square miles of unappropriated and unreserved public lands;

Whereas this unreserved public land consists mainly of desert and mountains which are of little value as agricultural land but of great potential value for mining and grazing, containing forests, coal, oil, and other natural resources but which have greatly diminished actual value as long as they remain in public ownership;

Whereas of the 48 sovereign States the inhabitants of 37 own and have always owned all their lands and their State sovereignty and authority covers every natural resource within their borders, thus placing the 11 States aforementioned on an unequal basis with other States to the untold financial injury of the inhabitants thereof;

Whereas this immense landed territory now held by the Federal Government, and from which it is collecting rents and royalties, indicates a definite purpose not to dispose of such lands nor to put them under the jurisdiction of the States in which they lie, thereby preventing said lands from becoming populated and their resources from being developed and denying to the States the right to tax them or to make laws for them;

Whereas this said policy of the Federal Government, now effective, that of permitting the withdrawal of large areas of public lands from taxation and reserving to itself all natural resources including water power, power sites, timber, and minerals limits to the aforesaid 11 States the possibility of raising sufficient revenue to meet their rapidly increasing State expense, while the value of such natural resources so withdrawn remains far in excess of the total land valuation of that part of the entire State which is now privately owned;

Whereas the 11 States heretofore enumerated have received from the Federal Government two sections out of every township for school purposes, and in every case this trust has been properly and profitably administered, which demonstrates that individual States can, and will if permitted, administer their public lands and natural resources with justice and profit.

Whereas the great bulk of available area for settlement by homestead under existing laws regulating the settlement of agricultural land having now been taken up and occupied, several States have reached their limit in lands capable of bearing taxation, thus checking further development of the entire State by lack of taxable property;

Whereas we desire the trust to be fulfilled just as it was with Ohio, Indiana, Illinois, Iowa, Nebraska, and Alabama, and other States originally situated, as are the public-land States now;

Whereas we confidently believe that the prayer of this joint memorial will appeal not only to the remaining 10 public-land States similarly situated, but also to all other States of the United States, as founded on justice and equality;

Therefore, we, the Senate and House of Representatives of the State of Wyoming hereby memorialize the Congress of the United States to enact such legislation as will cause the return by the United States to the States comprising said Government of all vacant and unappropriated lands, together with all natural resources, including water power, power sites, forests, and minerals now held in trust by the Federal Government within the borders of any of the said States: Be it further

*Resolved*, That engrossed copies of this memorial and request be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Senators from Wyoming in the Congress of the United States, Hon. FRANCIS E. WARREN and Hon. JOHN B. KENDRICK, and our Representative in said Congress, Hon. CHARLES E. WINTER, asking their aid in bringing the object of this memorial before Congress; be it further

*Resolved*, That engrossed copies of this memorial be sent to the governors of each of the remaining public-land States asking them to place before the legislatures of said States this memorial, urge the adoption of this or a similar memorial, and request their cooperation in securing favorable action thereon by the Congress of the United States; and also their cooperation in a convention to be held at some convenient place for the purpose of uniting to carry out the purpose of this memorial, and for such other purposes as may seem fitting to such convention.

PERRY W. JENKINS,
*President of the Senate.*
A. W. MCCOLLOUGH,
*Speaker of the House.*

Approved 1.57 p. m., February 17, 1927.

FRANK C. EMERSON, *Governor.*

Mr. WARREN presented Senate Joint Memorial No. 2 of the Legislature of the State of Wyoming, favoring delivery by the United States to the public-land States of all vacant, unappropriated lands, including natural resources, which was referred to the Committee on Public Lands and Surveys. [See joint memorial printed in full when laid down to-day by the Vice President.]

Mr. WARREN also presented House Joint Memorial No. 1 of the Legislature of the State of Wyoming, which was referred to the Committee on Public Lands and Surveys, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
*State of Wyoming, ss:*

I, A. M. Clark, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of the enrolled Joint Memorial No. 1, of the House of Representatives of the Nineteenth Legislature of the State of Wyoming, being original house joint memorial No. 1, as approved by the Governor of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 21st day of February, A. D. 1927.

[SEAL.] A. M. CLARK,
*Secretary of State,*
By H. M. SYMONS,
*Deputy.*

Enrolled Joint Memorial 1, House of Representatives, Nineteenth Legislature of the State of Wyoming, memorializing Congress to amend and modify the so-called 640 acre homestead act of the United States

*Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring)*, That the Congress of the United States be memorialized as follows:

Whereas millions of acres of public lands remain vacant, unoccupied, and unused in the State of Wyoming; and

Whereas the lands embraced within this vast area are nonagricultural in every sense and are so rough and rugged in character as to permit only of their partial use even for grazing purposes; and

Whereas the intrinsic value of that portion of the public domain still remaining vacant and unoccupied is such as not to warrant further administration by the Department of the Interior of the United States Government and is insufficient even in 640-acre tracts to justify homesteading under requirements and conditions of the present so-called 640-acre homestead law; and

Whereas it would best serve the interests of the people of the State of Wyoming to have said lands pass from Government to individual ownership, so as to make the same subject to settlement and taxation: Therefore, be it

*Resolved*, That Congress of the United States be memorialized as follows: That it is the sense of the Nineteenth State Legislature of the State of Wyoming, the senate concurring, that the so-called 640 acre homestead act of the United States be amended and modified to permit the entry upon 2,560 acres of grazing land of the character now remaining vacant and unoccupied in the State of Wyoming and to liberalize in a most substantial way the requirements of entrymen, particularly with reference to residence, and improvements; be it further

*Resolved*, That a certified copy of this joint memorial be sent to each of the members of the Wyoming delegation in our National Congress.

PERRY W. JENKINS,
*President of the Senate,*
PERRY F. BUCKLE,
*Speaker pro tempore of the House.*

Approved 1.58 p. m., February 17, 1927.

FRANK C. EMERSON,
*Governor.*

Mr. WARREN also presented House Joint Memorial No. 2 of the Legislature of the State of Wyoming, which was referred to the Committee on Finance, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
*State of Wyoming, ss.:*

I, A. M. Clark, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of the enrolled Joint Memorial No. 2 of the House of Representatives of the Nineteenth Legislature of the State of Wyoming, being original House Joint Memorial No. 2, as approved by the Governor of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 21st day of February, A. D. 1927.

[SEAL.] A. M. CLARK,
*Secretary of State.*
By H. M. SYMONS,
*Deputy.*

Enrolled Joint Memorial 2, House of Representatives, Nineteenth Legislature of the State of Wyoming, memorializing Congress of the United States to repeal the Federal estates (inheritance) tax provision of the revenue law, effective February 26, 1926, and abandon this field of taxation in time of peace

Whereas the Federal estate (inheritance) tax law, as amended February 26, 1926, provides that the estate liable thereunder shall be credited with any inheritance tax paid by the beneficiaries to the State, or States, the credit not to exceed 80 per cent of the Federal levy; and

Whereas this amendment menaces the rights of the States, because its object is to persuade them to abandon their existing State inheritance tax laws in favor of statutes based on the Federal law, and the tax not being required for revenue at this time, its only object must be coercion of the States; and

Whereas the joint levy is contrary to the theory of this Government, unprecedented and offensive to the independence of the legislatures of the sovereign States: Therefore be it

*Resolved by the house of representatives (the senate concurring)*, That we hereby memorialize the present Congress to immediately repeal the Federal estate (inheritance) tax provisions of the revenue law effective February 26, 1926, and abandon this field of taxation in time of peace: Be it further

*Resolved*, That certified copies of this concurrent resolution be forwarded to Wyoming's Senators and Representatives in the Congress of the United States.

PERRY W. JENKINS,
*President of the Senate.*
PERRY F. BUCKLE,
*Speaker pro tempore of the House.*

Approved 1.59 p. m., February 17, 1927.

FRANK C. EMERSON, *Governor.*

Mr. FRAZIER presented a resolution adopted by the Legislature of the State of North Dakota, urging the imperative national need for the construction of the St. Lawrence seaway, and favoring the taking of immediate steps for the negotiation of a treaty with Canada to that end, which was referred to the Committee on Commerce. [A similar resolution was recently printed in full in Senate proceedings.]

Mr. WALSH of Massachusetts. Mr. President, I present a communication containing a resolution adopted by American citizens of Lynn, Mass., and I ask that it may be printed in the RECORD and referred to the Immigration Committee.

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

LYNN, MASS., *February 7, 1927.*

Hon. DAVID I. WALSH,
*Washington, D. C.*

DEAR SIR: The members of the American Sons and Daughters of Sweden, local branch in Lynn, Mass., representing 3,500 Swedish Americans, a large group of your constituents, assembled at a meeting in the interest of our three hundredth anniversary, at Scandia Hall, February 5, 1927, unanimously passed the following resolution:

"*Resolved*, That we hereby sincerely request and urge the honorable Members of Congress from the State of Massachusetts to vote for repeal in this session of the Reed amendment to the immigration law, containing the national origin clause, which so unjustly discriminates against the Scandinavian people. The Scandinavians have proven themselves loyal supporters of the ideals of our great country and we respectfully request that this our resolution be given your earnest consideration."

Very respectfully yours,

Mrs. C. G. FAHLBERG,
*Secretary of American Sons and Daughters of America, 10 Larch Road, Lynn., Mass.*

Mr. BRUCE presented a petition of sundry citizens of Allegany County, Md., 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.

Mr. STEWART presented petitions of sundry citizens of Dubuque and West Union, Iowa, 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. CAPPER presented a petition of sundry citizens of Kansas City, Kans., 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.

Mr. HOWELL presented a petition of sundry citizens of the State of Nebraska, 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.

Mr. HALE presented a petition of sundry citizens of the State of Maine, 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.

Mr. WATSON presented petitions numerously signed by sundry citizens of the State of Indiana, 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. FERRIS presented petitions of sundry citizens of Detroit, Mich., 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.

He also presented a memorial numerously signed by sundry citizens of Quincy, Mich., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, or any other legislation religious in character, which was referred to the Committee on the District of Columbia.

Mr. DILL presented memorials of sundry citizens of Spokane, Wash., remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, or any other legislation religious in character, which were referred to the Committee on the District of Columbia.

Mr. WILLIS presented petitions of sundry citizens of Columbus, Sandusky, Wheelersburg, and North Fairfield, all 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.

He also presented a memorial of sundry citizens of Ravenna, Ohio, remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday or any other legislation religious in character, which was referred to the Committee on the District of Columbia.

Mr. COPELAND presented a petition of sundry citizens of the State of New York, 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 Milford, N. Y., praying for the passage of the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Treasury Department, and also the passage of legislation for Government control and supervision of the manufacture and distribution of liquors for medicinal purposes, which was ordered to lie on the table.

He also presented resolutions adopted by the board of directors of the Flatbush (N. Y.) Chamber of Commerce, protesting against the construction of a Great Lakes-Atlantic deep waterway in foreign territory and favoring the development of the New York State Barge Canal with all its adjuncts and facilities as a deep waterway, which were referred to the Committee on Commerce.

Mr. McLEAN presented a petition of the Woman's Christian Temperance Union of Waterbury, Conn., praying for the passage of the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Treasury Department, which was ordered to lie on the table.

He also presented a petition of the board of directors of the chamber of commerce of Stamford, Conn., praying for the passage of the bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, which was referred to the Committee on Agriculture and Forestry.

He also presented a telegram in the nature of a petition from John R. Cannon, commander Disabled Veterans, Post No. 99, Department of Connecticut, American Legion, of New Haven, Conn., praying for the passage of the bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, which was referred to the Committee on Military Affairs.

He also presented telegrams and letters in the nature of petitions and petitions of Camp No. 6, Sons of Union Veterans of the Civil War, of Hartford; D. C. Rodman Camp, Sons of Union Veterans of the Civil War, of Hartford; Nathan Hale Camp, No. 1, Sons of Union Veterans of the Civil War, of New Haven; Nelson L. White Camp, Sons of Union Veterans of the Civil War, of Danbury; Charles R. Russell Camp, No. 26, Sons of Union Veterans of the Civil War, of Derby; and Alden Skinner Camp, No. 45, Sons of Veterans of the Civil War, of Rockville; T. B. Robinson Camp, No. 31, Sons of Union Veterans of the Civil War, of Bristol, and of sundry citizens of Bristol and Meriden, all in the State of Connecticut, 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. ERNST presented a petition of sundry citizens of Paducah, Ky., 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.

Mr. ROBINSON of Arkansas presented petitions of sundry citizens of Miller and Sebastian Counties, Ark., 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. FESS presented petitions of sundry citizens of Lima, Columbus, 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.

### REPORTS OF COMMITTEES

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5069) for the relief of Alice Barnes (Rept. No. 1596);

A bill (H. R. 6584) for the relief of Charles O. Schmidt (Rept. No. 1597);

A bill (H. R. 7703) for the relief of James F. McCarthy (Rept. No. 1598); and

A bill (H. R. 14071) for the relief of Garfield Hankins (Rept. No. 1599).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 4830) for the relief of M. Zingarell and wife, Mary Alice Zingarell, reported it with an amendment and submitted a report (No. 1600) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (H. R. 16017) granting public lands to the city of Golden, Colo., to secure a supply of water for municipal and domestic purposes (Rept. No. 1602); and

A joint resolution (H. J. Res. 363) amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924, and for other purposes (Rept. No. 1603).

Mr. MEANS, from the Committee on Claims, to which was referred the bill (H. R. 3295) for the relief of Sherman P. Browning, reported it without amendment and submitted a report (No. 1604) thereon.

Mr. NORBECK, from the Committee on Pensions, reported additional amendments to the 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 and other wars, heretofore reported from that committee, and he submitted a supplemental report (No. 1468, pt. 2) thereon.

### BRIDGE BILLS

Mr. STEWART. I desire to report from the Committee on Commerce various bridge bills and to ask unanimous consent for their present consideration.

Mr. CURTIS. They are ordinary bridge bills in the regular form?

Mr. STEWART. They are.

The following House bridge bills, reported by Mr. STEWART from the Committee on Commerce without amendment, and with the reports indicated, were considered as in Committee of the Whole, read the third time, and passed:

H. R. 15822. An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla. (Rept. No. 1586);

H. R. 16024. An act to amend the act entitled "An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.," approved March 3, 1925, and to extend the time for the construction of the bridge authorized thereby (Rept. No. 1587);

H. R. 16104. An act to amend the act entitled "An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River," approved March 31, 1926 (Rept. No. 1588);

H. R. 16105. An act to amend the act entitled "An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River," approved March 31, 1926 (Rept. No. 1589);

H. R. 16116. An act granting the consent of Congress to the Henderson Bridge Co., its successors and assigns, to construct, purchase or lease, maintain, and operate a bridge across the Kanawha River at or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va. (Rept. No. 1590);

H. R. 16165. An act granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to reconstruct the bridge across the Grand Calumet River at Burnham Avenue in said county and State (Rept. No. 1591);

H. R. 16649. An act to extend the time for construction of a bridge across the Susquehanna River in Northumberland and Snyder Counties, State of Pennsylvania;

H. R. 16773. An act to amend an act entitled "An act authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.";

H. R. 16778. An act to extend the times for the construction of a bridge across the Mississippi River at Alton, Ill., and across the Missouri River near Bellefontaine, in Missouri;

H. R. 16887. An act granting the consent of Congress to George A. Hero and Allen S. Hackett, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River (Rept. No. 1592);

H. R. 16954. An act granting the consent of Congress to the city of Blair, in the State of Nebraska, or its assignees, to construct a bridge and approaches thereto across the Missouri River between the States of Nebraska and Iowa;

H. R. 16971. An act granting the consent of Congress to the South Carolina and Georgia State highway departments, their successors and assigns, to construct, maintain, and operate a bridge across the Savannah River (Rept. No. 1593);

H. R. 17131. An act authorizing the construction of a bridge across the St. Lawrence River near Alexandria Bay, N. Y. (Rept. No. 1594); and

H. R. 17181. An act to extend the time for constructing a bridge across the Rainy River, approximately midway between the village of Spooner, in the county of Lake of the Woods, State of Minnesota, and the village of Rainy River, Province of Ontario, Canada.

WABASH RIVER BRIDGE, ILLINOIS

Mr. STEWART. From the Committee on Commerce also I report back without amendment the bill (S. 5791) to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill., and I ask unanimous consent for its present consideration.

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

*Be it enacted, etc.*, That the times for commencing and completing the construction of the bridge authorized by act of Congress, approved March 3, 1925, to be built across the Wabash River from a point in the city of Mount Carmel, Wabash County, Ill., to a point in Gibson County, in the State of Indiana, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, are hereby extended one and three years beyond the date of approval hereof.

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

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

CLINCH RIVER BRIDGE, HANCOCK COUNTY, TENN.

Mr. STEWART. From the Committee on Commerce also I report back with amendments the bill (H. R. 16950) granting the consent of Congress to the department of highways and public works of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River in Hancock County, Tenn., and I submit a report (No. 1595) thereon. I ask unanimous consent for the present consideration of the bill.

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

The amendments were, on page 2, after line 2, to insert the following additional section:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

And on page 2, line 3, to change the section number from 2 to 3.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. KING. Mr. President, I should like to ask the Senator having the bills in charge if all the bills deal with navigable streams?

Mr. STEWART. Yes; they do.

Mr. KING. Navigable in fact or navigable by legislative fiat?

Mr. STEWART. I could not inform the Senator from Utah as to that, but they are considered navigable streams. We do not deal with streams which are not navigable.

Mr. KING. We ought not to do so, but my experience is that we are dealing with many which are wholly innavigable. The States themselves have complete jurisdiction over them, having the ownership of the beds of the streams and the banks, and the Federal Government has no right whatever to interfere in their control of purely internal affairs.

Mr. STEWART. I can assure the Senator from Utah that we have been watching that phase of the matter.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on February 24, 1927, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 722. An act to authorize the selection of certain publicly owned lands by the State of Oregon;

S. 2714. An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States;

S. 2849. An act to provide for an additional Federal district for North Carolina;

S. 4411. An act granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested;

S. 4812. An act amending the statutes of the United States as to procedure in the Patent Office and in the courts with regard to the granting of letters patent for inventions and with regard to interfering patents;

S. 4876. An act providing for the erection of a monument on Kill Devil Hill, at Kitty Hawk, N. C., commemorative of the first successful human attempt in history at power-driven airplane flight;

S. 4910. An act granting certain lands to the State of New Mexico for the use and benefit of New Mexico College of Agriculture and Mechanic Arts, for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants;

S. 4957. An act to amend section 129 of the Judicial Code, allowing an appeal in a patent suit from a decree which is final, except for the ordering of an accounting;

S. 4974. An act to amend and reenact an act entitled "United States cotton futures act," approved August 11, 1916, as amended;

S. 5082. An act authorizing an appropriation of $8,600,000 for the purchase of seed grain, feed, and fertilizer to be supplied to farmers in the crop-failure areas of the United States, and for other purposes;

S. 5585. An act to extend the time for construction of a bridge across the southern branch of the Elizabeth River, near the cities of Norfolk and Portsmouth, in the county of Norfolk, State of Virginia;

S. 5588. An act granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct, maintain, and operate a bridge across the Tug Fork of Big Sandy River at Devon, Mingo County, W. Va.;

S. 5596. An act granting the consent of Congress to Dauphin Island Railway & Harbor Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto and/or a toll bridge across the water between the mainland at or near Cedar Point and Dauphin Island;

S. 5598. An act to extend the time for constructing a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.;

S. 5620. An act granting the consent of Congress to John R. Scott, Thomas J. Scott, E. E. Green, and Baxter L. Brown, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River; and

S. J. Res. 120. Joint resolution authorizing the acceptance of title to certain lands in Teton County, Wyo., adjacent to the winter elk refuge in said State established in accordance with the act of Congress of August 10, 1912 (37 Stat. L. p. 293).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. WADSWORTH:

A bill (S. 5803) for the relief of the estate of William Bardel; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 5804) for the relief of Lillie Calvin Schooley (with accompanying papers); to the Committee on Finance.

A bill (S. 5805) granting an increase of pension to Laura B. Clifton (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5806) to regulate the sale, possession, and use of firearms, silencers, and noxious gases in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ROBINSON of Arkansas:

A bill (S. 5807) to amend section 71 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 5808) to amend the immigration act of 1924, as amended; to the Committee on Immigration.

By Mr. HAWES:

A bill (S. 5809) granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, and Robert Walker, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; to the Committee on Commerce.

By Mr. McMASTER (for Mr. NORBECK):

A bill (S. 5810) for the relief of Hannah Nielson Larsen; to the Committee on Claims.

By Mr. WILLIS:

A joint resolution (S. J. Res. 169) to waive age of Paul R. Sutherland, United States Army; to the Committee on Military Affairs.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. NORBECK submitted an amendment proposing to appropriate $8,600,000 to enable the Secretary of Agriculture to carry into effect the provisions of an act entitled "An act authorizing an appropriation of $8,600,000 for the purchase of seed grain, feed, and fertilizer to be supplied to farmers in the crop-failure areas of the United States, and for other purposes," etc., intended to be proposed by him to House bill 17291, the second deficiency appropriation bill for 1927, which was referred to the Committee on Appropriations and ordered to be printed.

OWNERS OF OIL CONCESSIONS IN MEXICO

Mr. NORRIS. I send to the desk a resolution, which I ask may be read, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Nebraska will be read.

The legislative clerk read the resolution (S. Res. 367), as follows:

*Resolved*, That the Secretary of State, if not incompatible with public interest, and in further answer to Senate Resolution 330, adopted on February 3, 1927, be requested to inform the Senate:

1. Whether the Doheny, the Sinclair, or the Mellon interests, either through corporations, partnerships, individuals, or subsidiary corporations, are among the corporations, partnerships, or individuals owning or claiming oil lands or oil concessions in Mexico that have refused to accept the Mexican law and constitution applying to such lands, rights, or concessions.

2. If such interests or any of them so refusing to accept the Mexican law and constitution are operating, either directly or through subsidiary organizations or corporations, then give the names in each instance of such corporations, partnerships, or individuals.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution? The Chair hears none.

Mr. KING. Mr. President, my attention was temporarily diverted to another matter while the resolution was being read. May I inquire of the Senator from Nebraska whether the resolution includes information affecting oil lands other than those obtained by concession? Does it also include such lands as were obtained by purchase?

Mr. NORRIS. The design of the resolution is to obtain further information in regard to one of the answers which the Secretary made to my prior resolution, giving a list that he said was in the knowledge of the department of those corporations which were operating in Mexico and which refused to accept the new constitution and laws. Now, I ask if in that list, whatever name may be given, are the Mellon interests, the Doheny interests, and the Sinclair interests. That is all the information for which the resolution asks.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

EXPENSES—SENATOR FROM MAINE

Mr. ERNST submitted the following resolution (S. Res. 368), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for expenses of inquiries and investigations, fiscal year 1927, contingent fund of the Senate, to Hon. ARTHUR R. GOULD, a Senator from the State of Maine, $10,906.04, in full reimbursement for all expenses incurred, including fees and expenses of his attorneys, in defending charges made against him and ordered to be investigated by Senate Resolution No. 296, agreed to January 3, 1927.

FINAL REPORT OF THE QUOTA BOARD

Mr. NEELY submitted the following resolution (S. Res. 369), which was ordered to lie over under the rule:

*Resolved*, That the President be requested, if not incompatible with the public interest, to transmit to the Senate a copy of the second or final report of the quota board to the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, and a copy of the joint report, if any, made thereon by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor to the President, in pursuance of Section II (E) of the quota immigration restriction act of 1924.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 23, 1927, the President approved and signed the following acts:

S. 612. An act for the relief of Elizabeth Wooten;

S. 867. An act authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees;

S. 1304. An act for the relief of Hunter-Brown Co.;

S. 1456. An act authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson;

S. 2302. An act for the relief of Elisha K. Henson;

S. 2618. An act for the relief of the National Surety Co.;

S. 3064. An act for the relief of the Capital Paper Co.;

S. 3462. An act for the relief of Homer H. Hacker;

S. 4268. An act for the relief of H. W. Krueger and H. J. Selmer, bondsmen for the Green Bay Dry Dock Co., in their contract for the construction of certain steel barges and a dredge for the Government of the United States.

S. 4669. An act for the relief of the Kentucky-Wyoming Oil Co. (Inc.); and

S. 4943. An act for the relief of George H. Cecil.

EXPORTS OF FARM PRODUCTS

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

The legislative clerk read the resolution (S. Res. 356) submitted by Mr. NYE on the 17th instant, as follows:

Whereas the United States Department of Agriculture in a recent report entitled "The 1927 Agricultural Outlook" said:

"Some improvements in the purchasing power of foreign countries for agricultural products of 1927 may be expected, but it is probable that larger foreign production of breadstuffs, fruits, and animal products will reduce foreign demand for our exportable surpluses of these products; and

"Cotton production must be curtailed drastically the coming season to restore the balance between consumption and supply at remunerative prices to growers. With average yields a reduction of about 30

per cent in acreage appears necessary to give growers the best gross returns for the 1927 crop"; and

Whereas the Department of Commerce reports that during the calendar year 1926 the value of crude foodstuffs and food animals and manufactured foodstuffs exported was $53,565,000 less than during the calendar year 1925, but the value of finished manufactures exported was $112,784,000 larger in 1926 than in 1925: Therefore be it

*Resolved*, That the Secretary of Agriculture be requested to inform the Senate at his earliest convenience the chief causes, in his mind, for the reduction in the value of exports of farm products in crude and finished form, what measures the Department of Agriculture is using to stimulate foreign consumption of American farm products, and what cooperation, if any, the department receives from other governmental agencies in doing this; and if, in his judgment, it is probable that in the next few years there will be a greater demand for American farm products at a price remunerative to the producers, or whether higher prices American farmers might receive for their staple products will encourage a larger production thereof.

Mr. CURTIS. With the preamble stricken out, there is no objection to the resolution.

The VICE PRESIDENT. Without objection, the preamble will be stricken out; and without objection, the resolution is agreed to.

PRESIDENTIAL TERMS

The VICE PRESIDENT. The Chair lays before the Senate the resolution (S. Res. 365) submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] on the 22d instant.

Mr. LA FOLLETTE. I ask that the resolution may go over without prejudice. Since I introduced the resolution the Senate has been almost continuously in session. The senior Senator from Kansas [Mr. CURTIS] has requested me to ask that the resolution may go over without prejudice, because it has not been possible for Senators to give any time to reading it or considering what attitude they may take toward it. With the understanding which the senior Senator from Kansas has given me that we shall have an adjournment within a day or two, at which time I may have an opportunity at least to discuss the resolution, I ask that it may go over without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 17128) granting the consent of Congress to the State of Indiana, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, and permitting the State of Kentucky to act jointly with the State of Indiana in the construction, maintenance, and operation of said bridge, in which it requested the concurrence of the Senate.

INVESTIGATION OF CAMPAIGN EXPENDITURES

The VICE PRESIDENT. The Chair lays before the Senate another resolution coming over from a preceding day.

The LEGISLATIVE CLERK. Senate resolution 364, submitted by Mr. REED of Missouri on February 21.

Mr. REED of Pennsylvania. Mr. President, I ask that the resolution may go over.

The VICE PRESIDENT. The resolution came over from a preceding day.

Mr. LA FOLLETTE. Mr. President, may I inquire of the Senator from Pennsylvania——

Mr. FLETCHER. Mr. President, I think we had better have a quorum. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Lenroot | Sackett |
| Bayard | Frazier | McKellar | Schall |
| Bingham | George | McLean | Sheppard |
| Blease | Gerry | McMaster | Shipstead |
| Borah | Glass | McNary | Shortridge |
| Bratton | Goff | Mayfield | Simmons |
| Broussard | Gooding | Means | Smith |
| Bruce | Gould | Metcalf | Stanfield |
| Cameron | Greene | Moses | Steck |
| Capper | Hale | Neely | Stephens |
| Caraway | Harreld | Norris | Stewart |
| Copeland | Harris | Nye | Swanson |
| Couzens | Harrison | Overman | Trammell |
| Curtis | Hawes | Pepper | Tyson |
| Dale | Heflin | Phipps | Underwood |
| Deneen | Howell | Pine | Wadsworth |
| Dill | Johnson | Pittman | Walsh, Mass. |
| Edge | Jones, Wash. | Ransdell | Walsh, Mont. |
| Edwards | Kendrick | Reed, Mo. | Warren |
| Ernst | Keyes | Reed, Pa. | Watson |
| Ferris | King | Robinson, Ark. | Wheeler |
| Fess | La Follette | Robinson, Ind. | Willis |

Mr. JONES of Washington. I desire to announce that the Senator from Oregon [Mr. STANFIELD] is presiding over a hearing before a subcommittee of the Committee on Public Lands and Surveys.

Mr. BRATTON. I desire to announce the absence of my colleague, Mr. JONES of New Mexico, on account of illness.

Mr. McMASTER. I wish to announce that my colleague, the senior Senator from South Dakota [Mr. NORBECK], is absent on account of illness.

The VICE PRESIDENT. Eighty-eight Senators having answered to their names there is a quorum present.

Mr. REED of Missouri. Mr. President, I understand that, in due course, Senate Resolution 364 is now before the Senate, and I want to press for action on it at this time.

The VICE PRESIDENT. Senate Resolution 364, is before the Senate, and it will be read.

The legislative clerk read the resolution (S. Res. 364) submitted by Mr. REED of Missouri February 17 (calendar day, February 21), 1927, as follows:

*Resolved*, That Senate Resolutions Nos. 195, 227, and 258 of the Sixty-ninth Congress, first session, and Senate Resolution No. 324 of the Sixty-ninth Congress, second session, be, and they hereby are, continued in force during the Seventieth Congress.

That the special committee created pursuant to Senate Resolution No. 195 of the Sixty-ninth Congress, first session, is authorized in its discretion to open any or all ballot boxes and examine and tabulate any or all ballots and scrutinize all books, papers, and documents which are now in its possession or any that shall come into its possession, concerning the general election held in the State of Pennsylvania on the 2d day of November, 1926.

*Resolved further*, That the general authority of the said special committee is hereby extended to cover the nomination and election of any Senator at any general election held during the year 1926.

Mr. REED of Missouri. Mr. President, unless some Senator desires to ask for information regarding the resolution, I am ready to have it go to a vote.

Mr. REED of Pennsylvania. Mr. President, I should like to have some information about the resolution. As I recall the purport of the resolutions which are recited in the first paragraph of the pending resolution, and which the Senator from Missouri now wishes to have extended throughout the next Congress, there is no power given in any of those resolutions to the select committee to tabulate and count the ballots which they have impounded. The resolutions of the Senate adopted heretofore have merely authorized the select committee to take charge of the ballot boxes and ballots and to preserve them. Now comes the chairman of the committee and seeks authority to count the ballots not in all of the ballot boxes used in the election but in such as in the committee's discretion it sees fit to open. The language of the resolution is:

That the special committee created pursuant to Senate Resolution No. 195 of the Sixty-ninth Congress, first session, is authorized, in its discretion, to open any or all ballot boxes and examine and tabulate any or all ballots and scrutinize all books, papers, and documents which are now in its possession, or any that shall come into its possession, concerning the general election held in the State of Pennsylvania on the 2d day of November, 1926.

Mr. President, it seems to me, in the first place, that that is the function of a standing committee of the Senate, the Committee on Privileges and Elections, which has had experience in doing that work, which has trained clerks, and which has always done that work without criticism, so far as I know, and with entire impartiality.

I should like to know, first, why the special committee undertakes the function of the standing committee instead of asking that the Committee on Privileges and Elections be authorized to do this work; and I should like to know, in the second place, how a judicial function of that kind can be discharged by an examination of some but not all of the ballot boxes and some but not all of the ballots?

It seems to me that if the committee is going to undertake this judicial function, which belongs to the standing committee, then the least it could do would be to exercise the function judicially and examine all of the ballots cast in that election. Those are two of the matters about which I should like enlightenment.

Mr. REED of Missouri. Mr. President, I shall be very glad to answer the Senator. The situation is this: The special committee was created some months ago, with general instructions to investigate the money expended, the influences used, the promises made, and, in general, the things that transpired in the primary and general elections. Proceeding with that work, the committee began to investigate in those States where it was informed unusual conditions existed. Those States were Pennsylvania and Illinois in particular. The committee summoned before it a large number of witnesses from both of those

States and developed a state of facts which have already been reported to the Senate. I do not know whether those facts are pleasing or displeasing to the critics of the committee.

Subsequently the elections were held, and those elections, in so far as the matters referred to in the original resolution were concerned, are within the jurisdiction of the committee; but that resolution did not specifically authorize the opening of the ballot boxes. It did authorize us to ascertain what promises had been made or moneys had been employed in the election. In this state of affairs two things happened: Charges were made that the same organizations and influences, speaking generally, that had been concerned in the primaries in the expenditure of vast sums of money had carried on their operations in the general election, and that as the result of the expenditure of these moneys and of the existence of these organizations and influences the election itself had been a corrupt election. I do not say that is correct information, because I am not passing on anything in advance of the evidence.

Then Mr. Wilson, who was a contender for the senatorial election, filed here a paper in form and manner substantially a notice of an election contest which he intended to carry on, which will properly come before the next Congress, and asked the impounding of the ballot boxes and of the election records. That work was turned over to this committee, and the ballot boxes from Philadelphia and from the County of Allegheny, which embraces Pittsburgh, have been impounded.

Before that was done, Mr. VARE, who is understood to hold some sort of credentials as a Senator elect, and Mr. Wilson, who filed the notice to which I have just referred, were called before the committee and were given the privilege of having their attorneys there if they saw fit, and they signed voluntarily a request to the authorities of Pennsylvania to deliver the ballot boxes on the request of the special committee. For the moment I am not certain whether that request is confined to these two counties or whether it is general, but I think it is general.

Mr. REED of Pennsylvania. My impression is that it is general and is addressed to all of the 8,000 districts.

Mr. REED of Missouri. The statement was made by the committee to these two interested gentlemen and their representatives that our information was to the effect that there was no serious dispute or challenge as to the vote in most of the districts of Pennsylvania; that our information as to the alleged irregularities was confined to the two counties I have just named, and possibly one or two other counties; and we requested these gentlemen to suggest to us any other counties from which they desired to have the ballot boxes and their contents gathered. Thereupon some suggestion was made with reference to two or three other counties, but no direct request; and Mr. VARE stated that in his judgment it might be desirable to examine certain other ballot boxes, stating at the time that there were zero precincts—a term which I think we all understand—in other districts aside from those of Philadelphia.

Mr. VARE was informed that if he would furnish the committee the list of those precincts from which he desired to have us secure the ballot boxes, we would secure them; but we wanted, if possible, to avoid the necessity of bringing the ballot boxes from the entire State of Pennsylvania when, in fact, no challenge was to be made as to the greater number of them. Mr. VARE stated to us, in substance, that he did not want to give a definite answer at that time, but would desire to consult with reference to it. He has never since communicated with the committee; neither have we any other information directly from Mr. Wilson, so far as I am informed.

The situation, then, is this: The committee has in its possession the ballot boxes of Allegheny County and of Philadelphia, and the committee also has certain specific charges relating to some three or four or five other counties.

In order to determine how these influences operated in the election and how the money expended at the election itself was used, it becomes necessary to determine what was done in the election, if we are to make a report to the Senate that means anything. We can take the election records, the registration lists, and check them against the voters' lists, and we can discover whether or not there are discrepancies there; but our case is not yet complete unless we go into the ballot box and find out whether the ballot was cast as shown by these records, and also find out whether the ballots in the box correspond to the registration list and the voters' list. Hence, the committee, in pursuance strictly of its own business, as directed by the Senate, desires to open these ballot boxes, check these ballots, and ascertain whether or not money or influence was improperly used in the election.

It is true that that bears a very close relation to and in part is the same work which would have to be done by a committee conducting a regular contest; but the fact that it may be necessary in a regular contest is no reason why it is not also necessary and proper here.

Mr. REED of Pennsylvania. Mr. President——

Mr. REED of Missouri. Just one word. If the work is done by persons who will be sworn before they undertake it, if they examine and count these ballots in the presence of the representatives of the interested parties—which will be the case, for they have already been notified to that effect—then that evidence can be used by any committee which finally sits on the case of the contest of Wilson versus VARE.

Now I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Will the Senator explain what he means by the term "regular contest"? Why is not this a regular contest? What is irregular about the contest?

Mr. REED of Missouri. I take it that when Mr. Wilson comes with a contest against Mr. VARE, it will have to be tried by the next Congress. Of course, the Senate can take this evidence and consider it, because there is no iron-clad rule as to just how we shall proceed; but if this is the contest, then this committee, of course, could conduct it if ordered to do so by the Senate. I have not regarded this as the contest. I regard this as a continuation of the investigation, and as necessary to the investigation.

The Senator raises the question that we have not asked to examine all ballots. We are asking the authority to examine any or all ballots which we find necessary in the course of the performance of the duties heretofore imposed upon us by the Senate.

Let me say this before I take my seat:

The committee is not hunting for this work. The work we have done has been of the most burdensome character and the most unpleasant nature. I should be very glad, if the Senate sees fit to take the responsibility to discharge me, to be relieved of some month or two of very arduous labor; but as long as this duty rests upon my shoulders, along with those of the other members of the committee, who have all done their full part, I propose to make this investigation as complete as I am able. I do not propose to have it turned into a farce, and I do not propose to have any man say, at the end of the work, that we did not prove our case one way or the other. I do not intend to have anybody say that we walked up a blind alley and stopped there, instead of going on through and forcing our way through the end of the alley, so far as legal evidence would operate as a force.

That is the situation. I want this resolution passed or I want it defeated; and if it is defeated, I want this committee discharged of any further responsibility. I have no doubt that if we are discharged it will be the occasion of very much rejoicing in certain parts of this country.

Mr. ROBINSON of Indiana. Mr. President. I should like to ask the Senator from Missouri just what this part of the resolution means, at the beginning:

> *Resolved*, That Senate Resolutions Nos. 195, 227, and 258 of the Sixty-ninth Congress, first session, and Senate Resolution No. 324 of the Sixty-ninth Congress, second session, be, and they hereby are, continued in force during the Seventieth Congress.

That would be until March 4, 1929.

Mr. REED of Missouri. Yes, sir.

Mr. ROBINSON of Indiana. What are those resolutions? I have not them before me just at this moment.

Mr. REED of Missouri. They are the resolutions creating this committee and the resolution authorizing the carrying out of this investigation. In other words, let me say to the Senator, it is highly probable that that power exists in the committee; but it is usual to pass a resolution of this exact character, so as to leave no doubt about the power of the committee to sit during the recesses of Congress. The next session of Congress can stop this committee's work at any time it wants to; but this, for all practical effect, is the authority of the committee to sit during the recess. That is all there is to it.

Mr. ROBINSON of Indiana. I suggest further to the able Senator from Missouri that there is this clause in his pending resolution:

> *Resolved further*, That the general authority of the said special committee is hereby extended to cover the nomination and election of any Senator at any general election held during the year 1926.

Mr. REED of Missouri. I can explain that to the Senator. The original resolution referred to the primary election and the general election to be held on the 2d day of November. They had an election in the State of Maine that was not held on the 2d day of November. So far as I am concerned, I have this to say: There have been a number of complaints lodged with the committee touching the election in Maine.

Mr. HALE. Mr. President——

Mr. REED of Missouri. Just a moment. Under the resolution as drawn I would doubt the authority of the committee to investigate that election, because it was not held on the 2d day of November. So far as I am concerned—and I think I speak for a very tired committee that wants to be relieved—I care nothing about whether we investigate the election in Maine. If information is laid before us warranting an investigation, we will, of course, make it. If the Senate says it does not want Maine investigated, it can strike out the second clause of this resolution. That is for the Senate to say. We are not hunting work. The other resolution would cover Indiana. It is already in.

Mr. ROBINSON of Indiana. So far as Indiana is concerned, I do not care a particle——

Mr. REED of Missouri. I do not know that there is anything there to be investigated.

Mr. ROBINSON of Indiana. I just want to say this with reference to Indiana: Personally I despise corruption in public life and public affairs. I challenge the Senator or anybody else to find any corruption in the Indiana election. I have this to say in that connection: That this committee was created originally to investigate corruption in primary elections, primarily in Pennsylvania. It was introduced and proposed in this body the next day after the primary in Pennsylvania. The resolution was adopted, and an investigation subsequently took place, and I think the investigation did much good. Its effect was wholesome. I was very much interested in the disclosures there along with other Members of this body. Subsequently the committee went to Illinois, and for the same reasons, presumably, riding in the same vehicle, this resolution to investigate corruption, or alleged corruption, or large primary expenditures; and the disclosures there were astounding.

Then it subsequently developed that the committee was coming on into Indiana, but for entirely different purposes, so far as I know. When the committee arrived in Indiana the vehicle in which it had been progressing had degenerated into a garbage wagon, with the venerable Senator from Missouri on the front seat, and all alone. The investigation proceeded there. It was not an investigation of any corruption. So far as I know, there was no allegation that money had been corruptly spent there. So far as I know, from any record I have ever seen, there was no such allegation.

So far as I am personally concerned, I challenge the Senator or any member of the committee or anyone else to show any corruption in the Indiana primary or the election.

Mr. President, one man on the committee, a member of the opposite party, came into the State of Indiana some three weeks before the election, and widely advertised for information that might serve to help defeat the Republican candidates for the Senate, and the Republican Party generally.

There was no opportunity to cross-examine. We were in the midst of a campaign. The one-man committee, the chairman of the committee, a member of the committee of the opposite political party from that to which the two Members of the Senate from that State belonged, went first to the hospital where my colleague was confined as the result of an automobile collision which almost cost his life—my colleague was unable to participate in the campaign during the last four weeks—and in the most dramatic fashion the chairman of this committee went to the bedside of my colleague and took his sworn testimony.

Then, surrounded by newspaper men—and I do not blame them, nor do I complain; they were after news, and this was a good source of news; they were with the chairman of this committee throughout the investigation, so far as I know—they repaired then to the Federal Building in Indianapolis, and court was held. The venerable, gray-haired Senator from Missouri there again invited anyone who wanted to testify, who had anything to say against either of the candidates for the Senate on the Republican ticket. "Here we are. Hear ye! Hear ye! Hear ye!" A one-man committee, basking in the sunlight of the publicity coming his way, the reasons for his keen desire in that direction probably shown in some subsequent developments in the Democratic Party nationally.

Witnesses were placed on the stand, no rules of evidence were followed, leading questions were freely asked, and chiefly questions that would embarrass the Republican Party in that State, with the election only three weeks away.

Mr. President, I take it that the two Members of the United States Senate from Indiana have quite as much right to be here as has the venerable Senator from Missouri. Even though they may not be so well informed, I take it that they have the honor to represent a sovereign State. I take it that their word, their sworn testimony, should be quite as good and quite as sufficient and should be taken with the same measure of sincerity as that of the Senator from Missouri; and I doubt the propriety of the chairman of this committee going immediately from the bedside of a Member of this body, after having taken his sworn testimony, and immediately from a court room, having heard the testimony sworn to, of another Member of this body, on out to Kansas City, several hundred miles away, there to invite impeaching testimony from anybody, anywhere on earth, who might have something to say against the character of either of the Senators, or both of them, whose testimony under oath he had just taken a few hours before.

Mr. President, it all comes down to this: What is it all about? This committee was created originally to make the investigation into corruption in any State. I grant that. An investigation was made in Pennsylvania, and one was made in Illinois. What should be the logical outcome in any case? Pursuing the inquiry to its logical conclusion, the most that could happen would be to deny a seat to a Senator who is being impeached, practically, or who has been accused, if the Senate believes the report made by the committee charged with the responsibility of making the investigation warrants it.

Mr. President, this committee has gleaned that evidence and laid it before the Senate. The Senate can not send anyone to the penitentiary. The Senate can refer the evidence to a district attorney, or to a Federal grand jury, and action on that evidence, in the nature of criminal proceedings, is in the province of the grand jury. The Senate can, if it believes the evidence warrants it, deny a Member his seat.

I assume this committee got all the evidence it could find up until November 2, when the general elections were held. The general elections were held on that day. Some three or four months have intervened from then until now. Next Friday, a week from to-morrow, Mr. President, the Congress will adjourn. This committee, the chairman of which modestly insists he does not seek work, who modestly insists that he would like to retire, that he would like to have some one else take his place, at the same time asks for continuing authority throughout the entire Seventieth Congress, until March 4, 1929.

Why? I ask Members on the other side, why? It is generally understood that the venerable Senator from Missouri is a candidate for the Democratic nomination for President. Well, I assume he could if he desired—I do not believe he would desire, and I would not impugn his motives—go down into North Carolina any time between now and March 4, 1929, and investigate the election of a Senator there, in order to get delegates from that part of the country to the next Democratic National Convention. I do not say he would; I do not believe he would. I would not go so far as his great leader, the President of the United States, did a while ago, in saying he was a marplot. I will not make any statement like that. I am fond of the Senator, the venerable Senator from Missouri, and I appreciate his ability, and I think I appraise it at its true worth. But, Mr. President, the venerable Senator might decide to go into South Carolina; I have no doubt his great leader, the late President of the United States, Woodrow Wilson, an honored President of this Republic, might have such an idea were he living to-day, but I would not have that notion myself. I am fond of the venerable Senator from Missouri. But he might. He might go down to Florida.

Mr. President, why, I ask, resolve further, "that the general authority of said special committee is hereby extended to cover the nomination and election of any Senator at any general election held during the year 1926"? Why should these earlier four separate resolutions be continued in force? Everyone knows that the committee was appointed originally by the Senate to investigate alleged corruption in primary campaigns—"be, and they hereby are, continued in force during the Seventieth Congress," until March 4, 1929, until a President of the United States is inaugurated, be he Republican or Democratic.

Mr. President, this, I think, is political, purely political.

I recognize the publicity advantages that would come to the venerable Senator from Missouri could he rattle around in an omnibus between now and the convention next June or July, a year. I recognize that he would need no campaign fund of his own. This would provide him publicity, and plentifully. I can see where he would be accompanied by a troop of newspaper reporters all over the United States, and he could visit every State in the Union. But, Mr. President, should the United States be forced to pay the contribution, to pay the money necessary for the advancement of the presidential candidacy of any Member of this body or any citizen of the Republic?

I said before that I am personally fond of the venerable Senator from Missouri. I do not charge him with any motives that are not sincere, honorable, and just. But I do say that the resolution has all the appearance of pushing a little further forward into the limelight somebody's presidential campaign.

Mr. REED of Missouri. Mr. President—

> Then did I learn to seize the sudden clue
> And the great troublous light, and keep to view
> Under the rock stand of Demosthenes;
> Unstable Athens heaves her noisy sea.

Those lines come to me as a prelude to the remark that the Senator has sat in the Chamber for some months, and this is the first time his passions have been really excited. Naturally, they are excited over the proposition that there may be an investigation of election corruption. Very naturally, that question touches the soul of the Senator from Indiana. Very naturally, he would like by cowardly insinuations which he does not dare put in direct charges and which he makes and then withdraws instantly——

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield? I withdraw nothing that has been said, and it will be in the RECORD. Every word I said will be in the RECORD.

Mr. REED of Missouri. I say that a dozen times in what the Senator has said he has made his insinuations and then said, "I do not mean to charge anything," and the RECORD will show it if he does not change his language, and I intend to see that he shall not change it.

Mr. President, an insinuation is the last refuge of a coward. A manly man makes his charges. He does not indulge in intimations. He does not say, "I might say this, but I will not say it." He stands up like a man and says what he has to say.

The Senator has referred to me several times as "venerable"; I hope I am at least respectable. But the Senator neither here nor any other place need take into account my years, and neither need any other man. But if I were venerable I would never expect to rise to such a degree of dignity or respectability as to challenge the admiration or arouse a sense of decency in the Senator from Indiana.

Because of what has been said here being news, on the theory that some newspaper man once stated, "If I say a dog bites a man it is not news, but if I say a man bites a dog it is news"; that is, upon the theory that a thing is unusual, therefore it is news, I propose to take the time of the Senate to go through every statement made by the Senator from Indiana and to prove that, in substance and effect, every one of them is absolutely and unqualifiedly false.

To begin with, what was the scope of the original resolution? It was not limited to Pennsylvania, it was not limited to Illinois, it was not limited to the primary election in Pennsylvania, it was not limited to the primary election in Illinois, all of which the Senator has asserted. The resolution was, and I read part of it—

> That a special committee of five, consisting of three members selected from the majority political part, of whom one shall be a Progressive Republican, and of two members from the minority political party, shall be forthwith appointed by the President of the Senate, and such committee is hereby authorized and instructed immediately to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings or support for appointment or election to office, have been promised, contributed, made, or expended, or shall hereafter be promised, contributed, expended, or made, by any person, firm, corporation, committee, organization, or association to influence the nomination of any person as a candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a Member of the United States Senate at the general election to be held in November, 1926.

That is as broad as the United States. It covers the primary election in every State and the election held in every State if that election was held on the 2d day of November, and the only exception was in the State of Maine. So that my distinguished friend from Indiana was wrong in his premise, and entirely and unqualifiedly wrong.

Now, let us take the next assertion that he makes. He states that this committee proceeded in a proper way in Pennsylvania. He intimates that, although it was not within the real intent of the resolution, the committee perhaps properly went to Illinois, and then he said that one member of the committee came down into Indiana and, in substance and effect, said that he came there without any reason, that he conducted a partial investigation, and that he came there for political purposes.

Now, first, as to the one member of the committee. We had an investigation in Illinois and it was necessary to have a second investigation to take up matters which had not been concluded in the original investigation. Certain matters had transpired, certain facts had come to light, and certain witnesses who had not testified before, because they were absent and their attendance could not be secured, had been located and their attendance could be secured. When we came to have that meeting this was the situation: The junior Senator from Utah [Mr. KING] was absent from his own State and could not come. The Senator from West Virginia [Mr. GOFF], I believe, was in Europe. The Senator from Wisconsin [Mr. LA FOLLETTE] was able to come for a part of the investigation, perhaps all of it. The Senator from Oregon [Mr. MCNARY] was unable to come.

The committee previously, under the authority of its own resolution and the authority of the Senate, had the right to act by any one of its members, and so in consonance with that I concluded the work in Illinois and had no desire whatever to go to Indiana. There had been plenty of complaints made, but no complaint had been made by any person in any official position. But at the time we were in Illinois holding the hearings, the Republican chairman of the Republican State committee openly and publicly charged that the Democratic committee was flooding the State of Indiana with vast sums of money gathered from the international bankers for the purpose of defeating Senator WATSON and Senator ROBINSON, and that this money in large quantities was to be found in every precinct in the State of Indiana. It was a direct charge that the Democratic corruption was financed by the international bankers of New York City.

More than that, this Republican chairman, who was conducting the campaign of the distinguished gentleman who just took his seat, charged that he consulted with a member of the President's Cabinet and associated that Cabinet member's name in these charges. If I had not gone to Indiana under those circumstances, the Senator from Indiana would have been warranted in making some of the contemptible insinuations he has made to-day.

I endeavored to secure the attendance of all the members of the committee and had previously done so. In their absence I went to conduct this investigation in order to discover whether or not it was true that the Democrats were flooding the State of Indiana with the money of the international bankers. What would the Senator have me do—to have said that his own chairman was a man so irresponsible, so untrustworthy that no attention should be paid to his charges, which he had made directly to the committee and which had been sent directly to me by him? If I had not gone, I could have been justly charged with dereliction of duty, and it could have been justly said, "You investigated Republican primaries but you did not investigate a charge made against Democrats."

I went to Indiana immediately because the election was about to be held, and if these matters were to be disclosed and proven so that the Republicans could have the benefit they were entitled to have that benefit at once.

I went there. I had previously notified both Senator ROBINSON and Senator WATSON that I was coming, and had informed them and had informed the chairman of the committee that any evidence they had to submit would be heard. When I arrived there I was told that Senator WATSON wanted to see me, that he was sick, that he wanted to make a statement. In order to accommodate Senator WATSON, I went to the hospital where he was sick, and I went at his request, sir.

Mr. WATSON. Mr. President, will the Senator from Missouri permit me to interrupt him?

Mr. REED of Missouri. Yes.

Mr. WATSON. I telegraphed the Senator from Missouri at Chicago and asked him to come because it was impossible for me to leave my bed.

Mr. REED of Missouri. Yes, sir; and I went in response to your telegram.

Mr. WATSON. The Senator came there. I have not heard the speeches which have been made to-day, but I simply want to say that the Senator from Missouri came to Indianapolis in response to a telegraphic request from me because it was impossible for me to get to Chicago to appear before the committee.

Mr. REED of Missouri. Exactly.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. Yes.

Mr. ROBINSON of Arkansas. The plain innuendo of the statement of the junior Senator from Indiana [Mr. ROBINSON] in his remarks was that the Senator from Missouri was guilty of an oppressive act in visiting the hospital and in taking the testimony of the senior Senator from Indiana [Mr. WATSON].

Mr. ROBINSON of Indiana. No, Mr. President.

Mr. ROBINSON of Arkansas. I heard his statement, Mr. President, and it was not susceptible of any other construction. I do not know what was in the mind of the junior Senator from Indiana, but he said that the Senator from Missouri went to the hospital where the senior Senator from Indiana was confined as the result of an automobile accident which had very seriously injured him and endangered his life, and

had taken his sworn testimony, thereby implying that the Senator from Missouri had pursued a course that should be condemned. He did not indicate by any word or implication that the Senator from Missouri went to the hospital and took the testimony of the senior Senator from Indiana at the invitation and request of the senior Senator from Indiana, as that Senator has just stated.

Mr. ROBINSON of Indiana. Mr. President, in that connection I suppose I ought to be permitted to say this: The investigation was being held in Chicago by the venerable Senator from Missouri acting alone. My colleague was on his back in a bed of pain at the Methodist Hospital in Indianapolis, 200 miles away. He could not get to Chicago; he was being traduced on all sides; hearsay evidence was permitted right and left; anyone who had anything to say against my colleague or against me was permitted to say it. I was in the midst of the campaign. Then my colleague, seeing that he was having no opportunity to defend himself at all, telegraphed the venerable Senator from Missouri and asked him to come to Indianapolis to the hospital, so he could have a chance to have his day in court.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. ROBINSON of Indiana. Then, Mr. President, after a few hours on that day or in the evening of that day the venerable Senator took the train to Kansas City, and the remainder of the investigation was conducted in Kansas City, three or four hundred miles away from Indiana, and it was held by the distinguished Senator from Missouri acting alone, sitting as the chairman of the committee and as the entire committee.

Mr. REED of Missouri. I will get through with you, my young friend, in a little while. [Laughter.]

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Missouri permit me to ask a question of the junior Senator from Indiana?

Mr. REED of Missouri. Yes; but does the Senator think his answer would have any binding force or effect?

Mr. ROBINSON of Arkansas. I should like to ask the junior Senator from Indiana just what is the significance of his so-often repeated reference to the Senator from Missouri as "the venerable Senator from Missouri"?

Mr. ROBINSON of Indiana. Mr. President——

Mr. ROBINSON of Arkansas. Mr. President, I should like to ask the juvenile Senator from Indiana [laughter] if he thinks he is justified in reflecting upon the action of the Senator from Missouri in taking the testimony of the senior Senator from Indiana [Mr. WATSON] under the circumstances truthfully stated by the senior Senator from Indiana himself?

Mr. BRUCE. Mr. President, may I suggest to the Senator from Arkansas, why not refer to the Senator from Indiana as "the callow and puerile Senator"?

Mr. ROBINSON of Arkansas. It would not be parliamentary to do so.

Mr. ROBINSON of Indiana. Mr. President, in answer to the question, since it has been directed and propounded to me, I referred to "the venerable Senator"—and I did not suppose any exception would be taken to that expression—in terms of the greatest affection and deference to his gray hair. [Laughter.]

Mr. ROBINSON of Arkansas. Is the Senator from Indiana as sincere in that statement as he was in the implication that the senior Senator from Indiana had been imposed on by the Senator from Missouri when the latter took his statement in the hospital?

Mr. ROBINSON of Indiana. I am just as sincere, Mr. President; and as for the investigation which was held into Indiana affairs, I still say it should have been held in Indianapolis from beginning to end and not in Chicago and not in Kansas City; and we never would have gotten the distinguished Senator from Missouri with his one-man committee, in Indianapolis at all at any stage of the matter had not my colleague, the senior Senator from Indiana, telegraphed him and asked him to come.

Mr. ROBINSON of Arkansas. Now, will the juvenile Senator from Indiana permit me to ask him one further question? Does he still insist or imply that the conduct of the Senator from Missouri in visiting the hospital and in taking the testimony of the senior Senator from Indiana was an oppressive or unfair or partial act?

Mr. ROBINSON of Indiana. There never was any impression given out by me that it was unfair or that his going to the hospital was not perfectly proper. There was not any question about that.

Mr. ROBINSON of Arkansas. If the Senator from Missouri will permit me to reply to that statement, let me say that no other inference could have been drawn or was intended, conceding that the junior Senator from Indiana is subject to the ordinary rules of interpretation; that is, that he knows what he is saying and intends what he is saying to have the ordinary meaning applied to it.

Mr. ROBINSON of Indiana. What I said was that the Senator from Missouri went to the bedside of my colleague at the hospital and took his sworn statement, and then went away from there immediately and advertised to the world for evidence to impeach that statement. To that I object.

Mr. REED of Missouri. I say this——

Mr. WATSON. Mr. President, may I say a word——

Mr. REED of Missouri. I am going to say it now, and say it plainly, that the last statement made by the Senator from Indiana that I advertised for evidence is unqualifiedly untrue, and known by the Senator to be untrue when he makes the statement. Now, do not have any regard for the fact at all that I am venerable when I tell you that. [Laughter.]

Mr. ROBINSON of Indiana. With regard to that statement, I desire to say that I am willing to accept the Senator's statement that it was not what he meant to do.

Mr. REED of Missouri. I did not do it, and any man who says I did utters that which is unqualifiedly untrue.

Mr. ROBINSON of Indiana. The whole record is out there, and there is a record of the Senator's speech at Indianapolis in the last two weeks——

Mr. REED of Missouri. Oh, yes; but that has not anything to do with this matter.

Mr. ROBINSON of Indiana. In which he accused everybody of being unvirtuous but himself.

Mr. REED of Missouri. Oh, no; I did not say everybody was unvirtuous but myself, but, if I wanted to be personal, I could make a very direct statement about this proposition. Now, Mr. President, I am going to continue.

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

Mr. REED of Missouri. I yield to the senior Senator from Indiana.

Mr. WATSON. Mr. President, I have not been in the Senate Chamber until the last three or four minutes and I know nothing about the colloquy that ensued between my colleague and the Senator from Missouri and the Senator from Arkansas. Of course, I am entirely unruffled in this matter.

Mr. REED of Missouri. So am I.

Mr. WATSON. I know the Senator is.

Mr. ROBINSON of Arkansas. So are we all.

Mr. WATSON. I am at peace with the world and have no quarrel with anybody. It is hardly fair to say that my colleague is juvenile, because up to the present time he has really had a very distinguished career.

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

Mr. WATSON. Yes.

Mr. ROBINSON of Arkansas. Does he regard it as fair to refer to the Senator from Missouri as "venerable"?

Mr. WATSON. Well, of course, I have known the Senator from Missouri for 30 years——

Mr. MOSES. Why not? The Senator from Alabama repeatedly referred to him the other day as "silvertopped" and "white haired." [Laughter.]

Mr. HEFLIN. Does the Senator from New Hampshire want me to enter this contest? [Laughter.]

Mr. WATSON. Aside from all this——

Mr. REED of Missouri. Mr. President, I am treating this matter seriously, because it is the first time anyone has impugned my honor on the floor of the Senate, and I intend to follow it through. I am yielding to the Senator from Indiana.

Mr. WATSON. I thank the Senator.

Mr. REED of Missouri. But I do not intend, no matter how it started, that this incident shall degenerate into a farce.

Mr. WATSON. Mr. President, I was very severely injured in an automobile accident in the first week of October and was taken to the hospital at Indianapolis. After that the Senator was going on with his investigation and, within his rights, he telegraphed me asking whether or not I cared to come or could come to Chicago to answer certain charges that had been made.

Mr. REED of Missouri. Will the Senator allow me to recall an incident?

Mr. WATSON. Certainly.

Mr. REED of Missouri. I will ask the Senator from Indiana if he does not recall that I telegraphed him that certain witnesses had appeared at Chicago and that they had made statements to which I thought he would want to reply?

Mr. WATSON. Yes; there was a message of that kind.

Mr. REED of Missouri. And said to the Senator that I was telegraphing him so that he could properly defend himself; in other words, I called the Senator's attention to it.

Mr. WATSON. The Senator did that. There is no question about that, and I am glad to say so; whereupon I wired the Senator that owing to my physical condition it was utterly impossible for me to leave Indianapolis, or probably to leave the hospital, but that I felt that I should make some statement

in response to the charges that had been made, and asked him to come to Indianapolis; whereupon he at once replied that my request, of course, was a reasonable request—I remember the language of the telegram in that respect—and that he would come there.

The Senator did come there. When he came, he found the situation that I was in. There was a great crowd of correspondents and photographers and others that filled the corridors of the hospital; and the Senator consulted, I believe, with the doctor, and the doctor said that I was unable to leave the bed; whereupon he said that he would not have anybody in the room but himself and the stenographer and me. I will say that the Senator at that time and on that occasion accorded to me every courtesy that anybody could expect, and I made my statement to the stenographer, and it was taken down. The Senator asked me no questions whatever. He did not seek to cross-examine me. I made my statement, and that ended it. After that we had some little private conversation which I need not here talk about, but purely personal.

Mr. REED of Missouri. And purely friendly.

Mr. WATSON. And purely friendly, of course.

After that the Senator went to Chicago. Other people came before him there. He was in a hurry, as I assume, to finish the hearings. I do not think the Senator took time to investigate as to the character of the witnesses that appeared before him, as to who they were, as to what they had done, as to what their motives were. He simply heard the statements they made, and, of course, the statements they made were exceedingly unfriendly to me.

The Senator from there went on to Kansas City and then back to St. Louis, as I recall, and finally ended the thing as far as Indiana was concerned. The whole thing at that time seemed to hinge upon whether or not I belonged to the Ku-Klux. Certain individuals appeared to say that I belonged to the Ku-Klux, and others appeared to say that I did not, and all that sort of thing. I will take this occasion to say, if my friend will permit me, that I never at any time in my life belonged to the Ku-Klux. I never had any association with the order of the Ku-Klux. That was the matter that appeared to be the subject of investigation, not by the Senator particularly, but the matter upon which the witnesses appeared there to testify, as I recall.

I do not know what my friend the junior Senator from Indiana has said; but I want to say that the only thing I could charge that was reprehensible in the conduct of my long-time friend from Missouri was that he permitted individuals to testify about me without first having found out what they were going to say and without first having found out that what they were saying had no relevancy to any kind of investigation into the situation in Indiana. So far as I know, there was no charge before the Senator that any money had been improperly collected or improperly used in the Indiana campaign. I never heard such a charge; and, so far as I know, none ever came before the Senator or any member of his committee; but it simply illustrates what may happen in the rush of an investigation of that kind.

Mr. REED of Missouri. Mr. President, the Senator will also recall—he has one or two matters slightly confused as to where I went—that when a witness did appear and did make some statements after I had left and when I was trying to wind up this business I at once wired the Senator the substance of this matter and said to him in the wire, in substance, that it was not necessary for him to appear again, but he might desire for the record to file an affidavit and that that would be received.

Mr. WATSON. The Senator wired me that.

Mr. REED of Missouri. Yes. In other words, I gave the Senator from Indiana every opportunity I could to reply to any charges that had been made up to the time when he was confined in bed, and at that time the Senator did reply to them very fully——

Mr. WATSON. Yes.

Mr. REED of Missouri. And, I thought, very effectively. I will say that now. Subsequently, some witness said something which I thought the Senator might want to reply to; and, without letting it stand at that, I wired the Senator that he could file an affidavit if he wanted to.

Mr. WATSON. All of which is true.

Mr. REED of Missouri. And some newspaper said that the Senator had given an interview to the effect that he had been mistreated, or something of that kind; and he wired me that the interview was unfounded.

Mr. WATSON. I telephoned the Senator.

Mr. REED of Missouri. The Senator telephoned me—was that it?

Mr. WATSON. Yes.

Mr. REED of Missouri. And in that telephone message the Senator repudiated that interview and said that he had never given it..

Mr. WATSON. That is right.

Mr. REED of Missouri. That the Senator had no complaint to make——

Mr. WATSON. That is right.

Mr. REED of Missouri. That I had treated him like a friend and a gentleman.

Mr. WATSON. I telephoned the Senator at St. Louis and told him that the alleged interview with me was entirely incorrect; that I had given no such utterance; that I was not in the habit of saying mean things about my colleagues or to my colleagues.

Mr. REED of Missouri. Yes, sir.

Mr. WATSON. That I entertained a high opinion of all of them, and that I had tried all my life to treat all of them with the utmost courtesy, all of which, I hope, is true.

I only want to say this to my friend: When he was in Indianapolis, after he left the hospital, he examined my colleague the junior Senator from Indiana [Mr. ROBINSON]. I do not know what occurred at that examination. So far as I know, nothing of any consequence occurred, because I think it was very short; but, of course, my colleague, being young and vigorous, felt the sting of it all, and he felt that some sort of a drive was being made against me personally, which I did feel, and therefore that it was his business, inasmuch as I was in the hospital, to defend me at all times and under all conditions as his colleague, as his associate, and as his fellow candidate for Senator on the ticket.

[At this point a message was received from the House of Representatives, which appears elsewhere in to-day's RECORD, stating that the House had passed a bill authorizing the State of Indiana to construct a bridge across the Ohio River, and so forth.]

Mr. WATSON. I hope that bridge is long enough to reach to Missouri. [Laughter.]

I want to say that my colleague [Mr. ROBINSON]—I do not know what remarks he has made to the Senate, because I have been detained elsewhere on committee work—is a young man of character and of ability. I feel that I ought to say that. He had an honorable service in the State Senate of Indiana, a remarkably honorable service for two years in war in the Army of the country, and as superior judge of Indiana, and is a man in whom the people of Indiana have confidence. I am very sorry if any conflict may have occurred between the Senator from Missouri or my friend from Arkansas and my colleague in regard to this matter.

Of course, in the heat of political campaigns many things occur that all of us afterwards regret. I long ago learned that it is better to say good things about people than bad things; and I never have, in my political career of something like 40 years on the stump, gone out to abuse my adversaries in any personal way; and I always deprecate any sort of investigation into the personal affairs of anybody unless there be behind it some great public exigency to be subserved, or some great public purpose to be carried into execution. The only objection I have to the resolution of my friend, if he will permit me to say it, is that it permits a roving commission—and I say that with all deference and in all courtesy—to go about for the next year and a half to investigate into the nomination and the election of every man elected to the United States Senate, just as if there were something wrong with everybody who was elected to the United States Senate. It casts a sort of suspicion over every man who was voted for by the people at a nomination and at an election.

Mr. MOSES. In 1926 only.

Mr. WATSON. In 1926.

I do not believe that the majority of my colleagues have done anything wrong. I do not believe that they ought to be placed under this cloud. I do not believe that the public ought to be brought to a position where they are to believe that there is anything wrong with the nomination or with the election of my colleagues; and yet all of them elected and nominated in 1926, under the resolution of my friend from Missouri, are to be brought under his scrutinizing eye. Listen to me, Senator, because you know this just as well as I do: Every malcontent, every disappointed office seeker, every defeated candidate, every man who has anything to spill out of malice or venom, will come before you and your committee to spill it out, and have some sort of investigation that may throw a pall of dishonor over the Senator who sits by your side as your colleague in the Senate of the United States. That is why I do not like your resolution; but that is entirely apart from what I rose to say.

I have no personal quarrel with the Senator from Missouri, because, so far as I am concerned, in the city of Indianapolis he accorded to me every courtesy that one Member of the Senate should accord another; and I say that with perfect frankness and cheerfulness.

Mr. REED of Missouri. Mr. President, we have wandered far afield now as to the merits of this resolution. All that the Senator has criticized about the resolution is in the original resolution, passed months ago by the Senate. All that this resolution does is to continue the powers of the committee through vacation, and it employs the ordinary language that is employed to carry on work during an investigation. That is all; so we need not spend much time on that.

So far as casting aspersions is concerned, this committee has had innumerable complaints, and it has refused up to this time to start an investigation at any place except in Illinois and Indiana. If it did not have reason to go into those States there is no reason ever to investigate anything. We went into Indiana. The Senator has just said that he does not know of any charges about money having been used in Indiana. Why, God bless his soul, here is the letter that started us into Indiana. It is dated October 12, 1926:

Hon. WILLIAM E. BORAH,
*United States Senate, Washington, D. C.*

DEAR SENATOR BORAH: Your name is being mentioned by the Indiana press in connection with the Indiana political affairs.

As chairman of the Republican State committee I issued a statement this morning, and am inclosing herewith a copy, which I earnestly request that you read carefully.

Secretary of Labor Davis took breakfast with me this morning and we reviewed the Indiana situation completely, and we are absolutely convinced that the whole situation in Indiana hinges around Senator WATSON and Senator ROBINSON opposing the League of Nations and insisting that the foreign debt be paid.

There is evidence everywhere that international bankers on Wall Street have their money in every precinct of this State in the hands of the fakers who pretend to have something up their sleeves and are putting on a probe, and at every hand we see the activity of this outfit attempting to defeat our Senators and Congressmen on account of their stand in the United States Senate and Congress on the League of Nations and the payment of the foreign debts.

This is the political story in Indiana.

Sincerely yours,

CLYDE A. WALB,
*Chairman Republican State Committee.*

That was given to the press. Mr. Walb was put on the witness stand and that letter was read to him, and he was asked if he had written it, and he said that he had. I am calling attention to page 2095 of the hearings. Then he was interrogated as to his information. Then he was asked to give the name of every person who could give evidence to sustain the charge made in his letter, and he undertook to justify himself.

Again, as appears at page 2176, a portion of the letter was read to him and this question was asked, because we were trying to get this evidence; and if the Senator is going to introduce personalities into it—I try to keep my personal feelings out of this matter—if the international bankers were using money in this election to defeat any man because of his vote against the World Court, naturally I wanted that fact disclosed, for everybody knows I had been against the World Court.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. Yes; I yield; but I want to proceed with this without very much more interruption.

Mr. ROBINSON of Indiana. I was just going to ask the Senator if he called before his committee Frederick J. Libby?

Mr. REED of Missouri. Yes.

Mr. ROBINSON of Indiana. Did Frederick J. Libby appear before the Senator's committee?

Mr. REED of Missouri. Yes; he was one of the witnesses we could not get in Indianapolis, and I brought him to Kansas City. That is one of the things the Senator is growling about.

Mr. ROBINSON of Indiana. Mr. President, the Senator could not remain at Indianapolis to interrogate him there, where perhaps some of us could have given him some information.

Mr. REED of Missouri. Frederick J. Libby was in Washington, I was in Indianapolis. Frederick J. Libby's connection with this matter was disclosed. I was obliged to go to Kansas City, and I called him there and examined him touching everything that the Senator himself could have imagined if he had been there. I want to know if the Senator proposes to charge that I dodged putting anybody on the stand?

Mr. ROBINSON of Indiana. No; I do not charge that, but I do charge this: The Senator from Missouri in my presence, in Indiana, proceeded to lecture an Indianapolis police officer because patriotic societies had suggested that he look into the Libby meeting.

Mr. REED of Missouri. That is not a question; it is an interruption, and it is not true. That is another thing that is not true.

Mr. ROBINSON of Indiana. We disagree on that.

Mr. REED of Missouri. Does the Senator want to bring that in? Does he want that loathsome Ku-Klux Klan dragged in here?

Mr. ROBINSON of Indiana. Mr. President, that is not a question before the Senate at all.

Mr. REED of Missouri. It will be before the Senate.

Mr. ROBINSON of Indiana. I could deal with personalities connected with the Senator from Missouri as much as he could deal with me, and I have the information at my hand. I do not care to go into personalities in this matter.

Mr. REED of Missouri. What does the Senator mean by that?

Mr. ROBINSON of Indiana. The resolution of the Senator and the investigation that was made——

Mr. REED of Missouri. What does the Senator mean by that statement, that he can go into personalities?

Mr. ROBINSON of Indiana. I meant what I said, that personalities might be connected with anybody.

Mr. REED of Missouri. Oh, yes.

Mr. ROBINSON of Indiana. If the Senator insists on going into personalities and asking questions, bringing loathsome subjects onto the Senate floor, as he suggests, there is nothing to prevent others from bringing loathsome subjects to the Senate floor.

Mr. REED of Missouri. Does the Senator mean to make a charge of that kind against me?

Mr. ROBINSON of Indiana. I do not make any charge. I make no charge. The Senator suggested something with reference to personalities first. I am only answering the Senator in his own language—paying the Senator in his own coin.

Mr. REED of Missouri. No, Mr. President; I never deal in counterfeit coin.

Mr. ROBINSON of Indiana. Neither do I. I never have.

Mr. REED of Missouri. If the Senator means to charge me on the floor of the Senate with any dishonorable conduct, then I propose to hold him responsible for it now and here.

Mr. ROBINSON of Indiana. Mr. President, I quoted a former President of the United States with reference to that proposition, and denied that I believed that the Senator from Missouri deserved the castigation that had come his way from President Woodrow Wilson.

Mr. REED of Missouri. The Senator is getting back to Woodrow Wilson's letter, is he? That charged me with nothing except the ordinary charges that men make when they are sick.

Mr. President, now I propose to proceed, if I can, without interruption. Mr. Walb had made this charge. Mr. Walb was brought there and was asked to give us the name of any witness who would sustain his charge. Every witness he named was called before the committee; every lead that he gave was followed to its ultimate conclusion, and the fact that there was no substantial evidence to sustain his charge was the only thing that disappointed the man who made the charge.

Now, Mr. President, getting back to this matter, the very moment a witness appeared at Chicago and charged certain matters relating to Indiana which it seemed to me affected the interests of Senator WATSON and Senator ROBINSON, I advised Senator WATSON and Senator ROBINSON by telegram and said to them that this testimony had been given and that, in substance, they ought to know about it, and that they would be afforded an opportunity to reply.

Senator WATSON communicated with me, I think by wire, stating that he was sick, that he could not come to Chicago, and for that reason, and because I knew that this was only a few days before the election and that an injury possibly was being done unjustly, I closed the hearings in Chicago, took the first train to Indianapolis after receiving Senator WATSON's telegram, and immediately went to his hospital to see him. His physician said to me that they were all ready to remove Senator WATSON on a cot to the place appointed for the hearings, which was the Federal building. I asked the physician if it would be any hardship or injury, and he said he preferred not to have it done. I then said, "I will go where Senator WATSON is if he wants me to come," and the answer was that he did want me to come.

When I went there the hall was full of newspaper reporters and men with photographic instruments, and I asked Senator WATSON, in substance and effect, whether he desired to have those men in the room, and his physician said they ought not to be there; and the newspaper men were excluded and the

photographers were excluded, and the reporter for the committee and myself went into the room where Senator WATSON was. We had as pleasant a conversation as we always have, and then Senator WATSON said he wanted to make a statement. I said to him that I did not care to have him sworn unless he wanted it, and he said he wanted to make his statement under oath. He made his statement. I did not ask him a single question. I condoled with him, and was genuinely sorry to find him in that condition, for we had been friends for many years. He made his statement just as he wanted to make it, and I went away. And that circumstance has been described here in the Senate to-day as though I had perpetrated an outrage upon this man whom I was giving a chance to defend himself.

We went on with the hearing. Reference has been made to my lecture in the police court. Let me tell the Senate what the facts are. The Ku-Klux Klan of Indiana got into this thing in this wise: It was alleged by witnesses that the klan had been used as an organization in an organized attempt to put over the nomination of Senator WATSON and Senator ROBINSON. So that it became one of the influences, one of the organizations, connected with this transaction. That was why any questions were asked about it at all.

It was claimed by witnesses that coercive tactics had been adopted. One of the persons who Walb, the chairman of the Republican committee, had asserted was a part of the propaganda agency of the international bankers for the World Court, and against Senator ROBINSON and Senator WATSON, was a lady living in Indianapolis by the name of Mrs. Lockhart. In order to find out whether she was expending these large sums of money and putting out this propaganda, as was charged, this little woman was called before the committee. It transpired in the course of the examination that she was the head of an organization that was in favor of the United States entering the World Court, and that several organizations of a similar character throughout the State had been consolidated in a central organization of which she was the representative.

Then the inquiry ran as to what she had been doing, whether, as a matter of fact, Mrs. Lockhart had been sending out large quantities of literature for which somebody had been paying, and that was being used to hurt Senators WATSON and ROBINSON; and how much money she had obtained, and what speeches she was having made, for one of the charges Walb made was that speakers had been sent into the State who were paid by others. So this little woman took the stand, and she said she had one meeting in Indianapolis, and she was asked to describe the meeting. She had had a dinner in the principal hotel, to which she had invited leading citizens—educators, lawyers, doctors, bankers, people of that kind—and she was going to have them addressed by Mr. Frederick J. Libby.

The substance of her testimony was that about the time they were assembled a police captain, accompanied by some other officer, came and demanded to know, in substance and effect, how she dared have such a meeting, whether she had invited to this meeting the head of the veterans' organization, I think it was, and whether she had invited somebody else, and finally he told her that if Libby made a speech at that meeting he would be arrested. She asked what crime Libby had committed, and this policeman in substance said it did not make any difference, he would be arrested, and intimated that she would probably be arrested. For an hour or two they carried on those infamous and damnable tactics.

Mr. ROBINSON of Indiana. Mr. President——

Mr. REED of Missouri. This little woman, the wife of a minister of the gospel, and as cultured a little woman as I have ever seen upon the witness stand, her American blood finally aroused, said, "Very well. The meeting will go on and you must do as you see fit."

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, Senate bill 331, the Boulder dam bill.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Pennsylvania will state it.

Mr. REED of Pennsylvania. What disposition is now made of Senate Resolution 364?

The PRESIDENT pro tempore. The resolution goes to the calendar, and the Senator from Missouri [Mr. REED] still retains the floor.

Mr. REED of Missouri. This little woman of American blood was aroused, and she said, "You will have to arrest me." Libby was called on and he was threatened. He said he would go on with his speech. Finally, after a long wrangle, it was compromised so that the policeman could sit there and supervise the dinner with these prominent people of Indianapolis. I made the remark at that time, in substance and effect, that the conduct of the police was unjustifiable and reprehensible.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED of Missouri. I yield.

Mr. ROBINSON of Indiana. In December, 1924, this same Libby applied to a local citizens' association for permission to speak before the public schools of Washington, D. C.——

Mr. REED of Missouri. Oh, Mr. President, the Senator said he wanted to ask a question.

Mr. ROBINSON of Indiana. I ask the Senator if he knew that, and that protests were made by many patriotic organizations on the ground that Libby's radical pacifist views might be instilled in the minds of school children, and that permission was refused and he was not allowed to go on.

Mr. REED of Missouri. I do not know anything about it; but I do know that as long as the American flag typifies liberty 100 or 200 of the best people of Indianapolis have a right to meet in a hotel at a dinner; that they have a right to be addressed; and that no policeman has a right in advance to propose to break up that meeting or to arrest that man.

More than that, Libby is nothing in the world but an inoffensive pacifist, who is preaching the doctrine of peace on earth and good will to men, who believes in the League of Nations, who believes in the World Court, who believes in the old Quaker doctrine that people ought not to fight at all, a cultured, college-bred gentleman, a man who was for many years connected with great institutions of education of this country. I know from the testimony that the police were in there to break up that meeting, and I said it was not right. But, of course, it arouses the animosity and stirs the soul of the Senator from Indiana that any man would say that free speech can exist where the Ku-Klux Klan rears its ugly head, where its former head is in the penitentiary of Indiana for murder. So much for that.

The Senator said that I had started an investigation, but it ended in the garbage wagon. Then he located the garbage wagon in Indiana. All I was putting in the garbage wagon was the testimony which was elicited from men who had been almost exclusively connected with the Republican organization of that State. If that be garbage, I am quite willing to dump it in the Senator's front yard where he will undoubtedly recognize a familiar odor. [Laughter.]

The Senator said there were no questions asked except to embarrass the Republican Party. He is the first man I have heard of who has ever charged that this was made a partisan investigation. We started in Pennsylvania. We went to Illinois. In Pennsylvania the Democratic candidates were examined the same as the Republican candidates. In Illinois the Democratic candidates were examined exactly the same as the Republican candidates. When Mr. Insull took the stand he was required to state the amount of money he had given to the Democratic candidate for the United States Senate just as he was required to tell the amount of money he had given to the Republican candidate for the United States Senate. When we went into Indiana we went there in response to a charge made by the Republican State chairman, Mr. Walb, directed against the Democrats, and if it had been proved it would have resulted in an enormous majority for both Senator WATSON and Senator ROBINSON, and it would have resulted in an exposure to the public, if the charge had been true, of an influence being exerted in this country with regard to international affairs which would have brought about universal condemnation. So that if the examination in Indiana did any harm to the Republican Party, it was because the charges made and put out for the purpose of influencing the election, untrue charges, were not sustained. That is the only way.

Now, Mr. President, the senior Senator from Indiana [Mr. WATSON] said that we had in the first place to investigate and find out the character of witnesses. I know that Senators or very few of them will do it, but if they will examine the record they will find that the witnesses who were summoned, the greater portion of them, were a part of the political organization then conducting the campaigns on both the Democratic side and the Republican side.

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED of Missouri. Certainly.

Mr. WATSON. It may be that the witnesses whom the Senator summoned were a part of either the Republican or Democratic organization, but there were witnesses who voluntarily appeared.

Mr. REED of Missouri. I said the greater part of all we examined were connected with the work of either the Republican or the Democratic organization. They were summoned indiscriminately. If those people were not of good character or unworthy of belief, I am not responsible for that. There were other people who came in.

Mr. WATSON. They were not summoned, but came in voluntarily.

Mr. REED of Missouri. Very few. I think there were possibly two or three who were not summoned. I do not recall even that.

Mr. WATSON. Yes.

Mr. REED of Missouri. But when a committee is meeting and an apparently responsible person comes forward and says, "Here is a certain fact which is true and it can be proved by A. B.," if the committee does not summon A. B. to find out, the committee is not doing its duty. In all the mass of evidence which was taken is the evidence of only one or two witnesses who made statements which I did not credit and which I thought ought not to have been made and thrust into the record, a thing which is absolutely inescapable in such an investigation as we were carrying on.

Mr. President, I never expected to be called upon to defend the committee for its work. I am ready to rest its work on the judgment of the country. I am astounded that any man would rise on the floor of the Senate and make these charges, the substance of which in every respect is false, mistaken, and wholly unjustifiable.

Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 364, and upon that motion I ask for the yeas and nays.

Mr. ASHURST. Let us have the yeas and nays.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Missouri, which motion is debatable.

Mr. JOHNSON. Mr. President, it is now 2 o'clock and 10 minutes p. m. At 3 o'clock there is a special order on a bill of the Senator from Tennessee [Mr. TYSON] applying from 3 to 4 o'clock. At 2 o'clock the unfinished business, the Boulder dam bill, was laid before the Senate. The motion of the Senator from Missouri would displace the unfinished business. I do not want that done.

Mr. REED of Missouri. Let the Senator ask that the unfinished business be laid aside.

Mr. JOHNSON. I am willing. That is exactly what I was going to suggest. I am willing that the unfinished business be temporarily laid aside until 3 o'clock, which is the utmost that could be done in any event for it, if that is satisfactory to the Senator from Missouri.

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Connecticut?

Mr. JOHNSON. I yield.

Mr. BINGHAM. There are certain Senators interested in that situation who are not in the Chamber. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | McKellar | Sheppard |
| Bayard | Frazier | McLean | Shipstead |
| Bingham | George | McMaster | Shortridge |
| Blease | Gerry | Mayfield | Smith |
| Bratton | Glass | Means | Steck |
| Broussard | Goff | Metcalf | Stephens |
| Bruce | Gooding | Moses | Stewart |
| Cameron | Gould | Neely | Swanson |
| Capper | Hale | Norris | Trammell |
| Caraway | Harreld | Nye | Tyson |
| Copeland | Harris | Overman | Underwood |
| Couzens | Harrison | Phipps | Wadsworth |
| Curtis | Hawes | Pine | Walsh, Mass. |
| Dale | Heflin | Pittman | Walsh, Mont. |
| Deneen | Johnson | Ransdell | Warren |
| Dill | Jones, Wash. | Reed, Mo. | Watson |
| Edge | Kendrick | Reed, Pa. | Wheeler |
| Edwards | Keyes | Robinson, Ark. | Willis |
| Ferris | King | Robinson, Ind. | |
| Fess | La Follette | Sackett | |

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. JOHNSON. Mr. President, I ask that the pending business may be temporarily laid aside until the hour of 3 o'clock and that the Senate proceed during the intervening period with the resolution of the Senator from Missouri [Mr. REED].

The PRESIDENT pro tempore. Is there objection?

Mr. BLEASE. I object, Mr. President.

Mr. HEFLIN. I did not understand the request.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent that the unfinished business, being the Boulder Canyon bill, be temporarily laid aside and that the resolution of the Senator from Missouri [Mr. REED] be considered until 3 o'clock, when the Senate will enter upon an order of business decided by unanimous consent. Is there objection?

Mr. BLEASE. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HEFLIN. Now, Mr. President——

Mr. ASHURST. I move that the Senate proceed to the consideration of the resolution of the Senator from Missouri.

Mr. JOHNSON. Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri [Mr. REED] has already made the motion just repeated by the Senator from Arizona, which is pending.

Mr. ASHURST. I want the yeas and nays on the motion.

Mr. JOHNSON. The Senator from Arizona will have them when we get ready, in just a minute.

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

Mr. JOHNSON. I yield to the Senator from Alabama.

Mr. HEFLIN. I desire to ask, Has the resolution of the Senator from Missouri been modified or amended?

The PRESIDENT pro tempore. No.

Mr. HEFLIN. Does it still contain the provision whereby the select committee may nose into the election of Senators against whom no charges have been made? If the resolution proposes to give to the committee authority to sit during the recess and continue to investigate in Illinois, Pennsylvania, Indiana, or other States which are named, I am willing to vote for it; but I will not vote for it in its present form, giving the committee authority to go about and inquire into the election of Senators against whom no charge has been made. I think that it would be a dangerous precedent to put in the hands of a man's enemies in his State an opportunity to besmirch him, to injure him, when no good can come from it and there might be no bona fide grounds for action. That is what I fear.

Mr. REED of Pennsylvania. Mr. President, will the Senator from California permit me to ask a question?

The PRESIDENT pro tempore. The Senator from California, who has the floor, has yielded to the Senator from Alabama.

Mr. JOHNSON. I now yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Would the Senator from Alabama be willing to support the resolution if it should name South Carolina, Alabama, Texas, and other southern States, where it is charged that persons have been denied the right to vote because of their color or race?

Mr. HEFLIN. Mr. President, that would come in the category of those scandalous reports of which I was speaking. [Laughter.]

Mr. REED of Missouri. Mr. President——

Mr. REED of Pennsylvania. Mr. President, will the Senator from California yield to me further?

Mr. JOHNSON. Yes.

Mr. REED of Pennsylvania. Mr. President, among the scandalous reports I have seen is one printed in a volume called "The statutes of the State of Texas," in which it is affirmatively and explicitly provided that no negro may participate in the Democratic primaries. Does the Senator from Alabama call that "scandalous"?

Mr. HEFLIN. I should like to inform the Senator from Pennsylvania that the State of Ohio has a provision in its constitution that no negro shall hold office.

Mr. REED of Pennsylvania. Then, I think both those States ought to be investigated. [Laughter.]

Mr. REED of Missouri. Mr. President, I want to say to the Senator from Alabama——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Missouri?

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

Mr. REED of Missouri. Mr. President, I desire to say to the Senator from Alabama [Mr. HEFLIN] that the proposition involved in the pending resolution does not at all change the character of the original resolution under which the committee has been operating from the first. It merely extends the life of the committee for the time named in the resolution. This language was in the original resolution for which the Senator from Alabama voted.

Mr. HEFLIN. I think it would be well to have the original resolution read.

Mr. REED of Missouri. I will hand a copy of the original resolution to the Senator from Alabama.

[Mr. REED of Missouri handed a copy of the resolution to Mr. HEFLIN, and there was a pause.]

Mr. REED of Pennsylvania. Mr. President, who has the floor?

The PRESIDENT pro tempore. The Senator from California [Mr. JOHNSON] has the floor.

Mr. REED of Pennsylvania. I am unable to hear the Senator's speech.

Mr. JOHNSON. When the Senator from California begins speaking the Senator from Pennsylvania will not have a bit of difficulty in hearing him, I assure the Senator.

Now, Mr. President, I wish to inquire whether or not the Senator who made the objection to my request insists upon that objection?

Mr. BLEASE. I do, Mr. President.

The PRESIDENT pro tempore. Objection is made. The question is upon the motion of the Senator from Missouri [Mr. REED].

Mr. JOHNSON. Mr. President, I want to make plain just one thing. I have endeavored by the means in my power to facilitate any pending legislation and any motion of consequence to this body. I have done so in the face of a filibuster upon a bill that means more to the people than does any other bill that is before the Congress of the United States. Beyond extending the courtesy of laying aside the pending bill in order to permit resolutions or bills to be heard and considered I can not go in justice to the people I represent or in justice to the most constructive piece of legislation that in this generation has been submitted to any Congress.

I observe, of course, that those Senators who are interested in the filibuster are most enthusiastic for the presentation of this motion. I wish that it were possible for me to aid the Senator from Missouri in the presentation of his motion; I would go to any length in that direction short of destroying the possibility and hope that is in our minds for this legislation that means so much to my people. I can not do that, and I beg the Senators upon this side who have been kind to me in days gone by and I ask those in this body who believe that, after all, the Legislature of the United States is for the purpose of legislating, not for the purpose of filibustering—I ask all upon the other side and upon this to let this measure, which means so much to people—just men, women, and children—to go forward in the legislative scale.

Filibuster! I complain not; I do not cavil at the men who have indulged in it, nor do I criticize them at all. Cloture I should like, if it were possible, upon this bill. Cloture, it seems, may be denied to a measure of this sort; cloture can be granted apparently only in certain directions upon certain kinds of legislation. Because it is impossible for me to obtain cloture by votes on the other side of this Chamber by which this legislation shall be put upon its final passage, I ask that it be kept as the unfinished business of the Senate until the very last moment of the last day shall have been exhausted in the endeavor to have it passed by the Senate. That is all that I am asking—the right of a vote.

I do not plead with any man upon the other side of this Chamber or upon this side to vote one way or the other upon this measure; I do not ask that Senators should advocate it or that they should do aught than their consciences may dictate regarding the ultimate vote on a measure designed to do so much good to people and to a particular territory. I ask only that the Senate shall demonstrate that it is not so powerless, not so impotent, not so futile that a measure pending before it since last April can not be heard upon its merits and can not have a vote upon the merits and upon the measure itself. So it is, Mr. President, that I ask that the motion which has been presented here, offered by the Senator from Missouri or the Senator from Arizona—I am not clear which—may be defeated.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Missouri.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. The Senator from Arizona.

Mr. ASHURST. Mr. President, before the vote is taken I wish to say a word. The Senator from California has accused those who are opposing this bill of filibustering. I am not sensitive about his accusation; but the Senator says that Imperial Valley is about to be inundated and that this is a relief measure. It will be 10 years, or, at the most conservative estimate, 7 years, before the Boulder dam could protect Imperial Valley from floods. The Arizona delegation in Congress now is ready to vote for an appropriation of $50,000,000 as a stop-gap to save Imperial Valley within the next year. So much for that.

Mr. PITTMAN, Mr. JOHNSON, and Mr. McMASTER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. PITTMAN. Mr. President, we adopted the cloture rule for the purpose of preventing a filibuster by less than one-third of the Members of this body and thereby defeating legislation. If a bill is worthy of consideration this late in a session it is worthy of having a vote. I am willing to vote for cloture on any measure this body thinks of sufficient importance to be taken up for consideration in the last hours of the session. We will be compelled to adjourn by constitutional provision on the 4th day of March; there are only a few days remaining of the session. The Senate has been aware of that for some time. We have considered carefully those measures that were most worthy of consideration in the last hours, realizing that many measures of importance must be laid aside until the next session.

The steering committee have placed this bill, the Boulder Canyon bill, among the list of those that should be acted on at this session. The fact that this body on two or three separate occasions has refused to take up other important measures that would displace this measure indicates the importance the Senate attaches to this action. It declined at one time to take up the bill to permit loans by the Government to soldiers. It refused to take up the so-called prohibition measure. It is clear that an overwhelming majority of this body considers that the Boulder dam legislation is emergency legislation.

I am prepared to vote for cloture on all of these matters that the Senate has indicated are important emergency measures. I do not think a distinction should be drawn between them at all. Of course, if a Senator is opposed to any form of cloture, I do not expect him to vote for cloture on this bill, nor do I expect him to vote for cloture on any other bill. I do not see how the Senators who voted for cloture on H. R. 2, the so-called banking bill, can claim that they are opposed to any cloture.

The Senator from Arizona says this is not an emergency measure. He says it can not help Imperial Valley for seven or eight years. Even if that were true, it would be our duty not to make it nine years; but I desire to say that the testimony is undisputed that unless this river is controlled by seven years from now, the destruction of Imperial Valley by making it a lake—because it is below sea level—is inevitable. If we postpone it for one year, we risk the inevitable destruction of that valley. On the other hand, when the dam has reached a height of 100 feet it will impound a part of the water and a part of the silt. When it has reached a height of 200 feet it will be almost a practical safeguard to that valley.

The point is this: Even if that valley were safe for seven years, it will be necessary to have the dam completed by seven years. I contend that the only fair thing for this body to do is to take a measure of this kind, that has shown its importance, and treat it as you do the other measures, place on it the cloture rule. I ask now that Senators who are in favor of the bill proceed immediately along the line indicated to find out whether two-thirds of this body are in favor of stopping this filibuster. If two-thirds of them are not in favor of stopping the filibuster, then the legislation must die for this session, because other bills are entitled to consideration and will be taken up unless we get cloture.

I was unwilling to take up other very important measures that I favored and voted against taking them up to displace this measure. I must continue to do so by reason of what I know of the emergency of this matter; and I regret to be placed in that position.

If this motion of Senator REED's is agreed to, it means that this resolution will be the unfinished business; and, as the unfinished business, we would have to place cloture on the resolution, or it would be discussed until the end of the session. If that is the case, then place the cloture on the pending bill, the Boulder dam bill, and it will be voted on inside of two days. Then place cloture on the resolution of the Senator from Missouri, and it will be voted on in two days after that.

The only way in which we can accomplish legislation in this body is by carrying out the rules of this body—by carrying out the rule that provides for cloture when two-thirds want it. If there ever was a time in this body when cloture was essential to carry out the important legislation now pending, it is on this particular occasion.

Mr. REED of Missouri. Mr. President, I have been an advocate of the Boulder dam bill. I have already stated on the floor such considerations as occurred to me in favor of that bill. This resolution is nothing but a mere conferring upon the committee of the right to sit during the recess of the Senate and to examine the ballot boxes from one State and an extension of a right so that it would cover the election in Maine if the committee saw fit to go into it. Up to this time there has not been sufficient evidence submitted to us to warrant us to go into it; but, because there was some urgency of that kind, I thought it well enough to cover it.

When I submitted this resolution this morning I did not expect that it would take more than 10 minutes to dispose of it. I expected no personal attack to be made upon me or upon the committee. I do not want to displace the Boulder dam bill. Therefore, unanimous consent was asked that it be temporarily laid aside until 3 o'clock. That consent was refused, however. In view of that situation I am going to withdraw my motion to take up this resolution and give the Senator from California and his associates a further opportunity to press the Boulder dam bill; but I give notice now that I shall call up the resolution at the earliest possible moment, and I give notice now that I shall ask that we have an adjournment to-night, so that we can have a morning hour to-morrow.

The PRESIDENT pro tempore. Does the Chair understand that the Senator from Missouri has withdrawn his motion?

Mr. REED of Missouri. Yes.

LOWER COLORADO RIVER BASIN

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin.

Mr. ASHURST. Mr. President, as I said yesterday, I am not nominating candidates for the Presidency; but the able Senator from Missouri [Mr. REED] attracts the admiration of all Americans. I dislike to see him retreat under fire at this time. That is not his habit. Inasmuch, Mr. President, as the subject which the Senator from Missouri brought to the attention of the Senate runs to the vitals of government, I must discuss it for a moment. The unfinished business is before the Senate.

The PRESIDENT pro tempore. The question is——

Mr. ASHURST. Now, Mr. President——

The PRESIDENT pro tempore. Just a moment; the Chair desires to state the question.

Mr. ASHURST. Do not state me off the floor.

The PRESIDENT pro tempore. No. The question is upon the amendment proposed by the Senator from Arizona [Mr. ASHURST].

Mr. ASHURST. I desire to be heard.

Mr. HEFLIN. Mr. President, will the Senator from Arizona yield to me for just a moment?

Mr. ASHURST. For a question.

Mr. HEFLIN. I was going to suggest, in line with what the Senator said about the resolution, that if the Senator from Missouri would strike out the second provision he could pass his resolution in a minute, without laying it aside.

Mr. REED of Missouri. Mr. President, I am perfectly willing that the last clause of the resolution should go out if anybody objects to it. I do not want that job.

Mr. WATSON. May I ask what it is? I am not familiar with it.

Mr. REED of Missouri. It was intended to apply to the Maine situation.

Mr. ASHURST. I can not yield at this time.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Arizona declines to yield. The Senate will be in order. This request applies to the occupants of the galleries the same as to Members on the floor.

Mr. ASHURST. That resolution was agreed to; and the Chair appointed as the chairman of that committee the senior Senator from Missouri [Mr. REED] and as the other members thereof the junior Senator from West Virginia [Mr. GOFF], the senior Senator from Oregon [Mr. MCNARY], the junior Senator from Wisconsin [Mr. LA FOLLETTE], and the junior Senator from Utah [Mr. KING]. That committee investigated the Illinois and the Pennsylvania primaries.

I have not read the testimony in the Pennsylvania case. Therefore it would ill-become me to presume to speak of that case in the Senate, when I have not read the testimony. But, Mr. President, I have read the testimony and studied the testimony in the Illinois case, comprehended within the voluminous hearings before the special committee.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ASHURST. I respect the Chair for endeavoring to keep order, but I shall not be offended if Senators drown out my voice, because I have employed it so frequently lately that it is most distressing to me to hear it myself.

The testimony shows that in addition to the contribution of $125,000 made by Mr. Samuel Insull to the campaign committee of Mr. FRANK L. SMITH, the Republican candidate for the United States Senate, the said Samuel Insull also contributed the sum of $15,000 to the campaign committee of the Democratic candidate for the nomination for the same office.

Mr. Insull, the largest traction magnate in Illinois, testified before the Reed committee that he was responsible for an investment of $640,000,000 in the stocks and bonds of various transit companies, street railways, and interurban railways. The testimony further showed——

HENRY CABOT LODGE MEMORIAL

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

Mr. ASHURST. I yield.

Mr. MOSES. To-day in the city of Boston, before a committee of the Legislature of the Commonwealth of Massachusetts, a hearing is being held upon a proposal to provide for the erection of a memorial to one who served long and with great distinction in this Chamber—the late Senator Henry Cabot Lodge. The junior Senator from Massachusetts has written a letter which is to be read on that occasion, and I ask unanimous consent that the letter may be printed in the RECORD, together with the bill of the Massachusetts house providing for the memorial.

The PRESIDING OFFICER. Is there objection?

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

House 884, by Mr. Washburn of Worcester, petition of Slater Washburn to provide for the erection by the art commission in the State House or on the grounds thereof of a memorial to the late Henry Cabot Lodge. State administration, January 20.

THE COMMONWEALTH OF MASSACHUSETT, 1927

An act to provide for the erection of a memorial to the late Henry Cabot Lodge

*Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:*

SECTION 1. The art commission for the Commonwealth shall provide for the erection on the statehouse grounds or in the statehouse of a monument or memorial commemorative of the services of Henry Cabot Lodge, former member of the Massachusetts general court and for 37 years representative of the Commonwealth of Massachusetts in the Congress of the United States.

SEC. 2. Said commission shall have authority to engage the services of a sculptor and architect.

SEC. 3. Subject to the approval of the governor and council, there shall be paid out of the treasury of the Commonwealth a sum not exceeding ——— thousand dollars to carry out the purposes of this act.

———

FEBRUARY 23, 1927.

Hon. SLATER WASHBURN,

*House of Representatives, Boston, Mass.*

MY DEAR REPRESENTATIVE WASHBURN: I have noted in the newspapers that there is to be a hearing February 24 before the committee on State administration upon your bill for a memorial to Henry Cabot Lodge. As the pressure of legislative work in these closing days of the Congress will prevent my appearing before the committee, I am asking you to put me upon record as earnestly supporting the project.

I share the belief of those who feel that we should be slow to rear monuments until time has given us the perspective to judge men's greatness, but in this instance we can give lasting recognition, not to the worth of single achievements but to a career which was worthy of our best Massachusetts traditions in the broadness of its powers and the unselfishness of its service.

Senator Lodge's contributions in historical research, notable as they were, gave evidence of the fact that he sacrificed a great place in literature to serve the State and Nation.

Of his public service, the longest continuous term of service in the Congress of any Massachusetts citizen, much has been said and written; he was a man of strong convictions, and the echoes of his differences with others upon some of the larger problems of statesmanship are still heard, but as the years recede I am confident we will come to recognize that his course was charted upon what he conceived in the light of history to be our destiny. For 37 years in the Congress of the United States he was a powerful figure in protecting our national honor and interest, and his name came to be representative of Americanism in the chancelleries of the world. This alone warrants our officially remembering him, even if we were to be forgetful of his splendid leadership in domestic concerns, both as the formulator of legislative policies and as a counselor of Presidents.

In conducting the affairs of the Nation the services of statesmen of two opposing schools of thought are equally indispensable. We need the viewpoint of those whose attention is fixed upon the effort to carry on to perfection the ideals of the founders of our Government by remedying any unforeseen imperfections that experience may show to exist. We need no less those who are reluctant to sanction changes in the Constitution and the laws bequeathed us by our fathers, lest by rash experimentation the very foundations of representative government should be undermined. Senator Lodge was our unrivaled exponent of one of these opposing schools of thought. The sympathies and efforts of many have been devoted to the other, but these differences of viewpoints should never lead us to underestimate the great value of his

service to the State and to the Nation in compelling the great advances in government which have taken place in our own State and in the Nation as a whole during his long term of public service to be taken gradually, to be weighed with caution, and to represent, when taken, no hasty impulse, but the well-grounded conviction of the majority of our citizenship. This service alone, if there were no other to be cited, would amply justify the tribute we now offer to his memory.

If I could not honor such statesmanship as that of Henry Cabot Lodge without stopping to remember mere differences of opinion, I would regard myself more of a partisan than an American. If we can not applaud such unselfish effort and attainment—if we can not pay a lasting tribute to one who gained such national and world recognition, then we would be narrower and more intolerant than I have ever known Massachusetts to be.

Massachusetts, that Senator Lodge loved with the ardor which characterizes the affection of all who know her traditions and have lived within her, has been more than generous in the men she has sent to represent her in the Senate of the United States. They have been selected from among the ablest and best of her citizens. They have made national reputations. John Quincy Adams, Daniel Webster, Rufus Choate, Charles Sumner, Henry Wilson, and George Frisbie Hoar—statesmen that any Commonwealth might point to with just pride. With those, who will hesitate to link, now that the record is closed and our judgment is clear and impartial, the name of Henry Cabot Lodge?

We will do well to give expression in an enduring memorial, as we have done to our other great Senators, to the estimate already put upon the greatness of Henry Cabot Lodge by the people of the Commonwealth.

Very cordially yours,

DAVID I. WALSH.

COURTS IN TENNESSEE

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

Mr. ASHURST. I yield.

Mr. McKELLAR. Mr. President, a week or two ago the Senate passed a bill changing the date at which sessions of Federal courts might be held in the western district of Tennessee. That bill went to the House, but the House inadvertently passed a bill of its own. I have talked this matter over with the chairman of the Committee on the Judiciary, and he authorized me to ask unanimous consent for the immediate consideration of House bill 14831, to amend section 107 of the Judicial Code.

Mr. CURTIS. Let the bill be read.

The PRESIDING OFFICER. The clerk will read the bill.

The bill was read, as follows:

That the seventh sentence of section 107 of the Judicial Code is amended to read as follows:

"Terms of the district court for the western division of said district shall be held at Memphis on the first Mondays in April and October; and for the eastern division, at Jackson, on the fourth Mondays in March and September."

Mr. CURTIS. If it applies only to the courts in Tennessee, I have no objection.

Mr. McKELLAR. That is all it applies to.

The PRESIDING OFFICER. If there be no objection, the Committee on the Judiciary will be discharged from the further consideration of the bill. The Chair hears none. Is there objection to its consideration?

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

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

COMPENSATION FOR INJURIES AT LAKE DENMARK EXPLOSION

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

Mr. ASHURST. I yield.

Mr. EDGE. I ask unanimous consent for the immediate consideration of Senate bill 4558, to provide a method for compensating persons who suffered property damage or personal injury due to the explosions at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

The object of this bill is to give those who suffered losses a method by which to file their claims. It does not make any appropriation, and if I wait until the next session of Congress, eight months will be lost.

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

Mr. CURTIS. Has it been reported by the committee?

Mr. EDGE. It was reported favorably by the committee and is recommended by the Budget.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, on page 2, line 2, to insert the following:

and to transmit each such claim with supporting papers and a report of his finding of facts and recommendations thereon to the Comptroller General of the United States for submission to the Congress with his recommendations thereon: *Provided,* That claims of persons not employees of the United States for compensation for disability or death resulting from personal injury sustained from said fires or explosions shall not be recommended hereunder for persons or in amounts which would not be allowable under the United States employees' compensation act if the individual were an employee of the United States: *Provided further,* That the report to be made hereunder shall contain a brief statement of the character and justice of each claim so certified, the amount claimed, and the amount found due.

And, on page 2, to strike out sections 2, 3, and 4, so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Navy be, and is hereby, authorized and directed to make a thorough investigation of the merits of the claims which have been submitted to the Navy Department in writing and which may be submitted within six months after the date of this act, for compensation for property damage, death, or personal injury, alleged to have been caused by the series of fires and explosions which occurred at the naval ammunition station, Lake Denmark, N. J., on the 10th day of July, 1926, and to transmit each such claim with supporting papers and a report of his finding of facts and recommendations thereon to the Comptroller General of the United States for submission to the Congress with his recommendations thereon: *Provided,* That claims of persons not employees of the United States for compensation for disability or death resulting from personal injury sustained from said fires or explosions shall not be recommended hereunder for persons or in amounts which would not be allowable under the United States employees' compensation act if the individual were an employee of the United States: *Provided further,* That the report to be made hereunder shall contain a brief statement of the character and justice of each claim so certified, the amount claimed, and the amount found due.

The amendments were agreed to.

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

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

Mr. WADSWORTH. Mr. President, will the Senator yield to give me an opportunity to bring up three or four small, routine matters? It will result in no debate.

Mr. ASHURST. I yield.

SALE OF SURPLUS WAR DEPARTMENT PROPERTY

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendments of the House to the bill (S. 4305) to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property.

Mr. WADSWORTH. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. WADSWORTH, Mr. REED of Pennsylvania, Mr. GREENE, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

PROMOTION OF CERTAIN ARMY OFFICERS—CONFERENCE REPORT

Mr. WADSWORTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, and 4.

J. W. WADSWORTH, Jr.,
DAVID A. REED,
WALTER F. GEORGE,
*Managers on the part of the Senate.*

W. FRANK JAMES,
JNO. C. SPEAKS,
PERCY E. QUIN,
*Managers on the part of the House.*

The report was agreed to.

SALE OF GOVERNMENT LAND IN LOUISIANA

Mr. WADSWORTH. From the Committee on Military Affairs I report favorably Senate bill 5727 to authorize and direct

the Secretary of War to accept an act of sale and a C. S. B. dedication of certain property in the city of New Orleans, La., from the Board of Commissioners of the Port of New Orleans, and for other purposes, and submit a report thereon (No. 1601). The bill has the approval of the War Department, and there accompanies it a letter of the Secretary of War. It affects a situation in the city of New Orleans. In view of the lateness of the session, this being a Senate bill, I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The bill will be read.

The legislative clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed, for and on behalf of the United States of America, to accept in performance of a contract by and between the United States of America and the Board of Commissioners of the Port of New Orleans, dated May 29, 1918, and of options to purchase contained in two leases from the Board of Commissioners of the Port of New Orleans to the United States of America, each dated July 1, 1918, which options were exercised by the United States on May 31, 1919, an act of sale as to the B, B1, and B2 parcels and a dedication as authorized by the constitution and laws of the State of Louisiana as to the A, A1, and A2 parcels covered and described in said instrument from the Board of Commissioners of the Port of New Orleans, the said parcels being lands that comprise the New Orleans Army supply base, New Orleans, La.

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

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

The title was amended so as to read: "A bill to authorize and direct the Secretary of War to accept an act of sale and a dedication of certain property in the city of New Orleans, La., from the Board of Commissioners of the Port of New Orleans, and for other purposes."

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16686) to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted service certificates; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GREEN of Iowa, Mr. HAWLEY, Mr. TREADWAY, Mr. GARNER, and Mr. COLLIER were appointed managers on the part of the House at the conference.

## LOWER COLORADO RIVER BASIN

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin.

Mr. JOHNSON. Mr. President, will the Senator from Arizona yield to me for the presentation of a motion?

Mr. ASHURST. I am anxious to yield to the Senator from California, and I think courtesy would require that, but I have indicated that I would yield to the Senator from Arkansas [Mr. ROBINSON], and then I will yield to the Senator from California, although he is armed with a blade for my destruction.

Mr. JOHNSON. Mr. President, this is a privileged motion, held by the Vice President to be presentable at any time.

Mr. ASHURST. Just a moment. I hardly think the Senator ought to ask me to yield on a matter where he proposes to eviscerate my State.

Mr. JOHNSON. I do not ask the Senator to yield. I say it is a privileged motion. I present it.

The PRESIDING OFFICER. The Chair will have to rule that a Senator can take another from the floor even without his consent for the presentation of a privileged motion.

Mr. JOHNSON. That is exactly what the Vice President held. Will the Senator yield to me——

Mr. ASHURST. I decline to yield at this moment in order that I may be slain.

Mr. JOHNSON. I thought the Senator had yielded the floor.

Mr. ASHURST. I promised to yield to the Senator from Arkansas, and then I will yield to the Senator from California.

Mr. JOHNSON. I do not want the Senator to yield unless I have the right. If I have not the right, I will not present the motion now.

The VICE PRESIDENT. The Senator from California has the right to present a privileged motion at any time, and can take a Senator off his feet to do so.

Mr. ASHURST. I appeal from the decision of the Chair. I have the floor. Mr. President——

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. I respectfully, and with great deference to the Chair, appeal from the decision of the Chair, for the reason that a motion of this kind is not in order when a Senator has the floor.

The VICE PRESIDENT. The President——

Mr. ASHURST. Wait a moment, please. I yielded to the Senator from New York, and I am glad I did so. Now, I wish to yield to the Senator from Arkansas.

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

Mr. ASHURST. I can not yield for that purpose at this moment.

The VICE PRESIDENT. The Senator will suspend while the Chair makes a statement. The precedents of the Senate are to the effect that a Senator can be taken off the floor at any time that a petition for cloture is presented.

Mr. ASHURST. Mr. President, from that decision of the Chair, with great affection for the Chair, I respectfully appeal, and I demand the yeas and nays on the appeal.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate? And on that question the Senator from Arizona demands the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER. I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. In his absence, not knowing how he would vote on this matter, I withhold my vote.

Mr. UNDERWOOD. I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. He is absent on account of illness. I therefore withhold my vote.

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). I inquire if the Senator from Wyoming [Mr. WARREN] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. OVERMAN. Having a general pair with that Senator, I withdraw my vote.

Mr. MAYFIELD. Mr. President, may I ask a question about the ruling of the Chair?

The VICE PRESIDENT. The Senator may.

Mr. MAYFIELD. Does the Chair rule that the mere filing of the cloture application takes the Senator from Arizona from the floor?

The VICE PRESIDENT. The Chair will recognize the Senator from Arizona as having the floor after the motion for cloture is stated. Rule XXII states that the motion for cloture may be presented at any time and that the Chair must state it to the Senate. The Chair will deprive the Senator from Arizona of his right to the floor only until the cloture rule is laid before the Senate.

Mr. MAYFIELD. Under that explanation of the Chair I vote "yea."

The result was announced—yeas 46, nays 30, as follows:

YEAS—46

| | | | |
|---|---|---|---|
| Bingham | Goff | Mayfield | Schall |
| Blease | Gooding | Means | Sheppard |
| Borah | Hale | Moses | Shipstead |
| Capper | Howell | Neely | Shortridge |
| Copeland | Johnson | Norbeck | Stanfield |
| Couzens | Jones, Wash. | Norris | Stewart |
| Curtis | Kendrick | Nye | Wadsworth |
| Dale | Keyes | Pine | Walsh, Mont. |
| Edge | La Follette | Pittman | Watson |
| Ernst | Lenroot | Reed, Pa. | Willis |
| Frazier | McLean | Robinson, Ind. | |
| Glass | McMaster | Sackett | |

NAYS—30

| | | | |
|---|---|---|---|
| Ashurst | Ferris | McKellar | Steck |
| Bayard | Fess | Metcalf | Stephens |
| Bratton | George | Phipps | Trammell |
| Broussard | Gerry | Ransdell | Tyson |
| Bruce | Harris | Reed, Mo. | Walsh, Mass. |
| Cameron | Harrison | Robinson, Ark. | Wheeler |
| Caraway | Heflin | Simmons | |
| Dill | King | Smith | |

NOT VOTING—19

| | | | |
|---|---|---|---|
| Deneen | Gould | McNary | Swanson |
| du Pont | Greene | Oddie | Underwood |
| Edwards | Harreld | Overman | Warren |
| Fletcher | Hawes | Pepper | Weller |
| Gillett | Jones, N. Mex. | Smoot | |

So the Senate sustained the decision of the Chair.

The VICE PRESIDENT. The Chair will read now the motion for cloture:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate be

brought to a close upon Senate bill 3331, a bill to provide for the protection and development of the lower Colorado River Basin, Calendar No. 666, and all amendments thereto.

Dated, February 24, 1927.

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|---|---|
| HIRAM W. JOHNSON. | ROYAL S. COPELAND. |
| G. W. NORRIS. | F. R. GOODING. |
| KEY PITTMAN. | LYNN J. FRAZIER. |
| JAMES E. WATSON. | PETER NORBECK. |
| W. H. MCMASTER. | RICE W. MEANS. |
| SAMUEL M. SHORTRIDGE. | A. R. GOULD. |
| JOHN B. KENDRICK. | W. L. JONES. |
| M. M. NEELY. | EARLE B. MAYFIELD. |

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 17264) to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill., in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 2141. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes;

S. 2615. An act to amend paragraph (1) of section 22 of the interstate commerce act by providing for the carrying of a blind person, with a guide, for one fare;

S. 4893. An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations;

S. 5671. An act to amend paragraph (c) of section 4 of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924;

S. 5699. An act relating to the admission of candidates to the Naval Academy; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the reunion of the United Confederate Veterans, to be held at Tampa, Fla., in April, 1927.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 17243. An act to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

H. R. 17128. An act granting the consent of Congress to the State of Indiana, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, and permitting the State of Kentucky to act jointly with the State of Indiana in the construction, maintenance, and operation of said bridge; and

H. R. 17264. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.; to the Committee on Commerce.

RETIREMENT OF DISABLED WORLD WAR OFFICERS

The VICE PRESIDENT. The Chair lays before the Senate at this time Senate bill 3027, and recognizes the Senator from Arizona.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. ROBINSON of Arkansas. Mr. President——

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

Mr. ROBINSON of Arkansas. This is the bill of the Senator from Tennessee [Mr. TYSON], which had passed the Senate——

Mr. ASHURST. I can not yield for more than a question.

Mr. ROBINSON of Arkansas. The bill of the Senator from Tennessee is before the Senate.

Mr. ASHURST. I have the floor.

Mr. ROBINSON of Arkansas. I ask recognition on that bill.

Mr. ASHURST. Mr. President, I——

Mr. ROBINSON of Arkansas. Mr. President, the Boulder dam bill is no longer before the Senate. Under the unanimous-consent agreement entered into yesterday the Chair should have recognized the Senator who first addressed him. The Senator from Arkansas having in mind the parliamentary situation desired recognition from the Chair in order to make certain that the bill of the Senator from Tennessee might be considered during the hour set apart for the consideration of that bill. Surely the Senator from Arizona will not insist upon claiming the floor to discuss the Boulder dam bill when the Boulder dam bill is not before the Senate.

Mr. ASHURST. I simply ask the Chair if I have the floor?

Mr. ROBINSON of Arkansas. I ask for recognition in my own right on the bill before the Senate.

The VICE PRESIDENT. The Senator from Arizona has the floor. The veterans' relief measure is before the Senate, but a Senator is the judge of the relevancy of his remarks under the rule of the Senate, and the Senator from Arizona will proceed.

Mr. ASHURST. The only information I desire from the Chair is whether I have the floor?

The VICE PRESIDENT. The Senator from Arizona has the floor.

Mr. ASHURST. Very well.

Mr. ROBINSON of Arkansas. What is the Senator going to do with it? I ask the Senator from Arizona if he will yield to me?

Mr. ASHURST. I will yield only for a brief question at this juncture. I am in favor of the Tyson bill.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. ASHURST. I decline to yield for other than a brief question.

Mr. ROBINSON of Arkansas. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. ROBINSON of Arkansas. The Senator from Arizona is not entitled to the floor for the reason that by the unanimous-consent order entered into yesterday a new bill has come before the Senate, the bill of the Senator from Tennessee [Mr. TYSON], and an hour was set aside for the consideration of that bill. The Senator from Arkansas asks recognition of the Chair for the purpose of discussing briefly the bill of the Senator from Tennessee. The Senator from Arizona surely understands that he forfeits no rights and gains no advantage by claiming the floor now, because the speech which he would make while the Tyson bill is under consideration would neither be credited to him nor charged against him when the consideration of the Boulder dam bill is resumed. I think the Senator from Arizona should yield.

Mr. ASHURST. Has the Senator finished?

Mr. ROBINSON of Arkansas. No; I have not finished.

Mr. ASHURST. I then yield to the Senator to finish his statement.

The VICE PRESIDENT. The Senator is the judge of the relevancy of his remarks.

Mr. ASHURST. There is no rule of the Senate as to relevancy.

The VICE PRESIDENT. Unfortunately that is the case. [Laughter.]

Mr. SWANSON. Mr. President——

Mr. ASHURST. I decline to yield.

The VICE PRESIDENT. The Senator from Arizona has the floor.

Mr. ASHURST. I decline to yield at this time.

Mr. SWANSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SWANSON. The ordinary custom of the Senate is that a Senator may talk about anything he pleases under the general rules of the Senate, but a unanimous-consent agreement has been entered into in good faith providing that the retirement bill of the Senator from Tennessee shall be considered at this time. When a unanimous-consent agreement is entered into for the consideration of a bill, that bill must be considered and it must be discussed or else the unanimous-consent agreement is violated. It is left to the Chair to see that the unanimous-consent agreement is carried out.

Mr. ROBINSON of Arkansas. I want to point out to the Chair that the mere fact that the Senator from Arizona had the floor while a different order was in process does not entitle him to retain the floor when a new bill comes before the Senate. The Chair surely does not intend to hold that, after the unanimous-consent agreement was entered into in good faith by the Senate on yesterday, a Senator who has occupied the floor in the discussion of the Boulder dam bill can retain the floor, by virtue of his previously acquiring that right, for the purpose of discussing the same subject.

Mr. ASHURST. I claim my right to the floor at this juncture.

Mr. ROBINSON of Arkansas. The Senator from Arizona yielded the floor when he appealed from the decision of the Chair.

Mr. ASHURST. No; it was taken away from me.

Mr. ROBINSON of Arkansas. Just a moment, please.

Mr. ASHURST. I have the floor, and the Chair said so.

Mr. ROBINSON of Arkansas. The Chair can arbitrarily recognize the Senator. He has the power to recognize anybody he wants to.

The VICE PRESIDENT. Does the Senator from Arkansas raise a point of order?

Mr. ROBINSON of Arkansas. A point of order. I suggest to the Senator from Tennessee that he invoke the rule established but a moment ago and file his petition for cloture on the retirement bill.

Mr. ASHURST. The Senator has that right. That is a rule of the Senate. I have the floor?

The VICE PRESIDENT. The Senator from Arizona has the floor. The Chair will state that at the end of the morning hour, when the unfinished business is laid before the Senate, it is customary to allow the Senator then addressing the Chair to continue to speak on the subject on which he was speaking before the unfinished business was laid before the Senate. There is no reason for any different procedure under parliamentary law when a bill is laid before the Senate for consideration under a unanimous-consent agreement in the regular order.

Mr. TYSON. Mr. President——

The VICE PRESIDENT. The Senator from Tennessee files a petition.

Mr. TYSON. I desire to enter a motion to close debate under Rule XXII.

The VICE PRESIDENT. If the Senator will present his motion, the Chair will read it as the rule requires.

Mr. ASHURST. That does not deprive me of the floor, does it?

The VICE PRESIDENT. It does not.

Mr. REED of Pennsylvania. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. REED of Pennsylvania. I make the point of order that a vote at 1 o'clock on the second calendar day following to-day has already been ordered on the petition for cloture on the Boulder dam bill and that therefore a vote at that hour on the bill mentioned in the last order presented can not in the nature of things be had.

The VICE PRESIDENT. Under the rule relating to special orders, the vote on the second petition would follow when the other matter is disposed of.

Mr. REED of Pennsylvania. A parliamentary inquiry. Then, Mr. President, would the vote on cloture on this bill take place immediately after the other vote or after the disposition of the other bill?

The VICE PRESIDENT. If the cloture motion on the first bill should be agreed to, then there could not be a vote on the second motion for cloture until the bill specified in the first motion had been disposed of.

Mr. REED of Pennsylvania. And not even a vote on the second cloture motion could interrupt the consideration of the Boulder dam bill if cloture should be voted on the other?

The VICE PRESIDENT. Not if cloture should be invoked.

Mr. TYSON. Mr. President——

The VICE PRESIDENT. The Chair will state the motion for cloture presented by the Senator from Tennessee:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move that debate be brought to a close upon the pending measure (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War:

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|---|---|
| L. D. TYSON. | W. L. JONES. |
| JAMES COUZENS. | JAMES E. WATSON. |
| KENNETH MCKELLAR. | HARRY B. HAWES. |
| ARTHUR R. ROBINSON. | FRANK B. WILLIS. |
| JOE T. ROBINSON. | J. THOS. HEFLIN. |
| MORRIS SHEPPARD. | WOODBRIDGE N. FERRIS. |
| H. F. ASHURST. | M. M. NEELY. |
| DAVID I. WALSH. | R. H. CAMERON. |
| FREDERICK HALE. | EARLE B. MAYFIELD. |
| GUY D. GOFF. | ARTHUR CAPPER. |
| DUNCAN U. FLETCHER. | S. G. BRATTON. |
| PARK TRAMMELL. | DANIEL F. STECK. |
| WM. J. HARRIS. | CARTER GLASS. |
| DAVID W. STEWART. | F. R. GOODING. |

The motion for cloture is signed by more than 16 Senators.

Mr. ASHURST. Mr. President, I now resume the floor.

Mr. TYSON. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. TYSON. I desire to know what was the statement made by the Chair in regard to when the cloture motion would be passed upon that I have just asked for. When will the vote be had?

The VICE PRESIDENT. The vote upon the motion of the Senator from Tennessee will be taken after the disposition of the bill which will be considered under the previous motion for cloture.

Mr. TYSON. Not until the conclusion of the bill?

The VICE PRESIDENT. It will not, in the judgment of the Chair; but the Chair will state that if the motion for cloture upon the Boulder dam bill shall fail, then the vote will be taken on the cloture motion filed by the Senator from Tennessee.

Mr. ASHURST. Mr. President, I was interrupted by the cloture motion on the Boulder dam bill filed by the Senator from California [Mr. JOHNSON], who, like a bifurcated, peripatetic volcano, in constant eruption, has gone about the land inveighing against cloture; in other words, "cloture is wrong except when it accrues to his benefit." Thus we see a rising above principle.

Oh, it is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant.—Shakespeare.

That mercy I to others show,
That mercy show to me.—Alexander Pope.

Arizona is the youngest State in the Union; after having been a member of the Federal Union for 15 years, this youngest State is to be strangled by a cloture motion. She may be strangled and eviscerated, but with her last expiring gasp she will brandish the clenched fist of defiant opposition and resistance to those who would despoil her. Senators complacently plan to vote for a cloture motion to destroy one State. I hope Arizona may be the only State to be destroyed, but when you start upon such dubious ventures you do not know where the end will be.

Mr. President, when one is mixing poison and unpalatable doses for other people let him consider how he would like to take some of the medicine that he is commending to the palates of his victims. That is a good philosophy to guide you, sir, as you go through life.

Mr. President, this Senate is the forum of freedom. Some Senators who have denounced cloture most furiously now rush forward to sign a cloture petition. So much for their consistency! They believe that consistency is a jewel, but that jewelry is vulgar.

Mr. President, this bill may pass; of course, it will pass if the cloture motion shall carry; but that will not bring the result sought by the Boulder dam bill, because Arizona will resort to another tribunal, the Supreme Court of the United States, which deals with the ever-present and complex problems of 48 States and their sovereignty. After 10 years' litigation as a result of this bill it will be found that with Arizona, as with Alabama and Texas and Tennessee and New York and all the other States, there are certain reserved rights which a State has that not even the Senate can destroy. Arizona will retire behind her ramparts and her loyal sons will, under the Constitution, bid defiance to your cloture.

Mr. President, I am in favor of the emergency officers' retirement bill. I have voted for it, and shall continue to do so, therefore must not take its time. Is there a Senator here who understands the bill? Call the roll and let him say aye who understands this bill. I pause for a reply. To what extent has the Senate degenerated when it proposes to eviscerate a State—not mere persons, for persons are so evanescent. Senators, if you vote for this cloture motion, you may drown the voice of Arizona, but there will ever afterwards be in your bosom an unstilled voice from which you can not escape; there will be that which distinguishes men from animals, a conscience, and you never will be able to live a peaceful life after you violate your conscience. Will you vote for a cloture on a bill which you do not understand?

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

Mr. ASHURST. In just a moment. The distinguished Senator from Arkansas is my leader; I am proud of him. I mentioned the Senator from Missouri [Mr. REED] as being worthy to enter the presidential lists, but the Senator from Arkansas is also well worthy.

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

Mr. ASHURST. I decline to yield.

Mr. ROBINSON of Arkansas. Will the Senator yield to me merely to introduce a bill?

Mr. ASHURST. I will not.

Now, Mr. President, having vindicated the principle that I am entitled to the floor, I close by saying that when you gather around your fireside in the eventide of life this one act of yours to attempt to despoil a State by a bill which you do not understand will be one act that you will not wish to try to explain to your sons. I now deem it an honor to yield to my leader, the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, I merely wanted to ask leave, out of order, to introduce a bill and have it referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, the bill will be received.

[The bill noted is in the RECORD, under the proper heading.]

Mr. ROBINSON of Arkansas. Mr. President, my interruption had no relation to the Boulder dam bill, and I do not know why the Senator assigns me to the opposition to him with respect to that bill, as I have made no declaration or announcement of my views regarding it. I have not announced a purpose to support the Boulder dam bill.

Mr. ASHURST. Which shows that the Senator from Arkansas is a real statesman.

Mr. ROBINSON of Arkansas. The Senator has been a long time reaching that conclusion. [Laughter.]

Mr. BINGHAM. Mr. President, I inquire what is the business now before the Senate?

The VICE PRESIDENT. The measure now before the Senate is the bill presented by the Senator from Tennessee [Mr. TYSON], being Senate bill 3027, the emergency officers' retirement bill.

Mr. HEFLIN. Mr. President, if the Senator from Connecticut will permit me, I ask unanimous consent that at 4 o'clock the Senate vote upon the bill of the Senator from Tennessee.

Mr. BINGHAM. I shall be obliged to object to that. I do not believe that all the Senators who desire to be heard on the bill can be heard between now and 4 o'clock.

Mr. President, there is probably no measure which it is more difficult to oppose than this bill, so ardently and ably championed by the Senator from Tennessee. We are a sympathetic, kindly people. Observers have sometimes told us that we are inclined to let sympathy run away with our good judgment. I realize that few foreign nations at present make any such claim. We are accused by them of being hard-hearted Shylocks, unwilling to cancel debts and insisting on our full rights. Even those countries whose war debts we have in large part offered to cancel in that regard do not regard us as being particularly sympathetic and kindly. Our neighbors to the south of us do not so regard us. They desire to behave as they please and without regard to the generally accepted duties of members of the family of nations.

Our possession of the Panama Canal and its importance to us strategically make it necessary that we maintain the Monroe doctrine in its most active and Rooseveltian form so far as the Caribbean Sea is concerned. If we are unwilling for foreign nations to land armed forces to protect their citizens and the investments which they have made under the laws of the countries involved, we must be prepared to take the burden of criticism ourselves and due regard for them, even though our action leads to an accusation of a lack of sympathy on our part.

There are times, Mr. President, when bills which appeal very strongly to one's sympathy must be opposed on grounds of justice and sound policy; in this case on the grounds of justice to the enlisted men and to a great majority of the disabled officers of the World War, as I shall endeavor to show later, and on the ground of the bill being against sound military policy.

There are times when one must be willing to take the extremely unpopular side of measures when one has studied them and believes them to be contrary to public interest. Nevertheless, there are few bills before us which have appealed to the sympathies of more people than this one. There have come to my desk scores of letters and telegrams urging me to support this measure, and I assume that the same thing is true of practically every Senator. In certain sections of the country, notably in southern California and Arizona, there have been tremendous efforts made to send out long-continued propaganda the effect of which would be to make it all but impossible for any but the most hard-hearted to vote against this bill. Numerous telegrams have been put into the RECORD by the Senator from Tennessee and by other Senators. Many of those telegrams read so much alike, being word for word in form, and even in the peculiarity of their expression, as the Senator from Tennessee must have realized, that it is quite obvious that they were engineered by a determined and well-organized minority who have the most intense belief themselves in the justice and in the wisdom of the cause for which they are fighting.

I find no fault with that, Mr. President. Propaganda is something from which we all suffer. The flood of it has increased year by year ever since we adopted the amendment to the Constitution of the United States which took the election of Senators out of State legislatures and placed it in the hands of the people. I merely call attention to the fact that in this case this propaganda has been particularly well done.

I recollect a cartoon appearing in a number of papers recently, picturing one of these disabled officers with but one leg, on a crutch, looking in through the window at others more favorably situated, and wondering when the time would come when he would have justice. It occurred to me that if this bill becomes a law it will not be very long before there will be cartoons picturing similarly distressed enlisted men, equally disabled, equally good American citizens, serving in the same battles, wounded at the same time, out in the cold as to what is provided for them, looking through the windows at the few officers who are taken care of in this bill.

I say "the few officers," Mr. President. It is not generally known that only a small proportion of the disabled officers of the war are taken care of in this bill. To hear discussions of it in various conventions of the American Legion, in various meetings of the disabled veterans of the war, one might suppose that all officers disabled in the World War were taken care of by this bill and put on the retired list of the Army.

What are the facts? This bill provides only for those officers of the Army of the United States during the World War, other than officers of the Regular Army, who have 30 per cent permanent disability.

I hold in my hand the hearings on this bill before the Committee on Military Affairs of the Senate, held on March 5, 1926. On page 17 there is a very interesting table which shows the compensation and active disability awards of Army officers, showing the extent of major disability, the degree of impairment, and the number and amount of monthly compensation payments as of September 30, 1925. This shows that of the temporarily partially disabled officers who are rated by the Veterans' Bureau at from 10 to 19 per cent there are 1,484; of those who are rated at from 20 to 29 per cent there are 899; of those who are rated at from 30 to 39 per cent there are 220; of those who are rated at from 40 to 49 per cent there are 118; 50 to 59 per cent, 408; 60 to 69 per cent, 58; 70 to 79 per cent, 256; 80 to 89 per cent, 24; 90 to 99 per cent, 2; a total of 3,469 officers of the World War who are at present receiving compensation as being temporarily partially disabled. It is hoped that they may get over this disability, but that is their present rating.

Now, Mr. President, I should like to call the attention of Senators, and particularly of those members of the American Legion who have been so active in promoting this bill, to the fact that not a single one of those 3,469 temporarily disabled officers is affected in the slightest degree by this bill. They are not benefited at all.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. GOFF in the chair). Does the Senator from Connecticut yield to the Senator from Pennsylvania?

Mr. BINGHAM. I yield.

Mr. REED of Pennsylvania. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Ferris | King | Robinson, Ind. |
| Bayard | Fess | La Follette | Sackett |
| Bingham | Fletcher | Lenroot | Schall |
| Blease | Frazier | McKellar | Sheppard |
| Borah | George | McLean | Shipstead |
| Bratton | Gerry | McMaster | Shortridge |
| Broussard | Glass | Mayfield | Smith |
| Bruce | Goff | Means | Stanfield |
| Cameron | Gooding | Metcalf | Steck |
| Capper | Hale | Moses | Stewart |
| Caraway | Harreld | Neely | Swanson |
| Copeland | Harris | Norbeck | Trammell |
| Couzens | Harrison | Norris | Tyson |
| Curtis | Hawes | Nye | Wadsworth |
| Dale | Heflin | Overman | Walsh, Mass. |
| Deneen | Howell | Pine | Walsh, Mont. |
| Dill | Johnson | Pittman | Watson |
| Edge | Jones, Wash. | Ransdell | Willis |
| Edwards | Kendrick | Reed, Pa. | |
| Ernst | Keyes | Robinson, Ark. | |

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

Mr. BINGHAM. Mr. President, I had just stated that there are 3,469 disabled officers of the World War who are rated as only temporarily disabled who are not benefited in the slightest degree by this bill. I will now go on to give from the same table a brief statement regarding some of the other disabled officers of the war.

Among those who are permanently disabled there are some 2,456 who are not benefited by this bill. Of those, 1,736 are only partially disabled—between 10 and 19 per cent disabled. It is true that by one of the provisions of the bill they get the honor, such as it is, of being on a separate retired list, where they can see their names in print from year to year, and feel that they have a little more distinction; but they get no monetary benefits whatever from the bill. Between 20 and 29 per cent permanent partial disability, there are 720 officers who get no other benefit from the bill than going on a list. In other words, there are 2,456 of these permanently disabled officers who are not placed on the retired list for receiving pensions, as many of them think they will be, and as many of the men and officers in the various American Legion and other conventions who have so strenuously voted for this bill believe that it will do.

There are also some men who are temporarily totally disabled, 100 per cent totally disabled, but it is hoped only temporarily. There are 693 of them, and they get no benefit from the bill. In other words, those who benefit from the bill are only, at the outside, some 1,900. Of these nearly 300, if they accepted the provisions of the bill, would get less money from the Government than they are getting to-day. They are getting to-day, as permanently totally disabled, $100 a month, like all the enlisted men. They are second lieutenants, and under the provisions of this bill they would get only $97.25 while they live; and, furthermore, as I pointed out once before, their wives and children at present, when the veterans die, are taken care of by the Government, which is something that does not happen in the case of the wives and children of officers of the Regular Army. Very few people know that. Most people could not believe it if they heard it, and would not believe it; but it is true that if an officer of the Regular Army dies to-day, the Government makes no provision for his wife or children after he dies. This bill, by placing emergency disabled officers on the retired list, provides that the present law which takes care of wives and children will not apply if the officer accepts the provisions of this bill.

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

Mr. BINGHAM. I yield.

Mr. BLEASE. I want to ask the Senator if he is absolutely positive about that?

Mr. BINGHAM. In reply to the Senator from South Carolina I will say that he will find that provision on page 2 of the bill, lines 22, 23, and 24, in which it is stated that the pay and allowances provided for in this bill "shall be in lieu of disability compensation benefits to such officers or persons provided in the World War veterans' act of 1924, and amendments thereto." "Or persons" would include their dependents, wives and children.

Mr. BLEASE. Does that mean that when a man dies who has taken advantage of the provisions of this bill his family would not get anything?

Mr. BINGHAM. Exactly, as the wives and children of officers of the Regular Army to-day get nothing when those officers die.

Mr. LLEASE. I am much obliged to the Senator.

Mr. BINGHAM. I do not believe that many of the men who are for this bill understand that provision.

Finally, Mr. President, to sum up the unfairness of this measure, and to explain to those who are doing me the great courtesy of listening to these rather dry and unsympathetic remarks, I want to point out that there are several million enlisted men who are not benefited by this bill at all. There are tens of thousands of disabled enlisted men who came from civil life, became disabled, and are now on the rolls of disabled, just as the officers are, who will not benefit by this bill. But of the 8,466 officers who were disabled during the war, and who are rated to-day as having more than 10 per cent disability, and who are receiving payment from the Veterans' Bureau, only about 1,600 would receive any benefit whatever from this bill, and about 6,500 would not benefit at all.

Of course, the bachelors who were majors and captains would receive a great deal more money under this bill than they are getting to-day. They have no dependents who would be deprived of anything by their failure to receive pensions from the Government after their deaths, and it does appear as though the bachelors of field grade and of the upper company grades are the chief beneficiaries under this measure. The second lieutenants would not benefit at all. On the contrary they would lose by this bill. Neither the married men nor the company officers really profit by this bill, and the enlisted men do not benefit by it.

Mr. President, the proponents of this legislation have been extremely active and forehanded in securing the pledges of a large number of Senators and Congressmen to vote in favor of this legislation before its form and nature and significance were fully understood. I presume that every Senator has been approached by ex-service men with the plea for justice for the emergency officers of the World War. Everyone wants to see justice done. Everyone wants to see the disabled officers of the World War properly cared for. No one desires to be unmindful of the sufferings of the veterans who served their country in time of its greatest need. Consequently, the promise to support this bill is readily made, because on the face of it it appears to be just and right and wise. A considerable number of Senators became committed to this measure before they had an opportunity to study it or to see just what it does. I very nearly did so myself. The plea seemed so reasonable and I felt so sorry for my comrades in arms that I came down here favorably disposed toward this legislation. It was only when I began to give the matter careful study that I realized that although certain small classes of officers of the World War had been retired as disabled, this had been done in defiance of sound military policy and without regard to its ultimate effect on our treatment of disabled veterans.

The American Legion has repeatedly gone on record as being favorably disposed toward this measure. I was one of the organizers of the American Legion in Connecticut, a member of the organization committee, and a member of the first executive committee after the Legion was organized, and have been a member of the Legion since its inception. I have not always approved of everything it has done, and I most certainly do not agree with its action in persistently promoting this legislation. Nevertheless, I do not blame anyone for that, for I came so near myself to being heartily in favor of it before I fully understood it that I can readily understand how anyone who has not given the subject much thought could easily be led by his natural sympathy to give his unqualified support to this measure.

There are many people who feel that nothing the disabled veterans of the war and their organizations ask for should be denied them. I can readily comprehend how a Senator who did not have the opportunity of serving his country in uniform or of serving in France during the war would hesitate to oppose this bill. I can readily understand how he would feel it in his heart to be superlatively generous to those who did serve.

Furthermore, there are hundreds, even thousands, of veterans who, if they studied this measure carefully, would agree with me that it was unwise, but who could not bear to take a position against something which is asked for by their less fortunate buddies. There are thousands of enlisted men who know very little about this bill now, but who will sooner or later, if it passes, feel that they have not been treated fairly. They are not likely to appear before us here nor are their representatives likely to appear, because it would seem ungracious to be opposing something which the emergency disabled officers are asking for. Some of them may hope that if we greatly increase the pensions paid to disabled officers who came from civil life we will sooner or later come to the conclusion that the only fair thing to do is greatly to increase the pensions paid to disabled soldiers who were not so fortunate as to receive commissions, but who came similarly from civil life and served with similar or even greater ability during the war.

[Mr. REED of Pennsylvania submitted a request relieving Mr. SIMMONS from service as a conferee on the veterans' loan bill, which appears elsewhere.]

Mr. REED of Pennsylvania. Mr. President, in the few minutes that remain I want to call attention to one fact which I think has been obscured in the discussion of this bill. The opponents of the bill are not trying to reduce the amount that is paid to the disabled veterans of the World War. What we are trying to do, and what we are trying to insist upon, is that the money that is being spent shall be applied impartially and without favoring one person over another because of the temporary rank they held during the few months the war was on.

I had a letter this morning from a disabled officer urging support of this bill, and in his letter he said frankly, "I think I was better than the men who served under me in the war. I think I did more for my country, and therefore it is right that I, who am now disabled, should receive more than they for their disabilities."

I say that that is a doctrine for which there is no place in America. Our whole idea of the equality of men, the equality of opportunity, the whole doctrine of Rousseau, which under-

lie our Constitution, should forbid any such distinction as that. When those men went into the war they went in on the same basis of equality, and the rank that was given them did not indicate superiority of one over the other. It indicated a mere convenience of arrangement for the transmission of command from the head of the Army to every individual in it. That is the only excuse for rank in the American Army, to facilitate the transmission of command from high to low. Somebody has to command in that oligarchy that we call an army, but it is not because he is better than the privates or the noncoms or the lower officers whom he commands. It is because of the military necessity of operating under a single will; and for those men who found themselves given posts in that gradation of the scale through which command was transmitted to vaunt themselves as essentially superiors of the privates under them is, to my mind, too snobbish and un-American for recognition.

Mr. BRUCE. Mr. President, as I understand the Senator from Pennsylvania, his idea is that there is no rank in wounds.

Mr. REED of Pennsylvania. There is no rank in wounds. Before we went into that Army we were all equal, and when we came out of it we were all equal, with no superiority whatsoever in the officer over the man who fought with him, and often fought ahead of him.

To my mind it would be the most un-American thing we could do to pass the bill. In all our other wars we have never made such a distinction. In the Civil War and in the years which have followed it, we have never once made a distinction between the officer and the man in the payment of compensation.

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

Mr. REED of Pennsylvania. I yield for a question. I do not want to yield the floor.

Mr. TYSON. I want to say to the Senator that I think he is mistaken. In all the wars and in all the United States laws up to 1912 those with rank have always been given more than those who did not have any rank. I have the laws before me now.

Mr. REED of Pennsylvania. The captains and lieutenants——

The PRESIDING OFFICER. The hour of 4 o'clock having arrived, under the unanimous-consent agreement, Senate bill 3027, the so-called Tyson bill, is returned to the calendar and consideration of the unfinished business of the Senate will now be resumed.

### ALIEN PROPERTY ADJUSTMENT

Mr. REED of Pennsylvania. Mr. President, I move that the Senate proceed now to the consideration of Calendar No. 1415, House bill 15009, known as the alien property bill, and on that I ask for the yeas and nays.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

Mr. REED of Pennsylvania. I make the point of order that no business has intervened since the last roll call.

Mr. LA FOLLETTE. The point of order is not well taken. The Senator from Pennsylvania has made a motion to take up a bill.

Mr. REED of Pennsylvania. I withdraw the point of order.

Mr. HEFLIN. Not only that, but the Senator from Pennsylvania stated that the Senator from North Carolina [Mr. SIMMONS] wanted to be relieved from acting on a conference committee and requested that another Senator be appointed in his place, and that was done.

The PRESIDING OFFICER. The Chair holds that business has been transacted, and the clerk will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Ferris | Keyes | Ransdell |
| Bayard | Fess | King | Reed, Pa. |
| Bingham | Fletcher | La Follette | Robinson, Ark. |
| Blease | Frazier | Lenroot | Robinson, Ind. |
| Borah | George | McKellar | Sackett |
| Bratton | Gerry | McLean | Schall |
| Broussard | Glass | McMaster | Sheppard |
| Bruce | Goff | Mayfield | Shortridge |
| Cameron | Gooding | Means | Smith |
| Capper | Hale | Metcalf | Steck |
| Copeland | Harreld | Moses | Stewart |
| Couzens | Harris | Neely | Swanson |
| Curtis | Harrison | Norbeck | Trammell |
| Dale | Hawes | Norris | Tyson |
| Deneen | Heflin | Nye | Wadsworth |
| Dill | Howell | Overman | Walsh, Mass. |
| Edge | Johnson | Phipps | Warren |
| Edwards | Jones, Wash. | Pine | Watson |
| Ernst | Kendrick | Pittman | Willis |

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

Mr. BORAH. Mr. President, I wish to say a few words in regard to the motion which has been made by the Senator from Pennsylvania. I should like very much to see the subject covered by the bill disposed of in some way during this session. I should like to see the American claimants taken care of so far as they can be at this time and the property of aliens returned. But I do not think anything can possibly be gained by taking up the alien property bill at this time if the advocates of the bill are going to insist upon the measure as it came from the Senate committee.

The House has passed a measure to which I am not seriously opposed, although I think there should be some amendments. However, I would not interpose any prolonged opposition. But I do feel that the measure as it came from the Senate committee would not only justify but would necessitate more time than can possibly be given to it at this session.

It does not seem to me quite the proper thing to do, in the way of securing results here, at this late hour in the session, to displace a bill which has been under consideration for several days and take away the advantage which may have been gained toward the final disposition of it by interposing another measure which will lead to very prolonged debate.

I do not mean by that to say that I propose to interpose a mere question of time against it, but I think there are several problems involved which it would take a large portion of the remaining time to dispose of. I am not disposed to go into a discussion of it at this time unless it seems necessary to do so. But I will state that as I see the bill and as I construe the measure coming from the Senate committee it undoubtedly involves confiscation in two or three particulars. It would involve a discussion of whether it is wise for the Government to abandon the policy which it has professed to maintain and, I think, in a large measure has maintained since it was organized. The House measure undertakes, and I think perhaps successfully undertakes, to avoid the destruction of the principle of the inviolability of private property. But the Senate bill, as I see it, confessedly and admittedly incorporates in it the principle of confiscation, if you may call that a principle, which principle has none. That being true, there is no possible chance to dispose of it and especially when it is in practical conflict, as it will be very shortly, with two cloture rules and another bill which has very heavy support in the Senate.

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

Mr. BORAH. I yield.

Mr. WATSON. Would the Senator favor the passage of the House bill?

Mr. BORAH. As I said, I would not interpose any objection. I would like to offer a single amendment to it, but I would not take any time of the Senate in urging it. I should simply take sufficient time to say that there are some provisions of the House bill of which I do not fully approve, but I do think it escapes running completely counter to the fundamental proposition which interests me in the matter. Therefore, in view of the fact that something ought to be done for the claimants on both sides and in view of the fact that we have only four or five days in which to dispose of the matter, I would yield any views which I have with reference to the subject rather than delay its disposition.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. BORAH. Certainly.

Mr. REED of Pennsylvania. I appreciate the Senator's point that it seems unfair to displace the Boulder dam bill between the present moment and the time when it becomes the subject of a cloture vote. I appreciate also that there may be amendments to the alien property bill, the necessity for which will appear when we have discussed the matter here in the Senate. Perhaps one afternoon's discussion would develop the point which the Senator has mentioned and would make clear some error into which the Finance Committee may have fallen. I appreciate that it is necessary to have prompt action on the public buildings bill if we are going to get those items into the second deficiency appropriation bill.

With a view to recognition of all these factors I want to request that by unanimous consent we devote the rest of this afternoon to the public buildings bill, and by unanimous consent——

Mr. McKELLAR. I object.

Mr. REED of Pennsylvania. My suggestion did not get very far—and that the alien property bill be made a special order for 2 o'clock to-morrow. If that shall be done, it will not displace the Boulder dam bill as the unfinished business.

Mr. LENROOT. In that case it would not be reached at all.

Mr. WATSON. We already have a special order for to-morrow afternoon.

Mr. LENROOT. The unfinished business displaces a special order.

Mr. WATSON. I repeat, we already have a special order for to-morrow afternoon on the confirmation of Mr. Myers at 2.30 o'clock.

Mr. JOHNSON. We have another special order for to-morrow afternoon on the Muscle Shoals bill, calling for two hours of discussion.

Mr. BORAH. Mr. President, the Boulder dam bill has been under consideration for several days. The matter has been, if I may so state outside the hearing of the Senator from Arizona [Mr. ASHURST], debated out.

There ought to be an opportunity to dispose of that bill. If it is kept before the Senate, and other measures about which there is going to be long controversy are to be interposed, I venture to say that neither the Boulder dam bill nor the other bills will get through if they get in conflict with each other. I should be glad to sit down with the able Senator from Pennsylvania [Mr. REED] and try to work out a program by which we can bring the alien property bill before the Senate, if it can come before the Senate without displacing the Boulder dam bill.

Mr. REED of Pennsylvania. We could not do that, because, while we might make it satisfactory to ourselves, we would be sure to find some other Senators who would be displeased. So I think I shall have to insist upon my motion.

Mr. LA FOLLETTE. Mr. President, which Senator has the floor? I make the inquiry in order that I may address him and ask him to yield to me.

The VICE PRESIDENT. The Senator from Idaho [Mr. BORAH] has the floor.

Mr. LA FOLLETTE. Will the Senator from Idaho yield to me for a moment?

Mr. BORAH. I yield.

Mr. LA FOLLETTE. Mr. President, I understood the senior Senator from Indiana [Mr. WATSON] to say that a special order had been entered for the consideration of the confirmation of Mr. Myers. Did I correctly understand him?

Mr. WATSON. I made the statement, perhaps, just a little strong. There is an understanding that the subject may come up to-morrow afternoon at 2.30 o'clock. I think the Senator from Kansas has consented to that course.

Mr. LA FOLLETTE. Such a unanimous-consent agreement will have to be obtained in the Senate and not in the cloak room.

Mr. WATSON. Of course, Mr. President, there is really no unanimous-consent proposition involved.

Mr. CURTIS. Mr. President, will the Senator from Idaho yield to me?

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

Mr. BORAH. I yield.

Mr. CURTIS. I think it is very important to have enacted the alien property bill. I know that there are several different views in regard to it. The Senator from Mississippi [Mr. HARRISON] is very familiar with the ship provision which I think is in controversy; and I suggest that the Senator from Pennsylvania [Mr. REED], who has charge of the bill, the Senator from Idaho [Mr. BORAH], and the Senator from Mississippi [Mr. HARRISON] try to get together to-night and arrange to bring the measure to the attention of the Senate to-morrow afternoon or at such other time as may be agreed upon.

Mr. REED of Pennsylvania. I shall be very glad to do that, Mr. President, and if my motion shall be adopted—and I hope it will be—we shall do our best to adjust our points of difference in the meantime.

Mr. BORAH. If the Senator's motion shall be adopted, that would displace the Boulder dam bill.

Mr. REED of Pennsylvania. In any event that bill will come up on the vote on the cloture motion on the second day after to-day, no matter what we do.

Mr. JOHNSON. But we do not know just where we stand under those circumstances. I should like to take the right to determine just the parliamentary situation, because I do not want to have a cloture vote—whether it be successful or not is apart from the question—then have the point raised that we were not voting upon the pending measure.

Mr. REED of Pennsylvania. Mr. President, if that be so, then we can not vote on the Tyson bill when the cloture motion on that bill comes up because the pending measure in the meantime is the Boulder dam bill.

Mr. JOHNSON. I really do not know as to that.

Mr. REED of Pennsylvania. So I desire to submit parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Pennsylvania. I inquire whether displacing the Boulder dam bill at this time as the unfinished business will affect the cloture vote on Saturday?

The VICE PRESIDENT. The Chair will hold that it will not.

Mr. REED of Pennsylvania. In that case, I shall insist upon my motion.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Under the provisions of Rule XXII, which is the rule governing the procedure as to cloture, is it not true that the question which the Chair must put would imply that the motion applies only to the business then before the Senate—not necessarily the unfinished business but the pending business?

The VICE PRESIDENT. In the opinion of the Chair it applies to the pending business at the time when the petition of cloture is presented.

Mr. BINGHAM. Under Rule XXII it is stated—

> And, upon the ascertainment that a quorum is present——

Mr. ROBINSON of Arkansas. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. ROBINSON of Arkansas. It is not in order now to determine authentically the question presented by the Senator from Connecticut [Mr. BINGHAM], because his question is hypothetical and not practical. There is no question affecting cloture now pending before the Senate.

Mr. BINGHAM. Mr. President, I will say to the Senator from Arkansas that the question has just arisen—he may not have heard the statement that was made on this side of the Chamber—that if the motion——

Mr. ROBINSON of Arkansas. Mr. President——

Mr. BINGHAM. If the Senator will permit me to finish—if the motion of the Senator from Pennsylvania prevails and the Boulder dam bill is displaced, then the cloture petition might not apply because the rule provides:

> The Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:
>
> "Is it the sense of the Senate that the debate shall be brought to a close?"

And the question arises whether that rule would prevail——

Mr. ROBINSON of Arkansas. The very point that I am making, is that the Senator from Connecticut is attempting to have the Chair determine a hypothetical question in advance of the practical issue arising.

Mr. BINGHAM. The Chair has just decided the question, and I was asking the Chair——

Mr. ROBINSON of Arkansas. Just a moment. The Senate is entitled to have such a question decided when it arises in the proceedings of the Senate and not upon a mere inquiry of a Senator. I think the Chair will appreciate that point.

Mr. BORAH. Mr. President, I make the suggestion that, without urging his motion to displace the Boulder dam bill, as the Senator from Arizona suggested to-day, and in view of the fact that the Chair has held that the debate does not have to be relevant to the subject before the Senate, why not let us discuss the alien property bill this afternoon without displacing the Boulder dam bill, and perhaps, as the Senator from Pennsylvania has stated, we may arrive at a conclusion, so that it can be very readily disposed of. Instead of the Senator from Pennsylvania making his motion, and displacing the Boulder dam bill, let us go ahead while the Boulder dam bill is before us and discuss the other question.

Mr. ROBINSON of Arkansas. The motion is debatable, so that course is possible if the Senate desires to pursue it.

Mr. LENROOT. That would be entirely agreeable to me, except for the fact that there is pending now before the Senate what is known as the public buildings bill, involving the House amendments to a bill passed by the Senate early in the session. Senators are all familiar with the measure. It increases by $100,000,000 the authorization for public buildings outside of the District of Columbia. If there is to be any advantage obtained from that bill at this session action must be taken in time to have the bill signed and the appropriation provided for in the second deficiency bill, which has already been reported to the House. In addition to that, if the public buildings bill shall not be passed it will in all probability involve a revision of the estimates which have already been submitted by the Budget Bureau under existing law. Therefore, it is of the very highest importance that the public buildings bill shall be disposed of at the very earliest possible moment.

I stated to the Senator from California when he first called the Boulder dam bill up that I would withhold the public buildings bill as long as possible, and I have done so, but the time has now come, Mr. President, when if appropriations are to be

made in accordance with the bill the Senate must act upon it, and it must do so now. Therefore it has been my purpose, first, to ask for unanimous consent to have the Boulder dam bill temporarily laid aside, and, if that should be objected to, it has been my purpose to move to take up the public buildings bill. I wish to say to the Senator from Pennsylvania that even if his motion shall prevail, I would deem it my duty to the Senate immediately to move to take up the public buildings bill.

Mr. REED of Pennsylvania. Could we not accomplish the same result by making the alien property bill the unfinished business, and then making the public buildings bill a special order?

Mr. LENROOT. No; because the unfinished business always takes precedence over a special order; that is the reason. If the Senator desires to have a special order for his bill, I have no objection in the world.

Mr. ROBINSON of Arkansas. If the cloture rule is to be construed under the present condition—and I think it may very well be discussed with relation to its effect on various measures pending—I want to suggest that under the so-called cloture rule once a petition for cloture having been filed and signed by 16 Senators in relation to a bill that is pending at the time it is filed, it becomes mandatory on the Chair at the expiration of the time specified in the rule to lay the bill to which it relates and the cloture motion itself before the Senate for a vote.

I realize that under the present conditions it is not proper or possible for the Senate to determine in an authentic way the true construction of the rule. The Vice President may express an opinion in response to the inquiry of the Senator from Connecticut [Mr. BINGHAM], but it would hardly be in order to appeal from that decision unless there was some practical question involving it before the Senate.

Mr. BINGHAM. Mr. President, will the Senator yield——

Mr. LENROOT. I have the floor.

Mr. ROBINSON of Arkansas. The Senator from Wisconsin has the floor.

Mr. LENROOT. I should like to make a suggestion that might obviate any difficulty. I should be perfectly willing to ask unanimous consent that the Boulder dam bill be laid before the Senate at 12.30 o'clock on Saturday, if it shall not then be pending.

Mr. ROBINSON of Arkansas. I do not think that would be necessary.

Mr. LENROOT. It might not be, but it would avoid any question, perhaps.

Mr. ROBINSON of Arkansas. And I do not think the Senate should establish such a precedent unless it intends to impose that interpretation on the cloture rule.

Mr. BINGHAM. Now, Mr. President, will the Senator from Wisconsin yield to me?

Mr. LENROOT. Yes.

Mr. BINGHAM. Mr. President, the Senator from Pennsylvania raised a point of order and the Chair decided it. I rose to appeal from the decision of the Chair, but before making the appeal I endeavored to explain my position. To that the Senator from Arkansas took exception, and in order that the Senate may decide the question, I now appeal from the decision of the Chair.

Mr. ROBINSON of Arkansas. What is the question which requires the Chair to rule and which permits an appeal?

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

Mr. REED of Pennsylvania. Mr. President, I think I can straighten this matter out. I did not make a point of order——

Mr. ROBINSON of Arkansas. Certainly; the Senator could not make a point of order. He merely stated a parliamentary inquiry.

The VICE PRESIDENT. The Senator submitted a parliamentary inquiry, which the Chair answered by expressing the opinion of the Chair. The Chair made no ruling.

Mr. ROBINSON of Arkansas. The Chair indicated his opinion, which it was proper for him to do, but an appeal does not lie under those circumstances.

The VICE PRESIDENT. An appeal would lie, of course, if the Chair had made a ruling.

Mr. LENROOT. Mr. President, inasmuch as the question has been brought up, I should like to say just a word, because I think the Chair should give the question careful consideration before the time for rendering an actual decision shall arrive. It seems to me there is very much to be said for the contention made by the Senator from Connecticut [Mr. BINGHAM]. For instance, Mr. President, suppose that to-morrow the Boulder dam bill by a vote of the Senate should be recommitted to the committee, would the Chair hold, notwithstanding such action, that the cloture motion must be put to the Senate and voted upon and the bill taken from the committee and considered under the rule? When one considers the purpose of the rule, Mr. President, it becomes clearly apparent that it was adopted in order to prevent filibusters, to enable debate to be brought to a close; that was clearly the spirit of the rule; and the thought that was in the mind of the Senate must have been, when the rule was adopted, that the matter must be pending before the Senate both at the time of filing the motion for cloture and at the time it was voted upon, because if the Senate should otherwise dispose of it, either by setting it aside for some other bill or recommitting it to the committee, then there would be no longer any occasion for invoking cloture to prevent a filibuster, which was the only purpose of the modification of the rule providing for cloture.

But, Mr. President, of course the Chair will consider that when the question properly arises. I merely wanted to say that much, because I felt very clear that whatever the ruling may be it is not a one-sided question.

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

Mr. ROBINSON of Arkansas. Mr. President, may I suggest, in response to the Senator from Wisconsin, that, as a practical proposition, if a bill after a cloture petition has been filed should be recommitted to a committee and that committee should not have reported before the vote for cloture was taken, the proponent of the cloture would probably withdraw his petition?

Mr. LENROOT. He would have no right to withdraw a petition. After it has been presented it is no longer in his control.

Mr. FLETCHER. But the Senate can not consider something over which it has no jurisdiction; and if a measure has gone to a committee it is out of the Senate's control.

Mr. ROBINSON of Arkansas. In all probability, in the particular case cited by the Senator from Wisconsin, the Senate not having the bill before it, it could not act. I do not think, however, the mere fact that at the arrival of a particular hour a bill is not under discussion would prevent or justify the Chair in refusing to lay the bill and the cloture motion before the Senate.

We know that after a cloture motion is filed, the usual procedure is to resort to the consideration of other measures until the hour for voting on cloture approaches. It is true that any Senator has the right to discuss the particular measure concerning which cloture is to be invoked, but as a matter of practice that does not happen; but never before has a question arisen, no matter what was actually under discussion in the Senate——

Mr. LENROOT. There never has been a time, I may say to the Senator from Arkansas——

Mr. ROBINSON of Arkansas. Just a moment.

Mr. LENROOT. No; I have the floor. There never has been a time when cloture was invoked when the matter was not pending before the Senate both at the time of filing the cloture motion and at the time of voting upon the cloture motion.

Mr. ROBINSON of Arkansas. The Senator refused to permit me to finish my statement after yielding to me. I will do it now, if he is courteous enough to permit me to do it.

Mr. LENROOT. I yield, of course.

Mr. ROBINSON of Arkansas. The whole question turns on what the word "pending" means; and once a cloture petition is filed on a bill that is pending within the usual meaning of that word—that is, a bill that is before the Senate for consideration—the mere fact that the Senate may subsequently take up, discuss, and act upon some other bill, as is proposed now by the Senator from Pennsylvania, would not prevent the Senate from voting on cloture.

Mr. LENROOT. Mr. President, I now wish to get back to the real question; and, in fact, it was my friend from Arkansas who objected to the Senator from Connecticut discussing this very question——

Mr. ROBINSON of Arkansas. Oh, no; the Senator from Connecticut was proposing to appeal from an opinion expressed by the Chair in response to an inquiry from the Senator from Pennsylvania.

Mr. LENROOT. That was not appealable, of course.

Mr. ROBINSON of Arkansas. I made the point that it was not appealable, and that it ought not to be decided now, in view of the fact that no practical question was before the Senate.

Mr. LENROOT. Mr. President, I repeat that if Senators desire to have this public buildings bill fall by the wayside at this session, and to have no appropriations made—and every Senator is very greatly interested in this subject—then they should vote for the Senator's motion. If this motion shall not be agreed to, I shall first ask unanimous consent to lay the bill aside temporarily, and, if that shall not prevail, I shall move to take up the public buildings bill and thus displace the alien property bill, although I am in favor of considering the alien

property bill, and under proper circumstances I should be of possible assistance to the Senator from Pennsylvania. My view with reference to it is very similar to that of the Senator from Idaho [Mr. BORAH].

Mr. BORAH. Mr. President, if the Senator from Pennsylvania feels compelled to insist upon his motion, I think I shall adopt the policy which I suggested a while ago, and proceed with the debate on this subject before the motion is voted on rather than afterwards.

Mr. President, I do not want to see the Boulder dam bill displaced at this time. Neither do I like to discuss a matter which is not before the Senate, but perhaps the discussion will finally bring us to a more speedy conclusion than we will secure if we displace the Boulder dam bill.

Mr. CURTIS. Mr. President, I wonder if we could not lay aside all these matters and take up the conference report on the deficiency appropriation bill. The Senator from Wyoming [Mr. WARREN], who has charge of the bill, is not in very good health this afternoon—I hope he will excuse me for referring to that fact—and it ought not to take long. A point of order will be raised against the report, I understand. The matter ought not to take over 15 or 20 minutes. I hope the Senators in charge of the two measures will consent that we may go on with the deficiency bill, temporarily laying aside the unfinished business for that purpose.

Mr. REED of Pennsylvania. I ask unanimous consent that my motion may be temporarily laid aside.

Mr. JOHNSON. Mr. President, as the appropriate one to make the request, I think, I am very glad temporarily to lay aside the pending bill for the consideration of the bill of the Senator from Wyoming; but after that is concluded is it the purpose of the Senator from Kansas to have an executive session?

Mr. CURTIS. I want an executive session, but I think we should give the Senator from Idaho some time on his measure.

Mr. McKELLAR. If we are to go on with the public buildings bill immediately afterwards I shall object at the present time.

Mr. JOHNSON. Mr. President, I was going to suggest, as a party vitally interested here, that we permit this to be done, hold the executive session, let the evening pass, and see if we can not arrange between now and the morning, say, what shall be done in this matter.

Mr. CURTIS. I should like to do that.

Mr. LENROOT. I am willing.

Mr. McKELLAR. Mr. President, I can not hear what is going on.

Mr. CURTIS. The proposal is to lay aside both these matters to-night.

Mr. JOHNSON. May I suggest to the Senator from Tennessee that I have suggested to the Senator from Kansas that the conference report in charge of the Senator from Wyoming may be heard at present, the pending business being temporarily laid aside; that the Senator from Kansas, desiring to hold a short executive session, may then hold it; and that then we recess or adjourn, as the case may be. I believe we will have to recess, under the agreement that we made yesterday, until to-morrow and in the interim endeavor to thrash out the situation and see if we can not agree.

Mr. CURTIS. There is no agreement to recess. My intention is to move an adjournment.

Mr. JOHNSON. Immediately after the reading of the Journal to-morrow, as I recall, two hours are to be devoted to Muscle Shoals. Is not that correct?

Mr. CURTIS. No.

Mr. HEFLIN. Yes; we have an agreement to take up the Muscle Shoals measure for two hours to-morrow.

Mr. JOHNSON. Under those circumstances, is it not necessary for us to recess?

Mr. REED of Pennsylvania. The Journal will not be read if we recess.

Mr. CURTIS. Then I ask, while we are looking that up, that the Senator from Wyoming may proceed with his conference report.

Mr. REED of Pennsylvania. I should like to ask what becomes of my motion?

Mr. LENROOT. If we adjourn, it falls. If we recess, it does not.

The VICE PRESIDENT. Is there objection to taking up the conference report?

Mr. REED of Pennsylvania. I object, unless it is understood that I can be recognized to renew my motion when the Boulder dam bill is again taken up.

The VICE PRESIDENT. The motion of the Senator is renewable at any time.

Mr. LENROOT. Mr. President, the Senator's motion would fall if we adjourn to-night; and I may suggest to the Chair that the Senator from Pennsylvania has no right to have any understanding that he will have prior right of consideration of a motion hereafter.

The VICE PRESIDENT. The Chair stated simply that the Senator from Pennsylvania had the right to renew his motion.

Mr. JOHNSON. May I not suggest that, if we recess to-night, the motion of the Senator from Pennsylvania will be in order to-morrow?

Mr. LENROOT. It will be pending.

Mr. JOHNSON. It will be pending; and that is the move by which we may accomplish the desired result. Is that satisfactory?

Mr. CURTIS. But, Mr. President, under the unanimous-consent agreement, which I did not understand had been made but which was brought to my attention a moment ago, we shall have to adjourn, because the agreement takes effect immediately after the reading of the Journal.

Mr. JOHNSON. We must adjourn, then.

Mr. REED of Pennsylvania. Can we not read the Journal by agreement to-morrow, even if we are in recess?

Mr. BORAH. Certainly.

Mr. REED of Pennsylvania. Of course we can.

Mr. HEFLIN. I suggest that we might adjourn until 11 o'clock to-morrow and save an hour.

SEVERAL SENATORS. No.

Mr. McKELLAR. I desire to know of the Senator from Kansas what is the proposal about the public buildings bill?

Mr. CURTIS. The proposal is to lay aside all of the other measures and go on with the conference report on the appropriation bill.

Mr. McKELLAR. And it applies to nothing else besides that and the executive session? If we are to take up the public buildings bill to-night, I shall object.

Mr. CURTIS. Nothing is said about its being taken up to-night.

Mr. McKELLAR. Is it proposed to take it up to-night?

Mr. KING. No.

Mr. JOHNSON. The understanding I suggested was that none of the motions should be taken up to-night, but that to-morrow morning they should be taken up when we assemble, if they are appropriately before the Senate then, and that in the interim an endeavor be made to thrash out the situation.

Mr. McKELLAR. Mr. President, let us make this matter perfectly clear. I have no objection to taking up the deficiency conference report; but if it is contemplated or if it is the purpose of the Senator from Wisconsin to take up the public buildings bill to-day, I shall not agree to it.

Mr. LENROOT. If I tried to do that, all that it would be necessary to do would be to call for the regular order, and it would not be comprised within any unanimous-consent agreement.

Mr. JOHNSON. There is no such intention.

Mr. REED of Pennsylvania. We all want the Senator from Wyoming to get his conference report disposed of. May we have a unanimous-consent agreement that when the consideration of the Boulder dam bill is renewed my motion may be considered as pending?

Mr. LENROOT. I object, Mr. President. The Senator from Pennsylvania can lose nothing, as long as we are going to adjourn, by agreeing to the unanimous consent merely that the unfinished business be temporarily laid aside.

Mr. REED of Pennsylvania. I lose the position of having my motion before the Senate.

Mr. LENROOT. No; the Senator does not do that, because if we adjourn his motion goes anyway.

Mr. CURTIS. I submit a unanimous-consent request that the unfinished business be temporarily laid aside, and that we proceed to the consideration of the conference report on the deficiency appropriation bill.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

### LOANS TO VETERANS UPON CERTIFICATES

Mr. REED of Pennsylvania. The Senator from North Carolina [Mr. SIMMONS] has asked to be relieved from service upon the committee of conference appointed yesterday on the veterans' loan bill. I ask the Chair to make a substitute appointment, and to relieve the Senator from North Carolina.

The PRESIDING OFFICER (Mr. GOFF in the chair). In compliance with the suggestion of the Senator from Pennsylvania, the Chair appoints the Senator from Rhode Island [Mr. GERRY] as a member of the committee of conference on the part of the Senate upon House bill 16886, the veterans' loan bill, in

place of the Senator from North Carolina [Mr. SIMMONS], who asked to be excused.

URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. WARREN. Mr. President, I understand that under our rules conference reports can be presented at any time except when the roll is being called, or something of that kind. I do not want to take advantage of that in any way, but it seems a little difficult to present such matters in these discussions that come up from time to time.

I now present the conference report on the urgent deficiency appropriation bill and move its adoption.

The VICE PRESIDENT. The Secretary will read the report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 8, 9, and 10 to the 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 10.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That no part of this appropriation shall be available for paying any claim allowed in excess of $75,000 until after the expiration of 60 days from the date upon which a report giving the name of the person to whom the refund is to be made, the amount of the refund, and a summary of the facts and the decision of the Commissioner of Internal Revenue is submitted to the Joint Committee on Internal Revenue Taxation"; and the Senate agree to the same.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
*Managers on the part of the Senate.*

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
*Managers on the part of the House.*

Mr. McKELLAR. Mr. President, I make the point of order on that part of the report which inserts the following proviso:

*Provided*, That no part of this appropriation shall be available for paying any claim allowed in excess of $75,000 until after the expiration of 60 days from the date upon which a report giving the name of the person to whom the refund is to be made, the amount of the refund, and a summary of the facts and the decision of the Commissioner of Internal Revenue is submitted to the Joint Committee on Internal Revenue Taxation.

Mr. President, it will be recalled—and I hope Senators will listen to this, because it is a matter of importance—that several days ago the Senate, by a very large majority, added to the bill an amendment to the effect that no part of this appropriation should hereafter be available for paying any claim in excess of $50,000 until it had been referred to the Comptroller General and he had approved it. The committee has stricken that out entirely and has inserted new matter, and I call the Vice President's attention to the second part of Rule XXVII on page 32:

Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

It is perfectly evident that this is new matter. What the Senate passed was a provision to have the decisions of the Bureau of Internal Revenue supervised or improved by another official, to wit, the Comptroller General of the United States.

In other words, it provided for an appeal to the Comptroller General. The whole provision for an appeal is stricken out, and new matter of this kind is inserted, simply providing that no claim involving more than $75,000 shall be paid until 60 days after a report is made to the Joint Committee on Internal Revenue Taxation.

In the first place, this is an absolutely meaningless provision. It does not provide for an appeal at all. It does not provide for any review. It does not provide for anything except for a summary of the facts, and that the decision shall be sent back to the joint committee.

Mr. BRUCE. Mr. President, Congress might not be in session.

Mr. McKELLAR. Of course, it might not be in session. The committee would not be here. It is a perfectly meaningless, futile, and if it had not been reported back by the committee, I would say ridiculous, provision. It is absolutely without any merit at all. I want to call the attention to what a distinguished House Member said about it yesterday.

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

Mr. McKELLAR. I yield.

Mr. WARREN. When measures are in conference from time to time a reconcilement of the differences between the House and the Senate is required and, except where it amounts to nothing but the change of a figure or two, there must be different language to express the intent of the two Houses. The Senator asked by his amendment that where there were tax returns of over $50,000 the cases should be reviewed, and so forth. That has been changed by this proposed amendment to apply to refunds of $75,000. Does the Senator object to that part of it?

Mr. McKELLAR. It was $50,000 as the amendment passed the Senate, but that is not material.

Mr. WARREN. Does the Senator feel that that change was beyond what we had a right to do?

Mr. McKELLAR. Of course, the conferees would have a right to fix a different amount. There is no doubt about that; but the conference report does not provide for an appeal at all.

Mr. WARREN. We provide for just exactly what the Senator undertook to provide for.

Mr. McKELLAR. Oh, no.

Mr. WARREN. We undertook to provide that some superior officer should review the cases.

Mr. McKELLAR. Mr. President, if the Senator will permit me, in my own time, to say so, there is no provision for any review, or for any change of the decision. There is no appeal provided for at all. It merely provides that the payment of whatever the department allows shall not be made within 60 days. It merely directs the Commissioner of Internal Revenue to make a summary of the facts and report it to the joint committee. I may say that the joint committee has power now to send for the papers if it desires. It can look into every one of them if it desires to do so. This limits its power. It is a change of general law; and, by the way, I want to suggest that as another reason why my point of order should be sustained. It would change the general law, which has conferred large powers upon the Joint Committee on Internal Revenue Taxation. This would limit those powers. It is a repeal, to some extent, of the provisions creating that committee.

Mr. President, let me read the provision to the Senate again. Surely we are not going to enact such a provision. I want every Senator to know how absolutely nugatory it is. All it would do would be to mulct the Government of interest for 60 days. It reads:

*Provided*, That no part of this appropriation shall be available for paying any claim allowed in excess of $75,000 until after the expiration of 60 days from the date upon which a report, giving the name of the person to whom the refund is to be made, the amount of the refund, and a summary of the facts and decision of the Commissioner of Internal Revenue is submitted to the Joint Committee on Internal Revenue Taxation.

Mr. DILL. Mr. President, has this committee the power to reduce it, to be paid after the 60 days?

Mr. McKELLAR. None whatever. The committee is to do nothing. It is putting an additional burden on the Bureau of Internal Revenue, to furnish that summary of facts, but outside of that it does nothing else.

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

Mr. McKELLAR. I yield.

Mr. LENROOT. Will the Senator state what power the Comptroller General would have under the Senator's original amendment?

Mr. McKELLAR. He would have the power to have the papers referred to him, and to pass upon all claims and approve or disapprove all claims.

Mr. LENROOT. Does not the Senator know that the only power the Comptroller General has under existing law—and this language says "in accordance with existing law"—is to review with reference to fraud or mistakes in mathematical

calculations? He has no power whatever to pass upon the merits of a claim in any other respect.

Mr. McKELLAR. If the Senator is familiar with claims of this kind he must know that those two exceptions cover all cases. It is either a question of fraud——

Mr. WARREN. Oh, no.

Mr. LENROOT. No. The Senator would not say that simple mistakes would come under the heading of "fraud"?

Mr. McKELLAR. Some mistakes would.

Mr. LENROOT. I will say to the Senator that from such examination as I made of the House hearings, there is not one of these claims that would come under either category.

Mr. McKELLAR. How did the Senator ever get access to these claims?

Mr. LENROOT. I said I read the House hearings.

Mr. McKELLAR. That is another matter.

Mr. LENROOT. I do not know whether the Senator read them or not. I did.

Mr. McKELLAR. I read them, but I got no information from them of any kind that I knew to be correct, because they changed their views about it.

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

Mr. McKELLAR. I yield.

Mr. WARREN. Upon the point just made, and which has been so ably answered by the Senator from Wisconsin [Mr. LENROOT], here is the law on that subject, section 1107 of the revenue act:

> Administrative review. In the absence of fraud or mistake in mathematical calculation the findings of fact in and the decision of the commissioner upon, or, in case the Secretary is authorized to approve, then after such approval, the decision of the commission upon the merits of any claim presented under or authorized by the internal revenue law shall not, except as provided in title 9 of the revenue act—

That is the tax-appeal provision—

> be subject to review by any other administrative or accounting officer, employee, or agent of the United States.

If the Senator will allow me just one word more, when this bill was before the Senate the Senator from Tennessee, it will be remembered, took a very long time—and I was greatly entertained by his remarks—on an amendment providing that all these matters should be referred to the Board of Tax Appeals. I made a point of order, and after giving the Senator, as he knows, all the time he wanted——

Mr. McKELLAR. Oh, Mr. President, the Senator did not give me any time. I understand how time is used in this body as well as the Senator does.

Mr. WARREN. The Senator took the time, and I did not object——

Mr. McKELLAR. The Senator could not have objected if he had wished to do so.

Mr. WARREN. Which course I wish the Senator might follow to some extent in return.

After the point of order was sustained the Senator, after conferring with a Senator on this side, who now sits before me, the Senator from Michigan [Mr. COUZENS], and others, proposed the amendment as it read in the bill which passed the Senate. That was just as much subject to the point of order under the rules as the other, but thanks to assistance which the Senator had, there was added to it the words "under existing law." That addition had no force whatever, because to undertake to say that the Comptroller General shall do something "under existing law" when the existing law absolutely provides that he shall not do it is, of course, idle; it amounts to nothing. The Senator will remember that I made no objection, so it went in.

Mr. McKELLAR. The Senator made a point of order, and it was overruled.

Mr. WARREN. I did not make a point of order.

Mr. McKELLAR. Some Senator did.

Mr. WARREN. I did not make it, and the RECORD so shows. I did not even object to the Senator putting the amendment in. I did not even vote against it; and if the Senator believes that I am wrong in my statement, let him say so.

In place of what the Senator proposed, trying to accomplish exactly what he desired—that is, to have certain of these larger refunds referred to some one with authority to go over them and approve them—we put in this amendment.

Mr. McKELLAR. The Senator knows that the joint committee has authority to do that now. Surely the Senator knows that.

Mr. WARREN. What if they do have the authority?

Mr. McKELLAR. Then why would we want to turn it over to a committee that now has even ampler authority than is given them? What would be the purpose of it?

Mr. WARREN. There is no new language used here that makes any difference, except that the Senator says the Comptroller General, who has no power to review, and he knows that and so says in conversation with me——

Mr. McKELLAR. I have never said that the Comptroller General has no power to review. I think the Comptroller General has the power, and I want to state right here what the trouble is about this whole matter. I am not complaining of our conferees. They held out for this for a long time; but the real meat in this coconut is that the Treasury Department does not want Mr. McCarl to have any supervision over these big claims. That is what is the matter; that is the fight, and it is all the fight. They do not want to have it done.

Mr. WARREN. Let me ask the Senator a question. Suppose this language we have reported should be ruled out of order; if the Senator were a conferee, what would he propose?

Mr. McKELLAR. I would propose the amendment the Senate overwhelmingly passed and which every man must see is the kind of an amendment that ought to be in this bill.

Mr. WARREN. But it has been five or six times turned down by the House. It merely comes down to the point that a man wants his own amendment and that of nobody else.

Mr. McKELLAR. Oh, no, Mr. President.

Mr. WARREN. Would the Senator prefer to stand out against the House conferees, which might mean the defeat of the bill entirely?

Mr. McKELLAR. It would not make much difference. They have not even begun to spend the other $100,000,000 yet. They are coming here a year in advance of spending any money. They have not spent any money yet.

Mr. WARREN. That is not all that is in this bill.

Mr. McKELLAR. They have $100,000,000 in their hands now, and they have not spent a dollar of it, and before they have spent a dollar of the first $100,000,000 they are applying for a second $100,000,000. That is the fact about the matter. This provision ought to go over. It has no business in this deficiency bill. It should not be in it. It should not have been reported, and there is no reason in the world why it should not go over until another session of Congress.

Mr. WARREN. There are many millions of dollars in the bill more than those involved in the tax refund. That is only a part of the bill.

Mr. HEFLIN. Why not strike out this particular sum and wait until the next session?

Mr. McKELLAR. Of course. There is no reason in the world for spending the people's money in this way, and surely it ought not to be spent without some supervision.

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

Mr. McKELLAR. I yield to the Senator from New York.

The VICE PRESIDENT. The Senator from New York will state the point of order.

Mr. WADSWORTH. Is the point of order debatable?

The VICE PRESIDENT. The point of order is not debatable.

Mr. WADSWORTH. I raise the point of order then.

The VICE PRESIDENT. However, if the Chair wants enlightenment on the subject it is customary to allow debate to proceed. The Chair holds that the point of order of the Senator from Tennessee is not well taken.

Mr. McKELLAR. From that decision of the Chair I appeal.

Mr. HEFLIN. Does the Chair rule against the Senator from Tennessee?

The VICE PRESIDENT. The Chair ruled against the Senator from Tennessee.

Mr. McKELLAR. From that decision of the Chair I appeal, and I ask for the yeas and nays.

Mr. CURTIS. Mr. President, I move to lay the appeal on the table.

Mr. HEFLIN. On that let us have the yeas and nays.

Mr. McKELLAR. Yes; we want the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. HARRISON (after having voted in the negative). I have a pair on this question with the senior Senator from Oregon [Mr. McNARY]. I transfer that pair to the senior Senator from Virginia [Mr. SWANSON], and permit my vote to stand.

Mr. SIMMONS (after having voted in the affirmative). I transfer my pair with the Senator from Oklahoma [Mr. HARRELD] to the Senator from Missouri [Mr. REED], and let my vote stand.

Mr. GLASS (after having voted in the affirmative). I have a pair with the senior Senator from Connecticut [Mr. McLEAN], who is absent. Not knowing how he would vote, I withdraw my vote.

Mr. HARRISON. I wish to announce that the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained on official business.

The result was announced—yeas 39, nays 28, as follows:

YEAS—39

| | | | |
|---|---|---|---|
| Bingham | Fess | Means | Shortridge |
| Bruce | Goff | Metcalf | Simmons |
| Cameron | Gooding | Moses | Steck |
| Capper | Hale | Pepper | Stewart |
| Couzens | Hawes | Phipps | Wadsworth |
| Curtis | Johnson | Pine | Walsh, Mass. |
| Dale | Jones, Wash. | Ransdell | Warren |
| Deneen | Kendrick | Reed, Pa. | Watson |
| Ernst | Keyes | Robinson, Ind. | Willis |
| Ferris | Lenroot | Sackett | |

NAYS—28

| | | | |
|---|---|---|---|
| Ashurst | Edwards | McKellar | Sheppard |
| Bayard | Frazier | McMaster | Smith |
| Bratton | Harris | Mayfield | Stephens |
| Broussard | Harrison | Neely | Trammell |
| Caraway | Heflin | Nye | Tyson |
| Copeland | King | Overman | Walsh, Mont. |
| Dill | La Follette | Pittman | Wheeler |

NOT VOTING—28

| | | | |
|---|---|---|---|
| Blease | Gillett | McLean | Schall |
| Borah | Glass | McNary | Shipstead |
| du Pont | Gould | Norbeck | Smoot |
| Edge | Greene | Norris | Stanfield |
| Fletcher | Harreld | Oddie | Swanson |
| George | Howell | Reed, Mo. | Underwood |
| Gerry | Jones, N. Mex. | Robinson, Ark. | Weller |

So the appeal from the decision of the Chair was laid on the table.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HEFLIN. Mr. President, is it the purpose of the Senator from Kansas to have an executive session?

Mr. CURTIS. Yes; we would like to have an executive session, but we would like to dispose of the conference report to-night if we can do so.

Mr. HEFLIN. I do not think it can be done to-night.

Mr. CURTIS. If the Senator will permit me to make a short statement about it——

Mr. BRUCE. Mr. President, will the Senator let me make a motion which may inject a little life into the proceedings?

Mr. HEFLIN. No; I do not yield unless the Senator from Kansas is going to let the conference report go over.

Mr. CURTIS. Will the Senator yield while I make a short statement?

Mr. HEFLIN. I will yield to the Senator to make a statement.

Mr. CURTIS. The conferees on the part of the Senate worked for over three weeks trying to carry out the wishes of the Senate. We did not yield until we found that we could not get an agreement upon the item put in the bill on the part of the Senate. We then tried to get a provision which would carry out the same idea; that is, a review of the cases which had been settled by the Commissioner of Internal Revenue.

Mr. McKELLAR. Does the Senator mean to say that this amendment provides for such a review?

Mr. CURTIS. I think when I get through the Senator will find that it does so provide, just as much as the other provision did.

Congress created a joint committee composed of five Senators and five Members of the House. That joint committee organized with Mr. GREEN as chairman. An amendment similar to the item agreed to in the conference report was suggested while the bill was being considered, and this item as we agreed upon it was discussed in conference. At last we reached an agreement on a provision providing that these matters should be held up until they had been referred to this full committee for a report. Mr. GREEN, a Member of the House, chairman of the Ways and Means Committee of the House, is chairman of the joint committee. They have a large force of employees. They are in session all the time. Mr. GREEN has stated that they will be here this summer and can look after the matter. We do not provide in the amendment which we have reported back that they shall make any report upon these matters——

Mr. McKELLAR. Will the Senator yield?

Mr. CURTIS. Let me complete my statement, if the Senator please. The very fact that we provide that the claim shall not be settled until after the cases are referred to the joint committee would, of course, indicate and, of course, means that they shall take these reports, go over them, and then, if they should find that there was anything wrong, any fraud committed, any error of calculation, or anything of that nature, they would report them back, and, of course, the claims would not then be paid until the proper corrections were made.

Mr. McKELLAR. Mr. President, will the gentleman yield?

Mr. CURTIS. I yield.

Mr. McKELLAR. I just want to show him how utterly mistaken he is. Here is what Mr. GREEN of Iowa said on the floor of the House on the 22d, day before yesterday. He was asked about what it meant, and he replied:

> As I understand the gentleman, it is not construed the word "submitted" required any action on the part of the committee. That is not the intent.

Mr. CURTIS. It requires action if they find anything wrong in the reports or in the cases submitted.

Mr. McKELLAR. If the Senator will allow me to read the next statement, he will see how utterly mistaken he is about that, too:

> Mr. GREEN of Iowa. And the joint tax committee is not in a position to make a complete review of this matter at all. It has auditors and accountants, so that it can examine a case and make a report.

Mr. CURTIS. I am very much surprised that Congressman GREEN should have made that statement, because I talked with Members of the House——

Mr. McKELLAR. I have just read what he said.

Mr. CURTIS. I talked with Members of the House and members of the joint committee before we agreed upon the substitute, who informed me that the chairman of the joint committee had been seen and that he would be here all the time. I did it at the request of the Senator from Michigan, and I was relying——

Mr. McKELLAR. The Senator can easily see that there is a very great misunderstanding about it.

Mr. CURTIS. In my judgment, it is simply a question of accepting this amendment, or yielding on the Senate amendment, or defeating the bill. Those are the only alternatives. The conferees discussed the matter for three long weeks, and the Senator from North Carolina [Mr. OVERMAN] will tell the Senate that the Senate conferees did everything in their power to have the House conferees agree to the Senate amendment. We can not afford, for the sake of this one amendment, to defeat the conference report.

Mr. HEFLIN. My point is, if the Senator will permit me, although I think I have the floor——

Mr. CURTIS. I yield to the Senator.

Mr. HEFLIN. My point is that we had better eliminate this provision. I am not willing that the conference report shall be adopted if the provision is retained. If the House by its stubbornness proposes to hold in the report this provision, which nobody can defend under present conditions, the Senate ought not to yield and permit that to be done. The Senate ought to demand that the appropriation for this purpose be left out, and allow the other provisions of the bill to be passed.

There is no hurry about it. These claims have not even been passed on. I have been told by the department that they wanted to have the money ready so that when the claims were passed on hereafter the money could be taken out of this fund to pay the claimants. Why should we now be forced to appropriate $175,000,000 and set it aside to be used for such a purpose, in view of the position the House is taking?

We are in the closing hours of the session. Let us omit this fund and pass the bill with the other appropriations in it. I want to say to the Senator from Kansas that we shall be here a good while to-night, because there are many on this side of the Chamber who are opposed to this provision. We had better see if we can not get together on the matter in the morning.

Mr. BRUCE. Mr. President——

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

Mr. BRUCE. I was going to make a motion.

Mr. HEFLIN. I expect to speak an hour or more on this question.

Mr. DILL. Mr. President, will the Senator from Alabama yield to me?

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

Mr. DILL. I should like to ask the Senator from Kansas [Mr. CURTIS] his understanding of the amendment. As I read it, the joint committee has no power to prevent any of these payments.

Mr. McKELLAR. After 60 days.

Mr. CURTIS. After 60 days.

Mr. DILL. What will be accomplished by it?

Mr. CURTIS. All that could be accomplished by it would be that if the joint committee should find within 60 days that there was anything wrong or that there had been a miscalculation they could review the case; and they would report their find-

ings back to the Treasury, of course, and the claims would not be paid.

Mr. DILL. There is nothing here which so provides.

Mr. CURTIS. Certainly not.

Mr. McKELLAR. There is no provision in the amendment that such a course shall be followed.

Mr. DILL. That is the trouble. If under this amendment somebody had power to disapprove and refuse payment, that would be one thing; but when it is merely provided that the claims shall be reported to the joint committee and they shall report back no real authority is given them.

Mr. HEFLIN. If this report can go over, perhaps we can agree on an amendment providing for some agency to pass on these claims.

I am going to state, Mr. President, that I view with suspicion the effort on the part of the Treasury Department to get this fund under these conditions at this time. Having that feeling I ought not to agree to have this report adopted with those provisions in it. There is no necessity for its adoption now. Why appropriate this sum and set it aside now when the claims of the people who are to receive refunds have not yet been acted on? The cases have not been gone into. What is the hurry about it? It looks suspicious indeed.

Mr. McKELLAR. And the money is not yet due.

Mr. HEFLIN. And the money is not yet due.

Mr. McKELLAR. And we do not know when it will be due.

Mr. HEFLIN. As the Senator from Arkansas [Mr. ROBINSON] said the other day, when the widow of a soldier who bared his breast to the enemy on the firing line and was shot and killed comes and asks the Government for a pension Congress will not permit her to receive merely $50 a month until committees have examined into the case and it has been thoroughly investigated and approved. In these refund cases, however, without a scintilla of testimony from the department in justification, we have appropriated hundreds of millions of dollars and now propose to appropriate $175,000,000 more for refunds; and we are asked to swallow this provision in the conference report. It is a reflection on the judgment of every Senator who permits it to be done under the conditions.

Mr. OVERMAN. Mr. President——

Mr. HEFLIN. I yield to the Senator from North Carolina.

Mr. OVERMAN. The reflection may be upon the Senator who voted for the present law. What is that law? Let us see what it provides.

Mr. HEFLIN. I am trying to change the law.

Mr. OVERMAN. It can not be properly changed unless it shall be repealed.

Mr. HEFLIN. I am willing to change the law.

Mr. OVERMAN. But the Senator is trying to change it on an appropriation bill, and that can not be done.

Mr. HEFLIN. I do not intend that Mr. Mellon shall hand out another billion dollars; he has refunded nearly that much heretofore. Congress does not know what he did or why he did it or the grounds which he claims justified him in doing it.

Mr. OVERMAN. Then the original law ought not to have been passed.

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

Mr. OVERMAN. Mr. President, the Senator from Alabama yielded to me. I wish to say that we were wrong when we passed the original law, and that law is now staring us in the face. This amendment went back again and again to the House of Representatives, and by a vote of 280 to 1 they insisted on the provision in the bill passed by them. They will not agree to the Senate amendment. We suggested various changes in the language, but finally had to agree to the amendment which has been reported.

The Senator knows what the law is; I need not read it; but whatever we do we are bound by the existing law unless it shall be repealed. We can only take into consideration fraud and miscalculations. We ought never to have passed such a law.

Mr. McKELLAR. There is no provision here under which those acts could be taken into consideration.

Mr. OVERMAN. There can be a review; that is all; and that is all Mr. McCarl could do. That is what is provided by the amendment. I repeat, we should repeal the original law.

Mr. McKELLAR. Will the Senator from Alabama yield to me that I may ask the Senator from North Carolina a question?

Mr. HEFLIN. Yes.

Mr. McKELLAR. I want to ask the Senator what was the purpose of the conferees in changing the amount from $50,000 to $75,000?

Mr. OVERMAN. We understood that the Senator from Tennessee agreed to that, and we wanted to satisfy him. That is what I understood.

Mr. McKELLAR. I have not made any agreement about it at all. I am sure the Senator from Kansas will do me the credit to say that whatever suggestion was made about that was not made by me. I have gone so far as to offer, if Mr. McCarl were empowered to supervise these payments on appeal, to let the amount be fixed at $100,000, but they declined to do that.

Mr. HEFLIN. Mr. President——

Mr. OVERMAN. Mr. President, I should like to answer the Senator from Tennessee, because he is entitled to an answer. We had a conference with the Senator from Tennessee, and he said he did not make any question as to the amount.

Mr. CARAWAY. Mr. President, what was the object in changing the amount from $50,000 to $75,000? Who were the particular persons who were going to get their money without having their claims reviewed?

Mr. OVERMAN. The amount was fixed as a result of a compromise between the House and the Senate.

Mr. CARAWAY. Was there some reason suggested that it would be advantageous to some people to have the change made?

Mr. OVERMAN. The House conferees insisted on $100,000.

Mr. CARAWAY. Was there not some reason for the change other than to simplify the numbers?

Mr. CURTIS. Mr. President, as the Senator from North Carolina has said, the House conferees insisted on $100,000.

Mr. CARAWAY. Was there not some reason for that? Was there somebody in mind who was to be the beneficiary?

Mr. CURTIS. They did not suggest any such reason.

Mr. CARAWAY. The Senator knows there was some reason for it. Does the Senator know what the reason was?

Mr. CURTIS. The House conferees proposed to make it $100,000, while the Senate conferees were insisting upon the amendment of the Senator from Tennessee providing for $50,000. At last we split the difference and agreed to $75,000. It was a compromise.

Mr. CARAWAY. There was some reason why it should be made $100,000. Was there not one of these tentative understandings that implied that there were certain beneficiaries?

Mr. CURTIS. None at all.

Mr. CARAWAY. I am curious to know who it is who will get the benefit of increasing the limit from $50,000 to $100,000, because there must be somebody.

Mr. COPELAND. Mr. President——

Mr. HEFLIN. I yield to the Senator from New York. I beg pardon for not yielding sooner.

Mr. COPELAND. I thank the Senator. I join the Senator from Tennessee, but for a very different reason. I am opposed to the amendment that was adopted in the Senate and am opposed to the provision now in the conference report. I wish to ask the Senator in charge of the bill what will happen to claims which are already adjudicated, already passed upon and approved by the department? Must they now take the course provided in the amendment?

Mr. WARREN. Yes; if they are in excess of $75,000.

Mr. COPELAND. If they are in excess of $75,000, they must take this course?

Mr. CURTIS. Mr. President, does the Senator mean under existing law?

Mr. COPELAND. Yes.

Mr. CURTIS. Under existing law they will be paid if this appropriation shall be made unless there is fraud or a miscalculation, provided the provision in the conference report shall be agreed to; but if the amendment of the Senator from Tennessee shall finally prevail, they can not be paid until the claims have been reviewed by the Comptroller General. Under this amendment the claims are held up for 60 days after a report has been submitted to the joint committee. When the 60-day period shall have elapsed they will be paid if they are reported back as being correct.

Mr. COPELAND. Suppose the committee is not in session. That is the joint committee, as I understand, which we raised, is it not?

Mr. CURTIS. Yes, sir.

Mr. COPELAND. Suppose we should adjourn, as we will next week, if we have good luck, although I think there is some doubt about it now from what I hear—but suppose we adjourn and are not here again until next December, then that means all these claims are going to wait?

Mr. CURTIS. No; they will have to be paid at the end of 60 days. But at the suggestion, I think it was of the Senator

from Michigan, I inquired of members of the House committee, and was told that the joint committee or its official force would be in session all the time.

Mr. COPELAND. I want to say for myself, as I said the other day, that it seems outrageous to me that any taxpayer should have this burden imposed upon him. There is not any more reason why the taxpayer having a claim of $75,000 should be required to go through this red tape than there is that a man who has a claim of $1,000 should go through it. It is an outrageous discrimination. The Senate, in my judgment, should not have adopted the amendment in the first place, and I hope that there will be found a way, technically or otherwise, to defeat that portion of the conference report.

Mr. HEFLIN. Mr. President——

Mr. BRUCE. Mr. President, will the Senator yield to me to offer a substitute for the motion of the Senator from Wyoming?

Mr. HEFLIN. I yield to the Senator.

Mr. BRUCE. I move that the Senate concur in amendments numbered 9 and 10, refuse to concur in amendment numbered 8, and that the bill be referred back to the conferees, with instructions to the Senate conferees to recede from the proviso relating to the Comptroller General.

Mr. CURTIS. Mr. President, I rise to a point of order——

The VICE PRESIDENT. The conference report must be dealt with as an entirety.

Mr. HEFLIN. Then I suggest that the matter had better go over until the morning, to see if we can not get together on it. Something ought to be done.

Mr. CURTIS. Let me suggest that the report can not be amended, that we either have to adopt it or reject it. Why not take a vote on it, and if Senators want to reject it let them reject it, and send it back. Let us, however, vote on it and ascertain the sentiment of the Senate.

Mr. HEFLIN. Mr. President, I have no objection to voting on it, so far as I am concerned.

SEVERAL SENATORS. Vote! Vote!

Mr. McKELLAR. Mr. President, Senators need not bother about calling "vote." If they intend to intimidate anyone, they are not going to do it. Let us look at this question in the proper way.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. HEFLIN. Mr. President, I will yield to the Senator from Tennessee; but I want to say that I think the Senate ought to reject this conference report as it now stands, for the reasons stated by the Senator from Tennessee and by me. The Senator from New York also objects to it. We might be able, if we send it back, to obtain some provision upon which we can all agree. But, Senators, the country will not excuse, and ought not to excuse, this body for permitting that appropriation to be made with no arrangement for the protection of the people's rights and interests.

We have no evidence—not one line—in regard to all the hundreds of millions that Mr. Mellon has refunded. We are not going to have any evidence if this goes as the other has gone. Now we are pointing out the weak place in this law. We are pointing out wherein the people's rights are being neglected and where the door is wide open to all sorts of rascality and stealing.

Mr. President, I desire now to bring to the attention of the Senate a matter that was discussed on this floor once before.

Mr. Doheny, one of the oil kings who is now giving trouble to the people of Mexico and who is holding out with Mr. Mellon and Mr. Sinclair and trying to give trouble to a government that this Government has recognized, had a tax claim with the department. A clerk was assigned to work out that case. He did work it out. It resulted in refunding to Mr. Doheny thousands and thousands of dollars. When the money was refunded Mr. Doheny inquired who had charge of the case. He was told of this particular clerk. He took this clerk out of the department and put him in his employ. The clerk was drawing $2,500 a year from the Government. Doheny put him on his pay roll at a salary of $7,500; and I am told that there was another one who was taken out of the Government service and put on a salary of twelve or fifteen thousand dollars.

Senators, just look at the opportunity for graft and rascality! These big taxpayers can have somebody to work out their cases. They take the file in secret; they go over it; they can change figures if they want to. Nobody knows. No report is made to us about a single dollar that is refunded. We are trying to provide hereafter that when this money is refunded, somebody outside of the clerks can say that it is just and right and fair; and if it is, I have no objection to it. If a man is entitled to a refund, I want him to have it; but I do want some business method employed. I do want the Government, which assesses taxes against the people generally and collects those taxes, to give to those who represent the people in the Congress a reason for appropriating the money to be thus handed out by these Government officials. Nobody can complain about that, Senators. Why not reject this report, then, and let our conferees go back and meet those of the House and see if they can not modify this language and fix it so that it will be the business of somebody to go over this whole list and see whether or not any mistake has been made, or any crookedness or criminal conduct has been indulged in, or any favoritism to the favorites of anybody's party?

Mr. CARAWAY. Mr. President——

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

Mr. CARAWAY. The very fact that there is opposition to the amendment is itself a demonstration that the matter should have the scrutiny of the Senate.

Mr. HEFLIN. That is true.

Mr. CARAWAY. If there were nothing that somebody expected that he is not entitled to receive, if favorites were not to be taken care of, there would be no opposition to this provision, would there?

Mr. HEFLIN. It certainly looks that way.

Mr. BRUCE. Mr. President, with the permission of the Senator from Alabama, may I interrupt the Senator from Arkansas for just a moment?

Mr. HEFLIN. Yes.

Mr. BRUCE. Take this case, though. I have no interest in the world in this matter except that it happens that one of my constituents, a very large trust company, has overpaid the Government to a very considerable extent, and its accounts have been audited in the Treasury Department, and it has been determined that a very considerable sum of money is due to that trust company. Of course, the trust company holds its trust estates, from which these amounts have been paid, for the benefit of a lot of ordinary individuals; and the fact that these refunds were properly due to the trust company was ascertained months and months ago, but those refunds are not bearing one single, solitary cent of interest, and the cestui que trust, of course, is out of pocket to that extent, and will continue to be out of pocket.

Mr. HEFLIN. The Senator from Tennessee has already shown that there is a hundred million dollars there that has not been touched.

Mr. McKELLAR. There is $83,000,000 provided here for interest. These amounts bear interest at 6 per cent.

Mr. BRUCE. Not the amounts I am speaking of.

Mr. McKELLAR. If the Senator's constituents have not gotten theirs——

Mr. BRUCE. They do not expect to receive any interest, and that is their grievance.

Mr. HEFLIN. As the Senator states, his constituent's case has already been adjudicated, but the money has not been paid. The money is there to pay it, however.

Mr. BRUCE. Yes, I know; but it is not bearing any interest.

Mr. HEFLIN. That does not touch this case. We are trying to see hereafter that somebody knows that these claims are just.

Mr. BRUCE. That is the case of but a single one of my constituents. The others are just ordinary taxpayers who have overpaid the Government and want to get their money back and enjoy the usufruct of it as soon as possible.

Mr. CARAWAY. Mr. President, I want to say to the Senator that one who has been compelled to pay that which he did not owe ought to have his money back. I did not feel as strongly about this Senate amendment when it was offered as I now do. The opposition that developed to the amendment, the determination of some people that that review should not be made, is the thing that makes me think now that it ought to be made. I hold no brief for the Secretary of the Treasury nor against him, and when I speak of him I want to say that I do not think he has anything to do with the refunds.

Mr. BRUCE. May I interrupt the Senator, with the permission of the Senator from Alabama, just one moment more?

Mr. HEFLIN. I yield.

Mr. BRUCE. I will say to the Senator in this connection that I have twice suggested myself, since I have been a Member of the Senate, that some official of the Government should be charged with the duty of reviewing these refunds, and taking an appeal, if necessary, on behalf of the Government. The absence of such a requirement is one of the defects, and I think a vital defect, of the present tax law.

Mr. McKELLAR. That is a defect which was corrected in this amendment which was offered in the Senate.

Mr. BRUCE. Not to any considerable extent.

Mr. CARAWAY. Mr. President, it strikes me that if a department realizes that it is under fire, that people are looking with suspicion upon some of its acts, that department ought to be the first one to come here and demand that the Congress shall

provide some independent check upon its actions, so that there could be no suspicion.

The language included in the conference report is not a review. It simply makes the Congress assent to what has been done; that is, the Congress is to assume the onus of having the department do what it was going to do anyway. It takes away not a single iota of the power of the Treasury to refund, but goes through an empty gesture which does not mean anything except that the Congress shall bow and say, "With our permission."

Mr. OVERMAN. Mr. President, I have a very high regard for the Senator from Arkansas and his ability, of course.

Mr. CARAWAY. The Senator knows that I am not criticizing him.

Mr. OVERMAN. No; I know the Senator is not, because I voted with the Senator from Arkansas all through, and voted to hold this amendment in the bill; but when they brought this law which the Senator from Wyoming read to us——

Mr. CARAWAY. We know what the law is. The Senate amendment simply said, by way of a limitation upon an appropriation, that certain claims shall not be paid until a review is made. It is not rewriting that law. The law is the same as it was before.

Mr. OVERMAN. Here is the suggestion I want to make: We have a committee of this body and a committee of the House, who are under our control.

Mr. CARAWAY. No.

Mr. McKELLAR. No; Mr. President.

Mr. CARAWAY. I think that is the wildest kind of a statement.

Mr. McKELLAR. Mr. President, they have been in existence for a year and a half, and if there is any Senator who knows a thing in the world about what they have done, he has not disclosed it.

Mr. OVERMAN. Let me say what I was going to say. Here are two committees—one of the House of Representatives and one of the Senate, a joint committee—always under the control of this body and the House.

Mr. McKELLAR. Why, Mr. President, the chairman of the joint committee says he has no control at all over the matter, and that the amendment gives him no authority.

Mr. OVERMAN. This amendment refers it to him.

Mr. McKELLAR. But he says it gives him no authority. It refers it to him without any power to act.

Mr. OVERMAN. Then we ought to repeal this law.

Mr. CARAWAY. We can not repeal the law in this bill. We all know that.

Mr. OVERMAN. That is true.

Mr. CARAWAY. It is perfectly idle to say that the law ought to be changed; but we can put a limitation in this bill that they can not pay out the money until some independent reviewing department shall check the claim. I submit to every self-respecting man that when his conduct is under fire, if there is nothing wrong, he will welcome the closest scrutiny. Whether it is merited or not, the fight that is being made against this Senate amendment is a reflection upon the Treasury Department.

Somebody, somewhere, is opposing it. The only reason that anybody could assume is that somebody is getting under this appropriation something that he would not get if there were an independent check. That is the necessary inference; and it is not a compliment to the Treasury Department to fight a review of its action.

Any honest man feels compelled, whenever his actions are questioned, to submit them to the closest scrutiny of an independent agency. He welcomes it. He demands it. The language in the conference report does not provide any review; it simply makes the Congress assume responsibility for an act which it can not control. I am loath to believe that Congress wants to whitewash a transaction which it has every reason to believe is somewhere tainted with fraud, because there is some interest—some one back of this—that is making these conferees refuse to accept the original amendment with an independent check.

I simply want to say that no friend of the Secretary of the Treasury will oppose sending these matters back for a review, because it is a reflection upon the department, for everybody must infer that there is somebody somewhere who is doing something that is not right that an independent check would reveal.

Mr. McKELLAR. Mr. President, in connection with what the Senator from Arkansas has just said, I want to say that the first objection offered by the House was that this review would cost an immense amount of money; that the Comptroller General would have to establish a new bureau or division in his department to look after it; that it would probably cost $24,000,000; that the Comptroller General did not have time to do it; that he could not do it under the law.

Mr. CARAWAY. He has had time to do nearly everything else.

Mr. McKELLAR. I took up the matter with the Comptroller General, and his letter is in the RECORD. Instead of its costing somebody a large amount, it will not cost anybody anything. He said he would not ask for any appropriation and that he could do the work; and he said, further, something that we all know: He said that the very fact that this was in the law would make the Bureau of Internal Revenue so careful that the chances of their making any mistakes or committing any error would be exceedingly small.

We all know that that is sensible. We know that that is the truth; but, as the Senator from Arkansas has said, that is not what is behind this matter. These clerks down there get together with the interested party and refund these large amounts of taxes. Senators will recall that last year they refunded to five people over $21,000,000 without any supervision at all, without the papers ever going anywhere except among those chiefs of divisions and the taxpayers. They get together and arrange and agree, and the Congress legislates for a cat in a bag. It legislates beforehand, and appropriates $175,000,000 to be paid out upon the findings of these gentlemen down there in the bureau, and nobody has ever been able to ascertain the name of one of them who ordered a refund to be made.

Mr. CARAWAY. It is an invitation to spend that much, is it not?

Mr. McKELLAR. It is an open invitation to spend that much. No one knows who orders the payment of this $175,000,000. The Secretary of the Treasury manifestly does not do it. The Commissioner of Internal Revenue does not do it. He merely signs the letter that some one puts on his desk about it.

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

Mr. McKELLAR. I yield.

Mr. CURTIS. The Senator has read the report of the hearing in the House, has he not?

Mr. McKELLAR. I have.

Mr. CURTIS. He noticed in that hearing that it was testified that they went through four or five different hands before they were acted upon?

Mr. McKELLAR. The Senator knows how that is counted. They say four different hands——

Mr. CURTIS. And that all claims over $50,000 were certified for review before the solicitor of the department.

Mr. McKELLAR. Oh, no, Mr. President. We all know the way it is handled. The taxpayer goes and gets a committee of two to go over his tax bills. They are afterwards reviewed by two more, and a letter is laid on the desk of the commissioner of internal revenue, who signs it without even examining it. Those are the facts.

Here we are appropriating the enormous sum of $175,000,000 a year, and we will spend a lot more than that. For the last two or three years it has amounted to nearly $300,000,000 a year, and that is without our ever knowing where a dollar of it goes. We do not know whether a claim is properly adjusted or not. We established a Board of Tax Appeals, and we did not even give them jurisdiction over any of these claims.

Mr. OVERMAN. Mr. President, Mr. McCarl is required by law to pass on all these claims.

Mr. McKELLAR. Yes; but the Secretary of the Treasury denies that he has the authority, contending that these claims in the Treasury Department are specially excepted. In other words, the Senator knows as well as I know and as well as every other Senator knows that the Bureau of Internal Revenue is hermetically sealed not only against the public but against both Houses of Congress. I distinctly remember that when I asked for publicity a year and a half ago it was said that we were going to have greater publicity by establishing this joint committee on internal revenue. Has anybody heard anything of what the committee has done? Has anyone ever seen a report they have made? They met, and for six or eight months quarreled about whether Senator SMOOT should be chairman of the joint committee or whether Mr. GREEN should be chairman, and finally Mr. GREEN was elected chairman, and that is the last we have ever heard of it. It is the last we will ever hear of it.

Mr. OVERMAN. I voted with the Senator all along, as he knows, and stood by him as long as I could, and I know that this law ought to be repealed——

Mr. McKELLAR. There never was a time more favorable for getting that done than right now.

Mr. OVERMAN. The Senator is upon the Committee on Appropriations, and knows that we can not repeal a law by a provision in an appropriation bill. Besides that, we are faced

with this provision of law which says that McCarl shall pass on the claims.

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

Mr. McKELLAR. I yield.

Mr. CURTIS. A moment ago I called the Senator's attention to the $50,000 limitation. I just want to read what appears in the hearings:

> The case then goes from the auditor to a reviewing section, where the work is again reviewed by technical employees. If the amount of the refund involved is more than $50,000, the case is referred to the office of the general counsel of the bureau, where it is reviewed by attorneys and technical employees.

Mr. McKELLAR. That means the whole system. That does not mean that only four men pass on it.

Mr. BRUCE. Mr. President, I quite agree with the Senator that there ought to be a check on these special Treasury officials, because where such enormous sums are handled there is opportunity for collusion. It may be remarked that it is improbable that there will be any, but there might be some.

Mr. McKELLAR. Mr. President, if the Senator will let me interrupt him right there, the very fact that we put this check on would probably prevent its really having to be used. Nobody can tell who the employees who pass on these matters are, because there are different ones in many cases, perhaps, but if they knew that there was this right of appeal and of review upon the part of the Comptroller General, they would be exceedingly careful that the Government's rights, as well as the taxpayers' rights, were protected.

Mr. BRUCE. I submit to the Senator, however, that the Comptroller General should not be given the final power of rejecting or approving these claims. If he comes to the conclusion that the refund would work an injustice to the Government, then I would say that he should be empowered to take an appeal to the Board of Tax Appeals.

Mr. McKELLAR. The Senator will recall that I tried to arrange that, but points of order were interposed against me. In other words, it seems that anyone who undertakes to get any information about what the Bureau of Internal Revenue does is met with a barrier down there.

The fact is that nearly a billion dollars has been paid out since 1921 in refunds of taxes, and paid out by men whose names we do know. People in the Bureau of Internal Revenue pay that money out on ex-parte evidence. Nobody outside knows what the evidence is. There is no reviewing authority, and surely if we are the guardians of the Public Treasury, we certainly ought to take some steps to see that there is a reviewing authority.

I want to say to the Senator from Maryland that I would gladly see the committee put in a provision providing for an appeal to the Board of Tax Appeals from the decision of the comptroller, for my only purpose is to prevent what we all know is an improper policy from being further proceeded with.

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

Mr. McKELLAR. I yield.

Mr. WADSWORTH. I think the Senator said that nobody knows the names of any of the people who have had anything to do with authorizing refunds. May I ask him if he knows the names of any of the people who have had anything to do with collecting back taxes due the Government, which are infinitely greater in amount than the refunds?

Mr. McKELLAR. Oh, Mr. President, we all know their names.

Mr. WADSWORTH. What are their names?

Mr. McKELLAR. I will give the names of those in my State, and probably the Senator knows the names of those in his State. There is Mr. Albright——

Mr. WADSWORTH. The people who make the final decisions?

Mr. McKELLAR. The final decisions are made here in the department.

Mr. WADSWORTH. Just as they are in these cases.

Mr. McKELLAR. I want to say this to the Senator: The proof in the hearings in the House shows that the entire income from back taxes this next year will be about the same as the refunds of taxes.

Mr. WADSWORTH. Just a moment. For next year, the Senator says; but how about since 1921?

Mr. McKELLAR. They have been greater.

Mr. WADSWORTH. Much greater?

Mr. McKELLAR. I do not know how much greater. Nobody knows.

Mr. WADSWORTH. The Senator has been going back to 1921——

Mr. McKELLAR. There has been no information given as to how much it is.

Mr. WADSWORTH. If the Senate is to denounce and point the finger of suspicion at a whole department in the matter of refunds, at least at the same time let us applaud what they have accomplished in the matter of collections.

Mr. McKELLAR. If they can not collect any more than they refund, I do not know whether the collection department should be applauded or not.

Mr. WADSWORTH. They have collected more than they have refunded. Let us be fair.

Mr. McKELLAR. I do not know whether we ought to applaud them unless we know that they are collecting proper amounts, and we do not know.

Mr. WADSWORTH. They have collected back taxes far in excess of the refunds that they have made. Why not give them credit for that?

Mr. McKELLAR. They should have done it. Let us see for a moment what a Member of the House has said about this matter. Mr. GARNER of Texas discussing this very subject day before yesterday, said:

> This joint committee under the act of 1926 has a right to do what we are doing now. We can have them send down reports; we can send a man to the Treasury to look into each return; we can do anything we want to with reference to an examination of internal-revenue taxation in the Treasury Department. This provision merely goes through the form of a camouflage of sending something down to the committee which they can store away and keep filed, if they want to, or, for instance, Brother GREEN can look it over, but you can not give it publicity. Do not forget that. This does not provide for any publicity. Under the law this does not become public and no newspaper man can look at it. I think these gentlemen in the Senate thought that that was what they were going to get, but they did not get it.

So that is the fact. We get no publicity. This is a meaningless gesture. It does not perform in the slightest degree the office the original amendment was intended to perform. It is entirely beyond it and outside of it, and when we come to look at it, we find that it is nothing in the world but the use of words to undertake to get away from a real situation, because there is not a man in the Senate who does not know that if there is a review of these decisions by J. R. McCarl, the decisions will be honestly reviewed, the taxpayer will get every dollar he is entitled to, and at the same time the rights of the Government will be protected.

Is there a man here who doubts the honesty or integrity of Mr. McCarl? If so, I would like to hear him speak. We who know him know that he is an honest, conscientious, intelligent, and efficient officer; and why should we refuse to give him the right to supervise these decisions? He ought to have the right, or some one ought to have the right. Is there a man in the Senate who will say that some one should not have the right of review? Of course, there is no one here who will say that, because we all know that there should be someone with the power of review. Yet simply because the Treasury Department objects to it, we are letting this thing go on for another year.

The Senate will recall that for years I have been opposed to this system. I have not believed in this system. It should not further be permitted to exist, and I do not see how anyone can defend his vote who votes longer to support it.

Mr. President, I hope the conference report will be voted down, and I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. He is not present, and in his absence I withhold my vote.

The roll call was concluded.

Mr. FLETCHER. I transfer my pair to the Senator from New Mexico [Mr. BRATTON] and vote "nay."

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD].

The Senator from Oklahoma [Mr. HARRELD] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Oregon [Mr. MCNARY] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Nevada [Mr. ODDIE] with the Senator from New Mexico [Mr. JONES]; and

The Senator from Maryland [Mr. WELLER] with the Senator from Virginia [Mr. SWANSON].

The result was announced—yeas 38, nays 23, as follows:

YEAS—38

| | | | |
|---|---|---|---|
| Bingham | Bruce | Curtis | Edwards |
| Blease | Cameron | Dale | Ernst |
| Broussard | Capper | Deneen | Fess |

| | | | |
|---|---|---|---|
| Goff | Kendrick | Phipps | Wadsworth |
| Gooding | Keyes | Pine | Walsh, Mass. |
| Gould | Lenroot | Ransdell | Warren |
| Hale | Means | Reed, Pa. | Watson |
| Hawes | Metcalf | Sackett | Willis |
| Johnson | Moses | Shortridge | |
| Jones, Wash. | Overman | Stewart | |

NAYS—23

| | | | |
|---|---|---|---|
| Bayard | Frazier | McMaster | Shipstead |
| Caraway | George | Mayfield | Smith |
| Copeland | Heflin | Neely | Trammell |
| Couzens | King | Nye | Tyson |
| Ferris | La Follette | Robinson, Ark. | Wheeler |
| Fletcher | McKellar | Sheppard | |

NOT VOTING—34

| | | | |
|---|---|---|---|
| Ashurst | Greene | Norris | Stanfield |
| Borah | Harreld | Oddie | Steck |
| Bratton | Harris | Pepper | Stephens |
| Dill | Harrison | Pittman | Swanson |
| du Pont | Howell | Reed, Mo. | Underwood |
| Edge | Jones, N. Mex. | Robinson, Ind. | Walsh, Mont. |
| Gerry | McLean | Schall | Weller |
| Gillett | McNary | Simmons | |
| Glass | Norbeck | Smoot | |

So the report was agreed to.

NAVAL AMMUNITION DEPOT AT HAWTHORNE, NEV.

Mr. HALE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Senate bill 5249.

Mr. CURTIS. Will it take any time?

Mr. HALE. I think it will take no time whatever.

The VICE PRESIDENT. The clerk will state the title of the bill.

The LEGISLATIVE CLERK. A bill (S. 5249) to authorize the Secretary of the Navy to develop an ammunition depot at Hawthorne, Nev., and for other purposes.

Mr. LA FOLLETTE. Is that the bill to which the Senator from Nebraska [Mr. NORRIS] previously objected?

Mr. HALE. The Senator from Nevada [Mr. ODDIE] introduced the bill and the Senator from Nebraska [Mr. NORRIS] did object to the bill, but——

Mr. LA FOLLETTE. In his absence, I object.

Mr. HALE. I have talked with the Senator from Nebraska and he does not now object.

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

Mr. LA FOLLETTE. Reserving the right to object, may I ask the Senator from Maine whether or not the Senator from Nebraska has withdrawn his objection to the bill?

Mr. HALE. I have talked with the senior Senator from Nebraska and he told me he would not oppose the bill.

Mr. LA FOLLETTE. Very well.

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

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized to develop an ammunition depot at Hawthorne, Nev., within the confines of the area of land set aside by Executive order dated October 27, 1926, at a cost not to exceed $3,500,000, of which amount not to exceed $50,000 is authorized for purchase of land or rights of prospective patentees therein.

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

EXECUTIVE SESSION

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 25, 1927, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate February 24, 1927*

MEMBER OF THE BOARD OF MEDIATION

John Williams, of California, to be a member of the Board of Mediation created by section 4 of the railway labor act, approved May 20, 1926, for the term expiring five years after January 1, 1927, vice Hywel Davies, deceased.

ASSISTANT DIRECTOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Frank M. Surface, of Maine, to be assistant director, at $5,200 per annum, in the Bureau of Foreign and Domestic Commerce, vice Louis Domeratzky, transferred.

COLLECTOR OF CUSTOMS

Emery J. San Souci, of Providence, R. I., to be collector of customs for customs collection district No. 5, with headquarters at Providence, R. I. Reappointment.

UNITED STATES COAST GUARD

Roland E. Simpson to be a temporary ensign in the Coast Guard of the United States, to take effect from date of oath. The above-named person has passed satisfactorily the examinations prescribed for appointment.

UNITED STATES ATTORNEY

Bennett E. Rhinehart, of Iowa, to be United States attorney, northern district of Iowa, vice G. P. Linville, resigned.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

THE ADJUTANT GENERAL'S DEPARTMENT

Capt. Joseph Purnell Cromwell, Infantry (detailed in The Adjutant General's Department), with rank from July 1, 1920.

Capt. A. Pledger Sullivan, Infantry (detailed in The Adjutant General's Department), with rank from July 1, 1920.

QUARTERMASTER CORPS

First Lieut. Edwin McCune Byles, Infantry, with rank from July 1, 1920.

CORPS OF ENGINEERS

First Lieut. Oscar Alan Saunders, Ordnance Department, with rank from July 28, 1923.

SIGNAL CORPS

Capt. James Couzens Van Ingen, Cavalry (detailed in Signal Corps), with rank from July 1, 1920.

PROMOTION IN THE PHILIPPINE SCOUTS

*To be first lieutenant*

Second Lieut. Pio Quevedo Caluya, Philippine Scouts, from February 17, 1927.

PROMOTION IN THE REGULAR ARMY

MEDICAL CORPS

*To be colonel*

Lieut. Col. Frank Cole Baker, Medical Corps, from February 20, 1927.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate February 24, 1927*

UNITED STATES ATTORNEY

A. E. Bernsteen to be United States attorney, northern district of Ohio.

POSTMASTERS

ARIZONA

Edwin H. White, Dos Cabezos.
James E. Harris, Mayer.
Arthur E. Weech, Pima.
Carrie B. Yett, Safford.

ARKANSAS

Thomas S. Reynolds, Bradley.
Estella Cherry, McRae.

CALIFORNIA

Mildred E. Millett, Dos Palos.
John L. Steward, Monterey.
William M. Vaughn, Oilfields.
Caroline H. Hackney, Parlier.
William A. Hensel, Soquel.

COLORADO

Jesse W. Noble, Manitou.

DELAWARE

George W. Mullin, Marshallton.

FLORIDA

Clarence J. Carlton, Arcadia.
William H. Turner, Largo.
George E. Gay, Palatka.

GEORGIA

James A. Grant, Alto.
H. Ralph Smith, Brunswick.
Susie D. Sims, Lawrenceville.

HAWAII

Arcenio H. Silva, jr., Kahului.
Wayson Weatherbee, Olaa.

ILLINOIS

Harry T. Peeck, Ashley.
Edwin E. Jones, Bloomington.
George L. Thrasher, Gilman.
Harry E. Flesher, Lexington.
Anna M. Tennyson, Manhattan.
Lewis R. Inman, Oswego.
Anton J. Berta, South Wilmington.
Joseph C. Braun, Winnetka.

INDIANA

Arthur J. McLaughlin, Cedar Lake.
Burr E. York, Converse.
William H. Hailway, Hope.
Henry D. Long, New Harmony.
Clarence O. Rowland, Portland.

KANSAS

Ruth Herthel, Claflin.
Newell R. Kirkham, Lebo.
Marvin S. Gilbert, Lyndon.
John Malone, National Military Home.
Franklin S. Adams, Waterville.

LOUISIANA

Silvio Broussard, New Iberia.

MAINE

Alma R. Weed, Monticello.

MASSACHUSETTS

Alice D. Robbins, Littleton.

MICHIGAN

Joseph D. Watson, Homer.

MISSOURI

Willis M. Wallingford, Carthage.

NEW MEXICO

John A. Dickson, Fort Bayard.
Henry L. Kelly, Mogollon.
Tomas P. Martinez, Ranches of Taos.
Canuto C. Sanchez, Santa Rosa.

NEW YORK

Charles G. Post, Bangall.
William McNeal, Montgomery.
Ida L. Baxter, Port Washington.
Frank M. Douglass, Red Creek.
Frank R. Hanson, Sea Cliff.
Calvin H. Peters, Stamford.
William T. Williamson, Troy.

NORTH DAKOTA

Paul Keller, Hebron.

OHIO

Harley F. Hambel, Glouster.
John W. Hencke, Willoughby.

OKLAHOMA

S. Edgar Thomas, Dewey.
June M. Jarvis, Haileyville.

PENNSYLVANIA

George C. Noblit, Brockway.
William E. Mutthersbough, Driftwood.
Charles W. Hart, Elizabeth.
George B. Stevenson, Lock Haven.
Ira A. Dinger, Mayport.
Oscar R. Moser, Mont Alto.
James I. Decker, New Freedom.
Annie H. Washburn, Wyncote.

PORTO RICO

Rafael P. Robert, Fajardo.

WISCONSIN

Melvin B. Arnes, Barronett.
Lulu M. Hubbell, Draper.
Blanch Lyon, East Ellsworth.
Ida Englesby, Eleva.
James C. Fritzen, Neenah.
Wesley C. Hymer, Potosi.
Blanche Delany, Sinsinawa.
Susan D. Olson, Siren.
Nathaniel C. Garland, Sturgeon Bay.
Alphonse R. Eichman, Trempealeau.
Fred J. Hurless, Viola.

## HOUSE OF REPRESENTATIVES

THURSDAY, *February 24, 1927*

The House met at 12 o'clock noon.

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

This day, blessed Lord, may our standards be so definite, our aims so distinct, that there shall be no mistake as to our decisions. Rule our conduct by the laws of truth and righteousness that it may be consistent before Thee. Impress us that the prize of life waits for those who earnestly seek it. May we cultivate forbearance until our hearts yield a full measure of this great virtue. We thank Thee that Thou dost claim the right of free and immediate access to every believing, loving heart. O may we

"Speak to Him for He hears, and spirit with spirit can meet. Closer is He than breathing, nearer than hands and feet."

In the name of Jesus our Savior we pray. Amen.

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

### CONDITIONS IN CHINA

Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent to extend my remarks on the China resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNELL of New York. Mr. Speaker, I intend to support the resolution introduced by the chairman of our Committee on Foreign Affairs [Mr. PORTER] and reported out of the committee by a nonpartisan vote of 14 to 3, the 3 voting present and not nay on the final passage of the resolution. There has been no haste about the presentation of this matter, despite the urgency and seriousness of the situation as reflected by the articles that are found daily on the first pages of the leading newspapers of the country. I am speaking the exact truth when I say that in the hearings before the committee we were favored with the testimony of men of the highest standing, who because of their thorough knowledge of conditions in China were able to give informative and reliable information with respect to all the facts upon this urgent question.

In the hearings that have been held since my association with this great committee, I have heard no more intelligent witnesses than those that appeared to urge the immediate passage of this resolution.

The deplorable condition existing in this benighted country is the result of the many unfair and unequal treaties that have been imposed on China by the great powers of the world, including the United States, and for the reason that that country has been unable to resist the will of the other great nations that have continued to oppress her.

The great Chinese people, asleep for years, are at last aroused by the nationalist sentiment that has swept the country during the past few years against treaties that deny the right to impose their own tariff restrictions, which, if allowed, the Chinese would be able through its customs duties to accumulate revenues sufficient to maintain its Government. Under these arbitrary treaties China is denied the right to fix a customs rate according to her own selection above a percentage in any amount determined by the powers to which I have referred. The trouble under which she is now laboring had its inception in 1842 when China, under duress, consented to the importation of goods into her own country imposed by a stronger nation. Since that time, in one way or another, the powers of the world have wrought their will upon this unfortunate people. She has not the right even to police or jurisdictional powers within her own country.

Nationals within her borders who commit offenses upon Chinese are tried for these offenses not before Chinese tribunals but in courts of foreign jurisdiction. American offenders for petty crimes are tried before consulate courts, presided over by foreign consuls, and for major crimes before the courts of American or European jurisdiction. This is the essence of serfdom and has no parallel in American annals. It is not just. It should not be. Now, what has happened. For many years the young students of China have come to United States and gone to European universities for education. They have been inoculated with occidental ideals and progressive ideas. Thus they have studied and absorbed and have taken back to their native land the ideals of the western peoples embracing democracy, national independence, enlightened, and modern civilization. These students have instilled this democracy into the minds and the hearts of the Chinese people, to the

end that they now at last are insisting on equality among the nations of the earth.

China is fully capable of self-government. She will continue her opposition and the fight for liberty and relief from the present oppressive treaties until extraterritorial rights and unequal treaties have been abolished. Her attitude toward America is friendly, but she naturally puts us in the imperialistic class because we ally ourselves with the other oppressing powers in our dealings with her country and its people.

We have ample reason for the adoption of this resolution. Realizing the seriousness of the present situation in China, a number of the powers have already indicated to the Chinese that they intend to take up separate negotiations in respect to them. It is my impression that Belgium, Japan, and Great Britain, and perhaps France, have already indicated an intention of their willingness to abrogate, in part, at least, the burdensome terms of their existing treaties, and to enter into new relations with China.

The hearings before our committee give every evidence that the Chinese people no longer respect the present agreements, and have risen to repudiate them. At this time they are merely scraps of paper, and of no weight or influence.

In the adoption of this resolution the United States relinquishes none of the rights of her citizens or property. We would never agree to sacrifice any rights that we have or hold under the present treaties. All we intend by this resolution is that the Secretary of State make some pronouncement of a friendly nature, so that the Chinese people may know that in this hour of their trouble our country, which has always befriended the oppressed, is now ready to enter into negotiations with the proper authorities in China to the end that they may be able to work out their destiny in their own way.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the following House bill with amendments:

H. R. 16886. An act entitled "An act to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted-service certificates," and that the Senate insists upon its amendments to said bill, and requests a conference with the House thereon, and had appointed as conferees on the part of the Senate Mr. SMOOT, Mr. REED of Pennsylvania, and Mr. SIMMONS.

The message also announced that the Senate had passed Senate bill of the following title, in which the concurrence of the House is requested:

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

LOANS ON ADJUSTED-SERVICE CERTIFICATES

Mr. GREEN of Iowa. I ask unanimous consent to take from the Speaker's table the bill (H. R. 16886) to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted-service certificates, with Senate amendments thereto, disagree to all of the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, will the gentleman tell us what those amendments are?

Mr. GREEN of Iowa. I do not know that I can tell them all.

Mr. SNELL. They did not put on the emergency retirement bill, did they?

Mr. GREEN of Iowa. No.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. BLANTON. Mr. Speaker, reserving the right to object, why does not the gentleman from Iowa ask unanimous consent to concur in the Senate amendments and thus get the bill immediately to the White House, so that the President may sign it, and so it may become a law? The main amendment which the Senate put on is the one which continues the law in force which gives $80 compensation to the disabled men in hospitals. That is a good amendment, and if the gentleman would merely ask unanimous consent to concur in the Senate amendments, that would settle the matter. If this bill goes to conference, it may die and not become law.

Mr. GREEN of Iowa. The gentleman from Iowa, as is often the case, does not agree with the gentleman from Texas, and so can not consent to make such a request.

Mr. BLANTON. The one I mentioned is the principal amendment, is it not?

Mr. GREEN of Iowa. I could not say. It is one of the amendments, at least.

Mr. BLANTON. How long is the gentleman going to keep the matter in conference?

Mr. GREEN of Iowa. I could not say about that.

Mr. BLANTON. Of course, Mr. Speaker, I shall not object, but what I suggest is what ought to be done. We ought to concur in the Senate amendments and thus insure the passage of the bill. And to say the least, we ought to instruct our conferees to agree to this Senate amendment.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BULWINKLE. Mr. Speaker, the Committee on World War Veterans' Legislation two weeks ago to-day reported out the bill which is embodied in the Senate amendment. Unfortunately, for some reason or other, that bill was reported to the House only yesterday. If we could accept the Senate amendment, it would help matters greatly. It is very unjust to these men who are in hospitals that they should be cut off from this $40 on the 1st of July.

Mr. GREEN of Iowa. The gentleman will understand that this is just another instance of the Senate's practice of tacking on amendments which have nothing to do with the original bill, and putting them in at the wrong place. It is a practice that ought not to be adopted.

Mr. BULWINKLE. I realize that.

Mr. GREEN of Iowa. And for myself I can not encourage that practice. If we consent to do it in one case, we will have to consent to it in others.

Mr. BULWINKLE. But if the gentleman does not agree to it, in all probability on the 1st of July these men will lose 50 per cent of their compensation.

Mr. GREEN of Iowa. I am not familiar with that bill and have had no opportunity to familiarize myself with it.

Mr. BULWINKLE. Would the gentleman withdraw his request for a few minutes and let me familiarize him with it?

Mr. GREEN of Iowa. I can not do that. We must get along with this matter.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. EDWARDS. What rate of interest does the Senate fix for the loans?

Mr. GREEN of Iowa. The same as the House bill. It is not changed.

Mr. EDWARDS. Then there is no disagreement on that?

Mr. GREEN of Iowa. No.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. RANKIN. What is the gentleman's request?

Mr. GREEN of Iowa. It is to send this bill to conference.

Mr. RANKIN. The only material amendment made by the Senate, as I understand it, is to provide this change where these men are to be reduced from $80 to $40 on the 1st of July.

Mr. GREEN of Iowa. I do not know. I do not know what the other Senate amendments are.

Mr. BULWINKLE. It is to strike out the existing law and put the disabled veterans without dependents on the status where they are now.

Mr. RANKIN. I understand; but they amended the bill so that these men may receive the full benefit of their compensation even after the 1st of July.

Mr. GREEN of Iowa. I understand they put on some such amendment, which does not properly belong on this bill at all.

Mr. RANKIN. And the gentleman's request is that this bill be sent to conference?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. To die there.

Mr. GREEN of Iowa. Oh, no; it will not die there. It will be passed at this session.

Mr. RANKIN. I presume I violate no secret of the committee, and if I do I take the responsibility for it, because I think the time has come when the members of the Committee on World War Veterans' Legislation have a right to be heard, when I tell the House that we voted unanimously for this change in the Veterans' Committee.

Mr. UNDERHILL. Mr. Speaker, I demand the regular order.

Mr. GREEN of Iowa. There is no one who is more ready than I that they should be heard.

Mr. GARNER of Texas. Mr. Speaker, the gentleman from Iowa wants this bill to go to conference. As I understand the Senate amendment which is being discussed, it is an amendment that would be entirely within the jurisdiction of the

World War Veterans' Legislation Committee, while this bill under consideration now comes from the Committee on Ways and Means.

Mr. RANKIN. Mr. Speaker, I happen to be more familiar with this legislation, perhaps, than the gentleman from Texas.

Mr. GARNER of Texas. I agree with that.

Mr. RANKIN. For the simple reason that, as the gentleman from North Carolina [Mr. BULWINKLE] will remember, we have discussed it in the committee and we passed a resolution through our committee to report this provision to the House two weeks ago.

It has the approval of the Committee on World War Veterans' Legislation. It has the approval of the United States Senate, and I am not willing to take the risk of its going to conference and being killed there and these boys knocked out of the benefit of the money that is appropriated for them by the Government.

Mr. BLANTON. The preferential motion is to move to concur in the Senate amendment. Why is not that made?

Mr. GREEN of Iowa. In which event it goes to the Committee of the Whole House.

Mr. BLANTON. Then let it go there, and we can go into the Committee of the Whole House immediately and approve it. We may just as well thrash it out here now as at any other time, for we must complete this bill before we adjourn.

Mr. GREEN of Iowa. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. RANKIN. Mr. Speaker, I object. Mr. Speaker, I withdraw the objection for the moment. The gentleman from Tennessee wants to make a statement.

Mr. GARRETT of Tennessee. Mr. Speaker, has consent been granted?

The SPEAKER. No.

Mr. RANKIN. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. The gentleman from Tennessee desires to make a motion which is privileged at this time.

Mr. BROWNING. Mr. Speaker, I move that we instruct the conferees to agree to the third Senate amendment, which is in regard to receiving $80 a month for those in hospitals.

The SPEAKER. The gentleman from Tennessee makes a preferential motion to instruct the conferees to agree to Senate amendment No. 3.

Mr. BLANTON. Let us have it reported.

The SPEAKER. Without objection the Clerk will report the amendment.

The Clerk read as follows:

Senate amendment No. 3: Page 2, after line 20, insert:

"SEC. 3. That the last paragraph of paragraph 7 of section 202 of the World War veterans' act, 1924, as amended, is hereby repealed."

The SPEAKER. Does the gentleman from Iowa desire to be heard?

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question, unless the gentleman from Iowa desires to address the House.

Mr. GREEN of Iowa. Mr. Speaker, this instruction ought not to be given to the conferees for a number of reasons. In the first place the legislation which is sought to be engrafted on this bill is something that does not belong to the Ways and Means Committee and has no relation to the matter contained in the original bill, and we simply have another example of what the Senate does in putting on amendments that have no relation whatever to the bill that is before them, and they get them through in that kind of a way when they could not get them through their own body otherwise.

Mr. HOWARD. Mr. Speaker, I make a point of order. The gentleman is violating the rule by assailing a body at the other end of the Capitol.

Mr. BLANTON. He is doing it as a whole, and that is permissible.

Mr. HOWARD. The point of order was raised upon me for divulging the secrets of a common House committee, and now the gentleman is assailing that august body.

Mr. BLANTON. That is, the body as a whole.

Mr. HOWARD. You can do that as a body—that is all right, let it go. [Laughter.]

Mr. GREEN of Iowa. Now, Mr. Speaker, I am not prepared to say this legislation is not perfectly proper. Neither am I prepared, nor is the House prepared, properly to consider it at this time. It ought to be brought up in the regular way through the World War Veterans' Committee, which has authority and control over these matters, whereas the Ways and Means Committee has not. It is not informed about it.

Mr. BLANTON. Will the gentleman yield?

Mr. GREEN of Iowa. I will yield.

Mr. BLANTON. The Veterans' Committee two weeks ago voted this very proposition favorably, and yesterday reported a bill containing this very same proposition.

Mr. GREEN of Iowa. I did not yield for a speech. As far as that is concerned, it does not alter the situation. If that bill comes up the gentleman knows it would be considered under altogether different rules. It would be considered in Committee of the Whole, and this motion ought to be voted down.

Mr. BULWINKLE and Mr. RANKIN rose.

Mr. GREEN of Iowa. I always yield to my two friends here.

Mr. RANKIN. I will say to the gentleman from Iowa all bills coming from the Veterans' Committee are held up until the last few days and then rushed through under suspension of the rules, with practically no time or opportunity for amendment whatever.

Mr. GREEN of Iowa. Well, I have no objection to its being considered in that way.

Mr. RANKIN. With no debate and no opportunity offered for amendment.

Mr. BULWINKLE. When the gentleman gets through will he yield me five minutes in which to make a statement?

Mr. GREEN of Iowa. I will; but we can not here properly debate this matter now. This is a question of propriety of procedure. If we yield in this manner, we shall always be troubled with matters of this kind which are put on at the last minute in the hope that some delay might occur which will force us to yield.

Mr. BROWNING. Mr. Speaker, will the gentleman yield to me five minutes as the mover of the resolution?

Mr. GREEN of Iowa. Yes; and at the end of that time I shall move the previous question. Now I yield to the gentleman from North Carolina [Mr. BULWINKLE] five minutes.

Mr. BULWINKLE. Mr. Speaker, I do not like the way this legislation is brought before the House, and I would not be here asking for the House to give it consideration if it did not affect the very health and well-being and mental condition of hundreds of thousands of ex-service men who are in the hospitals of the United States.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. In a minute.

There is this situation presented: The Veterans' Committee of the House was never called together, although this bill was introduced in December. Two weeks ago we reported it at the first call, and the committee ordered it reported, and it was reported by the chairman only yesterday. If this does not go into effect, an amendment which was placed on the law in the Senate in 1924 by a Member of that body deprives the men who are in Veterans' Bureau hospitals, who are without dependents, of 50 per cent of their compensation.

Mr. GREEN of Iowa. The reason why this law is in this condition is because the House at some previous time let a Senate amendment be put on just as this one was put on.

Mr. BULWINKLE. Yes; and when the Senate proposes to correct itself I am perfectly willing to give them an opportunity to do so. [Applause.] That is another reason why I ask you to let it pass without further objection. For the well-being of the disabled men affected by the law, I am appealing to the House to help them out.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. KINDRED. Does not this measure affect vitally the interests and the very lives of insane people who are now in the hospitals?

Mr. BULWINKLE. No; it does not affect those who are mentally ill, but it does affect all other cases where there are no dependents of those who are ill in the hospitals.

Mr. RANKIN. If we concur in the Senate amendment, it will not cost the Government of the United States a dollar more, will it?

Mr. BULWINKLE. No. It will not cost anything, because this money is supposed to be held out in behalf of these sick men.

Mr. BLANTON. Unless we pass this, from July 1 to next December, when we meet again, these men will be wholly without compensation?

Mr. BULWINKLE. No; they will receive not exceeding 50 per cent of their compensation.

Mr. BLANTON. I mean their compensation of $80 a month.

Mr. BULWINKLE. Yes. Fifty per cent of their compensation, not exceeding $40 per month.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. HUDSPETH. We are just restoring the present condition?

Mr. BULWINKLE. Yes.

Mr. BLANTON. And we might just as well put it in this bill as in any other bill.

Mr. BULWINKLE. Yes. I trust the gentleman from Iowa [Mr. GREEN] will not wreak his vengeance on another body in this way in this instance. If it were not for the situation of these men, I would not ask it, but to-day we know that this is possibly the only chance for remedying the mistake that was made in 1924.

Mr. GREEN of Iowa. I have no doubt that the gentleman firmly believes that everything he states is absolutely correct.

Mr. BULWINKLE. I know it is absolutely correct.

Mr. GREEN of Iowa. But I have no way of finding out.

Mr. BULWINKLE. I am asking the gentleman to withdraw his opposition for a few minutes, and I can take him outside, with Members representing both sides of the Veterans' Committee, and he will be so informed that he will be absolutely content to let the Senate amendment pass without objection.

Mr. GREEN of Iowa. That would not give time enough to investigate this matter at all.

Mr. BULWINKLE. That is the effect.

Mr. Speaker, I yield back the remainder of my time.

Mr. HASTINGS. Mr. Speaker, before the gentleman yields back his time, I wish to ask him a question. Is it not a fact that unless this is enacted in this way the veterans can not get legislation at this session?

Mr. BULWINKLE. It is. We can not get it otherwise.

Mr. BROWNING. Mr. Speaker, will the gentleman yield me five minutes?

Mr. GREEN of Iowa. Yes; I yield to the gentleman from Tennessee five minutes.

The SPEAKER. The gentleman from Tennessee is recognized for five minutes.

Mr. BROWNING. Mr. Speaker and gentlemen of the House, practically all legislation respecting veterans' affairs, as the gentleman from Iowa [Mr. GREEN] knows, since our committee was organized has been done under suspension of the rules. I think the gentleman will admit that the committee has done good work in preparing those bills. This amendment was reported out unanimously by our committee. It simply means that these boys in the hospital, unless this provision is passed, who have no relatives who are dependent upon them, will be reduced from $80 to $40 after next June 30.

That is a discrimination which should not be visited upon these men. The result will be to drive a number of them out of the hospital, because all they have to do is to step out of the hospital with their total disability and draw the full amount. They ought to be given all the treatment that the hospital can give them. This amendment was placed on in the Senate under circumstances similar to the present. We had to take it or leave the whole measure. I see no harm in correcting the error by the same method as that by which the error was committed. I hope the gentleman from Iowa [Mr. GREEN] will not insist on his opposition to this motion to concur in the amendment.

Mr. SNELL. I am in accord with the gentleman from Tennessee about the measure itself, but I oppose its coming in in this way. I favor it coming up in the usual way. In that case there would be no opposition to it. I think that would be the better way than to attempt it here.

Mr. BROWNING. If we get legislation at this session it will have to come under suspension of the rule.

Mr. SNELL. That is probably true.

Mr. BROWNING. We have prepared a hospital bill with the hope of getting it through at this session, and also other measures. This will simply get out of the way one of the serious propositions, and I do not think it will do violence to the legislative situation to let this go through. It is really akin to the other proposition. We can not hope to get a rule for all the good provisions we have reported.

Mr. SNELL. There is a prospect that before the session ends the veterans' legislation can go through.

Mr. BROWNING. This same provision was placed in our bill after it went to the Senate. When it came back to us we had to take it without any consideration of this unjust provision.

Mr. SNELL. I agree with the gentleman as far as the justice of the legislation is concerned, and I am going to support it, but I think it should come up in the regular and logical way.

Mr. BROWNING. The gentleman knows that on hundreds of occasions matters of this kind are passed in this way.

Mr. SNELL. But it is very seldom that we instruct our conferees on matters of this kind.

Mr. BROWNING. We want to relieve them of the embarrassment of insisting that the Senate should not have done it. That is what we are trying to do.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. CARTER of Oklahoma. The gentleman is mistaken. There are other ways by which this can be done instead of by this method and by the method of suspending the rules. It will only take a few moments for the Rules Committee to bring in a rule to take care of all these matters. The gentleman from New York [Mr. SNELL] is the chairman of that committee. He is a powerful man on that committee, and he can provide this relief whenever he thinks it is necessary.

Mr. BROWNING. But the gentleman understands that in these last days of the session and in this legislative jam everybody can not get what they think is meritorious, and this is one way to be certain of it. [Applause.]

Mr. RANKIN. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. RANKIN. As the measure stands now, it has the unanimous approval of the Veterans' Committee, has it not?

Mr. BROWNING. That is my understanding.

Mr. RANKIN. We do not know that what they would bring back from the conference would meet with the approval of the members of the Veterans' Committee, do we?

Mr. BROWNING. The gentleman is correct; and I hope the gentleman from Iowa [Mr. GREEN] will not continue to oppose this motion.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. NEWTON of Minnesota. If this bill is not passed, when does this restriction, involving a cut in the pay of these men, commence?

Mr. BROWNING. On June 30, 1927.

Mr. NEWTON of Minnesota. Then, as I understand it, there was a Senate amendment enacted into law which will not take effect until July 1 of this year?

Mr. BROWNING. That is true; but it will go into effect unless this correction is made.

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

Mr. GREEN of Iowa. Mr. Speaker, I said I did not feel I could permit any more debate, but I can not refuse to yield to the distinguished leader of the minority. Mr. Speaker, I yield the gentleman from Tennessee [Mr. GARRETT] three minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I really can not add anything new to what has been said by the gentleman from North Carolina [Mr. BULWINKLE] and by my colleague from Tennessee [Mr. BROWNING] who makes this motion; but there has been some disorder in the Chamber and it will not be amiss, I think, to restate exactly what is involved, and that is that the Senate has adopted an amendment which corrects a provision which almost everybody admits was an error made in the last act we passed relative to the compensation of men who are in hospitals and who have no dependents after July 1, 1927. It is a very plain and simple matter. I do not think we need to stand upon the technicalities of the jurisdiction of the respective Houses. The question, after all, is the merit of the legislation itself. [Applause.] As a matter of fact, as has been stated, almost every act which this House has passed for the last five years in behalf of the veterans has been passed under suspension of the rules. The very bill in which this error was made was passed under suspension of the rules. It was not an error, however, made by the House committee; the error was put in by the Senate itself; then it was continued in the conference report; and when that conference report came back to the House we had to vote it up or down as a whole, and there was no chance to bring about any relief whatever. But here is a chance now upon a plain and simple matter. It is no discourtesy to the conferees. It is merely the expression of the House itself as to its attitude toward this legislation. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I move to lay on the table the motion to instruct the conferees.

The SPEAKER. The gentleman from Iowa moves to lay on the table the motion to instruct the conferees.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. If that motion should prevail, will it not carry the entire measure to the table?

The SPEAKER. The Chair thinks not. The Chair thinks it would only affect the motion in question.

The question was taken; and on a division (demanded by Mr. GREEN of Iowa) there were—ayes 33, noes 183.

So the motion to table was not agreed to.

The SPEAKER. The question now recurs on the motion to instruct the conferees.

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. GREEN of Iowa, HAWLEY, TREADWAY, GARNER of Texas, and COLLIER.

PROMOTION OF ARMY OFFICERS ON RETIRED LIST

Mr. JAMES. Mr. Speaker, I present a conference report for printing under the rule on the bill (H. R. 5028) for the promotion of certain officers of the United States Army now on the retired list.

BRIDGE ACROSS THE OHIO RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of two bridge bills, which I send to the desk.

The SPEAKER. Does the gentleman regard this as a matter of emergency?

Mr. DENISON. I do, Mr. Speaker, and I have a telegram here which states the emergency. I may also say the bills are in the usual form.

The first bill is (H. R. 17128) granting the consent of Congress to the State of Indiana, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, and permitting the State of Kentucky to act jointly with the State of Indiana in the construction, maintenance, and operation of said bridge.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the State of Indiana, acting by and through its State highway commission, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between a point in or near the city of Evansville, Ind., and a point opposite in Henderson County, State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State of Indiana, acting by and through its State highway commission, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes and by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property in such State.

SEC. 3. The said State of Indiana, acting by and through its State highway commission, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 15 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. At any time before or after the completion of such bridge the State of Kentucky may acquire any such interest in such bridge, including its approaches as a part thereof, as it may elect to acquire, but not exceeding a one-half interest therein, upon such terms as may be agreed upon between said States; and upon failure to so agree may acquire such interest by paying to the State of Indiana such sum as shall equal the actual cost of that proportion of such bridge so acquired by it. And if at any time said State of Kentucky shall acquire a full one-half interest in such bridge, then the right to take tolls for the use of such bridge shall immediately cease; and said right to take tolls shall also cease if and when the net tolls taken, after deducting the cost of collecting such tolls, shall amount to one-half the actual cost of such bridge plus interest thereon at the rate of 5 per cent per annum; and thereafter said bridge shall be free and no toll shall be charged for the use thereof.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

There was no objection.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DENISON. Mr. Speaker, I present another bill (H. R. 17264) to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the times for commencing and completing the construction of the bridge authorized by act of Congress, approved March 3, 1925, to be built across the Wabash River from a point in the city of Mount Carmel, Wabash County, Ill., to a point in Gibson County, in the State of Indiana, are hereby extended one and three years, respectively, from the date of approval hereof.

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

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

There was no objection.

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

SUBCOMMITTEE OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. GIBSON. Mr. Speaker, I ask unanimous consent that the subcommittee of the District of Columbia Committee making a survey of the government of the District of Columbia may have permission of the House to sit during sessions of the House.

Mr. RAMSEYER. What subcommittee is it?

Mr. GIBSON. The one making a survey of the government of the District.

Mr. RAMSEYER. There is a subcommittee of that special name?

Mr. GIBSON. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I call up the conference report on the bill (H. R. 15641) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes.

The SPEAKER. The gentleman from Idaho calls up a conference report on the bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

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. 15641) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 7, 8, 22, 23, and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 15, 16, 18, 19, and 26, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,068,250"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,362,533"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$124,428,702"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,128,975"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,535,250"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$148,092,927"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,522,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,100,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,480,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 25 and 27.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
*Managers on the part of the House.*

FREDERICK HALE,
LAWRENCE C. PHIPPS,
GEORGE WHARTON PEPPER,
CLAUDE A. SWANSON,
CARTER GLASS,
*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. 15641) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On Nos. 1 and 2: Provides for actual expenses of midshipmen while on shore patrol duty at home and abroad, as proposed by the Senate, instead of abroad only, as proposed by the House.

On Nos. 3 and 4: Appropriates $75,000 for permanent classified employees at the naval research laboratory, as proposed by the House, instead of $100,000, as proposed by the Senate.

On Nos. 5 and 6, relating to the Naval Reserve: Appropriates $3,890,500, as proposed by the Senate, instead of $3,850,000, as proposed by the House, and increases the limitation on expenditures from this appropriation on account of aviation material, equipment, and rental of hangars from $329,888, as proposed by the House, to $364,010, as proposed by the Senate.

On Nos. 7 and 8: Strikes out the restriction proposed by the Senate on broadcasting from naval radio stations.

On Nos. 9 to 15, inclusive, relating to pay, subsistence, and transportation of naval personnel: Appropriates $148,092,927, instead of $147,231,000, as proposed by the House, and $148,954,854, as proposed by the Senate, thus providing for 83,250 enlisted men, instead of 82,500, as proposed by the House, and 84,000, as proposed by the Senate, and strikes out, as proposed by the Senate, the provision with respect to including time spent at the Military Academy or the Naval Academy in computing the length of service of officers.

On Nos. 16 to 21, inclusive, relating to aviation, Navy: Appropriates for new construction and procurement of aircraft and equipment $8,522,000 instead of $8,412,000, as proposed by the House, and $10,668,000, as proposed by the Senate; modifies the phrasing of the limitation on the cost of the rigid airship for which the bill makes provision, and authorizes contracts to be entered into for new aircraft and equipment to the extent of $9,480,000, instead of $5,000,000, as proposed by the House, and $10,000,000, as proposed by the Senate, so that, as modified, provision is made for the construction and procurement of new aircraft and equipment to the extent of 245 planes, instead of 161 planes, as proposed by the House, and 323 planes, as proposed by the Senate.

On No. 22: Strikes out the appropriation of $250,000, proposed by the Senate, for new boathouse and training quarters for the crews at the Naval Academy.

On Nos. 23 and 24: Appropriates $65,000 for assigned men, Marine Corps Reserve, as proposed by the House, instead of $112,500, as proposed by the Senate.

On No. 26: Strikes out, as proposed by the Senate, the provision raising the limit of cost of one fleet submarine (minelaying type).

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 25: Providing for the commencement of the construction of three light cruisers.

On No. 27: Relating to the payment of premiums to navy-yard employees and to the assignment of work to navy yards.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
*Managers on the part of the House.*

Mr. FRENCH. Mr. Speaker——

Mr. MILLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Idaho yield to the gentleman for a parliamentary inquiry?

Mr. FRENCH. I yield for that purpose, Mr. Speaker.

Mr. MILLER. I would like to inquire. Mr. Speaker, the time that will be devoted to the consideration of this conference report.

The SPEAKER. The gentleman from Idaho is entitled to recognition for one hour.

Mr. MILLER. And how will that time be divided?

The SPEAKER. It is in the gentleman's own control; but the conference report itself will be disposed of before any of the matters in disagreement are taken up.

Mr. BUTLER. Mr. Speaker, I would like to submit a parliamentary inquiry.

Mr. FRENCH. If the gentleman will permit, I think I can make a statement now that will satisfy everybody.

Mr. BUTLER. All right.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to modify and extend my remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. FRENCH. Mr. Speaker and gentlemen of the House, as you have followed the conference report you have recognized that the conferees have come to an agreement on all but two of the items in dispute between the Senate and the House.

My plan is first to direct attention to the conference report itself which has to do with everything in the bill that was in difference aside from the two amendments upon which we did not agree. It will take considerable time to discuss one of those amendments, the cruiser amendment. After the conference report shall have been disposed of, it will then be my purpose to ask for considerable time for the consideration of this important subject. So then the cruiser amendment will not be involved in the discussion prior to the adoption of the conference report. The other amendment from the Senate, that is, what is known as the labor and contract amendment, touching navy yards and is the language that has been carried in one form or another for many years. Your conferees could not agree to that amendment under the rules. It is our purpose, however, to move to recede and concur in the amendment when it shall be reached.

With this general statement suppose we turn to the conference report.

Mr. HUDSPETH. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. HUDSPETH. Do I understand it is the purpose of the gentleman to move to concur in the cruiser amendment?

Mr. FRENCH. No; I was referring to the labor amendment.

Mr. HUDSPETH. There was so much confusion on the floor I could not understand the gentleman.

Mr. FRENCH. The bill as it passed the House carried $314,752,680. The bill as it passed the Senate carried $320,295,534. The Senate amendment in money increased the appropriation bill by $5,542,854. And, in addition to that, the Senate raised the limit on contract authorization by $5,000,000.

The Senate increases are divided as follows:

| | |
|---|---|
| 1. Naval Research Laboratory | $25,000 |
| 2. Naval Reserve (giving training to 88 instead of 66 reserve officers) | 40,500 |
| 3. Pay, subsistence, and transportation of naval personnel increase in average number of enlisted men from 82,500 to 84,000) | 1,723,854 |
| 4. Aviation—new aircraft and equipment (increase the number of new aircraft from 161 to 323, the extra cost being covered by this increase and the increase of $5,000,000 in contract authorization) | 2,256,000 |
| 5. Naval Academy, boathouse | 250,000 |
| 6. Marine Corps, assigned men (increase from 2,600 to 4,500) | 47,500 |
| 7. Increase of Navy, three cruisers | 1,200,000 |
| Total | 5,542,854 |

The conference report disposes of all items affecting the amount of money carried by the bill save one—commencing the construction of cruisers, and affects the bill as passed by the House, as follows:

| | |
|---|---|
| 1. Naval reserve—reserve aviators, add | $40,500 |
| 2. Pay, subsistence, etc., add for 750 additional men or for a total average strength of 83,250 | 861,927 |
| 3. Aviation, add for 4 new planes for reserve training | 110,000 |
| Total addition, direct appropriations | 1,012,427 |
| 4. Add to contract authorization for 80 new planes, 245 planes in all | 4,480,000 |

In its present shape, therefore, the bill carries in direct appropriations $2,212,427 more than when passed by the House, which includes $1,200,000 on account of cruisers, yet to be acted upon, and it exceeds the Budget estimates by $2,261,457.

I think the Members of the House have in mind quite definitely most of the amendments that have been disposed of, and in the short time I feel should be taken at this point in debate I shall refer to but two or three.

First, in regard to personnel. When the bill passed the House it carried an appropriation for 82,500 enlisted personnel. We based that figure on the actual needs of the Naval Establishment, upon the assumption that two battleships the *Oklahoma* and the *Arizona*, would be out of commission, undergoing major overhauling, most of the year; upon the assumption that three battleships that are now undergoing major overhauling will not be in commission all of the fiscal year; upon the assumption that the two airplane carriers under construction will not have been in commission all of the next fiscal year; and upon further recognition that one or two of the older cruisers could be drawn from the service without affecting materially the efficiency thereof.

The Senate increased the personnel by 1,500 men, basing its general argument for the increase upon the condition of the Navy, and especially stressing the importance of increasing the personnel for shore stations. Your conferees could not accede to the Senate figure. We did not believe that this was the orderly or logical way in which to proceed. We thought that if the personnel figure of the Senate could be justified by an increase of 1,500 men it would be on the assumption that the two ships, the *Arizona* and *Oklahoma*, would not be placed in the yards for major overhaul. We offered to concur in the entire number of men proposed, 84,000, with the proviso that 1,500 men should not be drawn upon if these two ships were taken out of commission.

The Senate conferees refused to accede to that proposition. After every angle of the question had been considered, and with a knowledge that the session was approaching an end and that we must reach an agreement or final compromise on numbers of men and dollars, we added 750 enlisted personnel to the Naval Establishment, increasing the number to 83,250 thereby.

The next proposition that is of major consequence in the bill has to do with aviation. When the bill passed the House it carried for aviation 155 airplanes. The Senate amendment added 158 airplanes, or provided for a total of 313, exclusive of 4 added to the naval reserve. The theory upon which the House proceeded was twofold: First, that when the Congress a year ago provided for the five-year program it meant something when it said that the figures that were taken as the tentative suggestions for each of the five years were not to be regarded as conclusive, and that there was reserved to the Congress the right to appropriate as in its judgment it saw fit from year to year. We had in mind that attrition is going on at a certain rapid rate on account of obsolescence, and that before piling up a large number of airplanes that in another two or three years would be declared obsolete and obsolescent the better part of wisdom would be to provide the number necessary for an efficient aviation establishment for the Navy, and then, as we approach more nearly the perfection in the different types, expand the program of construction. We believe that that program will mean millions of dollars in savings to the Treasury and not affect the efficiency of the aviation establishment to any extent whatever.

There was another factor: When the House conducted its hearings we were told by the Bureau of Aviation that the attrition was expected to be 23 per cent in 1928 instead of 33 per cent, as it had been running before the present year. We figured upon that basis. Those were the figures brought to us by the Budget and sustained by the reasonable hopes of the Bureau of Aviation. When the representatives of aviation went to the Senate committee they reversed their form on that proposition and told the Senate that they expected the attrition would reach nearer 33 per cent than 23 per cent, a remarkable change to make within a period of 60 days after the representation had been made to the House committee.

In dispute there were 158 airplanes. However, we felt we must reach an agreement. We assumed that possibly the later attrition figures of the bureau might be correct, and we acceded to increasing the number of airplanes by 80, making the number 235 instead of 155, as provided for in the House bill, and 78 less than provided by the Senate, exclusive of 4 other planes added to the naval reserve. We do not recognize the principle of the Senate, that we are required to provide a program that will mean 1,000 planes completely built and on hand at the end of any particular time and at the end of the five-year period. Again we struck out the direct appropriation for the additional 80 planes and provided contract authorization for them. We followed this latter plan for the reason that these airplanes will hardly be contracted for by the end of the fiscal year. They certainly will not have been completed, and therefore there was no need for putting money into the bill but merely contract authorization.

I think I may assume that the other factors that are involved in the general report are so well known to the Members of the House that I would not be justified in taking further time for their discussion prior to the consideration of the cruiser amendment.

Mr. Speaker, I move the adoption of the conference report.

Mr. BRITTEN. Mr. Speaker, before the gentleman does that will he yield me five minutes in which to discuss a matter that does not apply to the cruiser amendment?

Mr. FRENCH. Yes. I yield the gentleman five minutes and withdraw the motion.

Mr. PRITTEN. Mr. Speaker, amendment No. 22 in the bill, inserted by the Senate, provided for a new boathouse and training quarters for the crew at Annapolis. For 14 years I have been sitting on the Committee on Naval Affairs and have heard year after year requests from the Naval Academy Association for a new boathouse and training quarters. The boathouse is in shameful condition. It is likely to fall down. It has been condemned, and the suggestion was made to me last Saturday that if it were not for a fresh coat of paint occasionally, it would look like an old ruin. This year Commander Jonas Ingram, the director of athletics, came to Washington, and after explaining the very great necessity of a boathouse to some of his friends on this side of the Capitol, an amendment to the naval appropriation bill was inserted in the Senate, providing the fairest proposition the House has ever had before it. It was that if Congress would authorize $250,000 appropriation for the construction of a new boathouse and new training quarters, the Navy Athletic Association, a private organization, would pay half of that expense. In other words, it would pay out of its Treasury $125,000 in order to get the boathouse. That certainly was a public-spirited offer such as only an upstanding, red-blooded group of men would present, and for the life of me I can not understand why the Senate amendment was not agreed to and left in the bill. Of course, in its present parliamentary status I presume there is nothing which can be done. The Senate has receded and the amendment has been stricken from the bill. I am making this talk now to lay the ground plan for next year, when an attempt will be made for an appropriation through regular channels. There is not a university or college in the country that has so shameful a structure upon its premises as this boathouse. Everything else at Annapolis is beautiful in its refinement and architecture.

Mr. NEWTON of Minnesota. And there is not a university in the country that has a crew like the Navy crew.

Mr. BRITTEN. That is true, but the suggestion coming from the academy itself that these boys will pay out of their private treasury $125,000 as a contribution toward the building is certainly magnanimous and should have met with the approval of the conferees. I can not understand why it is not done, and I do not care to know, so far as that is concerned; but I am in hopes that next year the Committee on Appropriations will give consideration to this very worthy direction.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BLANTON. The Navy Athletic Association in Annapolis can easily afford to do that; and while I am with the gentleman in his position, I want to call his attention to the fact that they are not very generous with us Members in raising that $125,000 for their private exchequer, because to get the four tickets that we usually get from the Naval Academy Association each one of us Congressmen pays $14 a year.

Mr. BRITTEN. Oh, no.

Mr BLANTON. Yes; $3.50 each for four tickets makes $14 a year for each of us.

Mr. BRITTEN. Only if admission tickets are requested do they pay the $14.

Mr. BLANTON. We all pay $14 each if we get four tickets to use for ourselves and friends?

Mr. BRITTEN. Yes.

Mr. BLANTON. We are all contributing, 435 Members and 96 Senators, about $14 apiece annually to their private exchequer?

Mr. BRITTEN. Of course, I do not agree with the gentleman.

Mr. BLANTON. Did not the gentleman pay $14?

Mr. BRITTEN. Yes.

Mr. BLANTON. And I paid $14 for mine. And if we get the tickets, we are required to do it every year.

Mr. KINDRED. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. KINDRED. In that connection, does not the gentleman think there should be an investigation by the House of Representatives of the whole matter of the naval athletic transaction?

Mr. BRITTEN. No. I do not think so. I think they do everything they attempt wonderfully well; their books are audited regularly, and if there is one concern in the country in which I have absolute confidence it is the Naval Athletic Association at Annapolis.

Mr. KINDRED. Can the gentleman say the same thing in regard to the military branch, the conduct of foot ball in Chicago?

Mr. BRITTEN. Yes; without hesitation.

Mr. FRENCH. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Speaker, I think every Member from the House who served on the conference appreciates the necessity of a new boathouse at Annapolis. The House Members desired to concur in the Senate amendment, but there had been an oversight on the part of those having the matter in hand in failing to ask for a hearing and in failing to submit at such a hearing an estimate of cost, and when the gentleman asked for the reason it was left out. While I was not present at the time the particular matter was acted on, I am sure I have given you the reasons. Now, in response to the offer of the association to provide one-half of the expense of $250,000, I doubt the wisdom of the House consenting to so large a contribution.

I think whatever they can contribute should be in cash, and I wish to suggest to my friend from Illinois, who is deeply interested in this matter, that it might not be amiss for the boys interested in contributing something to the building of the boathouse, to start during the year on the construction of a boathouse to cost approximately $200,000. If they will subscribe reasonably towards that end, and when Congress meets in December next can show in course of construction a boathouse suitable to their needs Congress will no doubt meet them more than half way, and provide the necessary funds for the completion of their task.

Mr. BRITTEN. Will the gentleman yield?

Mr. OLIVER of Alabama. I will.

Mr. BRITTEN. The gentleman of course realizes that the authorities would not permit this private organization to start in on construction on Government property without having some legislation in advance?

Mr. OLIVER of Alabama. The Secretary of the Navy might, since it is on Government property and needed, permit it to be done.

Mr. CHINDBLOM. If the gentleman will yield, while I have the very highest confidence and regard for the opinion of the gentleman, an expert on naval affairs, I merely want to say for one Member of the House I think we should provide these quarters without any consideration from the boys.

Mr. OLIVER of Alabama. I am largely in sympathy with the gentleman's view, to be perfectly frank, and certainly with regard to contributing one-half the amount.

Mr. BRITTEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRENCH. Mr. Speaker, I move the previous question on the conference report——

The SPEAKER. Does the gentleman yield to the gentleman from Illinois to make a parliamentary inquiry?

Mr. FRENCH. I do.

Mr. BRITTEN. Mr. Speaker, I would like to ask the opinion of the Chair whether the Senate amendment is now out of the bill entirely and a motion to recede and concur in the Senate amendment would be in order?

The SPEAKER. The gentleman has not the floor. The Chair did not recognize him for that purpose. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. FRENCH. Mr. Speaker, the two matters that are now in dispute are Senate amendments Nos. 25 and 27. No. 25 is the cruiser amendment. No. 27 is the amendment relating to premiums, bonus, and so on, in the navy yard. In order that our attention will not be diverted at all, I ask unanimous consent to pass over amendment No. 25 and take up Senate amendment No. 27. I move that No. 27 be concurred in.

The SPEAKER. The gentleman from Idaho moves that the House concur in Senate amendment No. 27. The Clerk will report it.

The Clerk read as follows:

Senate amendment No. 27: Page 53, line 17, after the word "work," insert the following: " ; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Idaho moves that the House recede and concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the other amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: Page 51, line 24, after the word "authorized," strike out the figures "$13,750,000" and insert in lieu thereof "$14,950,000, of which sum $1,200,000 shall be immediately available toward the construction of the last three of the eight scout cruisers authorized by section 2 of the act of December 18, 1924."

Mr. FRENCH. Mr. Speaker, ordinarily I would have an hour of time, but I wonder if it would not be better to fix the time first and then proceed with the discussion. I can see from the time already requested of me that one hour would not be enough.

The SPEAKER. The gentleman can first make his motion.

Mr. FRENCH. I move that the House disagree to the Senate amendment numbered 25 and ask for a conference.

Mr. BUTLER. Mr. Speaker, if it is in order, I move that the House recede and concur with an amendment, which I send to the Clerk's desk to be read, known as the Tilson amendment, which was proposed here when we discussed this question about six weeks ago.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. BUTLER moves to concur in Senate amendment No. 25 with an amendment under the head "Increase of the Navy": Strike out the figures "$13,750,000" and substitute therefor the following: "$14,200,000, of which sum $450,000 shall be immediately available toward the construction of the last three of the eight scout cruisers authorized by section 2 of the act of December 18, 1924."

The SPEAKER. The parliamentary situation is that the gentleman from Idaho [Mr. FRENCH] in charge of the bill has the floor for at least an hour. The gentleman from Pennsylvania [Mr. BUTLER], however, offers a preferential amendment, which will be voted on before that of the gentleman from Idaho.

Mr. FRENCH. Reserving the right to object, Mr. Speaker, it has been brought to my attention that the amendment does

not instruct the conferees. I raise a point of order if that is in order.

The SPEAKER. It is in order.

Mr. FRENCH. Then, Mr. Speaker, before beginning the discussion, it seems we ought to arrange about the time. There has been so much of a demand for time that I will ask unanimous consent that two hours' additional time be granted for the consideration of this question, one-half to be controlled by myself and one-half to be controlled by the gentleman from Pennsylvania [Mr. BUTLER]—one-half of all the time.

The SPEAKER. If the gentleman will permit, under the circumstances the Chair would suggest that the time of the gentleman from Idaho be increased from one hour to three hours, with the understanding that he will yield half of his time to the gentleman from Pennsylvania.

Mr. FRENCH. I accept that modification and will be glad to yield one-half of the time to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the time be extended to three hours, one-half to be controlled by himself and one-half to be controlled by the gentleman from Pennsylvania.

Mr. WINGO. Then there will be three hours' discussion, and the vote will first come on the motion of the gentleman from Pennsylvania [Mr. BUTLER] to recede and concur in the Senate amendment with an amendment?

The SPEAKER. That is the parliamentary situation. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Idaho is recognized for three hours.

Mr. FRENCH. Mr. Speaker, I yield one hour and a half to the gentleman from Pennsylvania, and suggest that the time be allotted by him, so that the gentleman can allot the time throughout the general debate——

Mr. BUTLER. In a friendly way.

The SPEAKER. The gentleman from Idaho is recognized for an hour and a half.

Mr. McCLINTIC. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point of order that there is no quorum present. It is obvious that there is no quorum present.

Mr. UNDERHILL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Massachusetts moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 39]

| | | | |
|---|---|---|---|
| Ackerman | Freeman | Kurtz | Sears, Nebr. |
| Anthony | Garrett, Tex. | Lankford | Seger |
| Appleby | Gilbert | Lee, Ga. | Smithwick |
| Bailey | Golder | McFadden | Sproul, Ill. |
| Bixler | Goldsborough | Madden | Steagall |
| Boies | Gorman | Mead | Stobbs |
| Brand, Ohio | Hall, N. Dak. | Merritt | Strother |
| Brumm | Harrison | Michaelson | Sweet |
| Cleary | Hayden | Mills | Swoope |
| Connolly, Pa. | Hull, Tenn. | Morin | Taylor, Colo. |
| Crowther | Irwin | Newton, Mo. | Thurston |
| Davenport | Jenkins | Patterson | Tillman |
| Dempsey | Johnson, Ky. | Phillips | Tincher |
| Dominick | Kemp | Purnell | Tinkham |
| Doyle | Kendall | Rayburn | Walters |
| Fairchild | King | Reed, Ark. | Wilson, Miss. |
| Faust | Kirk | Reed, N. Y. | |
| Fredericks | Kunz | Reid, Ill. | |

The SPEAKER pro tempore (Mr. BEEDY). Three hundred and sixty-two Members have answered to their names, a quorum.

Mr. FRENCH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. The gentleman from Idaho [Mr. FRENCH] is recognized for 1 hour and 30 minutes.

Mr. FRENCH. Mr. Speaker, ladies and gentlemen of the House, the Senate has added an amendment to the Navy bill carrying $1,200,000 for commencement of construction of three cruisers authorized by the act of December 18, 1924. Your conferees have carried out what we believe to be the wishes of the House of Representatives and have steadfastly refused to concur in the Senate amendment. We believe that our position will be more secure as we go back into conference if you will again indicate your wish.

The Members of Congress do not want to do a foolish thing. The Members of Congress do not want to do an idle thing, which, so far as accomplishing the objective toward which it seems to be aimed, is futile and at the same time may carry with it results that I believe the Members of Congress do not desire to attain. The members of your conference committee believe that it would be an unutterably foolish thing to agree to the Senate amendment; that it would be a futile thing to do from the standpoint of the accomplishment of anything worth while; and that to so agree would be to project an element into the program that the President is carrying forward that this Congress will not desire to add to the program if it can understand the situation.

In the brief time at my disposal I propose to outline the thought of your conferees on the subject.

WHAT IS THE ISSUE?

When the President sent the Budget estimates to the Congress in December he made the specific request that this Congress do not appropriate for the commencement of the three cruisers that have been authorized, but for which no appropriations have heretofore been made. The President based that request upon the international situation.

Nearly one year ago, upon the basis of an exchange of understandings, it was arranged that commissioners from the United States would meet in Geneva last year to confer with representatives of other nations to see if maybe another international conference could be arranged. Negotiations proceeded throughout the summer. A recess was had in September until the spring of 1927. At that time the conference will resume its deliberations. At that time your commissioners will be in attendance upon the conference. So, then, the conference is in recess.

In considering the question, let us be frank.

WHAT GOOD WILL BE ACCOMPLISHED?

Let us ask ourselves, What good can be accomplished by adding the Senate amendment or the substitute to the bill? First, we are told that the United States is deficient in cruiser strength in comparison with other nations that are parties to the 5–5–3 treaty agreement and that other nations are madly engaged in cruiser construction and the United States should follow suit.

My answer to this is twofold.

The ratio of the United States is not up to what it ought to be in comparison to the cruiser strength of Great Britain and Japan. But these nations are not engaged in mad construction programs. And, again, the difference in cruiser strength is not nearly the difference that proponents of the amendment are constantly asserting, and we are counseling delay for the purpose of bringing about an understanding by which less cruiser construction may need to be engaged in by the great powers.

More than that, if we are deficient in cruiser strength we are superior in certain other types of ships to an extent that, in part, offsets any deficiency in our strength in cruisers. This feature of the question I discussed at length when the bill was before the House for consideration.

Second, we are told that we should make the appropriation so that we may provide money for the preparation of plans and designs for building the cruisers for which larger appropriations shall be made.

My answer to that is that not one dollar of the amount involved in the amendment can be expended for this purpose under the law. If the Senators had this in mind as an objective, they do not show that it was their purpose, because they have added the money to an item that pertains to construction and not to an item in the House bill that pertains to the preparation of designs and plans. I can not conceive that the Comptroller General would honor the expenditure of so much as one dollar to augment the appropriations carried in the House bill for construction and design work.

My second answer to this proposition is that the plans for the three cruisers, for which contracts will likely be awarded within the next few months, are the plans that the department will follow essentially in the three cruisers for which no appropriations have as yet been made. So then from the standpoint of money being available for the preparation of plans and designs there is no use, upon the one hand, and the money can not be used for such a purpose upon the other.

Third. We are told that the money can be made available for the commencement of shipbuilding. My answer to that is that the three cruisers for which the money is sought to be appropriated will cost, including armaments, $50,250,000. Surely no Member of Congress is so lacking in business judgment as not to know that an appropriation of scarcely more than 2 per cent on such a contract will be inadequate for the calling of bids and the actual letting of contract awards, and that such an appropriation would be inadequate, if the ships were to be built in a Government navy yard, for the assembling of material and the commencement of the work.

But we are told that the ships will be begun as early as next October, and that private concerns, in offering bids, will advance moneys and finance the project until Congress may appropriate at the next session.

Gentlemen of the House, we ought to be through with cost-plus contracts. [Applause.] Millions of dollars have been added to the cost of the airplane carriers on the basis of cost-plus contracts, and you are going to be called upon to add more millions in the present Congress before those ships can be completed. Do you want to repeat that type of foolishness here?

If another contract, which is not a cost-plus contract, is worked out and the contractor assumes the responsibility of putting up the money, bear in mind that he will add interest to his contract. It would not be recited in terms as interest, but it will be included there, and you will be paying millions of dollars additional over and above what these cruisers should cost before they will come from the yards where the contracts are awarded for their beginning.

The only other way, then, that contracts could be awarded would be with the distinct understanding that work would not be begun next October, but the contract would be awarded and the work would be begun the following spring—in other words, after the Congress shall have met next December and supplemented the amount appropriated here by $15,000,000.

Fourth. We are told by the Senate conferees that in order to keep alive this authorization we must make an appropriation; otherwise the authorization would expire July 1, 1927. Gentlemen, $1,200,000 is a lot of money to appropriate to keep the authorization alive. I recognize that that would be the effect, and knowing that, we proposed to the Senate conferees three lines which would extend the time of the authorization one year or as an alternative that will strike the time limit from the authorization. If gentlemen are in good faith and are seeking a way in which to extend the time of the authorization, let them accept one or the other of the alternate amendments your conferees proposed.

WHAT HARM WILL IT DO?

May I now come to the next question, "What harm will it do?"

First. The smallest factor in the answer to what harm it will do is that which pertains to orderly methods of appropriating money from the Federal Treasury. An appropriation of $1,200,000 will not, in my judgment, be expended to the extent of $1 until more than one year from now, and not then unless the Congress shall add ten or fifteen millions of dollars to the amount for construction purposes. It simply means that this Congress will be doing the unwise thing of appropriating $1,200,000 and letting it continue to lie idle in the Treasury.

Second. The program will do incalculable harm, because it will lead the world to suppose that a break has occurred between the President of the United States and the Congress in the efforts of our country to bring about limitation of armaments.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. FRENCH. Just briefly.

Mr. MOORE of Virginia. As I understand it, the President has never urged any objection to extending the period of the authorization.

Mr. FRENCH. Not that I know of.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. Not now.

Mr. VINSON of Georgia. Will not the gentleman yield at this point to correct a statement?

Mr. FRENCH. I can not yield now.

We are told that the President, two weeks ago, invited the nations that are signatory to the existing limitations of armaments treaty to join the United States in still further limitation programs. We are told that already a rebuff has been received from France and from Italy, and that because of this we should not hesitate to go ahead and make the appropriation. Gentlemen fail utterly, apparently, to grasp the incongruity of such procedure. It is true that the responses from France and Italy are not the fine responses looking to cooperation that we had a right to expect from these Governments. But bear this in mind, the response from Japan has been favorable. The attitude of the British press indicates that the reply from Great Britain will be favorable.

Mr. ANDREW. Will the gentleman yield?

Mr. FRENCH. I can not yield now.

The three of the five nations to the present limitations of armaments treaty—the United States, Great Britain, and Japan—the three nations that are most able financially to engage in shipbuilding competition, have indicated, or will indicate, their approval of the program. The nations that have indicated an immediate adverse reaction are the nations that least of all can afford to engage in a race in armaments.

Mr. BRITTEN and Mr. ANDREW rose.

Mr. FRENCH. I can not yield now.

The proposition is still pending. Negotiations and exchanges of thought will occur during the next weeks and months. In other words, a period has not been placed at the end of the paragraph. We are still in the process of consideration, and I believe that when France and Italy, the two nations that least of all can afford financially to engage in a race for armament construction, come to realize that the three powers that with them are parties to the existing treaty are willing to extend the principle still further and to limit ship competition still more, and when they realize that these three powers are financially able to go forward in such degree as can not be matched by France and Italy, they will consider further the question of whether or not they have not more to gain by entering into an understanding that will limit the necessity for drains upon their treasuries and further tax burdens upon their people.

In my judgment there will be a repercussion in those two nations that will bring them in line with an agreement that will have for its purpose the limitation of armament, to which the nations most capable of competition are so willing to accede. [Applause.]

But, gentlemen, there is another element that must be considered. This whole question has been the subject of preliminary consideration by representatives of great nations during the past year at Geneva. Our commissioners were there, and commissioners from the United States will assemble again in Geneva within 30 days to take up still further the question of limitation in arms.

The President, in his message to the Congress, December last, specifically rested his appeal to the Congress not to make appropriations for new cruiser building upon the prospects of further limitations through international understandings. Last Friday, February 18, the House of Representatives appropriated $75,000 to meet the expenses of the President's commission that will meet at Geneva and be in session during the coming months. There was not a record vote upon the question. Only one Member of the House, as I recall, denounced the expenditure as a foolish waste of money, and that was our distinguished friend from Illinois [Mr. BRITTEN]. What was in the minds of the Members of this Congress last Friday, when, without a record vote, $75,000 was appropriated for the use of the President in continuing the conference?

Gentlemen, do you realize what you are doing? You have called upon the President three times to take the leadership in efforts to bring about further limitations of armaments. The President is in the midst of his program. The President has called upon you not to embarrass him in his program. It was upon that thought that you refused to vote into the bill, when it was pending in the House, money for three cruisers. Every reason that existed then exists now why you should not accede to the Senate amendment.

I can not understand how men will one day vote $75,000 for the President to use in the preliminary conference and within a week turn around and embarrass the President by doing that which he has said he believes ought not to be done.

You can not justify your consciences by saying "We have voted three times that the President shall take leadership and we have given him money with which to carry on the conferences," if at the same time you do that which will most of all embarrass him in his work by letting the world understand that there is a conflict of opinion between the Chief Executive of the United States and the Congress.

In an international matter of this character it is the duty of our country to present a united front. I have already told you that you will not advance the actual commencement of building the cruisers one day by the action that you are proposing here and that the Senate has proposed. But, on the other hand, if you will not advance the actual work of construction one day, you will do that which will embarrass the President in carrying forward the work you have placed upon him.

Gentlemen, I can understand why it is that gentlemen who are opposed to another conference will favor the Senate amendment. I can understand how my friend from Illinois [Mr. BRITTEN] can vote for the Senate amendment.

I can understand how Members of Congress who believe that war is a means of inspiring and sustaining the virility of nations, that it makes for higher and better civilization, will stand opposed to the President and will favor the Senate amendments.

I can understand how all forces will support the Senate amendments who believe in competitive shipbuilding among world powers, because the passage of the Senate amendments will be an element that will provoke suspicion upon the part of other nations toward our Government.

But, gentlemen, I can not understand how Members of this House who believe in limitation of armaments through international agreements will be guilty of sabotage or how they can support the Senate amendment for the beginning of three cruisers.

There is only one other thought I am going to express this afternoon. I know the pressure that is being brought upon Members of this House. Members of your subcommittee are receiving the intimation of that pressure from every corner of our country, from navy yards under the Government, from establishments that will be benefited by ship construction all over the United States, from press, from magazines published in places where there are large Navy pay rolls, all of them unconsciously, undoubtedly, influenced by an inordinate exaggeration of the importance of their locality and not having in mind the perspective they ought to hold toward this great country. [Applause.]

This pressure is being brought to bear upon the Congress. It is being brought to bear upon your committee and your conferees. The Republicans on that committee—Mr. HARDY, Mr. TABER, and myself—not only can meet the issue on its merits but we are following the lead of the President of the United States whom we have elected. But, gentlemen of the House, there are two other Members on the committee who are not of the Republican faith. The Representative from Kansas [Mr. AYRES] and the gentleman from Alabama [Mr. OLIVER], two gentlemen who as they have studied this question have placed the welfare of the Republic above partisanship [applause], men who have said that while it would be to political advantage to embarrass the President, they do not propose to do it. [Applause.] Gentlemen, in an hour like this, that marks the crisis in a program looking to world peace and looking to the lifting of the burden of war, all honor and credit should be given to these men who have manifested courage of such order as matches the traditions of this body and who have dared to stand against what would mean temporary advantage to their party by embarrassing the President of the United States.

So, then, I appeal to the Members of this body of all parties. If you believe in further limitation of armaments, if you support the program that you have charged the President of the United States with carrying out, the program that justified you a week ago in voting an authorization for $75,000 to carry forward, vote down the Senate amendment and the substitute, or either of them, and give your whole strength to the task of carrying forward the great program looking to the easing of the burdens that through increased armaments are placed upon the shoulders of the citizens of your country and of the people of the world. [Applause.]

Mr. BUTLER. Mr. Speaker, I understand that by unanimous consent I have the privilege of allotting one hour and a half of the time to be consumed in general debate.

The SPEAKER pro tempore (Mr. SNELL). Yes.

Mr. BUTLER. Then I yield one-half of that time—45 minutes—to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON of Georgia. Have I the right to parcel out that 45 minutes?

The SPEAKER pro tempore. The gentleman has that right.

Mr. VINSON of Georgia. I yield 10 minutes to myself.

Mr. Speaker, the primary duty of government is self-preservation and no argument can at any time justify it in stripping itself of its means of defense and relying for its preservation upon the mercy, the pity, or the love of other nations.

No government which fails to provide for its own preservation against the assaults of every possible foe is entitled to the support of its people.

In determining what naval construction this Government should undertake at this time, or at any other time, it ought to be bound by the needs of the Nation, having regard for our position among the states of the world, the location of our possessions, the extent and routes of our trade, and the policy we may adopt in our international relationship.

At the very outset of my remarks in support of the Senate amendment, I deem it highly important to call to your attention the mission of the Navy. The primary duty devolving upon it is to protect continental United States—the homeland—from conquest and invasion. In addition to this important mission, it must defend our far-flung insular possessions; maintain for our commerce the freedom of the seas; defend the greatest engineering enterprise and commerce carrier of the century—the Panama Canal; maintain our open-door policy in the Orient; enforce our policy of noninterference by monarchial governments in Central and South American Republics; defend our national honor and protect and redress American citizens wherever wronged.

We are the richest Nation on earth; we are the greatest export Nation on the globe. The product of the farms of the South—our cotton, and the products of the farms of the West—the wheat, corn, cattle, and pork, as well as the manufactured articles of the North and East, traverse routes of trade to the four quarters of the earth.

Our trade routes, in case of a national emergency, must be protected so there will be no stagnation at our ports, and it devolves upon the Navy to guarantee our commerce and routes of trade.

Our coast line not only embraces that of continental United States, but under our Monroe doctrine, also embraces the coast line of every country of Central and South America. This mission alone requires a navy of strength and with many types of ships.

As long as we are dependent upon the Chilean nitrate fields, and as everyone knows explosives of every kind require nitrates, we must make this route of trade as impregnable against every assault as the ingenuity of man can provide. But, sir, it is to be hoped that the day is near at hand when this Government will no longer jeopardize its national defense by being required to obtain its nitrate from a foreign country.

Our lines of commerce and communication with our insular posessions, thousands upon thousands of miles away from the home land, must be uninterrupted, and our Navy is the only means of accomplishing this.

Such a mission as I have briefly outlined requires that this Government at all times maintain our Navy in the highest state of efficiency, both in material and personnel, and that it be a balanced fleet to be able at any moment to meet any emergency that might confront the Government.

We are a world power, and our position in the world requires that our Navy be in many oceans. The policy of this Government requires that we maintain a fleet in the far-distant Asiatic waters, and to-day there is based in these waters 59 vessels of the Navy; in the Mediterranean, 8 vessels; in the Caribbean Sea, 18 vessels; in the Atlantic, 95 vessels; in the Pacific, at Hawaii, 25; and also in the Pacific, along our coast, 116 vessels.

If there is one policy that is firmly fixed in the minds of the American people, it is that they are opposed in times of peace to a large standing army; but, sir, on the other hand, the people of this country, knowing that the Navy is the first line of our national defense, have stood for in the past, and will continue to champion in the future, a program, of whatever character it may be, that will assure to this Government a navy of sufficient strength, so balanced and proportioned that it will be in readiness at any and all times to meet any and all national emergencies.

It is absolutely essential that our Navy be in condition and prepared at all times. It must ever remain in a state of readiness, for, in the event of national emergency, it can not wait to be prepared, but must be prepared at the time to cope with the emergency.

The facts surrounding the construction of the remaining three cruisers authorized in the act of 1924 are, indeed, interesting.

The President, in his annual message to Congress on December 7, said:

> Attention should be given to submarines, cruisers, and air forces.

That portion of the President's message dealing with the Navy was referred to the Naval Affairs Committee. It, therefore, became our duty to look into the situation.

An investigation disclosed the fact that we had only 10 cruisers that were built under 15 years of age, 2 in the process of being built, and 3 appropriated for, but no contract entered into for their building; that the total tonnage of the 15 cruisers built, building, and appropriated for was 125,000 tons.

An examination of the status of the cruiser strength of Great Britain disclosed that this nation had 40 cruisers under 15 years of age, 11 being built, and 3 appropriated for, making 54 in all, with a total tonnage of 332,290 tons; that Japan had 19 cruisers under 15 years of age and was building 6, making in all 25 cruisers, with a total tonnage of 156,205 tons.

The Budget message submitted to Congress by the Chief Executive recommended that the time limit for the construction of the 3 remaining cruisers of the 1924 building program be extended, and therefore made no recommendation for appropriation for their contracting prior to July 1, 1927.

As we all recall, the House refused in January to make appropriation for the laying down of the remaining 3 cruisers.

Immediately thereafter the distinguished chairman of the Naval Affairs Committee proposed a bill extending the time

limit of the 3 cruisers unappropriated for, for one year. This proposed bill was sent to the Navy Department for their comment, and at the same time the chairman introduced a bill authorizing a new cruiser program providing for the construction of 10 light cruisers. This measure likewise was sent to the Navy Department.

The Director of the Budget advised the Navy Department that the extension of the time limit in which to build the remaining 3 cruisers of the 1924 program would be in conflict with the financial program of the President, but that the bill that had been introduced by the chairman authorizing the construction of 10 cruisers was not in conflict with the financial program of the President.

Bear this one thing in mind: In December the Budget message recommended that the time limit be extended. Within a month the Budget changed its position, and in January it recommended not to extend the time limit—that to do so would be in conflict with the financial program of the Executive. The extension of the time limit of the 3 cruisers would not entail any cost whatsoever. Yet, on the other hand, a bill entailing an expenditure of over $150,000,000, authorizing the construction of 10 cruisers, met with the sanction of the Budget and was within the financial program of the Executive.

One day we are told to extend the time limit on the 3 cruisers; the next report on the subject matter we are told not to extend the time limit, but to commence a new program authorizing Congress to build 10 cruisers.

It is said by some that the building of the three cruisers provided for in the Senate amendment will embark this Government in competitive building and is militaristic in its character. Was it competitive building in 1924, when we authorized them? was it militaristic to pass that law? If it was not competitive building in 1924, when we authorized the building of eight cruisers, five of which have already been laid down or contracted for, how can it be competitive building to finish that program?

If it is militaristic now to finish the building provided for by the act of 1924, it was militaristic when we passed the law. If it is competitive building and militaristic to adopt the Senate amendment, I respectfully ask you how you classify the authorization of the 10 cruisers which has the sanction of the President?

If the building of 3 is competitive, what is the authorization to building the 10? When did it become competitive building for this Government to lay down ships to balance and round out our Navy?

I assert that it was not competitive building in 1924, when we authorized these cruisers; it is not competitive building now; was not militaristic then and is not militaristic now.

That kind of contention, Mr. Speaker, is but an excuse by which some seek to justify their refusal to maintain the Navy in the strength that the needs of the Government require it to be.

Mr. Speaker, I deem it highly important to make reference briefly to the obstacle that confronted the preparatory commission for disarmament which assembled at Geneva under the auspices of the League of Nations for the reduction or limitation of armaments.

Nineteen nations assembled, each represented by one commissioner to the preparatory conference, and up to the time of adjournment no agreement could be reached by the representatives as to the method of comparison. Fourteen nations were wedded to the Global method or the interdependence of armaments—that is, that all three categories of arms must be considered together under one limitation program. Five nations—the United States, Great Britain, Japan, Chile, and Argentina—subscribed to a different method of comparison—that each arm, the army, navy, and the air, be treated separately.

France and Italy, as well as all other nations of continental Europe, subscribed to the Global method of limitation of navy armaments. They insisted upon the interpendence of land, sea, and air forces. Confronted with such an obstacle as the inability to reach a method of comparison, the preparatory commission adjourned to meet again some time this year.

The President addressed a communication to the four other great maritime nations—England, Japan, France, and Italy—inviting a conference to meet at Geneva for the limitation or reduction of naval armaments.

Seeking to carry out the principles that were applied at the Washington conference to auxiliary vessels, the President stated:

> The American Government for its part is disposed to accept in regard to those classes of vessels not covered by the Washington treaty, an extension of the 5–5–3 ratio as regards the United States, Great Britain, and Japan.

Congressman BURTON, of Ohio, on January 7 said:

> I can very readily conceive that she [Great Britain] needs a larger navy than the United States and I do not object to her building a larger number of cruisers than we have.

And Mr. Green of Iowa, on the same date said:

> England has more cruisers, but it needs three times as many.

Therefore the position of the President in regard to fixing the ratio of the auxiliary vessels is indeed reassuring that our Navy will not, by treaty agreement, be below that of Great Britain, and 5 to 3 to Japan, notwithstanding the remarks of these two distinguished gentlemen.

The President is to be commended for his efforts to bring about a limitation of navy armaments, and, in my humble judgment, he has applied the correct ratio.

Therefore, the ratio for capital ships agreed upon by the Washington conference, as far as this Government is concerned, becomes the ratio for auxiliary vessels.

Mr. Speaker, my position on this question is that until we have reached an agreement limiting naval armament in auxiliary vessels, it is the duty of Congress to see that this country has a navy equal to that of any other navy.

We can not afford to have a navy second to that of any other country. However, it is to be hoped that in the near future the nations of the earth, through the preliminary commission at Geneva, or by the proposal of the President, will reach an agreement limiting the maximum tonnage of auxiliary vessels, but, sir, until that is done, it is our duty to have a navy of sufficient strength to be able to cope with the navy of any other nation.

However, I am frank to confess that I can see but little hope of an agreement being reached by the preliminary Geneva conference, due to the inability of the 19 nations to agree upon a method of comparison. Fourteen of the 19 nations are wedded to the interdependence of arms, or Global method of comparison.

It is also to be regretted that the outlook is by no means bright for any agreement to be reached under the President's plan, for France and Italy have rejected the proposal as they are committed to the method of the Global theory, or interdependence of arms. However, it is in the realms of possibility that England, Japan, and the United States might enter into an agreement with reference to auxiliary vessels.

Let us assume for the sake of argument that such an agreement is possible, but let us at the very threshold understand the situation. The President has committed this Government that the ratio should be 5–5 to Great Britain and 3 to Japan in all auxiliary vessels.

Let us assume that the cruiser strength of Great Britain is to be the maximum tonnage allowed on cruiser construction. Let us see what the situation is. Great Britain has 54 cruisers under 15 years of age, with a total tonnage of 332,290.

If that tonnage is made the standard, then the United States, to maintain the ratio of 5–5 with Great Britain, would be entitled to construct 21 cruisers of 10,000 tons each, or an additional tonnage of 210,000, making a total of 36 cruisers in all.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. YATES. Do I understand the gentleman to say that we would have to build 21 cruisers to be equal with England?

Mr. VINSON of Georgia. Yes.

Mr. YATES. That is a very serious statement.

Mr. VINSON of Georgia. Yes; and I presume the distinguished gentleman from Illinois is willing to follow the President's standard of the ratio, which is 5–5 so far as England and the United States are concerned.

Mr. YATES. Yes.

Mr. VINSON of Georgia. If he does follow it, then it is necessary that this country have a navy equal to that of Great Britain.

Mr. YATES. I am willing to vote for the three cruisers.

Mr. VINSON of Georgia. If the present strength of Great Britain is accepted as the standard, then Japan, upon the basis of 5 to 3, would be entitled to an additional tonnage of 43,169 tons, or four additional cruisers, giving to her 29 cruisers in all.

I deem it important at this point to quote to you a portion of the British naval policy, which says:

> The one-power standard, however, is the standard which refers to the strength of the fighting fleets as measured in capital ships. There can be no similar rough-and-ready standard for cruisers and small crafts, the requirements in respect to which, apart from the proper complement of fighting fleet, must depend upon the peculiar defense problem of each power.

The Prime Minister, Mr. Baldwin, said:

We can not allow, and we will not allow, any weakening at present of the defensive forces of the Empire. We stand for a one-power navy sufficiently equipped with cruisers to protect our trade routes and sufficiently equipped bases throughout the world to make our fleet mobile and capable of action wherever the call may come from.

In view of this policy, taking into consideration England's position in the state of the world, her location, her trade routes and colonies, and being dependent for her national existence upon her import trade, there are no facts upon which to base a hope that Great Britain will consent at any time to any material reduction in her cruiser strength, especially in view of the fact that other nations of continental Europe have refused to participate in the conference.

Mr. Speaker, now, on the other hand, let us assume for the sake of argument that the standard agreed upon by England, Japan, and the United States would be the present strength of our 15 cruisers, or 125,000 tons. Let us see what would be the results of such a standard as that being fixed as the maximum tonnage in cruisers.

Now, listen: England has 40 cruisers over 15 years of age in commission, of a total tonnage of 194,290 tons. In addition to that she is building 11 cruisers of 110,000 tons, and has appropriated for three cruisers of 28,000 tons. If our cruiser strength is accepted as the standard, England would have to scrap 207,290 tons of cruisers.

In other words, she would have to scrap every one of her 40 cruisers in commission, as the tonnage of these ships only amounts to 194,290 tons, and in addition thereto she would have to scrap 13,000 more tons, or one of the cruisers that she is building, making 41 cruisers that she would be forced to put out of commission to equal our tonnage, leaving her only 10 cruisers being built and 3 appropriated for.

Japan would have to scrap, if our present strength is accepted as the standard, based upon the ratio of 5 to 3, 81,205 tons, or, in other words, take out of commission 8 cruisers.

The contention of the Japanese Premier, as expressed in the Associated Press dispatch, is that Japan can not reduce her cruiser strength, as her 25 cruisers are necessary for her national defense. So, therefore, let us assume that the tonnage of Japan's 25 cruisers would be made the standard, which is 156,205 tons. If that amount of tonnage is made the standard, then England would have to scrap 71,950 tons and the United States would be entitled to build 135,340 tons, or 13 cruisers.

Is there a man within the sound of my voice who for one moment believes that the present cruiser strength of the United States will be agreed upon as the maximum tonnage that will be permitted in cruiser construction?

The naval policy of Great Britain, which I have quoted, shows conclusively that she would never consent to fixing as a standard of cruiser strength the present tonnage of the United States.

The Premier of Japan states that the—

present military and naval forces are necessary to maintain and protect Japan's existing positions and rights—

and the naval policy of Japan is to counteract the United States 5-3 advantages in capital ships by acquiring an equality ratio in auxiliary vessels.

Do you for one moment believe that Japan would be willing or the Japanese people would ever consent to scrapping eight of her cruisers?

Let me call your attention to the comments of the British Admiralty. It is—

that in America's case, having no naval construction in hand, she is not in a position to offer adequate cuts in return for the sweeping concessions other countries are invited to make.

The British statesmen at the Washington conference adhered to the viewpoint of the experts of the British Admiralty. Likewise the voice of the British experts will be heard in a future conference. By listening to the voice of her naval experts, the British Admiralty, through her statesmen, provided in the Washington conference for the scrapping of four old battleships and replacing them with two of the most modern ships in the world.

How different was it with us. The gentleman from Ohio [Mr. BURTON] said, "statesmen had to overrule the experts" at the Washington conference.

Had our statesmen adhered to the viewpoint of our naval experts, we would have saved over $32,000,000 that Congress has been called upon to expend on the old ships with 12-inch guns that the American statesmen permitted us to keep, which our naval experts insisted should be scrapped.

The British statesmen at all conferences value the viewpoint of her naval experts, and with the British Admiralty maintaining that we are not in position to offer adequate cuts in return for sweeping concessions other countries are invited to make, clearly indicates to my mind that her naval experts' viewpoint will not be overridden in any future conference by her statesmen.

Why were we able at the Washington conference in 1922 to secure an agreement?

It was because we had 32 ships of a total tonnage of 842,380 tons that we were willing to scrap if England and Japan would scrap 38 ships of a total tonnage of 802,459 tons.

When we come to another conference we have no cruisers that we can offer to scrap. It would be absurd to offer that we would scrap destroyers if they would scrap cruisers, for each particular type of ship is treated separately and independently.

There can be no escape from the conclusion that we would have to build cruisers if England's or Japan's tonnage was made the standard. It is absurd for one moment to think that we can get Great Britain or Japan to reduce to our tonnage.

I can see no escape from the conclusion that the only sound and rational course for this Government to pursue at this time is to authorize the immediate construction of the three remaining cruisers of the 1924 program. [Applause.]

The SPEAKER pro tempore. The gentleman from Idaho [Mr. FRENCH] is recognized.

Mr. FRENCH. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. AYRES].

The SPEAKER pro tempore. The gentleman from Kansas is recognized for 10 minutes.

Mr. AYRES. Mr. Speaker and ladies and gentlemen, there is just one question in my mind relative to this controversy, and that is whether or not we intend to aid the President in trying to bring about another conference for the limitation of armaments.

I shall take but a few minutes to explain, as one of the conferees, why I am unable to agree with the Senate amendment which provides for this appropriation for the construction of these three cruisers at this time. I do not intend to discuss or even refer to the size or efficiency of our Navy as compared with the navies of other countries. In passing, however, it is but fair to say, when one listens to some of the speeches delivered in both branches of Congress on this question and reads many of the articles appearing in magazines and the press telling of the deplorable condition of our Navy, it would lead a panicky person to believe and feel that we had no Navy, and further that we might expect at any time to be in war with some great naval power. So far as I am concerned, I want to say, using the language of the distinguished gentleman from Ohio [Mr. BURTON], that I do not let the nightmare keep me awake at night or stimulate me to talk in daytime to the effect that something is needed for the protection of America.

I want it distinctly understood that I always have been and am now in favor of an adequate navy. It is frequently referred to as the Nation's first line of defense, and I am in favor of keeping that first line of defense intact; nor would I do a thing that would have a tendency to cripple the Navy.

To hear some of the gentlemen who are insisting upon this appropriation at this time, admittedly for the sole purpose of extending the authorization for these three cruisers, one would think that if it was not done it would so weaken our Navy that the United States would become a fourth or fifth rate naval power. Permit me to say there is so disposition on the part of this committee or any member of it to postpone indefinitely the appropriation for these three cruisers. Speaking for myself, as one member of the committee, I am in favor not only of appropriating for these three cruisers but also constructing others, and will go as far as any member, within reason, to maintain our position among the nations as a first-rate naval power. But that is not the question involved in this controversy. The question here to be determined is, Are we going to show the proper consideration and regard for the wishes and requests of the President of the United States?

It is unnecessary to enter into a discussion of the duties of the different branches of our Federal Government. It is enough to say that, by reason of his position, the President is the Nation's spokesman on international affairs; that he is charged with the responsibility of carrying on negotiations with foreign nations pertaining to the welfare of this Nation when foreign affairs are involved [applause], and when I say the President is charged with this responsibility I make the further statement it makes no difference to me whether that Executive's name be Woodrow Wilson or Calvin Coolidge. [Applause.]

Congress has recognized this fact on two or three occasions on the very subject now under discussion. Permit me to call your attention that in 1916 we requested the President to call together in international conference the nations, looking to the limitation of armaments. The same declaration was made by Congress in 1924 and again in 1925, requesting the present Executive, Mr. Coolidge, to call the nations together in such conference for the same purpose. We have requested President Coolidge twice to use his good offices, looking to the calling of another conference to bring about, if possible, a further limitation of armaments.

Why did we ask him to do it? Congress did not have the power and authority to do it, so it had to call on the only one who has that authority. The President is endeavoring to comply with these requests of Congress. He is acting in good faith, and has called our attention to the fact that Congress could embarrass him in these endeavors by appropriating money at this time to begin the construction of these three cruisers. Within the past 60 days he has said:

> This country is now engaged in negotiations to broaden our existing treaties with the great powers which deal with the elimination or competition in naval armaments. I feel that it would be unfortunate at this time and not in keeping with our attitude toward these negotiations to commence the construction of these three cruisers; rather do I recommend to the Congress the enactment of legislation which will extend the time for beginning their construction.

[Applause.]

Mr. JACOBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. AYRES. Yes.

Mr. JACOBSTEIN. Is there any intimation that the President has either changed his mind or is of the same mind?

Mr. AYRES. He is of the same mind.

Mr. JACOBSTEIN. He is of the same mind in the light of recent experience?

Mr. AYRES. Yes, sir; without a question of a doubt.

Our committee proposed to the Senate conferees to provide in this measure for the extension of the authorization of these cruisers. What more could be desired, and at the same time be fair with the President? This is a question that ought to be above politics, but I regret to say I am not so sure it is being so considered, and in making this statement I am not referring to a political controversy between Democrats in Congress and a Republican President. Since this question has been under consideration, enough has been said and done by the leaders of the President's own political party to convince even a casual observer that several moves have been made on the political chessboard of the President's own party. In this I may be mistaken and sincerely hope so, for I still maintain that this is a question that should be considered above politics.

I would like, at this time, to call attention of my Democratic colleagues to the time when President Wilson cabled from Europe to Secretary Daniels, in substance, that nothing had taken place at the Peace Conference to cause him to change his mind regarding the completion of the then naval program. He asked that his recommendations regarding this naval program be carried out and did not want it postponed. After many days of debate, this House, by the overwhelming majority of 280 to 50 sustained President Wilson.

Mr. Coolidge has said nothing has occurred to cause him to change his mind regarding the postponement of the appropriation for these three cruisers, and that it might embarrass him for us to disregard his wishes in the matter. For one, I want to say most emphatically that I shall not take the inconsistent position of voting to sustain one President on a question of this kind and then decline to sustain another President on practically the same matter. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. BUTLER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. ANDREW].

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for five minutes.

Mr. ANDREW. Mr. Speaker and gentlemen, the question before us is clear and clean-cut. It is whether or not we are to confirm the abandonment of the 5–5–3 ratio.

The people of the United States are preeminently a peace-loving people. We have no grudges to settle. We have no lost territory to recover. We have no ambition to expand.

Nevertheless, I believe that there is a deep-rooted and well-grounded conviction throughout every section of the land that we should have a Navy as strong as that of any other country. There is no reason why we should accept an inferior position. We are not poor. We can afford to hold our own. We want to save money, to be sure, but not by establishing a reputation for weakness. As a people we are not subservient. We are not inclined to depend upon others to protect our rights. In fact, we have established no such relations of good will either in Europe or in this hemisphere or in the Orient or anywhere else as would justify our relying upon others to safeguard our vast and widely scattered interests. If the experience of a decade ago is worth anything, it means that we can only hope to see our rights respected and to avoid trouble if we are known to be well prepared.

When in 1922 our representatives in the Washington conference sacrificed the naval supremacy that was then plainly ours, it was, I think, rightfully assumed by our people that inferiority was not being accepted in its stead. When they voluntarily consigned to the scrap heap 11 of the latest and costliest ships then approaching completion and 30 ships all together, upon which we had spent more than $300,000,000, with a displacement of more than 800,000 tons, we made a sacrifice much greater than that made by both Great Britain and Japan combined. It was one of the most altruistic actions ever made by any nation, and it was one of the most self-forgetful and blindly trusting. We had at that time a marked advantage in battleships, and Great Britain had an advantage in the swifter armored cruisers. We relinquished our advantage in the one, without asking for a like relinquishment in the other. We did not ask in exchange, as we were then in a position to do, that the British and Japanese cruiser strength should not be increased out of all proportion to our own.

Although the treaty specifically referred only to the capital ships, those of more than 10,000 tons, our people accepted it as understood that our fleet as a whole should remain of equal strength with that of Great Britain and in a relation of 5 to 3 with that of Japan. As an evidence of our good faith, we have yielded to every protest in the matter of the battleships. We have refrained for five years from raising the elevation of the guns upon these ships, despite the fact that all but a few of our battleships are outranged by the entire British fleet, and that this inferiority could be easily corrected by so arranging our guns that they could fire at a higher angle. We have refrained from making the change notwithstanding that no other country but Great Britain has objected, and despite the fact that Secretary Hughes himself conceded that it was admissible under the terms of the treaty.

In the matter of auxiliary ships, which were not specifically named in the treaty, we have scrupulously followed the spirit of that treaty, which we assumed to limit competition in naval armament of every sort. Since the conference we have laid down only two cruisers and three fleet submarines. But now we wake up to find that while we have been building these 2 cruisers Great Britain has been building 11 (five times as many) and Japan has been building 6, and that while we have begun only 3 fleet submarines, Great Britain has undertaken 9 and Japan 17.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. ANDREW. Mr. Speaker, may I have two minutes more?

Mr. BUTLER. Will the House give me just half a minute in which to say this? I surrendered all the time I had allotted to myself and my colleagues, but I shall be delighted to yield to the gentleman two minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for two minutes more.

Mr. ANDREW. While the United States in the five years following the conference made appropriations for only 16 naval vessels of all classes, Great Britain laid down or appropriated for more than twice as many—37 in all—and Japan laid down or appropriated for more than seven times as many, namely, 116.

The main result of the naval treaty, therefore, was not "to relieve the world of the burden of naval armament," as was suggested in the opening words of the treaty, not to reduce the extravagant expense of competitive naval construction as the American people supposed, but to substitute for the primacy of the American fleet which we had bought and paid for and which was manifestly ours—a naval strength increasingly inferior to that of Great Britain and in important respects even inferior to that of Japan.

What has become of the 5–5–3 ratio, if, in so far as these swift armored cruisers are concerned, when all of the cruisers now appropriated for have been completed we shall occupy a position far inferior even to that of Japan? With these vessels constructed, the cruiser strength of the three countries will stand as follows:

| | Tons |
|---|---|
| United States, 15 cruisers, with a total displacement of | 125,000 |
| Japanese Empire, 25 cruisers, with a total displacement of | 150,000 |
| British Empire, 54 cruisers, with a total displacement of | 332,000 |

Should we to-day appropriate for these three cruisers, which were authorized by Congress and the President three years ago,

our cruiser strength will still be less than half that of Great Britain and not equal to Japan's; and if we were actually to appropriate for 10 additional cruisers, which it has only been suggested that we authorize, our cruiser strength would still fall short of Great Britain's by more than 77,000 tons.

Is anyone simple-minded enough to believe that Great Britain or Japan at any conference is going to scrap its cruisers or bring its fleet down to the 5–5–3 ratio with ours?

Gentlemen, if our neighbors are willing to take advantage of America's matchless idealism in the Washington conference, if they are determined to follow only the letter and to overlook the spirit of the Washington treaty, we may as well let them know that our national security demands that we meet them on their own terms. This is the decision made by the Senate which it now devolves upon us to confirm. [Applause.]

Mr. FRENCH. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. BURTON].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 15 minutes.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present, just to get the bells rung and the signal given in the cloakrooms.

Mr. BURTON. I hope the gentleman will not do that.

The SPEAKER pro tempore. Does the gentleman from Texas withdraw his point of order?

Mr. BLANTON. I shall not insist upon it. I withdraw it.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. BURTON. Mr. Speaker and gentlemen, it is desirable to recognize the futility of naval programs, even for naval warfare. In 1904 I addressed the House and mentioned the high-sounding names of certain British warships, the *Colossus*, the *Powerful*, the *Thunderer*, the *Terrible*. Their very names were sufficient to drive timid souls into the interior and to bring a long row of persons here to ask that the Treasury doors be burst open to construct a mammoth navy.

Oh, where are warships now, erstwhile that went and came? Fleets of them are on the scrap heap, and so far as I know, not a single one of the quartet mentioned ever fired a single shot against the enemy. Thus most of the preparations and plans for navies have proved their futility.

What is the main reason? It is due to the rapidly changing types of vessels, to the successive revolutions in methods of warfare. I myself can remember the time when the ironclad *Merrimac* came out from Norfolk and destroyed the wooden ships, the *Cumberland* and the *Congress*, and I can recall the agony of suspense that held over the North for a day; but on the following day the *Monitor* came into the contest—"the Yankee cheesebox on a raft," as it was called by the Confederates. The *Monitor* drove back the *Merrimac* to her port. Then there was a change in naval warfare. Monitors were introduced. Wooden ships were made ironclad and soon after steel ships displaced all others.

Thus year by year there has been a revolution in naval warfare, which is by no means complete to-day. And in other warfare the changes have been equally marked. Let me not omit the destroyers and the submarines, with their wonderful power of destruction, and fixed as well as floating mines. Then last of all, aerial warfare; and I think I am not exaggerating, my friends, when I hold out to you the strong probability that aerial warfare will prevail on land and sea; that airplanes though some may fail or be stricken down, like wolves on a buffalo, will destroy with heavy bombs the mightiest battleship in the world. [Applause.]

The net result of recent developments has been that capacity for defensive warfare has increased much more than that for offensive warfare.

Thus it is for us to be moderate in our plans for naval expansion, bearing in mind what the future has in store.

The next point I want to make is this: Our Navy, when every variety of craft is considered, is by no means effete or inferior to that of any nation. It is strong enough for purposes of defense and measurably for offense. We are equal, if not superior, to any country in the world in our battleships. They are superior in that all in a few months will be oil burners, while at least five of the battleships of Great Britain are coal burners. Everyone of our battleships and, as I understand, also our cruisers, is furnished with a catapult and with airplanes, which can be used at any place on the sea, while Great Britain, with one exception, has not the catapult or airplanes.

Then, further, what nation could attack us with our equipment of submarines, superior in number and power to those of any other nation on the globe, and with our equipment of destroyers, to which we may add the mine? Our coasts are safe for purposes of defense.

It is generally conceded by naval officers that the submarine is the best weapon for defense, and therefore, as stated by Captain Stirling, the best weapon for our strategic position is a flotilla of submarines "ambushed" across the path of the approaching enemy, their movements coordinated and directed by a commander on board a vessel of the fleet. These would work havoc on the hostile vessels. Conversely, the destroyer is the greatest menace to the submarine, so our preponderance in this type insures us against submarine attack.

I make this further statement: The people of the United States, when they calmly consider our situation and the policies we should adopt, will not stand behind the Congress in any measure which looks like offensive warfare. I make that statement without fear of contradiction. We covet no outlying portions of the earth. We do not wish to attack any other country. More than any other nation our foreign policy has been dictated by motives of altruism. Heaven knows we have the land of promise, the most favored in the world, already in our possession. The protection required for our citizens abroad is in countries which either possess no navy or one of very inferior quality. Why, then, consider this idea of a mighty navy? As I have already detailed, that which we have, with the reinforcement of mines and other means, is ample for our defense. No country in the world could attack us. What, with submarines, destroyers, mines, coast-defense guns, and then squadrons of airplane bombers, it would amount almost to foolhardiness.

It has been the ambitious thought of some that we should have a navy which should surpass any other. If there should be a combination of all the navies of the world against us perhaps our ships might be swept from the sea, but such a combination is impossible. A combination against the United States was the dream of Louis Napoleon during the Civil War; it was the aim of certain nations in the Spanish-American War, and yet both failed.

It is a waste of time to argue that our Navy should be equal to that of the English Navy. How different our situation. I dwelt on that on the 7th of January and will not long dwell upon it again. I simply state it is impossible that we should have war with England. Yet, with her widespread and far-flung possessions, the necessity of protecting her dominions, and with her dependence on the outside world for food and necessary supplies, she needs a navy greater than that of the United States.

I do not say the time will never come when it will be necessary for us to build up to the 5–5–3 ratio on cruisers, but at this present time it is altogether unnecessary. There is no threat of war against us. Other nations of the world are impoverished, weary of war, and they do not think of attacking us. What if France and Italy are seeking to build a larger number of cruisers? The most ambitious program of those two countries would not provide a navy equal to our own. They have not the resources; and shall we involve ourselves, strong, powerful, and rich as we are, in the jealousies, the quarrels, and animosities which prevail between other countries? We have no desire to engage in contest with any other nation. We have no long-standing animosities to gratify by warfare. We are here isolated but respected by the rest of the world, and so far as fear is concerned there is a salutary fear of the United States because of our power.

Two arguments for an appropriation for the three cruisers are manifestly fallacious.

The first is that under the agreements adopted at the Washington Conference the ratio of 5–5–3, applicable for battleships, is equally applicable for cruisers and that we should maintain a cruiser fleet equal to that of England and two-thirds greater than that of Japan. The Washington agreements, at the very most, confer a privilege, which we may exercise or not, as we please; they do not impose upon us an obligation. The question should be decided on the basis of our national requirements, and these should be influenced by a desire for world peace and a proper balance of expenditures for the various departments and activities of the Government. Neither the protection of our coasts nor the promotion and protection of our commerce require at this time additional cruisers.

No one can claim that our Navy has been neglected. It is maintained at a high standard of efficiency. Annual expenditures upon it by the United States are greater than those of England—approximately $324,000,000 by the United States and $291,000,000 by England, according to the latest budget. We expend more than the combined amount, as carried in the latest budgets, by France, Italy, and Japan, whose total expenditures are $193,416,836; more than Japan and Italy expend upon both their armies and navies combined.

The second argument is that if we build a large fleet of cruisers we shall have something to trade. It is altogether

irrational to embark upon an extremely expensive building program with the thought of scrapping warships. It is universally recognized that the United States has the financial resources to far outstrip any other nation in the creation of a navy. In any conference, this argument would be altogether sufficient. Again, if we should enter into negotiations for a limitation of armaments, limitation of our own would afford a proof of sincerity which would be much more effective than the possession of a larger fleet.

Let me take up an expression from one of our naval officers on the subject of cruisers, but first let me read something in confirmation of what I have said in regard to submarines; again quoting Capt. Yates Stirling, now a rear admiral and one of the ablest of our naval officers. He said:

> Battleships and battle cruisers, the monarchs of the sea, are as helpless before the submarine as a prize fighter is helpless before a burglar with an automatic pistol drawn. Our submarines could drive from our coasts the very largest fleet of battleships and cruisers.

Lieutenant Commander Gill says of the battle cruiser:

> The chief utility of the battle cruiser is now held to be that of a scout and raider.

Do we require any raiders or scouts? Do we wish to drive the commerce of any other country from the sea? There are some who make the argument, which to me is most absurd, that our cruisers are necessary to promote our commerce. With what country of the world have we increased our commerce by the force of cruisers or by the threat of reprisals? The promotion of our commerce and the expansion of our trade must come from peaceful relations, and the threat of the utilization of cruisers or any form of warcraft will injure rather than aid our position in trade relations with the rest of the world. [Applause.]

Now, let me recapitulate. Our Navy is strong, though maybe the time will come when we shall wish to make it stronger; but that is not now. Our Navy is amply sufficient for defense. We do not wish to promote quarrels or a fight with any nation, and we do not need to enlarge our Navy for the promotion of our country's interests. Oh, but so many say—and that is oftentimes the chatter of the advocates of large armies and navies—"we are doing all this as a matter of defense." How similar that is to that paragon of hypocrites, Uriah Heep, when he said, "We know we are very humble, sir, but we are afraid that other people that are not humble will get the start of us." [Applause.] You will not deceive anybody by the claim that it is for defense alone. It means ambition, and it may be towering ambition. It means a disposition to gain by force that which a nation can only gain by the arts of peace and by peaceful negotiation. Secretary Hughes uttered a sentiment in the conference of 1921-22, at the very beginning, which I commend to the attention of my colleagues, for it was received with almost thunderous applause—"Preparation for offensive naval war will stop now."

This should be the platform of the United States. This country should prove the pathfinder, an example for the world, in looking toward peace [applause], and in no way can we gain that position or become established more firmly than by voting down the Senate amendments and by declaring to the world that America, amid the din, amid the threat of war, stands as on the eternal rock for good will, for peace with all the nations of the earth. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. VINSON of Georgia. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker, the distinguished gentleman from Idaho [Mr. FRENCH], in his very earnest address, intimated that those of us who voted for this motion were largely affected by our proximity to naval establishments. I come from a district that is 140 miles from the sea, that has no navy yard, and no connection with any navy yard. We are a peaceable people, but believe in a businesslike, well-worked-out and followed program of national defense and national preparedness. [Applause.]

We believed in this in 1924, when this act was passed, and the distinguished gentleman from Ohio intimates that to do this now is an open, avowed preparation for war or assault upon somebody. Well, if it is, the distinguished gentleman's party put through this measure in 1924, expressly providing what we are doing here to-day, and the President of the United States, who happened to be Mr. Coolidge, who is now President, signed it and put it into operation. I believe the time has come when there are no party lines in this proposition, and the reference a while ago to the fact there were leaders on the Republican side who are differing with the President has nothing to do with it. All of us are attempting to do what we think is best for this country, and we should maintain the rights of this country regardless of any misunderstanding. [Applause.]

But how is this interfering with the prerogatives or the program of the President? We are merely carrying out what was determined by the Congress should be done before the first day of July, 1927, and we are putting in the hands of the President the power to do it, if it is necessary and if nothing intervenes that will prevent it. But the very act under which he acts releases his hands if there is any reason why he should do this. Read the last clause of the act:

> That in the event of an international conference for the limitation of naval armaments, the President is hereby empowered, in his discretion, to suspend in whole or in part any or all alterations or construction authorized in this act.

Now, if we put the money to his credit, where have we interfered with his program? If he has not the backbone to suspend it, if he sees it is proper for the promotion of the peace of this country to suspend it, then it is his default and not ours. We have laid in his hands the program and the power and the resources with which to carry out this program which he himself has approved, and if in his judgment it is best for the country that it should not be done, then he can exercise his judgment and we have discharged our duty.

I want to call the attention of this House to the fact that it is not the responsibility of the President to maintain and create the defensive armament of this country. Somebody said here we must do like the President says. The responsibility of providing the machinery of war, the responsibility of providing the machinery of defense, the responsibility of providing all the equipment that is necessary is upon the Congress, and when they have made such provision the President can use it or not as he sees fit, and he expressly has that right under the very act under which we are proceeding.

If you take the gentleman from Ohio at his word, we would never build any more ships for fear some man would come along and find a way to destroy them. This is the argument of the gentleman from Ohio. The gentleman said:

> Why, they all go down in the long run, and, forsooth, the air fleet will soon destroy all of them, so why build them?

This is the argument of the gentleman from Ohio. You might as well abolish the arming of the police of this city because they do not shoot anybody more than once every six months. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from South Carolina has expired.

Mr. BUTLER. Mr. Speaker, I yield five minutes to my colleague the gentleman from Illinois [Mr. BRITTEN]. [Applause.]

Mr. BRITTEN. Mr. Chairman and gentlemen, the gentleman from Ohio [Mr. BURTON] made three or four startling statements which I think should be emphasized for the benefit of the House.

In the first place, the gentleman bewailed the erstwhile Navy of 1904, which finally went down to destruction in the scrap heap without ever having fired a shot. Why not go a little further and cry over the thousands of millions of dollars in insurance policies covering accident, fire, and automobile insurance on which never a dollar was collected? They finally found their way to the wastebasket.

This is exactly what a navy is for. It is a great national insurance policy.

The gentleman from Ohio said, with every confidence and self-assurance, that our Navy is adequate. The best expert advice in the world, in England, Japan, America, France, and Italy, says that we are far below the 5-5-3 ratio established at the Washington conference. In the very spirit of that conference we are way below that ratio, and in this respect the United States is herself violating the Washington treaty. We have consistently refused to live up to that historic conference. We have refused to appropriate accordingly.

Then the gentleman said a remarkable thing—he could see no reason why we should have a Navy as great as England's. There is the effect of British social diplomacy. The gentleman goes to Europe every year. He says "we ought not to have a Navy as great as England. No; England has an immense commerce and outlying possessions and England is a great nation, and, of course, should have a navy greater than ours." How ridiculous! In the next breath he says, "I am told by a naval officer that these cruisers are to protect commerce. How much commerce have we ever gained," he said, "with the assistance of cruisers?" In one breath England needs a navy for the

protection of her commerce and in the next breath we do not need it for protection of ours. How ridiculous. He says, referring to the great submarines, that a naval officer said that they would dash upon a battleship and blow it to smithereens. The merest schoolboy knows that is a ridiculous statement. The submarine is the pirate of the sea; it attacks the defenseless vessel and runs away from any ship carrying a gun. We had that demonstrated throughout the World War. During the entire World War not a single battleship was sunk by a submarine.

Now, I would like to call this situation to the careful attention of my colleagues. Every speaker in opposing the amendment offered by my good friend the gentleman from Pennsylvania [Mr. BUTLER] used the argument that we should stand by the President. The gentleman from the other side of the House, Mr. AYRES, and a member of the conference committee, even read the President's Budget statement of February 8, requesting a delay in the construction of these cruisers until a conference might be had, with a view to the limitation of naval armament.

Now, let me call to your attention that the situation to-day is not at all the same as it was when we had the question before us a month ago, and the amendment was defeated by a very small margin. To-day we are in possession of the fact that the President has called a conference and that his invitation had been declined. [Applause.]

Mr. Speaker, when the question of appropriating for three cruisers was before the House a month ago it was combated by a statement from the President, which said:

> This country is now engaged in negotiations to broaden our existing treaties with the great powers which deal with the elimination of competition in naval armaments. I feel that it would be unfortunate at this time and not in keeping with our attitude toward these negotiations to commence the construction of these three cruisers. Rather do I recommend to the Congress the enactment of legislation which will extend the time for beginning their construction.

And was defeated by a close margin.

To-day we are confronted by an entirely different situation. The President has since invited the four other great naval powers to meet with us for the limitation of armament in the classes of vessels not covered by the Washington treaty, and three of the four have politely declined.

France says she will not enter a limitation conference outside of the one already called by the League of Nations for limitation of all character of armament, and then only when the total physical and economical resources of a country are considered a part of the national defense.

Mussolini says that Italy's long coast line and her interest in Mediterranean commerce makes it impossible for her to even think of agreeing to a limitation on cruisers and submarines.

Japan accepts, with the clear understanding that it is not the American intention to put forward the 5-3 ratio of naval strength and that we should keep an open mind concerning the defensive requirements of each other.

With all the rest refusing to enter President Coolidge's conference, it will be sweet diplomacy for Great Britain to accept, knowing that there can be no negotiations.

The President has shown the world his sincere desire for a disarmament conference, and the rest of the world has sidestepped the invitation.

The American people now expect this Congress to maintain our Navy on an effective basis, and at least in the ratio agreed upon at the Washington conference.

American lives and American interests throughout the world demand this form of protection.

Mr. Speaker, all other great powers are building powerful, well-balanced navies to meet their particular needs, while we are falling behind in efficiency, tonnage, and actual sea power.

This means loss of prestige at home and abroad, and as commerce has always followed the flag, I fear a loss of America's great export trade.

The United States can not remain a first-class power among the nations without actually being one.

A blue-print navy and a volunteer army offers little backing for a rich nation of strong principles and policies.

It has long been a settled policy of this country not to make war, and the best way to make this desire effective is to have a navy of sufficient strength to support our policies and our commerce and to guard our continental and overseas possessions.

This is not wasteful competition, it is sound insurance for peace.

Congress is expected to keep our Navy up to the Washington treaty standard in such vitally essential respects as fighting men and fighting ships, and when it fails to do so it merits the severest criticism.

Certainly our Navy should be second to none, and yet we are so far behind England and Japan in cruiser strength that our position is shameful. In 1931 Great Britain will have 54, Japan 25, and the United States 15 cruisers.

With most of the world's commerce, gold, industry, and wealth and so little national protection, it is well said that we are living in a fool's paradise.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Speaker, I yield to my colleague [Mr. UPDIKE] five minutes.

Mr. UPDIKE. Mr. Speaker and gentlemen of the House, I hope the Members of the House will not consider that I am in favor of the building program for our Navy simply because I have had military service, but at this time we are face to face with a great responsibility, namely, that of maintaining an adequate national defense for the protection of our present citizens—also, the happiness and welfare of our future generation—and with the assurance of maintaining a world peace. Our responsibility is great; yet we who are charged with that responsibility should proceed without fear with a definite policy, always keeping in mind permanent peace as our objective. I am sure the greatest insurance policy that the United States Government can have is to maintain a navy that is capable of defending and preserving peace and further stabilize the peace of the world. I am sure you would not say that I favor this program because of navy yards or ship yards in my district, because I am nearly 800 miles from the coast line and represent one of the largest inland cities in the world. We have made repeated attempts for a further limitation of armaments, but without success. It is reasonable to presume that there is no chance at the present time for a limitation of armaments, especially when nations such as Poland, Finland, Switzerland, and others are given the same voice as the United States when, in fact, they have no navy, but who cast their influences with the European powers.

Only a few days ago an appropriation bill was brought upon the floor of this House appropriating $75,000 to send delegates to the Geneva conference. I spoke in favor of this appropriation at that time, but stated that I doubted the ultimate results and benefits we would derive, but I thought that this Government should declare to the world her good faith in the limitation of armaments if they would come in and agree on a program. I further doubted that we could accomplish anything, in view of the fact that this conference was held under the auspices of the League of Nations, of which I have no confidence.

Mr. Speaker, I am just as much opposed to the entering into a competitive building program with other nations as the distinguished gentleman from Ohio [Mr. BURTON] or the distinguished gentleman from Idaho [Mr. FRENCH]. But I do not believe that this Nation should abandon her Navy program under the pretense of setting an example for other nations, especially when they have demonstrated clearly that they are not willing to follow our example, but, on the contrary, have gone ahead and built up to the 5-5-3 ratio as set out in the Washington treaty. [Applause.]

Italy has declared in the last few days that she is not even in sympathy with the limitation of armaments, and France has made it clear that she does not intend to enter into any agreement. The gentleman from Idaho said "we were slapping the President in the face" by voting for this amendment. I want to say to you, Members of Congress from every district in the United States, that we are charged with the responsibility under the Constitution of the United States to maintain an adequate national defense. [Applause.]

This is your responsibility as well as the responsibility of the Chief Executive of the United States.

There is no argument to the fact that the United States is behind in its building of cruisers of the class of 10,000 tons or under. Great Britain has built or building or appropriated for 54 ships of this class; Japan has 28 of such ships; we have only 15, and if we provide for the 3 new cruisers by adopting this amendment we still have but 18, and in view of the fact that no steps are being taken to replace those ships which, year after year, are becoming obsolete, it is time we are taking steps to remedy this situation.

I am inserting herewith a table which shows the relative strength of our cruisers of first and second line and also those of Great Britain:

*Cruisers*

| Name | Tonnage | Date of completion |
|---|---|---|
| Rochester | 8,150 | 1893 |
| Pittsburgh | 13,680 | 1905 |
| Huntington | 13,680 | 1905 |
| Pueblo | 13,680 | 1905 |
| Frederick | 13,680 | 1905 |
| Huron | 13,680 | 1908 |
| Seattle | 14,500 | 1906 |
| Charlotte | 14,500 | 1908 |
| Missoula | 14,500 | 1908 |
| St. Louis | 9,700 | 1906 |
| Charleston | 9,700 | 1905 |
| Total | 139,450 | |

It will be noted that these ships are from 18 to 33 years old. They are as a rule totally unfit for service, although three of them are now operating with special duties at reduced speeds. No one of them is in any sense a match for a modern cruiser. Their guns are old and of comparatively short range. They have obsolete fire-control systems. They are not fitted to carry aircraft. They can not overtake and bring to action any of the cruisers built by foreign powers in recent years because they are too slow. It is not too much to say that a single modern cruiser, carrying 8-inch guns, could defeat the whole of these cruisers, if she could carry enough ammunition, because the modern cruiser can lie outside the range of the guns of any one of these vessels and still have them within effective range of her own guns. None of these cruisers is an effective reply to even the smaller cruisers built in recent years by foreign powers, because they can not bring those cruisers to action.

The life of the cruiser has been estimated at 15 years. These cruisers can not be estimated otherwise than zero fighting value when judged in comparison with the modern cruiser.

*United States light cruisers, first line*

| Name | Tonnage | Date of completion |
|---|---|---|
| Cincinnati | 7,500 | 1923 |
| Concord | 7,500 | 1923 |
| Detroit | 7,500 | 1923 |
| Marblehead | 7,500 | 1924 |
| Memphis | 7,500 | 1924 |
| Milwaukee | 7,500 | 1923 |
| Omaha | 7,500 | 1923 |
| Raleigh | 7,500 | 1924 |
| Richmond | 7,500 | 1923 |
| Trenton | 7,500 | 1924 |
| Total | 75,000 | |

These cruisers are the only modern cruisers possessed by the United States Navy. They are armed with 6-inch guns and are the equal of any cruisers in the world carrying guns no heavier than 6-inch.

*United States light cruisers, second line*

| Name | Tonnage | Date of completion |
|---|---|---|
| Chester | 3,750 | 1908 |
| Birmingham | 3,750 | 1908 |
| Salem | 3,750 | 1908 |
| Olympia | 5,865 | 1895 |
| Denver | 3,200 | 1904 |
| Des Moines | 3,200 | 1904 |
| Chattanooga | 3,200 | 1904 |
| Galveston | 3,200 | 1905 |
| Cleveland | 3,200 | 1903 |
| New Orleans | 3,430 | 1898 |
| Albany | 3,430 | 1900 |
| Total | 39,975 | |

It will be noted that these ships are from 18 to 28 years old. Because of their age, slow speed, lack of ability to carry aircraft, obsolete fire control, short range of guns, and general obsolescence, they are of practically no fighting value, judged by modern standards. No one of them has speed enough to bring to action any cruiser built by foreign powers in recent years. They are purely police vessels for peace-time use and, as such, have practically passed the limit when they can be profitably employed for this purpose. We are compelled, by the absence of other available vessels, to keep some of them in commission.

*British light cruisers, first line*

| Name | Tonnage | Date of completion |
|---|---|---|
| Hawkins | 9,750 | 1919 |
| Frobisher | 9,750 | 1924 |
| Effingham | 9,750 | 1925 |
| Vindictive | 9,750 | 1918 |
| Emerald | 7,550 | 1925 |
| Enterprise | 7,550 | 1926 |
| Despatch | 4,765 | 1922 |
| Diomede | 4,765 | 1922 |
| Durban | 4,650 | 1921 |
| Dunedin | 4,650 | 1919 |
| Dragon | 4,650 | 1918 |
| Delhi | 4,650 | 1919 |
| Dauntless | 4,650 | 1918 |
| Danae | 4,650 | 1918 |
| Curacoa | 4,190 | 1918 |
| Coventry | 4,190 | 1918 |
| Colombo | 4,190 | 1919 |
| Cairo | 4,190 | 1919 |
| Carlisle | 4,190 | 1918 |
| Capetown | 4,190 | 1922 |
| Total | 116,670 | |
| Calcutta | 4,190 | 1919 |
| Curlew | 4,190 | 1917 |
| Ceres | 4,190 | 1917 |
| Cardiff | 4,190 | 1917 |
| Caradoc | 4,120 | 1917 |
| Calypso | 4,120 | 1917 |
| Caledon | 4,120 | 1917 |
| Conquest | 3,750 | 1915 |
| Constance | 3,750 | 1916 |
| Concord | 3,750 | 1916 |
| Comus | 3,750 | 1915 |
| Cleopatra | 3,750 | 1915 |
| Champion | 3,750 | 1915 |
| Centaur | 3,750 | 1915 |
| Castor | 3,750 | 1915 |
| Carysfort | 3,750 | 1915 |
| Canterbury | 3,750 | 1916 |
| Cambrian | 3,750 | 1916 |
| Calliope | 3,750 | 1915 |
| Aurora | 3,500 | 1914 |
| Total | 77,620 | |

It will be noted that the oldest one of these cruisers was completed after the most modern of our cruisers and light cruisers of the second line. They are all of them faster than any of our cruisers or light cruisers of the second line. Our 10 Omahas are the only vessels in our Navy which are equal to or superior to them in speed or modern equipment.

*British light cruisers, second line*

| Name | Tonnage | Date of completion |
|---|---|---|
| Adelaide | 5,500 | 1922 |
| Birmingham | 5,440 | 1914 |
| Brisbane | 5,400 | 1916 |
| Dartmouth | 5,450 | 1911 |
| Melbourne | 5,400 | 1913 |
| Loestoff | 5,440 | 1914 |
| Sydney | 5,400 | 1913 |
| Weymouth | 5,250 | 1911 |
| Yarmouth | 5,250 | 1912 |
| Total | 48,530 | |

These vessels, while of later date than the United States cruisers of the first line and light cruisers of the second line, are not considered as effective fleet units, due to age and probable reduced speed.

In so far as the need of the Navy for cruisers is concerned, attention is invited to the fact that at the present moment in time of profound peace, six of the eight available modern cruisers are now diverted from their normal training and fleet operating duties to special duties connected with two disturbed areas in which the United States is interested—Nicaragua and China—and that a seventh cruiser now undergoing overhaul is about to proceed to the Caribbean. Of the three remaining cruisers, two are flagships of destroyer squadrons, and one is flagship of the Vice Admiral in European waters. In other words, in time of profound peace, we have barely enough cruisers to meet the day-to-day requirements for the protection of our citizens and our interests in foreign waters. It needs no stretch of the imagination to see how vastly the demand for this kind of service would increase in time of war, and that superimposed on these demands would be the demands of the fleet itself.

I hope the gentlemen of this House, in their loyalty for their Government, will vote for this amendment, and as long as I am a Member of this honorable body and as long as I can raise my voice and as long as I have the grave memories of war fresh upon my mind and soul, so long as I can remember my buddies being shot down upon the battle fields, as long as I can remember the mothers, whose boys never came back, as long as I remember the disabled and maimed veterans who have sacrificed their future health and happiness, and as long as I can remember the blood that was sacrificed by the soldiers who fought in the Spanish-American War and the Civil War I will vote and use all the influence for an adequate national defense which will insure us against another disastrous conflict and sacrifice of lives.

It is our duty now to live for peace, pray to the Almighty God every day for continued peace. To educate our future generation for peace, but in the meantime, protect ourselves, or, rather, insure ourselves against a future war. I will gladly sacrifice my life here, now, or any time in the future if by doing so I could maintain everlasting and permanent peace throughout the whole world. [Applause.]

Mr. FRENCH. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, it seems to me that we have a very restricted issue, in spite of the much that may be said about it. Some time ago a lawyer appearing before the Supreme Court of the United States to discuss a relatively very unimportant question, said that he would first state the facts and then state the law, and then he would make a lunge at the passions of the court. I think my friend from Georgia [Mr. VINSON], whom I so much admire, and others have become unduly vehement in lunging at the passions of the House in respect to this matter. There is not any important construction of cruisers involved. Mark that. There are endless words used, but there is no immediate construction of cruisers at stake. All that the Senate proposes and all that those who are approving the Senate's position are now suggesting, is not that any large percentage of about $50,000,000 shall be appropriated to construct these cruisers, but that an extremely small percentage of that amount ($450,000) shall be appropriated, for what? To do nothing practically. The gentlemen who are so insistent, if they are really concerned about the Navy, logically ought to propose something more important and substantial than just a little bit of an appropriation which will get them nowhere. That is hardly understandable. On the other hand, the case has an important psychological aspect. The President says, and I say—and I like to stand by the administration when I can do it—"Wait with me a while; let me try out the experiment, upon which I have entered upon your advice, and determine whether we can make an arrangement at Geneva with the nations looking to a further limitation of armament."

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. I have not the time.

Mr. BRITTEN. I would like to correct the gentleman.

Mr. MOORE of Virginia. I am very fond of my friend, but I can not yield.

Mr. BRITTEN. The gentleman's statement is in error concerning the pending amendment and I want to correct him.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. MOORE of Virginia. The President says, "Wait and give me a chance; you told me to do this thing, and now you should afford me an opportunity to try to do it; you are not losing anything because you are not proposing now to actually construct, you are only proposing to make a gesture toward construction." Are we going to do it or are we not going to do it? If we go ahead now, in spite of the President's advice, we hamper and embarrass him, when he is taking the very course which we have urged him to take. There is no long delay to be apprehended. Congress reconvenes on the 1st of December next, and I say now as one who believes in an adequate navy, that if it should then be found that the effort fails to secure an agreement in conference with the other powers, I will be prepared to vote any appropriation which may be necessary to insure our equality with the strongest naval nation.

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

Mr. BUTLER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. COYLE].

Mr. COYLE. Mr. Speaker, in 1793 before the House and Senate, much disturbance was occasioned by the action of the Dey of Algiers. This potentate had laid tribute on all of the ships trading in the Mediterranean and had held in captivity, at that time for eight years, one Capt. Richard O'Brien and one hundred or more seamen and officers, citizens of the new Republic.

This Dey of Algiers had concluded treaties with most of the European nations and very frankly stated to our emissaries that he was unable to conclude a treaty with the United States, because, by so doing, he would remove the only remaining outlet for the energies of his corsairs. Congress began a debate on a resolution to build six fast-sailing men-of-war, the cruisers of that day, as they visualized them. Captain O'Brien had written:

> By all means urge Congress to fit out some remarkably fast sailing ships, well appointed and manned.

In January this discussion began and through the month of February, according to the records of the debates in the House the argument was altogether one-sided. One speaker after another opposed the propriety of the measure. The debates in the Senate have not been preserved, but Madison in the House continued to reiterate that peace might be purchased for less money than this armament would cost. The gentleman from New Jersey, Mr. Clark, opined that a fleet, when once it had been begun, would have no end in time. His plan was to hire the Portuguese to carry our fight against the Dey, and Baldwin, of Georgia, unworthy predecessor of our own distinguished gentleman from Georgia, was of the opinion that "bribery, alone, could purchase security from the Algerines," and one "Doubting Thomas" from Virginia, a Mr. Nicholas, "feared that we were no match for the Algerines." From Maryland and from Pennsylvania came strong support for the resolution, and from Massachusetts, Mr. Fisher Ames taunted Madison and caused him to define his position.

Mr. Giles, of Virginia, sided against the President with the not altogether helpful suggestion that navies were very foolish and futile things. "That value," said he, "which is spread upon the waters in ships might much better be employed by land which needed development."

In the Congress of that day, in the House, Madison was the spokesman of the rising opposition to Washington led by Thomas Jefferson, and Madison in the House and Monroe in the Senate continued to voice that dissatisfaction with what they then termed the monarchical ideas of our first President.

In the debate it was disclosed that Madison's plan was to close the Nation's doors and require her citizens to stay at home. Is there any analogy here between the hermit attitude of Jefferson, Madison, and Monroe and the to-day attitude of some of the vociferous broadcasters of this day. I can hear Madison say in the House: "If our people will trade, let them take care of themselves, and why should we worry if they are thrown into slavery by the Algerines and their property confiscated, for after all, it is their property not ours." And so to-day I hear it argued that American men who go exploring or investing in other countries of the world must defend their own rights in those countries and not involve this United States.

In a final attempt to defeat the bill, Giles, of Virginia, made a long and painstaking address. With a motion to recommit he alleged at great length that a navy is the most expensive of all means of defense. According to his warning the tyranny of governments lay in the expense involved in navies; that the Navy would oppress the individual States in the Union as the instrument of the President. The British, said he, are not yet destroyed, but their liberties have been banished by their navy. The monarchy in France had been ruined by its navy and we, were we to embark upon a national policy of naval defense, would be involved, said he, in war with all of Europe. Can these ships, said he, go marching on dry land and break the prisoner's chain? He pleaded against any move which would irritate the barbarians and cause them to inflict additional misery and punishment on their starved and naked American prisoner slaves. The longer he talked, the more his support fell away and finally at the conclusion of his speech the bill was passed 50 yeas to 39 nays. In the Senate the debate is not available, but there the vote was so close that the Vice President cast the deciding ballot, and in order to get this ballot the amendment had been added, that if peace terms could be arranged with the Dey of Algiers and his corsairs, then and in that event no further building could be had under this particular act.

In line therefore with that provision the following year, after many vicissitudes, a treaty of peace was concluded and around the council table the struggling colonies poor in dollars and in credit agreed to pay as the first cost of that peace treaty just under $1,000,000. Also to pay 12,000 gold sequins annually as tribute to Algiers, and as a further humiliation to build, arm, and deliver a ship of war and supply the pirates with naval stores.

Fortunately, however, by chance, or by design, there was saved from this first disarmament conference three of the six ships authorized. The other three, by agreement with Algiers, being sunk or discontinued.

The work, however, continued on three fast-sailing ships, the battle cruisers of that day, the *Constitution*, the *United States*, and the *Constellation*.

In spite of the million of dollars, perhaps, because of this very money advanced and paid to the Algerines, as all the world knows, these three cruisers of another day were needed long before they were finished, and anyone who will trouble to see the motion picture, "Old Ironsides," can read the need and see the way it was met on the shores of Tripoli nearly 10 years later. Can any man say that the *Constitution*, the *Constellation*, or the *United States* caused the trouble with the Tripoli pirates or caused that other war for the freedom of the seas and the rights of American seamen? Rather, indeed, is it true that had they and their sister ships which died a borning, been a fleet in being and not a fleet on paper, the million of tribute, the thousands of rent, and the tears of many American homes might well have been saved.

In all of this conflict, with dissension in his Cabinet between his Secretary of the Treasury, his ardent supporter, and the Jefferson, Madison, Monroe opposition, the figure of Washington looms as one worried and torn by the conflict of his official family.

The arrival of Genet, with his credentials, from the new Republic in France and his propaganda that America should side with France in the newly declared war against Great Britain, the pressure from the people and from the Congress, with difficulties besetting him from all sides, it must have been in bitterness and in shame that he was forced to sign that treaty of peace with pirates and corsairs, because in the message transmitting the treaty to the Congress, wrung from his unwilling hand and written almost with his lifeblood, are his words—

> to secure respect to a neutral flag requires a naval force, organized and ready to vindicate that flag from insult or aggression.

How well these words may guide and guard our actions and our honor in this a later day. Can we, who enjoy those rights for which they pledged their lives and sacred honor, can we do less than regard that admonition which comes down to us almost through the ages and realize that Washington visualized the Navy not as an instrument of battle but primarily as an instrument of peace.

As Washington must have prayed for a navy, must have fought for a navy, must have talked for a navy, let us see that to-day our Navy, as our first line of defense, is built not necessarily the biggest in the world but always and before all else as a tribute to his memory; let each of us, in Congress or out, so conduct himself that for all times in America there is assured a navy adequate to our needs, sufficient to keep the peace of the world, sufficient to command the respect of the world—not the biggest but the best navy afloat.

Mr. Speaker, in the few moments remaining I want to discuss particularly the dual need of cruisers, and I shall do this in the light of an experience which carried me through the Naval War College at Newport as some preparation for membership on the Naval Committee in this House. I refer to the peace-time need and the war-time need of cruisers, and more particularly America's need for cruisers, without reference to what any other nation is doing. There is a very distinct dual need for cruisers in our Navy, and there is not a sufficient number of cruisers to make our fleet a well-balanced one, either in peace time or war time. The cruiser in peace times is essentially the peace keeper. It has been my privilege on more than one occasion to be present on board a cruiser going into a foreign port where things were immensely upset and property and lives hardly safe.

The mere coming of an American improvised cruiser, if you please, has generally settled the difficulty with not only amity but with fairness. The real lack of cruisers sometimes in an urgent peace-time need has called perhaps for war. It is not ill-advised to say that cruisers in Habana harbor, instead of the battleship *Maine*, might have avoided the war with Spain, because it is possible that had we had a little group of cruisers available to go into Habana Harbor the war with Spain perhaps might not have happened. We were forced to use the wrong instrument, and we all know that that sometimes leads to difficulties.

The cruiser in war time is a scout. It does seem that 10 cruisers of 7,500 tons each is but an inadequate scouting force for a battle fleet composed of 20 battleships. However, as things may come out in the future, the provision for the rigid airship will undoubtedly help supply the war-time needs if these cruisers are not supplied. But for my part, bear in mind that not only the cruiser does serve to avoid war, but also the cruiser in the event of war may and can serve as an adequate screen for a battle fleet. It seems to me you can hardly go amiss; truly, I can not see that you can go in direct opposition to the President if you do vote for this House amendment.

I yield back the remainder of my time.

Mr. BUTLER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Pennsylvania has 23 minutes, the gentleman from Georgia 19, and the gentleman from Idaho 41 minutes.

Mr. BUTLER. Will the gentleman from Idaho yield some time?

Mr. FRENCH. You are still ahead, but I will yield seven minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I can not support this appropriation for three extra cruisers at this time. I do not believe we are justified in making this increase in our naval strength in the light of world conditions. In my opinion we would not only be violating the spirit of our disarmament treaties but we would be inviting, if not provoking, the other great nations of the earth into a renewed race for naval supremacy, which would possibly threaten the peace as well as the financial stability of the world.

Some time ago Sir Auckland Geddes, the British ambassador to the United States, in a speech in this country, said that "an age is dying in Europe." What age did he refer to, Mr. Speaker? The age of Europe's greatness, according to that statement, is going down before the influences of destruction and decay. That death is being hastened as a result of the leaders of the Old World embracing the destructive doctrine that might makes right or, to use the words of Napoleon, that God is on the side of the heaviest artillery.

Cecil Roberts, one of the great men of the British Empire, said in a speech in Chicago something like a year ago that England's sun was going down, but it would be a glorious sunset.

And it will. No nation that has ever risen and fallen in all tides of time has contributed more to the advancement and happiness of mankind than has the British Isles. Mr. Roberts states that her sun is about to set and that the leadership of the world has been transferred to the United States.

With that leadership there comes a great moral responsibility. If we would lead the world, we must first prove ourselves worthy of world leadership. We can not add to our prestige as a world power for the moral and spiritual and economical advancement of this modern civilization by breaking the letter or the spirit of our disarmament treaties, and starting out upon a policy of naval and military armaments that will arouse the suspicion and forfeit the confidence of mankind.

I was a Member of the House in 1921 when we adopted the amendment providing for the calling of a disarmament conference, and I consider that the greatest day, from a standpoint of results, that I have ever seen in the Congress of the United States.

We had just emerged from the World War, which had left upon the battle fields of Europe the lifeless bodies of 10,000,000 men. In that contest we had told the American people and the world that we were fighting to repudiate for once and for all the deadly doctrine that might makes right. We had proclaimed from one end of the country to the other that we were fighting to destroy military autocracy. What is military autocracy? Ah, Mr. Speaker, there can be but one answer. It is overgrown naval and military establishments in times of peace, together with the spirit of aggression which they always inspire.

We passed that amendment by a vote of more than 50 to 1, and the conference was called to meet in Washington on November 12. It convened under the most auspicious circumstances that ever surrounded the convening of any conference on the face of this earth.

On the day before it convened there arrived in this Capital the most influential delegate that ever attended an international gathering—the lifeless body of the unknown soldier, one of those countless thousands whose names disappeared with their bodies as they went down in that great contest for the supremacy of the world. President Harding had to have an amplifier, radio service, telegraph, and telephone wires to make his voice heard throughout the country as he stood before that nameless bier and preached the doctrine of peace on earth and good will toward men, but this silent delegate of delegates needed no assistance to carry the voiceless eloquence of his silent protest against armament and militarism throughout the length and breadth of the earth. He was accompanied by the world's greatest interpreter, the sorrowing figure of a widowed war mother who had lost her husband and three stalwart sons in battle and who had come 3,000 miles to place a wreath upon his grave.

If there were those who could not understand the President's address, if there were those who could not appreciate this dead boy's silent appeal, or who did not realize the sacrifice he made, they could hardly fail to understand it when they looked upon the withered form of that heroic mother and caught the message of humanity's appeal translated into the terms of a mother's sacrifice and a mother's love.

He was given a great reception, such as no king, prince, or potentate had ever received or ever deserved. The procession down Pennsylvania Avenue surpassed all description, and the floral tributes coming from every quarter of the globe have possibly never been equaled in all the history of the world. In the rotunda of this Capitol yonder his remains lay in state while 100,000 people filed by. You could almost hear a prayer going up from every anguished soul to the effect that this might not occur again.

There seemed to well from the hearts of the people of the world an appeal to the best judgment and the best intelligence of the world to bring about a cessation of that mad race for armaments which was threatening to destroy the peace and bring about the bankruptcy of the world.

I witnessed the opening of that disarmament conference, and I must say that it was the most impressive spectacle that ever came under my observation. I was an invited guest, as the rest of you Members were. We had reserve seats at the greatest show on earth.

As I looked down upon that conference hall stirring with preparation and pulsing with the excitement of impending events I experienced a feeling of hope that we had at last come to a turning point for the betterment of mankind.

In front of me, seated around the conference table, were the chosen delegates of the leading nations of the earth, while back of them sat the foreign diplomats, heads of the various armies and navies, and other high ranking officials and visiting dignitaries without number. The galleries were packed with Senators, Congressmen, and other American officials. The stage was set for action, and action of the most far-reaching importance was not long delayed.

When the conference was finally opened and the head of the American delegation arose to outline our program, he thrilled the world with a program for a reduction of armaments, which if carried out would lift hundreds of millions of dollars in yearly taxes from the shoulders of the American people, as well as from those of every other country involved.

If there had ever been a doubt as to how the American Congress stood on this proposition at that time. or as to how the American people stood, it was certainly dispelled when that program was announced. With one spontaneous accord every Senator and Congressman present leaped to his feet, as did diplomats, generals, admirals, visitors, and spectators, and made that great auditorium ring and resound with an outburst of enthusiasm that will echo down the centuries.

The head of our delegation did not take time to argue the case. He did not need to argue. That had already been done by the silent delegate at Arlington, whose mute but thrilling message had touched the hearts and awakened the conscience of a war-torn civilization.

His appeal had been heard at last, and by it he had possibly ushered in a new day when war between civilized nations should cease, at least for years to come, when the great burden of taxation, which war and armaments entail, should be lifted from the masses of the world, when Christianity should take on new life and civilization be given a new birth.

It was the greatest moment, in my opinion, this world has seen for 2,000 years, and gave to the suffering peoples of the earth the first real encouragement they had had in the future stability and safety of our modern civilization.

In the treaties entered into at that conference limiting the size of the great navies of the world America's interests were amply guarded, not only by the leading statesmen of our times but by the ablest naval experts the world has yet produced. That conference put a stop to the mad race for naval supremacy and dispelled the suspicion that was then intensifying the international atmosphere. It removed the threat of war and placed the maintenance of peace within the power of those who were to preside over the destinies of the great nations of the earth in the years to come.

Not only that but one of the treaties growing out of this conference severed the treaty of alliance between Great Britain and Japan, which accomplishment, in my humble judgment, was worth more to the peace of the world than all the navies for which this Congress could appropriate in the next 100 years. [Applause.]

When that conference closed, Mr. Speaker, we found ourselves in possession of the moral leadership of the world, and if we turn backward now by repudiating either the letter or the spirit of those solemn treaties, when it is least necessary and when even the President of the United States, who is on the side of a big Army and a big Navy, and who, through his Secretary of State, is waging war in a foreign country, the little Republic of Nicaragua, if we now attempt to out-Herod Herod and go beyond anything in the way of naval construction advocated by him and by those interests who are backing him, and whose lines of communication are always exposed, we will have turned backward and abandoned that great moral leadership which is worth more than all the navies and all the armies of the earth combined. [Applause.]

Mr. Speaker, I want to see my country amply prepared, but she is better prepared to-day comparatively than she has ever been since the Government began, and she would be thrice armed—aye, infinitely more than thrice armed—if she could but resume and maintain her moral leadership among the nations of the earth. Let us not assume even the appearance of violating our solemn obligations, even if it should be conceded that we have the technical right to proceed with the construction of these extra cruisers. Let us not merely keep the word of promise to the ear while breaking it to the hopes of the war-weary nations of the earth that are looking to America to lead them onward and upward to a period of lasting peace, through common understanding, and into the enjoyment of a more wonderful and more glorious civilization. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. VINSON of Georgia. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. ABERNETHY].

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for five minutes.

Mr. VINSON of Georgia. Mr. Speaker, how many minutes have I remaining?

The SPEAKER pro tempore. The gentleman has 19 minutes with the time he yields to the gentleman from North Carolina.

Mr. ABERNETHY. Mr. Speaker and gentlemen of the House, I voted on the 7th of January to sustain the President's view of this matter. I made a speech favoring the President's view at that time. I did what I did then in the utmost good faith, and I felt that I was doing the right thing at that time. I wanted to give the President an opportunity to try out with these various nations the question as to whether or not we could expect at any time in the near future any limitation of naval armaments.

Since that time the President has called upon the various nations concerned, and he has had a flat refusal from France, and also a flat refusal from Italy. Italy, of all nations on the earth, should have been the last to have given the President the answer she gave, in view of the very liberal treatment she received at our hands in the settlement of her debt to this country. But we are now confronted not with a theory but a condition. As I understand this debate and as I understand the question that concerns us now, it is whether or not we will arm the President of the United States with the authority, if he so sees fit, to build these cruisers, as he does not have to spend the money unless he wants to. I am in favor at this time of saying to the world that it is the sense not of the President of the United States but of this Congress that the United States of America is abundantly able, if necessary, to have a navy sufficient to take care of the situation. [Applause.] I believe in adequate defense, and I am in favor of the Senate amendment at this time because of a changed situation; and I for one am going to vote for the amendment. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. VINSON of Georgia. How much time does the gentleman yield back, Mr. Speaker?

The SPEAKER pro tempore. Three minutes.

Mr. BUTLER. Mr. Speaker, I yield five minutes to my colleague from California [Mr. LINEBERGER].

The SPEAKER pro tempore. The gentleman from California is recognized for five minutes.

Mr. LINEBERGER. Mr. Speaker and gentlemen of the House, this whole debate here to-day seems to have resolved itself into the question of what are our obligations to the country in the matter now before us. I take it that this is our primary interests as individuals without exception. When the Limitation of Armaments Conference was held here some five years ago we entered into an agreement with the other four great powers, who were participants with us in that conference, that the ratio should be 5–5–3 on battleships. Everyone knows, and it is not denied, that we were unable to include cruisers and other auxiliary craft, because the other powers were then as now uncompromisingly against the limitation of auxiliary naval craft, and it appeared that insistence on our part at the time would have wrecked the conference, which

many honest and pacific-minded people were disposed to herald as ushering in the millenium. In the light of what has transpired in the last five years—with the race for naval supremacy still going on unabated so far as all classes of auxiliary craft is concerned—I for one regret that we did not insist, so that they should have been forced to agree or else forced us to face the same disillusionment then which we are facing now. [Applause.]

I do not contend that those nations have broken the letter of the agreement then entered into as to the battleship ratios, but I do maintain that in materially increasing their armament in cruisers, submarines, and other auxiliary craft quite as essential to effective naval power as are battleships, they have further overthrown the naval ratio then established and have morally, at least, violated the very essence and spirit of the Washington agreement. If we have an obligation—and we have—to see that the letter of the 5–5–3 agreement entered into with the nations who were participants in that conference is observed as to battleships, we have an equal or even greater obligation to the American people to see that the agreement be morally maintained all along the line, including cruisers, submarines, and aircraft, and that our Navy is maintained second to none. No intelligent Member of this House will rise in his place and say that this is true to-day.

The gentlemen who are opposed to this proposition of the three cruisers at this time have offered no answer whatsoever to the issue raised by the gentleman from South Carolina [Mr. STEVENSON] who has reminded us, by reading the old authorization bill, which clearly stipulates that the President, at his own discretion, is authorized to suspend construction of these cruisers in case he is successful in bringing about another limitation of armaments conference—wherein cruiser limitation is to be considered—and, of course, between now and the time such cruisers may be laid down or completed.

It is true that the distinguished gentlemen on the Subcommittee on Naval Affairs of the Appropriations Committee are opposing our position, but it is equally true that almost unanimously, with one sole exception, I believe, the Naval Affairs Committee of the House of Representatives, composed of 21 members who represent a fair cross-section of the House, not only geographically but in a political sense as well, are in favor of the amendment. Are we who have given months of our time in long hearings and a studious and sincere consideration of this subject to be credited with some knowledge and intelligent opinion in this important matter? [Applause.]

I regret very much that the distinguished and beloved chairman of the Naval Affairs Committee [Mr. BUTLER] who, in his generosity, has yielded all of his time to other Members of the House and to Members, like myself, who are on the Committee on Naval Affairs, has not taken the floor himself, but I assure the Members of the House that Mr. BUTLER—and no man in this House is more sincere in favoring the cause of peace—is heartily in favor of these three cruisers, and I hope he will yield himself enough time before this debate is over to at least tell the House that he is unequivocally in favor of this amendment. [Applause.]

Mr. BUTLER. I imagine the House will know that all right.

Mr. LINEBERGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman had about one-half minute remaining.

Mr. BUTLER. Mr. Speaker, I yield five minutes to my colleague from Pennsylvania [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker and gentlemen of the House, all I wish to add to what has been said for the Senate amendment is that I would be loath to handicap the President, and I would be most loath to do anything that would interfere with what he has in contemplation. But, as was said here in January, it is the duty of Congress to provide adequate defense for our Nation. What is adequate defense? A navy that will compare with and can compete with any combination that might be formed against us. I hope the Senate amendment will prevail for no other reason than that I believe it our duty to provide adequate defense for our Nation. We can not delegate to anyone the right to provide it, and so I hope the Senate amendment will prevail. [Applause.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back one minute.

Mr. FRENCH. Mr. Speaker, I yield seven minutes to the gentleman from Oklahoma [Mr. MCCLINTIC]. [Applause.]

Mr. MCCLINTIC. Mr. Speaker, a few months ago in the South Atlantic six bombing planes, at an altitude of over 6,200 feet, made a perfect score at a target approximately the size of a cruiser. However, on account of one of the bombs failing to explode, the judges did not credit these fliers with six hits. This record was so remarkable that the Assistant Secretary of the Navy congratulated these fliers upon their success. It is true that the target was stationary; yet officers in the Air Service who are qualified to speak on this subject made the statement that if the target had been a cruiser, and the same had been in motion, that at least 50 per cent of the bombs dropped would have found their mark. Thus it can be seen that bombing planes can be used effectively at a great height in the air; and, according to the testimony that has been given under oath, it would take at least 100,000 shots from antiaircraft before a plane could be hit at this height.

If six planes at a height of more than a mile can make 50 per cent of hits on cruisers, it means that this number could be sunk in less than 60 minutes, thereby bringing a loss in money amounting to nearly a hundred million dollars; and this does not take into consideration the loss of life and other equipment.

When a comparison is made with certain major nations concerning the item of cruisers, it is true that the United States has not kept up its ratio—that is, the 5–5–3 as agreed upon in the disarmament conference. But should this Nation engage in a shipbuilding policy which would cost millions of dollars to be expended on a type of ship that is not needed at the present time? As a hypothetical case, let us assume that the 5–5–3 treaty allowed each nation to have a million muzzle-loading shotguns and that the United States had not manufactured the number to which it was entitled under this agreement. Would it be better for our country to expend money for this purpose or would it be better to utilize the same in the purchase of up-to-date equipment, and the kind that would make our country safe in case we should be so unfortunate as to engage in war with some other nation?

I make the statement, without fear of contradiction, that if we had a solid line of cruisers that would reach from Miami Beach, Fla., to Rockaway Beach, Me., that you could not steam a single one of them to the shores of a major nation without losing them, unless they were properly protected by submarines and aircraft. I also make the statement that there is not a single Member on this floor that can point out where we would use a cruiser more successfully than a submarine or destroyer in case we should have to go to war. Then, if my deductions are correct, why not use this fifty million for the construction of efficient submarines and bombing planes?

If it is thought that this Nation would ever engage in a policy of conquest, then there might be some argument for the construction of a lot of cruisers, but just as long as we are satisfied with the policy that was adopted after the World War, which is that this Nation seeks no new territories and is not willing to encroach upon the rights of other nations, then we can rest secure in the thought that with sufficient submarines, destroyers, and aircraft no nation on earth can bring thought of fear to the citizenship of the United States.

As far as cruisers are concerned, if they could be utilized in such a way as to make our Nation more efficient, then I would gladly vote for them; but under the circumstances I feel that it would be a foolish expenditure of money to waste forty-five or fifty million dollars on a type of ship that can not be used with any degree of success unless it is properly protected with aircraft and submarines. How much better it would be for this Nation if we had several hundred submarines, several thousand airships, a full complement of aircraft carriers, and a sufficient number of dirigibles to take care of any kind of a situation. With such equipment our defense, taking into consideration the number of other kind of ships that we have at the present time, would be adequate to care for the needs of this Nation.

I am in favor of keeping enough battleships and cruisers to be used in peace times, as, in my opinion, it will not be much longer until these types of ships will only be useful for diplomatic purposes. At the present time the United States has 282 destroyers, in comparison with Japan's 87, England's 172, and France's 37. Every destroyer is a small cruiser; they have the same speed as a cruiser; the guns are smaller, yet the efficiency of a destroyer is its ability to maneuver in such a fast way as to get in striking distance of the larger ships, thereby enabling it to launch a torpedo and sink the same. Seven destroyers are equal to one cruiser in tonnage. Mr. FRENCH made the statement on the floor a short time ago that four destroyers would be equal in efficiency to any one cruiser, which can be construed that four destroyers would be able to dart in and out and back and forth in such a way as to get in torpedo range of a cruiser, thereby either sinking it or putting it out of commission. Even if Mr. FRENCH'S conclusion is too low, then certainly no one will deny that one out of seven destroyers would be able to get up close enough to a cruiser to launch a torpedo.

If my statements in this connection are true, then when you compare cruiser strength with destroyer strength, we have a

sufficient number of destroyers to equal 50 cruisers in tonnage. The destroyer is the wasp of the sea; the destroyer is the guard that protects cruisers and other types of fighting ships. When there is a battle formation steaming across the sea, the destroyers spread out in a line in front of all the other ships, and it is their function to get close enough to the enemy to launch one of those death-dealing torpedoes, thereby putting the ship out of commission or sinking the same. During the World War what was the most efficient type of vessel used by the United States? Was it the slow, cumbersome ships or was it these small vessels that were the most efficient from the standpoint of mobility and maneuverability?

There will be some who will advance the argument that we need these cruisers to protect our commerce. If that is true, I want some one to point out what service a cruiser can perform in time of war that can not be properly taken care of by a destroyer. If the other major nations of the world continue the construction of submarines and different kinds of aircraft and this country should become engaged in war with some major nation across the ocean there would not be any commerce that could be carried on within airplane-striking distance of the countries engaged in the war.

There are those who always advance the idea that wars will never cease, and I am in accord with that sentiment, for the reason there are a number of small nations whose boundary lines are across only an imaginary line; yet when you take into consideration that the majority of major nations are separated by wide areas of water, then one will conclude when it is known that no major nation on earth can land an army or bring its ships within striking distance of another major nation without losing the same, because of the fact a sufficient amount of aircraft can not be brought aboard an invading fleet to combat a land air force; that a nation would be foolish to engage in a war that it can not carry to a successful conclusion.

If I thought the building of three cruisers would make this Nation more efficient, I would not only vote for three but would advocate the construction of as many more as would be needed, but the way I view this entire situation is that the policy now advocated will cause a wasteful expenditure of money, as additional cruisers can not be used unless properly protected by other kinds of ships. Of course, we can use them nicely in times of peace, but my entire observation is based upon a war situation and what I want to do is to build up our lines of national defense in such a way that we will keep our Nation equipped with the kind of up-to-date machinery that will make it impossible for any country to ever have a thought of engaging us in war.

The entire question resolves itself down to one point, and that is, How shall this Nation expend its money in an efficient manner to give the citizens the kind of protection that will make them safe under any kind of condition? Should this money be expended for cruisers that can not possibly steam within striking distance of the shores of any major nation; or shall we build up the efficient branches of our arms of defense, such as aircraft, submarines, and dirigibles, so that every person in the country will know that no enemy will ever come within striking distance of our shores? [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE]. [Applause.]

Mr. MONTAGUE. Mr. Speaker, I participated briefly in the debate when this subject was originally before the House. I then favored the three-cruiser project and I have seen no reason since to modify my views upon the subject. Indeed, I am strengthened in the views which I then expressed.

I am unable to understand how we can be divided upon a question of this sort at this particular time. Arguments are now made that this is not the time, wait for some other time, and that we need no ships.

Do we need them in the Caribbean Sea? Do we need them on the Pacific side of Nicaragua? Do we need them on the shores and within the harbors of China? When within the memory of any gentleman who confronts me have we made a more vigorous demonstration of our naval power than we have in the past month?

We are told that we have built hundreds of ships and they are now gone. Some have rusted; many have been consumed and spent their days. This is true. But I would rather have our ships rusted and gone than our cities destroyed and our lands invaded by foreign forces. [Applause.] I am happy to know that these ships were not utilized in naval engagements, yet I wish to have the satisfaction and consolation of knowing that they can be utilized when we need them to protect ourselves. [Applause.]

The distinguished gentleman from Ohio [Mr. BURTON] bottomed his entire argument, and swept this House a few weeks ago, when he based his argument almost wholly upon an impending conference for the limitation of armament. To-day the gentleman has made no mention of the position he then took. In the former debate I asked where was the evidence of an impending conference, on the land, on the seas, in the skies? Where? Suddenly our President, for whom I entertain the most profound respect, sounded the nations interested, and what was their answer? A broad, comprehensive negative.

Italy will not go. France will not go. Japan's acceptance is so qualified as to mean nothing. England realizes it is not America with which she must make her arrangements, but that she must make them with respect to her obligations and her defensive position in relation to continental Europe and other powers in the world beside ourselves.

Can we be led to-day to believe we are entering upon a great naval program by merely giving the President the power and the money to build or not, as he may see fit, three cruisers. Is this embarking upon a great naval program? The negative answer is obvious.

I maintain we are to-day the most isolated Nation in the world. I call this again to the attention of the House and I do it most regretfully. We have entered, rightfully or wrongfully, upon no international organization or contrivance for the promotion or maintenance of peace. We have rigidly declined. We are left to ourselves and by ourselves we will stand or fall.

In addition, we to-day have the open and in every instance the jealousy, enmity, and ill will of the great and powerful nations. Where have we to-day a friend left in the world? I would not have this House to understand I criticize anybody for the condition, but I reiterate that this is a fact and an uncontrovertible fact. [Applause.] If that be true, then why have we not the privilege to make some assurance to our people that we have the right to complete the three cruisers without throwing any obstructions into the peace movement of the world. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. FRENCH. Mr. Speaker, how does the time stand?

The SPEAKER pro tempore. The gentleman from Idaho has 26 minutes remaining, the gentleman from Pennsylvania has 16 minutes remaining, and the gentleman from Georgia 12 minutes remaining.

Mr. FRENCH. I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, this is a most unequal fight. It is the organized against the unorganized. The employees in every navy yard in the United States want to keep on the pay roll of the Government, and do not want to be laid off, and they are therefore in favor of building new cruisers, and building anything and everything else new, so long as they hold their jobs. And they are organized, and have their representatives in the gallery.

The officers of the Navy are always exceedingly anxious to spend Government money, and to spend as much of it as possible, hence they are always clamoring for new battleships and new cruisers, and new this and new that, so that they may handle large sums, and so they may have enough new boats so that each officer will be in command of something. And they are organized. And they have their representatives in the gallery.

The gentleman from Oklahoma [Mr. MCCLINTIC], who is a member of the Committee on Naval Affairs, and who is now finishing his twelfth year of service in this House, and who ought to be familiar with the situation, says that he is the only member on that committee who is not interested one way or another with navy yards or institutions. If he is correct, then there is a special interest in Navy building and Navy enlargements that such brother members of his on said committee have in big Navy programs, and they are organized and working together.

As I approached the House to-day the first man I saw at the lobby door was the affable representative of the New York Shipbuilding Corporation, the one who gave all the Members of Congress such a fine excursion on a special train of Pullmans to Philadelphia and Camden, when the U. S. S. *Washington* was launched, and entertained so royally on that trip. And the representatives of other shipping interests are here. And they are organized. And they have much influence. And they are bully, good fellows personally. And they are hard to get by. And their arguments are most convincing. And they are insistent. And they never give up.

And then we have the politicians organized, with political advantage forming the controlling prize.

And all of these interests which I have enumerated are organized here together to put this thing over. And against them

all are the unorganized trusting constituents of ours back home, unconscious of what is to befall them.

FORMER VICTORY IS TO BE TURNED INTO DEFEAT

On this question the unorganized people won a phenomenal victory on January 7, 1927. With the distinguished Speaker of the House of Representatives [Mr. LONGWORTH], the distinguished majority floor leader from Connecticut [Mr. TILSON], the distinguished assistant leader from Ohio [Mr. BEGG], the distinguished whip of the majority [Mr. VESTAL], and our distinguished minority leader from Tennessee [Mr. GARRETT] all lined up together for the big Navy program, yet the vote on the TILSON proposition was defeated by 135 for with 137 against. And when it was again presented in the House that day, on motion to recommit, said bunch of organized, seasoned politicians were again routed by the vote of 161 for their big Navy program and 183 against building said three new $50,000,000 cruisers.

UNINFORMED ABSENTEES

There were 88 Members absent that day, who did not hear the debate. They did not hear the masterful argument of the distinguished gentleman from Ohio [Mr. BURTON]. They did not hear the unanswerable argument of the gentleman from Alabama [Mr. OLIVER]. They did not get the issue displayed that day on the floor from its every angle. And these 88 absentees are to cast the deciding votes to-day, or such of them as may be in Washington when the bell rings for the record vote on this question.

And they have been beseiged with propaganda almost daily since that vote on January 7, 1927. All of these organized interests seeking to put this thing over have left no stone unturned to reverse the former decision of the House.

PRESIDENT CRITICIZED AS WANTING WAR

Almost daily some Member of this body, or of the other body at the other end of the Capitol, has criticized the President and charged him with trying to involve us in war. And now leading Republicans here in his own party are criticizing him for trying to bring about peace. This is one time when every American—Democrat, Republican, Socialist, and all—should stand behind the President of the United States in his effort to bring about conditions that will tend toward world peace.

Mr. Speaker, in this particular instance the President of the United States is pursuing a policy for world peace. I know very little about naval affairs, but I do know something about human nature and something about politics, and I believe I know the American people well enough to know that in this instance the test back home among your constituents ultimately when the reckoning time comes is going to be, "Did you Republicans stand behind the President of the United States in his present policy for world peace?" That is the important question that your constituents back home are going to ask you. I believe they are going to measure you up when you get back along that line. I believe the Democrats of this Nation back home, my Democratic constituents and yours, will apply the same yardstick to us, because this question is one of Americanism and not one of party politics. I believe when I go home my Democratic constituents are going to ask me, Did you stand behind the President of the United States on his world peace policy? And, Republican though he is, when he is pursuing a policy for world peace Democrats are going to ask us that question. I am going to carry my answer back, "Yes; I stood behind him and did everything I could to support him." [Applause.]

Mr. BUTLER. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I hope that it will not take me five minutes to say all that I now wish to add to what I said on this floor on the 7th day of January, when this bill was before the House.

I yield to no man in my admiration for and loyalty to the President of the United States, and he has no stronger supporter in his efforts to stop the race for naval armament. If I thought that any vote of mine cast here would injure in the slightest degree the chance of success along that line I should not cast it. [Applause.]

But I can not feel that a vote the effect of which is to continue the life of the authorization for three cruisers that will lapse on the 30th of June next unless some action is taken could have any such effect. I can not see how anyone could possibly construe it in the light of a threat, a menace, an affront, or anything else that could in any way defeat or retard negotiations for the limitation of naval armament.

The point I tried to make when I spoke before—and I emphasize it now—is that the important thing is not the amount of money appropriated, but the continuation of the authorization for three cruisers. On the occasion referred to I cited the President's Budget message, the same message in which he recommended that no appropriation be made for the cruisers. In the very next sentence following the recommendation that no appropriation be made, he recommended that the cruisers be reauthorized by legislation. Let us see just where a literal compliance with the recommendations of the Budget message would leave us.

We are now within a week of the close of this Congress. With the existing condition of the legislative calendar, there is no possibility that we shall be able through independent legislation to reauthorize these cruisers. The fact is, this is the only way in which the President's recommendations, taken as a whole, can be made effective; and in my judgment, the amount of the appropriation carried is of minor importance. The main point, and the only point of consequence, as I see it, is keeping alive the authorization for the three cruisers.

This is the reason why I shall support the amendment proposed here to the Senate amendment. Incidentally, for it is of no consequence now, it is the same amendment that I favored when the bill was before the House in January.

I wish to repeat what I said at the outset, that I would uphold the hands of the President in his efforts along the line of the limitation of naval armament, but I can not feel that our action on this occasion in extending the life of these three cruisers—doing, in fact, the very thing that is specifically asked for in the Budget message—will in any way weaken the hands of the President in any negotiations he may be able to enter upon.

Mr. BLANTON. Will the gentleman yield?

Suppose you vote that way and force the President to veto the naval bill; what will happen?

Mr. TILSON. I think the gentleman can trust the President, as we all do, to perform his duty in the White House just as the President can trust us to perform our duties on the floor of the House.

Mr. BLANTON. I believe he will veto it and send it back.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired.

Mr. VINSON of Georgia. Mr. Speaker, I yield 12 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Ohio [Mr. BURTON] in his usual felicitous and eloquent way expressed this morning what I trust is the real spirit of America, namely, that she is not moved by any avaricious ambition, that she seeks no territorial aggrandizement, that she would infringe upon no nation's rights, that she would simply insist upon justice to herself while doing justice to all others. That I understood to be the idea, although not so well expressed perhaps as the gentleman himself phrased it.

Mr. Speaker, I like to think that that has always been the spirit of America. I like to hope and trust that it always will be the spirit of America. But, sir, was it not the spirit of America in 1914 as much as it is to-day? I am sure our feeling as a Nation was as unselfish and disinterested in that year when a prince of the house of Austria, whose name but few in America had ever heard, was shot down by an assassin over in a little nation of Europe, far inland; but the flame that started from that pistol shot set the world on fire, and we witnessed 2,000,000 men from this disinterested America sent across the seas to do battle, and 2,000,000 others under arms at home ready to go.

There have been during our national life just two great wars that were general in their scope among European nations, the Napoleonic wars and the recent world holocaust, and though separated as we were and are from Europe, trying to keep free from European entanglements, yet, despite the prayers of mothers and the efforts of statesmen, we found ourselves unable to keep out. Shall we be more hopeful of the future in view of history? My dear friend from Mississippi [Mr. RANKIN] spoke to us fluently of the Conference on the Limitation of Armaments held here a few years ago, and of the moral responsibility of America, and the danger of militarism. When in history has a navy manifested militarism? [Applause.] Never in all the history of the world! Militarism, that is, that spirit bent upon war, has come from armies, and I have never favored any large standing Army for these United States lest it might distort that spirit to which the gentleman from Ohio [Mr. BURTON] referred, lest we become a militaristic nation. In the past republics have become so, but never through their navies.

It might be judged from remarks made by some gentlemen here to-day that by adopting the Senate amendment we would in some way violate the spirit of that limitation of armaments convention. Surely no person will assert that. I merely say that inferences might be drawn from some of the things that have been said. As a matter of fact, we have not kept pace with the building program of Great Britain, which, by all the terms of the treaty, we were entitled to do; nor shall we do so

by adopting this Senate amendment. We shall simply add a few where Great Britain, without hesitation, has built many. We violate no treaty.

I have learned some things recently that have caused me to wonder about that treaty, whether or not, after all, it was the blessing to the world and the blessing to us that we hoped at the time it might be. If I am correctly informed, it has been intimated through diplomatic channels that the Government of Great Britain do not believe that we have the right to elevate the guns that are now upon those battleships which we preserved out of the scrapping at the time; and so we are not able in that respect, in the matter of gun range, to bring ourselves up to what England reserved for herself under the terms of the treaty. Since we have nothing against England, why should England make diplomatic representations to us upon that subject? [Applause.] Furthermore, I understand that by reason of some technicality in the matter of tonnage, concerning which I do not profess to be an expert, growing out of displacement, Great Britain has gained an advantage of 25 per cent in the matter of tonnage over the United States. I am not reciting these things as indicating any feeling toward Great Britain or any fear of trouble with Great Britain, but why should it be an affront or an offense to Great Britain or to any nation if we ourselves choose to exercise our undisputed rights under that treaty and lay down the plans and specifications for these three cruisers, adding this comparatively small tonnage to the Navy of the United States?

I fail to see why any nation is entitled to take offense or why such action on our part ought to arouse in the breasts of any thinking people the slightest apprehension in respect to our intention, and I say that particularly in view of our unselfish history of 150 years.

Some gentlemen have suggested that it might impede negotiations looking to further limitation. I can not see how or why it should impede such negotiations.

Mr. BUTLER. Mr. Speaker, if the gentleman will permit, will he please state that before our committee these commissioners asked that a building program might be put behind them, so that they might have a better and stronger hope of possibly getting a reduction of these small ships. This is done at their request?

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman has stated it, and better than I could, because it occurred before his committee.

Of course, I respect both the personality and the office of the President of the United States. I seek no political quarrel with him upon this question. There is no element of partisanship involved in this matter, so far as I know, and certainly none so far as my own heart is concerned; but, my friends, if unfortunately, despite all of our prayers and all our wishes, an occasion arises in which again the battle flags of the Republic are unfurled and the youth of the land have to go forward, then, when there might have been salvation by reason of that Navy to which we are entitled under all of the agreements we have made, but for the lack of which our coasts are attacked and our cities bombarded and our sons slain, it will be no defense to say that it was against the judgment of the President of the United States to have such a Navy and that, therefore, we had followed his judgment instead of our own. It will then be no defense to say, "We followed the President." [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. BUTLER. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 10 minutes.

Mr. LONGWORTH. Mr. Speaker and you, my colleagues, I know that it is a rather unusual thing for a Speaker to take part in debate. I am glad that it appears that you do not seem to mind very much. [Applause.] But I would not do so unless I believed, deep in my heart, that this matter is a fundamental, basic one, and of vital importance to the security and future of my country.

I do not find it a grateful task to oppose an item of a bill brought in by the Subcommittee on Naval Affairs of the Committee on Appropriations. I think the work of my friend from Idaho [Mr. FRENCH] since he has been chairman of that subcommittee has been extraordinarily useful and effective. [Applause.] I do not like to oppose an item that comes from the committee of which my friend from Illinois [Mr. MADDEN] is chairman, as I believe, the ablest chairman of the Committee on Appropriations certainly in my time. [Applause.] The only fault I have to find with that great committee is that in this instance it has adhered too faithfully to the recommendations of the Bureau of the Budget. [Applause.] I am unable to perceive any strong reason why, in the case of the Army, that committee should have gone beyond the Budget estimates and in the case of the Navy stood by them. I agree as to the efficiency of the Bureau of the Budget and I believe in following its recommendations whenever I can. But, mind you, the Bureau of the Budget is not responsible to the people of the United States, and we are. [Applause.] And particularly are we responsible in questions of national defense.

Now, I am not going into a discussion of the uses of the Navy either in war or peace. Of course we know that the navies of all countries are of very vital necessity to any country that has outside commerce in preserving and keeping open the paths of foreign trade.

I want to refer, though, to one instance in connection with the Navy of the United States that made a profound impression on me at the time. It was the year I was elected to Congress, in 1902. I happened to be here when the so-called Venezuela incident occurred. The Emperor of Germany had refused to arbitrate certain claims against Venezuela and had sent a fleet there to seize territory. While it was announced that the seizure was to be only temporary, it did not take a shrewd observer to know that had we not protested a naval base would have been established close to the Panama Canal. President Roosevelt sent for the German ambassador and informed him in no uncertain terms that if Germany refused to arbitrate those claims he would send the American fleet down there under Admiral Dewey, with orders to see that no Venezuelan territory should be seized, and facing that situation Germany immediately agreed to arbitrate. [Applause.]

I believe the American people, the great majority of them, certainly are for a powerful and adequate navy. [Applause.]

I know they supported Congress when it started out on the 1916 naval program, which, had it been allowed to be completed, would have made us by far the preponderating naval power of the world, and we would have been had it not been for the Washington Conference on Limitation of Armament. We entered that conference potentially, at least, the greatest sea power of them all; we left it with a navy equivalent to the greatest of the naval powers of the world. The real reason why we were able to procure these agreements with other nations was that we were prepared to make and did make greater sacrifices than any two of them put together. [Applause.] It was hailed as a smashing victory for peace, but the American people expected, and had the right to expect, that all the terms of our contract were going to be lived up to. My distinguished colleague [Mr. BURTON] quoted with approval something Secretary Hughes said at that time. Let me read you what Secretary Hughes—who had more to do with the successful outcome of that conference than anyone—said a very few months afterwards. On the celebration of Navy Day he said:

> The celebration of Navy Day has my hearty approval. This Government has taken the lead in securing the reduction of naval armament, but the Navy that we retain under the agreement should be maintained with efficient personnel and pride in the service. It is essential that we should maintain the relative naval strength of the United States. That, in my judgment, is the way to peace and security. It will be upon that basis that we would enter in future conferences or make agreements for limitation, and it would be folly to undermine our position.

[Applause.]

Thus spoke the Secretary of State at that time in contemplation of future conferences. I agree with every word of that statement. I said on the floor of the House the other day, and I now repeat, that while we were in honor bound under our treaty with the other nations participating not to go above the 5-5-3 ratio, yet we owed at least as great an obligation to the American people not to go below it. [Applause.]

To-day we are not in the position of superiority we were at the time the limitation of armaments conference was held; we are rather in a position of inferiority. Therefore we must take up the question of a new conference on the limitation of armaments not as a Nation willing to make great sacrifices in the cause of peace but as a Nation begging others to make sacrifices themselves. In answer to our invitation to enter upon another conference on the limitation of armaments we have within the last few days received refusals from two nations and a decidedly qualified acceptance from another.

Is this the time, my colleagues, to announce to the world that we are not going to appropriate anything for ships that sail the seas but simply authorize ships that live in dry docks made of blue prints? That seems to me to be at the foundation of this question.

That we may be secure at home and that our influence for good and for world peace may be felt abroad we must have a strong and adequate navy. [Applause.] Surely no other

country can complain if we carry out to the letter the contract we made with them. [Applause.] No nation can complain if we at all times insist on maintaining our Navy on a substantial equality with that of the other greatest naval power and in the proportion of 5 to 3 to any other?

We have been eminently just; we have been more than just to all the other nations of the world; let us be just with ourselves. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. FRENCH. Mr. Speaker, may I ask whether there are any other speakers on the other side?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. BUTLER] has 1 minute remaining, and the gentleman from Idaho has 14 minutes remaining.

Mr. FRENCH. Does the gentleman from Pennsylvania desire to use that one minute?

Mr. BUTLER. No; I will yield it.

Mr. FRENCH. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 14 minutes.

Mr. MADDEN. Mr. Speaker, I have had some hesitation in arising to speak here to-day, because of my recent illness, and I shall be very much pleased if I can have as much quiet as possible while I make what to me will be something of an effort.

No one loves the Navy more than I; no one wants to see it supreme in every way more than I; no one loves his flag more than I; and there is no man here or elsewhere under the flag who believes more in proper preparation for defense, but I do not consider it necessary to have an army or navy so large for necessary defense that they become a burden upon the people. [Applause.] If the Army and the Navy had their way the people of the United States would be called upon to pay not less than $3,000,000,000 a year for their maintenance. [Applause.] I apprehend that if we should reach that stage of levying taxes we would soon find ourselves in the position of being antagonized by the people.

This is a simple question that is before us. It is a question of our integrity of purpose, whether when we indicated to our President that he should seek to have another disarmament conference we meant what we said. [Applause.] This was not a question of Republican or Democratic politics.

Democrats and Republicans alike have voted to request the President to call a conference for the further limitation of armament, and time and again we have suggested and intimated to the President that we would like to know when he was going to carry out our request; but the very moment he undertakes it we seek to hamstring him by telling him that he must lay down additional cruisers as a condition precedent, thereby serving notice on those with whom he is going to confer that he is not in earnest in behalf of a continued reduction of military and naval armament.

I am in earnest when I ask the President to do a certain thing, and every man here should be. [Applause.] For one I propose to stand by the President [applause] in his endeavor to perform the mission which we have asked him to undertake. He has shown his good faith by an effort on his part to obey our request. Shall we be spared the burdens necessarily imposed by naval competition? My friends, are we going to let it be said that our action in imposing a task upon the Chief Executive was merely a gesture?

If this amendment prevails, in what situation will the President find himself? Simply deserted, rebuffed in the midst of his negotiations by the sponsors of the moves he has made.

I have the greatest respect for the opinion of every Member here. Each one will vote his conscience. He will vote the way he believes he ought to vote in order to preserve the best defense that can be had for his Nation, and I propose to vote the way I intend to vote against this amendment inserted by the Senate because I believe that is not the way to treat the question.

You are not going to get the ships any sooner by the appropriation of this money. You will not be able to get the plans, because this appropriation does not provide for making plans, and the plans are made and paid for from another appropriation, over which we at present have no jurisdiction.

We have already authorized three cruisers to be built. We have appropriated money to begin their construction, but there are no contracts let, and yet you are proposing appropriations now for three more; but that will not get the cruisers sooner, because you have given the President the right to say he will not build these cruisers unless his judgment tells him it is the thing to do.

Then what is the purpose of the intended appropriation? Is it intended to prove to the people of the world that we are getting ready to defend America's rights, or is it to prove to the people with whom we are proposing to confer that we are not in earnest in our efforts to confer? Is it for the purpose of showing the world that we are preparing for a greater measure of defense, or is it for the purpose of giving our enemies abroad the right to say we are not in earnest when we request the President to call such a conference?

Ah, gentlemen, you can not fool the intelligence of the world by the effort that is seemingly being made here to lay down three additional cruisers. You are not adding anything whatever to the strength of the Navy by what you are proposing to do, but you are embarrassing the President of the United States in his effort to gather the naval nations of the world together for the purpose of seeing what more can be done to stop competition in naval armament. [Applause.]

Now, what do we accomplish by the effort we are making here?

You are not going to get the cruisers. I want to say to you that we have tied up in the navy yards at Philadelphia and other places 103 destroyers, each one of which can be taken out on short notice, and each one of them has the speed of any cruiser that may be built. We have more destroyers than any other nation of the world, and the ownership of them places the United States in the strongest position of any nation of the world from a naval standpoint. [Applause.]

An appropriation of $1,200,000 for the construction of three cruisers, the contracts for which have not yet been awarded, was made last year. Why? The answer is that you can not get private capital to finance a $50,000,000 undertaking with but 2 per cent of the total cost available for the first year's work. If these three vessels which we are now discussing were let to private shipyards, those establishments simply would defer actual construction until such time as we would supplement the $1,200,000.

What basis have we for believing that they would pursue that course? What basis have we to believe that they would pursue a different policy or course next year than the one they pursued last year and the year before? On the other hand, if it should be decided to build them in the navy yards, which I should think the President would feel compelled to do, with the scrapping possibility an ever-present factor in any treaty arrangement, the prospect of making any progress, if anything, would be less favorable, because the general law would prevent the yards from expending in excess of the sum appropriated.

You are simply going to do this if you adopt this amendment. You are going to enable the propagandists in foreign countries, who are opposed to any kind of military or naval limitations, to advertise that the American Congress has launched upon a cruiser-building program; that America is in no hurry for a conference; that America proposes first to build up her fleet before undertaking seriously to talk further limitations. That is the picture that will be painted, and that is the picture the President is asking you to suppress. If being apprised of the fact, you persist in this deceptive meaningless scheme; the responsibility is yours.

In the course of the debate on this proposition we have heard it said by those indorsing it that they are not impressed by the President's message, transmitting the Budget; that its meaning is not sufficiently clear, and, despite the President's position that it is for us to decide whether or not we are going to maintain an adequate navy.

Then, we have heard some contending that we would strengthen our position at the conference table if we would appropriate $400,000 on account of each of three cruisers costing $16,750,000 apiece. That is a fair sample of the silly chatter we hear which is expected to persuade men, presumed at least to have average intelligence, to vote for a proposition which is nothing more than a cheap bid for votes; that can have no possible immediate effect upon the standing of our Navy; that can in no wise change our original status; that can in no wise give relief of the shipbuilding industry, governmental or private; and that the President does not want, and has indicated as fully as circumstances permit would be a hindrance rather than a help.

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

Mr. BUTLER. Mr. Speaker, I have one minute left, and I will yield it to the gentleman from Illinois.

Mr. MADDEN. Mr. Speaker, in the one minute I want to say that we have under construction two airplane carriers, the cost of which will be close to $100,000,000. England has not put out more than two submarines in the last eight years, Japan while proposing to renew four obsolete cruisers has postponed the construction of those cruisers by six years.

[Applause.] She reduced her appropriation for the navy just this year from 297,000,000 yen to 244,000,000 yen.

You are facing the question of whether you are going to act as statesmen. The hour has arrived when you are called upon to say by your votes whether you are in earnest when you ask the President of the United States to call a conference for the limitation of armament, and that vote in the affirmative will be against the appropriation that is proposed for this $1,200,000 to lay down the construction of these three cruisers. [Applause.]

Mr. VESTAL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. VESTAL. I rise to offer an amendment to the motion of the gentleman from Pennsylvania.

Mr. VINSON of Georgia. Mr. Speaker, I move the previous question on the motion of the gentleman from Pennsylvania.

The SPEAKER. The question is on ordering the previous question.

Mr. FRENCH. But, Mr. Speaker, the gentleman from Indiana [Mr. VESTAL], as I understand it, has offered a substitute, although I have not seen it.

The SPEAKER. The Chair has not recognized the gentleman from Indiana for that purpose, and the Chair is not sure that it would be in order. The gentleman from Georgia has moved the previous question on the motion of the gentleman from Pennsylvania.

Mr. VINSON of Georgia. Mr. Speaker, I move the previous question on the motion of the gentleman from Pennsylvania to recede and concur with an amendment.

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from Pennsylvania.

The question was taken; and, on a division (demanded by Mr. VESTAL) there were—ayes 240, noes 115.

So the previous question was ordered.

Mr. VESTAL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VESTAL. Do I have the right now to offer my amendment?

The SPEAKER. No.

Mr. VESTAL. I did not think so. I felt that the Speaker had recognized me to offer the amendment as a substitute for the motion of the gentleman from Pennsylvania.

The SPEAKER. The Chair distinctly said, "For what purpose does the gentleman rise?" The Chair did not know that the gentleman desired to offer an amendment.

Mr. VESTAL. I answered by saying that I desired to offer an amendment.

The SPEAKER. But in the meantime the gentleman from Georgia was on his feet demanding the previous question. The question is on the motion of the gentleman from Pennsylvania to recede and concur in Senate amendment numbered 25, with an amendment.

The question was taken.

The SPEAKER. The Chair is in doubt.

Mr. VINSON of Georgia. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 208, nays 172, answered "present" 1, not voting 51, as follows:

[Roll No. 40]

YEAS—208

| | | | |
|---|---|---|---|
| Abernethy | Carter, Calif. | Fenn | Johnson, S. Dak. |
| Aldrich | Celler | Fish | Johnson, Tex. |
| Allen | Chapman | Fisher | Johnson, Wash. |
| Andrew | Chindblom | Fitzgerald, Roy G. | Kahn |
| Aswell | Cochran | Fort | Kelly |
| Auf der Heide | Collier | Free | Kendall |
| Bacharach | Connally, Tex. | Freeman | Kerr |
| Bachmann | Connery | Frothingham | Ketcham |
| Bacon | Corning | Gallivan | Kiess |
| Bankhead | Cox | Gambrill | Kincheloe |
| Barkley | Coyle | Garner, Tex. | Kindred |
| Beedy | Crisp | Garrett, Tenn. | Kirk |
| Beers | Crumpacker | Garrett, Tex. | Lanham |
| Begg | Cullen | Gasque | Lankford |
| Bell | Curry | Glynn | Larsen |
| Black, N. Y. | Darrow | Green, Fla. | Lazaro |
| Bland | Davenport | Griffin | Lea, Calif. |
| Bloom | Davey | Hadley | Leatherwood |
| Boylan | Davis | Hale | Lehlbach |
| Brand, Ga. | Deal | Hall, N. Dak. | Lindsay |
| Briggs | Dempsey | Hare | Lineberger |
| Britten | Dickinson, Mo. | Harrison | Linthicum |
| Browning | Dickstein | Hawley | Lyon |
| Brumm | Douglass | Hayden | McDuffie |
| Buchanan | Drane | Hill, Ala. | McFadden |
| Bulwinkle | Drewry | Hill, Md. | McLeod |
| Burdick | Dyer | Hooper | McMillan |
| Butler | Eaton | Houston | McReynolds |
| Byrns | Edwards | Hudspeth | McSweeney |
| Campbell | Englebright | James | MacGregor |
| Canfield | Esterly | Jeffers | Magee, N. Y. |
| Carew | Evans | Johnson, Ill. | Magee, Pa. |
| Carpenter | Faust | Johnson, Ind. | Magrady |
| Major | Peery | Sosnowski | Valle |
| Mansfield | Perlman | Spearing | Vinson, Ga. |
| Martin, La. | Phillips | Stedman | Vinson, Ky. |
| Miller | Porter | Stevenson | Wainwright |
| Milligan | Pou | Stobbs | Warren |
| Montague | Prall | Strong, Pa. | Watson |
| Montgomery | Pratt | Sullivan | Weller |
| Moore, Ky. | Quayle | Summers, Wash. | Welch, Calif. |
| Morgan | Rainey | Swartz | Whitehead |
| Newton, Minn. | Reece | Swing | Wilson, La. |
| Newton, Mo. | Rogers | Taylor, N. J. | Wingo |
| Norton | Rowbottom | Taylor, W. Va. | Winter |
| O'Connell, N. Y. | Sanders, N. Y. | Temple | Woodruff |
| O'Connell, R. I. | Sanders, Tex. | Thompson | Woodrum |
| O'Connor, N. Y. | Sandlin | Tilson | Woodyard |
| Oldfield | Sears, Fla. | Tydings | Wright |
| Oliver, N. Y. | Smithwick | Underwood | Wurzbach |
| Parker | Snell | Updike | Wyant |
| Parks | Somers, N. Y. | Upshaw | Yates |

NAYS—172

| | | | |
|---|---|---|---|
| Adkins | Eslick | Little | Sears, Nebr. |
| Allgood | Fitzgerald, W. T. | Lozier | Shallenberger |
| Almon | Fletcher | Luce | Shreve |
| Andresen | Foss | McClintic | Simmons |
| Arentz | Frear | McKeown | Sinclair |
| Arnold | French | McLaughlin, Mich. | Sinnott |
| Ayres | Fulmer | McLaughlin, Nebr. | Smith |
| Bailey | Funk | McSwain | Speaks |
| Barbour | Furlow | Madden | Sproul, Ill. |
| Beck | Garber | Manlove | Sproul, Kans. |
| Berger | Gardner, Ind. | Mapes | Stalker |
| Black, Tex. | Gifford | Martin, Mass. | Steagall |
| Blanton | Goodwin | Menges | Strong, Kans. |
| Bowles | Green, Iowa | Michaelson | Sumners, Tex. |
| Bowling | Greenwood | Michener | Swank |
| Bowman | Griest | Mooney | Taber |
| Box | Hall, Ind. | Moore, Ohio | Taylor, Colo. |
| Brigham | Hammer | Moore, Va. | Taylor, Tenn. |
| Browne | Hardy | Morehead | Thatcher |
| Burtness | Hastings | Morrow | Thomas |
| Burton | Haugen | Murphy | Thurston |
| Busby | Hersey | Nelson, Me. | Tillman |
| Cannon | Hickey | Nelson, Mo. | Timberlake |
| Carss | Hill, Wash. | Nelson, Wis. | Tolley |
| Carter, Okla. | Hoch | O'Connor, La. | Treadway |
| Chalmers | Hogg | Oliver, Ala. | Tucker |
| Christopherson | Holaday | Peavey | Underhill |
| Clague | Howard | Perkins | Vare |
| Cole | Huddleston | Purnell | Vestal |
| Collins | Hudson | Quin | Vincent, Mich. |
| Colton | Hull, Morton D. | Ramseyer | Voigt |
| Cooper, Ohio | Jacobstein | Rankin | Wason |
| Cooper, Wis. | Jones | Ransley | Watres |
| Cramton | Kearns | Rathbone | Wefald |
| Crosser | Keller | Reed, Ark. | Welsh, Pa. |
| Dallinger | Kiefner | Robinson | White, Kans. |
| Denison | Knutson | Romjue | White, Me. |
| Dickinson, Iowa | Kopp | Rouse | Whittington |
| Doughton | Kvale | Rubey | Williams, Ill. |
| Dowell | LaGuardia | Rutherford | Williams, Tex. |
| Driver | Lampert | Sabath | Williamson |
| Elliott | Leavitt | Schafer | Wilson, Miss. |
| Ellis | Letts | Schneider | Wood |

ANSWERED "PRESENT"—1

Ragon

NOT VOTING—51

| | | | |
|---|---|---|---|
| Ackerman | Gibson | Kunz | Scott |
| Anthony | Gilbert | Kurtz | Seger |
| Appleby | Golder | Lee, Ga. | Strother |
| Bixler | Goldsborough | Lowrey | Sweet |
| Boies | Gorman | Mead | Swoope |
| Brand, Ohio | Graham | Merritt | Tincher |
| Cleary | Hull, Tenn. | Mills | Tinkham |
| Connolly, Pa. | Hull, William E. | Morin | Walters |
| Crowther | Irwin | Patterson | Weaver |
| Dominick | Jenkins | Rayburn | Wheeler |
| Doyle | Johnson, Ky. | Reed, N. Y. | Wolverton |
| Fairchild | Kemp | Reid, Ill. | Zihlman |
| Fredericks | King | Robsion, Ky. | |

So the motion to recede and concur with an amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Appleby (for) with Mr. Anthony (against).
Mr. Seger (for) with Mr. Jenkins (against).
Mr. Wolverton (for) with Mr. Sweet (against).
Mr. Merritt (for) with Mr. Ackerman (against).
Mr. Patterson (for) with Mr. Reid of Illinois (against).
Mr. Connolly of Pennsylvania (for) with Mr. Ragon (against).
Mr. Mead (for) with Mr. Wheeler (against).
Mr. Weaver (for) with Mr. Lowrey (against).

General pairs:

Mr. Crowther with Mr. Rayburn.
Mr. Golder with Mr. Doyle.
Mr. Graham with Mr. Kunz.
Mr. Mills with Mr. Johnson of Kentucky.
Mr. Reed of New York with Mr. Dominick.
Mr. Morin with Mr. Gilbert.
Mr. Zihlman with Mr. Lee of Georgia.
Mr. Irwin with Mr. Goldsborough.
Mr. Brand of Ohio with Mr. Kemp.
Mr. Strother with Mr. Cleary.

Mr. RAGON. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. CONNOLLY, and if present he would vote "aye," and I desire to withdraw my vote of "no."

Mr. GRAHAM. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present?

Mr. GRAHAM. Not at the beginning of the roll call. I came in while they were calling the roll.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. BUTLER, a motion to reconsider the vote by which the motion was agreed to was laid on the table.

LEAVE TO EXTEND REMARKS—NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that all those who have spoken upon this subject this afternoon have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, there was a conference held here in the city of Washington in 1921 for the purposes of the reduction of armament. At that time we were admitted to have the greatest sea power of all the nations entering the conference. According to the terms reached at that conference, we scrapped splendid warships, while other parties to the conference only scrapped beautiful sets of blue prints. It was agreed that a ratio of 5–5–3 be allotted to Great Britain, the United States, and Japan. How has this matter worked out? It has worked out so that to-day, instead of being the equal of Great Britain at a ratio, we are not only below her but almost on a par with Japan. Who is responsible for this condition? With our Navy weakened and rapidly deteriorating, our only concern appears to be to keep within the requirements of the Director of the Budget, no matter what happens.

Members of Congress criticized the President for his action in Nicaragua. Yet events have proved that the President is right to-day in the stand he has taken. Things have come to such a bad pass in that country that only to-day we are advised that Great Britain is to send a warship to protect British lives and British interests in that country.

Without the proper naval representation we appear to be unable to do the work in Nicaragua that we should do. It is the duty of the Congress to commence at once the construction of the three light cruisers called for in the act of 1924, and to adopt a systematic program of construction that will restore to our country the commanding position we held prior to the Washington conference of 1921. Our Navy has always been our pride. We glory in its illustrious record. We pride ourselves upon its splendid achievements and the American people demand that we restore it to its former degree of strength and efficiency. Let us then do our part by voting to-day to agree to the Senate amendment and provide the initial appropriation for the commencement of the building of the three light cruisers, the completion of which will help restore American prestige on the high seas.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

Mr. HILL of Maryland. Mr. Speaker, in some sections of this country there is a tendency to consider that men who have served in the Army or in the Navy of the United States in war have thereby become "militarists" and are always eager for more war and more armament. This, however, is not the case. No one hates war worse than those who have known war, and no one desires less armed conflict than those who have participated in it.

The policy of this country is peace. Armament in accordance with the policy of peace is absolutely necessary, and unless policy and armament go hand in hand we shall not be able to maintain the peace on which our civilization depends. I therefore am strongly in favor of the three cruisers now under consideration. I listened with the greatest interest to the remarks of the Speaker [Mr. LONGWORTH], and I agree absolutely with everything that he has said on the subject of maintaining our Navy in an adequate condition. I was in favor of the work of the disarmament conference, but to me the 5–5–3 ratio meant actual relative strength.

I desire to take this occasion to refer to another matter of interest to the American people. I recently introduced a bill for the modification of the Volstead Act along States' rights lines, and I feel sure that the following editorial in the New York World of December 22, 1926, will furnish food for thought to all the membership of this House. This editorial is as follows:

HOIST WITH THEIR OWN PETARD

Nothing could be more simple or moderate than the plan of Representative JOHN PHILIP HILL, of Maryland, to modify the Volstead Act as suggested by the New York referendum.

Section 29 of the Volstead law now reads:

"The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home."

Mr. HILL would amend merely by making it read that the penalties of the act shall not apply to the manufacture, sale, and transportation of beverages not intoxicating in fact, as determined by State law.

That phrase, "not intoxicating in fact," has already been judicially established as the meaning of "nonintoxicating" as used in section 29. It was the outcome of the case personally brought to an issue by Mr. HILL himself. Not only did a United States district court give this meaning to section 29, but the United States circuit court of appeals affirmed it and the Department of Justice and the Prohibition Unit accepted and approved it. And this notwithstanding the fact that "Farmer" HILL'S cider, which figured in the test case, was alcoholic by much more than one-half of 1 per cent, and his wines ran as high as from 8 to 12 per cent.

This section 29 was a crafty piece of work on the part of the Volstead enforcers of prohibition. They were bidding for the farmers' vote and undoubtedly intended substantially to exempt the farmers from the application of their impossible law in its lying definition of what is intoxicating. Like a chicken or a curse, that section is now in the way of coming back home to roost.

I desire also to call to the attention of the House another editorial, from the New York Telegram of December 22, 1926, which I know will be of great interest, and which is as follows:

MR. HILL LAYS A GHOST

Very rarely has any one so clear a cause for getting angry at anybody else as the drys have in the case of Congressman JOHN PHILIP HILL of Maryland. Major HILL has been referred to occasionally as one of the congressional lame ducks; the appellation is not exact, for had he not chosen to contest the Republican senatorial nomination with WELLER those nonpartisan anti-Volsteaders of his district would have continued rolling up their 10,000 majority for him from now till the triumph of Captain Stayton or doomsday. But, lame duck or no, Major HILL has performed for the country a service which the ardent drys could ill see performed.

It is not just that he has introduced in the House a bill to amend the Volstead Act in conformity with the terms of the referendum which swept New York by such a majority last month; it is the particular point of the Volstead Act at which he proposed to insert the amendment that gets Mr. Wheeler's goat.

He makes choice of that particular paragraph which states that cider may be made almost ad libitum, provided only that it be not fermented to the point where it becomes intoxicating in fact; which states, also, that nobody need concern himself for fear his fruit juice is getting enough kick in it to be enjoyable. One can not read the amendment—and it is an amendment that should command wide reading—without ocular proof that if it be unconstitutional to permit the making of 2.75 per cent beverages, then the Volstead Act is unconstitutional.

That bugaboo is definitely dispelled. The drys may still affirm, until the courts have passed upon the question, that the States or a jury can not legally be allowed to say what is intoxicating and what nonintoxicating. But that part of the amendment which simply extends to all classes the privilege now enjoyed in full by farmers and their families, and which is duly advertised as such, can not easily be quashed by the old familiar unconstitutionality hocus pocus.

It has always seemed as if Major HILL'S laboratory efforts in the making of peach liqueur strong enough to induce the enforcement bureau to try to stop him, and the success he had in bringing forth a court opinion that Congress had never intended to limit the strength of the farmer's beverage after the manner of the city dweller's beer, should have received more notice than has been given them.

They afford a substantial contribution to a political question which the Anti-Saloon League and its followers would never debate on its merits. Major HILL has now cashed in on them in a most practical manner.

The question of prohibition means a great deal more than the mere question of restriction of personal rights by the Federal Government in its sumptuary matters. It means an invasion of local self-government, and a departure from the old theory of the Constitution. For that reason the questions relating to prohibition remain of extraordinary interest to the American people. Even on such questions as national defense, most careful and valuable speeches may be made in this House without exciting any public interest, but every newspaper in the country publishes the slightest remarks made here in reference to Volsteadism. They publish these things because people are interested in it. The situation in the House has changed very vitally on this prohibition question in the past six years. A remedy for the evils of Volsteadism will be found in the not distant future. I should like

the House to consider the following House concurrent resolution, which I introduced on May 25, 1926.

Concurrent resolution

Whereas it appearing that the proposition to submit the vexed question of prohibition of the traffic in intoxicating liquors, as provided in the eighteenth amendment to the Constitution of the United States and in the prohibition enforcement act, to the people for further consideration and settlement, as authorized by the State of New York and as proposed elsewhere, is finding favor throughout the country, evidenced by the expressions of leading citizens and officials, regardless of their former attitude on the question; and

Whereas a fair and legal determination of the question may only be ascertained by and through the election methods provided by the several States of the Union; and

Whereas it is needful for the peace and contentment of the people that this question be removed from the realm of controversy and from American politics, in which it is now overshadowing all else, to the great detriment of the right solution of economic and other problems: Therefore be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress of the United States that the people in the respective States of which they are citizens should be accorded early opportunity to express, by ballot, their true sentiment upon the question now disturbing the tranquillity of the Republic, namely—

First. Shall there be a modification of the so-called Volstead Act, and if so, to what extent?

Second. Shall the eighteenth amendment to the Constitution be modified or repealed?

And to this end the President of the United States is requested respectfully to invite the constituted authorities of the several States to provide, as uniformly as may be, for the submission of this question to the sovereign electors of their respective States for their decision at the earliest practicable date.

SALE OF SURPLUS WAR DEPARTMENT PROPERTY

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk Senate bill 4305, to insist upon the House amendments, and agree to the conference asked.

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

The Clerk read as follows:

A bill (S. 4305) to authorize the sale under the provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

The Clerk will report the conferees.

The Clerk read as follows:

Mr. JAMES, Mr. HILL of Maryland, and Mr. MCSWAIN.

NATIONAL ARBORETUM

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 1640, to insist on the House amendments, and agree to the conference asked.

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

The Clerk read as follows:

An act (S. 1640) entitled "An act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes."

The SPEAKER. The gentleman from Iowa asks unanimous consent to further insist on the House amendments and agree to the conference. Is there objection. [After a pause.] The Chair hears none.

The Clerk will announce the conferees.

The Clerk read as follows:

Mr. HAUGEN, Mr. PURNELL, and Mr. ASWELL.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the District of Columbia bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GRIFFIN. Mr. Speaker, notwithstanding that the hearings on this bill disclosed that there will be an approximate increase of upwards of 1,500 pupils in attendance in the District schools in the next fiscal year; notwithstanding that there were on February 1, 1927, 49 schools in the District shamefully overcrowded; notwithstanding the fact that there are upwards of 3,000 pupils now compelled to attend part-time classes, the subcommittee in charge of this bill in the House has made no provision whatever for additional teachers. This is an alarming and dangerous situation and naturally provokes the inquiry—

How such a serious condition of affairs should be so flippantly disregarded?

Though it may be too late to have the omission corrected in the pending bill, I am anxious that the RECORD shall plainly show the fallacies upon which this unfortunate determination of the matter rested.

FALLACY NO. 1.—THAT THE AVERAGE OF PUPILS PER TEACHER IN THE DISTRICT SCHOOLS IS ONLY 23.4

This is part of a widely circulated propaganda obviously intended to strike at the head of the public schools.

It has no foundation in fact.

The actual average of pupils per teacher is nearly 31.

The testimony of the head of the Department of Education seems to have been entirely disregarded, while the testimony of outsiders, having no experience or knowledge of the subject, was swallowed with apparent eagerness.

For instance, a person representing herself to be the "legislative chairman of the District Congress of Parent-Teachers Association" presented to the committee an elaborate document purporting to give "administrative costs of public schools in cities of over 100,000 in 1924." This was interspersed with fabulous tables and running comment quite palpably intended to make out the worst possible case against the District officials. I will print herewith one of these "fabulous tables" taken from page 775 of the hearings.

WARNING—READ THIS TABLE WITH CAUTION

And note that in order to disparage the schools of the District and make it appear that there are less pupils to a teacher in the District schools than there actually are this artfully contrived table deliberately omits an entire column of figures, to wit, the figures showing the "actual daily enrollment," which are absolutely necessary in order to arrive at an honest result, and substitutes in its place a column of figures showing the "average daily attendance."

EXHIBIT A

(Mrs. Bannerman's statement)

*Number of pupils per teacher in Washington for past 11 years*

| Year | Total enrollment | Average daily attendance | Percentage in average daily attendance | Number of teachers | Pupils per teacher |
|---|---|---|---|---|---|
| 1916 | 59,526 | 49,625 | 83.3 | 1,787 | 27.77 |
| 1917 | 60,284 | 49,494 | 82.1 | 1,831 | 27.31 |
| 1918 | 61,536 | 47,838.6 | 77.74 | 1,855 | 25.78 |
| 1919 | 62,239 | 49,080 | 78.85 | 1,965 | 24.97 |
| 1920 | 65,298 | 52,738.5 | 80.76 | 2,096 | 25.16 |
| 1921 | 67,064 | 55,295.4 | 82.45 | 2,198 | 25.15 |
| 1922 | 69,541 | 58,261.8 | 83.78 | 2,224 | 26.19 |
| 1923 | 71,503 | 58,771.4 | 82.119 | 2,329 | 25.23 |
| 1924 | 72,573 | 60,034.6 | 82.72 | 2,496 | 24.05 |
| 1925 | 72,967 | 61,313.1 | 84.02 | 2,587 | 23.7 |
| 1926 | 74,903 | 61,778.5 | 82.47 | 2,640 | 23.4 |
| 1927 | ---------- | [1] 62,243 | ---------- | [1] 2,690 | 25.01 |

[1] Estimated.

Note also that this table uses the total number of teachers in the system, irrespective of whether they have classrooms or not.

As an actual fact, there were at the time of the committee hearings not 2,640 teachers in charge of classrooms, but only 2,278.

Yet the above misleading table counts in all the special teachers who have no allotted classrooms, and in this manner arriving at 2,640, divides that into the average daily attendance, which, for the year 1926, was 61,778.5. Answer, 23.4—obviously wrong!

The actual enrollment as of December 3, 1926, was 70,553, and this is the number of pupils "actually belonging" to the schools and for whom seats and classrooms and teachers must be provided.

Therefore, using 70,553 as the dividend and 2,278—the number of classroom teachers in contradiction to music, drawing, domestic science, and other special teachers—as the divisor, we get 30.97 as the average number of pupils per teacher, or practically 31 to the class.

When this figure is taken in comparison with other schools in the country the District schools come out pretty near the head of the list instead of at the foot.

FALLACY NO. 2.—THAT THERE IS NO CALL FOR ADDITIONAL TEACHERS

The confusing element in the problem happend to be this: That the school authorities had only appointed 2,630 teachers, including special teachers, up to November 1, 1926, whereas

the appropriation for the current year ending on June 30, 1927, provided for 2,666.

In other words, the superintendent had not wantonly wasted public money by appointing all the teachers the appropriation permitted. He came in for some criticism for this, but was he not entitled to praise instead? Is it not wise to hold back some of these appointments to man the schools gradually approaching completion?

This is precisely what he appears to have done, as appears from the following letter in answer to my inquiry as to what he had done about the 36 vacancies and what were the requirements necessitated by the opening of new schools now in process of completion and to be opened in the current fiscal year—that is, before June 30, 1926—and in the next fiscal year.

If I interpret the situation and needs of the school system correctly, 34 of the vacancies existing on November 1, 1926, have been filled and absorbed in the schools now open. Eleven additional teachers will be required in the schools to be opened before the close of the present fiscal year, and 52 teachers will be needed in the new schools to be opened in the next fiscal year. In other words, the system evidently needs at least 63 additional teachers for the next fiscal year.

However, the letter speaks for itself, and I herewith insert it, as follows:

WASHINGTON, D. C., *February 21, 1927.*

Hon. ANTHONY J. GRIFFIN,
*House of Representatives, Washington, D. C.*

MY DEAR CONGRESSMAN GRIFFIN: Complying with your request, I herewith send you a summary statement showing the situation with respect to the teaching staff of the Board of Education and the changes therein since November 1, 1926, the period referred to on page 561 of the hearings:

| | | |
|---|---|---|
| Number of teachers Nov. 1, 1926 (Number of vacancies, 36.) | | 2,630 |
| New teachers appointed in November | 5 | |
| New teachers appointed in December | 0 | |
| New teachers appointed in January | 0 | |
| New teachers appointed in February | 17 | |
| Total appointed since Nov. 1, 1926 | | 22 |
| Total number of teachers now on roll | | 2,652 |

How additional teachers have been allotted, showing schools to which allotted:

During the month of November the following teachers were appointed:

| | |
|---|---|
| Additional teacher of music for the junior high schools | 1 |
| Teacher, grade 1, Lovejoy School | 1 |
| Teacher, grade 2, Military Road School | 1 |
| Teacher, grade 1, Jones School | 1 |
| Teacher, grade 1, Deanwood School | 1 |

During the month of February the following teachers were appointed:

| | |
|---|---|
| Teachers, Francis Junior High School | 2 |
| Teacher, grade 7, Montgomery School | 1 |
| Teacher, grade 6, Montgomery School | 1 |
| Teacher, grade 8, Phillips School | 1 |
| Teacher, grade 2, Deanwood School | 1 |
| Teacher, grade 2, Jones School | 1 |
| Teachers for Stuart Junior High School | 8 |
| Teachers for Macfarland Junior High School | 2 |

[NOTE.—It is to be understood that this schedule does not set forth all appointments made and shown in the board minutes, but covers only those appointments chargeable to the balance of salaries shown on November 1, 1926.]

New buildings opened since November 1, 1926:

Francis Junior High School, Twenty-fourth and N Streets NW. Classes partly organized, but not yet operating in the building itself.

Stuart Junior High School, Fourth and F Streets NE. Classes partly organized, but not yet operating in the building itself.

Randall addition, First and I Streets SW. Classes organized and operating in the building itself.

Macfarland addition, Iowa Avenue and Webster Street NW. Classes organized, but not yet operating in the building itself.

Increase in number of classes resulting from opening of said buildings:

| | Teachers |
|---|---|
| Francis Junior High School, 2 classes | 2 |
| Stuart Junior High School, 2 classes | 8 |
| Randall addition, no classes | 0 |
| Macfarland addition, 2 classes | 2 |
| Total | 12 |

[NOTE.—It is to be construed that the additional classes and additional teachers do not represent the entire number of classes, but offsets have been made for salaries released by the bringing over of grade-school pupils into the junior high school organization. The above statement indicates the additional salaries used as a result of opening those buildings.]

New buildings to be opened before June 30, 1927, and teacher requirements:

| | Teachers |
|---|---|
| The shops and industrial activities of the Stuart Junior High School | 8 |
| Shop and drawing rooms of the Macfarland Junior High School addition | 2 |
| A supplementary teacher at the Columbia Junior High School | 1 |
| New first grade, Blow School | 1 |
| Francis Junior High School, language instruction | 1 |
| Total | 13 |

New schools to be opened in next fiscal year, ending June 30, 1928, and teacher requirements:

| | Teachers |
|---|---|
| Burroughs School addition, Eighteenth and Newton Streets NE | 9 |
| Amidon School addition, Sixth and F Streets SW | 0 |
| Smothers School addition, Benning, D. C | 2 |
| Woodridge School, Central Avenue (Woodridge district) | 4 |
| Kindergarten and industrial centers | 10 |
| Hine Junior High School addition, Seventh Street and Pennsylvania Avenue SE | 4 |
| Garnet-Patterson Junior High School, Tenth and U Streets NW | 12 |
| Gordon Junior High School, Thirty-fifth Street and Wisconsin Avenue NW | 11 |
| Total | 52 |

Respectfully yours,

FRANK W. BALLOU,
*Superintendent of Schools.*

## ADDRESS OF HON. J. J. MANLOVE, OF MISSOURI

Mr. HUDSON. Mr. Speaker, I ask unanimous consent to have extended in the RECORD an address delivered by the Hon. J. J. MANLOVE, fifteenth district of Missouri, at the annual banquet of the Genesee County Lincoln Club, in the city of Flint, on February 9, 1927, on the subject of "Nation Building."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

### NATION BUILDING

Mr. MANLOVE. My Michigan friends, words fail me in which to express my appreciation upon having been invited to come into your State and to view at first hand the varied activities of your wonderful industries. I especially appreciate the invitation by reason of the fact that it comes from a man who so well merits your confidence and who is your friend and my friend—your splendid, upstanding Representative, Hon. GRANT M. HUDSON.

The high esteeem in which he is held by those whom he has the honor to represent is best known to you, but I who have worked with him almost constantly day by day for the past four years probably have a little more intimate knowledge of the high character and sterling worth of his legislative services in Washington than you, who are more than 1,000 miles away. I take great pleasure in saying to you that no man has ever gone to Washington who gave closer application to the duties of his office or who made more friends in his personal contacts or whose sincerity of purpose was more openly acknowledged than is that of your own genial Congressman.

I do not come to you with the hope of bringing you any new thought, or of even bringing you any of the well-conceived truths of life clothed in any particular garments of rhetoric. Probably the only excuse which I might give for presuming to come here is that which actuates neighbors to visit in the homes of their friends and discuss with them some of those problems which are common to all of us. Were I presumptuous enough to come into this busy section of our country and undertake to outline any new standard of life, I am sure that you would feel toward me very much as the little newsboy did toward the Rev. Billy Sunday. As the story goes, the evangelist walked out on a city street late at night and inquired of a little newsboy the way to the post office. Upon receiving a very polite and well-directed reply, the evangelist informed the little merchant of the street that if he would come to the tabernacle the next day he would show him the way to Heaven. Whereupon his skeptical little friend replied: "You show me the way to Heaven? Don't kid me like that, Mister. You don't even know the way to the post office."

However, I am sure that I shall gain much by my visit into your land of rivers and lakes—much which I may take back to my friends down in that portion of the State of Missouri which we have lovingly designated as "The Land of a Million Smiles."

I am sure it is a pardonable pride which prompts all of us to believe that the community in which we live is just a little bigger and better than the rest of the world. Yet, our visions are broadened by an interchange of fellowship, and I come to you with the hearty good wishes of the people of southwest Missouri. The interests of the people of Michigan are very similar to those of the people of Missouri. The people of Missouri have always liked the people of Michigan. They have had faith in your constancy of purpose, and I bring to you their greetings and the hope that you may come and visit us down in the southwest corner of our grand old State.

The same general policies of Government which will best serve you will best serve us. The same standard of citizenship which will build for a bigger and better Michigan will build for a bigger and better Missouri. You will find in Missouri what you will find in Michigan—three strata of society; those, like you, who are high-minded and always striving to build, and, on the other hand, some who are destroyers, who have lost the sense of right and wrong and who must be guarded by an everlasting vigilance. Then you will find in Missouri, as you will find in Michigan, another class of people who are the acceptors, and who belong to neither of the other classes, but passively take from life, that which is at their command, without making any particular contribution to those elements which build for better things.

It has been suggested that I take for my theme the subject of "Nation Building."

Such a broad subject as that of "Nation Building" can be only touched upon within the brief period of time allotted me. It is the very woof of the fabric of all history.

Let us not treat the term "nation" as synonymous with that of "government." The word "nation" comes from a Latin word meaning "to be born"; "government" from the Latin word meaning to steer, to pilot, to govern. In its early conception "nation" implied a people bound by the same ties of blood. Later it acquired a broader conception, including those bound by a common cause, working for a general goal and actuated by the same general community of thought and purpose. It is a broad term and implies a much wider field than that to which we generally ascribe it. In discussing the subject let us consider nation building in the light in which it applies to those living under the sheltering folds of the Stars and Stripes.

The question often confronts us as to what constitutes the "American character." The nationals of many other countries may be readily distinguished by their physical appearance. Without any such distinguishing features to differentiate us from the people of other nations, we must rely upon some other distinguishing standard.

Some inborn instinct prompts mankind to take pride in being a part and parcel of the world in which he moves. So long as those around him are kind, or even tolerant, he will make most any sacrifice to protect the community ideal for which his nation stands. If he believes that the outstanding national distinguishing feature is of a high standard, he will likewise take a pride in maintaining and protecting that ideal and standard. With this in mind it is easy for us to conceive that the higher the standard of individual thought and purpose the higher will be the standard of community thought and purpose. It follows as a corollary that we constantly strive for the highest individual conception of grand and noble thoughts and purposes, in order that our national thoughts may assume the most lofty heights attainable.

I congratulate you, my new-made friends, upon the part which you are playing in the building of national character. Your service is truly exemplified in the beautiful poem:

"THE BUILDER OF THE BRIDGE

"An old man going along a highway
Came, in the evening dark and gray,
To a chasm deep and dark and wide;
He crossed the chasm in his twilight dim,
For that swollen stream had no fears for him.
But when safe across on the other side,
He turned and built a bridge to span the tide.

"'Old man,' said a fellow pilgrim standing near,
'You're wasting your time in building here;
'Your journey will end with the close of this day
And you never again shall pass this way;
So why build this bridge at the close of life's day,
When you never again shall pass this way?'

"The builder raised his gray old head,
'Kind friend, in the way I've come to-day,' he said,
'A youth shall follow the self-same path I have led.
This chasm which has been as but naught to me
To that fair-haired youth may a pitfall be.
It's true, I've built this bridge in my twilight dim
But I'm not building for self, I'm building for him.'"

In every city and hamlet and throughout the countryside of our great land will be found men and women who are constantly spanning the chasms which beset the youth of our country—men and women who, like you, are giving the best that is in them in life in order that the generations which shall follow may not be beset by the same dangers which have confronted the generations of the past. Your reward, and their reward, is not in the material things of life. It is only to be had in the consolation of knowing that your efforts have not been and will not be in vain. Thus you are engaged in building a Nation of greater strength, and to the ends of greater happiness, than that which we have attained in the past.

We will readily see that the standard of the Nation will be reflected in that business arrangement which we call government but which, upon due reflection, we will ascertain is only the instrument of our Nation for the purpose of carrying out the ideals of national thought. We gather from history that no government can rise to higher attainments than that of its national thought, and that it will sink to decay whenever the national thought becomes satiated with ill-founded conceptions of life.

Let us contemplate as never before the responsibility of our guardianship. That we are charged individually with that responsibility is well brought home to us in the words of one of Missouri's outstanding citizens, Mr. John F. Potts:

"OUR COUNTRY'S KEEPER

"You are your country's keeper,
The Government is but you;
You are the woof of the fabric,
Be it weak, or strong and true.

"You are of the people,
Through you she will fall or rise;
Yours is the hand that will crush her
Or raise her spires to the skies.

"You are your country's keeper,
And yours forever the blame
If the finger of scorn be pointed
At a country sunk in shame.

"Yours is the hand that will guide her,
And yours forever the praise
If she girds herself with a glory
That shall last through the length of days."

Imbued with the spirit of this guardianship, to whom and for what do we look for our inspiration?

The first distinguishing attribute of the American character should be that he believe in and have faith in that precious document—that American Rock of Gibraltar—the Constitution of the United States of America. His heart must beat in accord with those who have given their lives for the principle that all men are created equal under the law. Closely allied with the jealous guardianship of the Constitution, he must respect and obey the mandates of the laws of our land. In that connection, it is a sad thought that throughout our country we find many people who seemingly believe that they are at liberty to establish their own code of laws and accept only that portion of the law of the land which suits their individual ethics. There are those who are prone to condemn the law, the courts, and the representative law-making bodies which they themselves have had the opportunity of helping to select. Without sounding a note of warning, let me call the attention of this class of our citizens to the fact that no nation has long sustained after it has fallen into disrespect or disregard of its governing rules. Condemn them as they may, no other country has ever existed where the courts were so unsullied, where the laws were so equitable or just, and where the law-making bodies were so free from justifiable criticism, as our own. We are blest as no other country has ever been blest with the highest national attainments and the best form of government that the world has ever known. If there are those within our borders who can point to a better country, with a higher national thought or more just or liberal rules of Government, we are willing to say to them, "Good-by and Godspeed."

ABRAHAM LINCOLN

In searching for a composite figure of history in whom we may find the truest embodiment of our ideals, the hearts and minds of the American people turn intuitively to that beacon light of love and liberty, the "Rail Splitter of the Sangamon," the Great Emancipator, law lover and lawgiver, our martyred Abraham Lincoln.

Through his faith in our Bill of Rights, which he realized had been won, not only by the footsore soldiers of Valley Forge, but through a long, sacrificing fight of a liberty-loving people, we find in him the embodiment of honor and honesty, sympathy and understanding, tenderness and tolerance, a fair and fearless man among men.

We have enshrined in our hearts this champion of liberty as our ideal of the true "American character."

He left to the world a few axioms of life which make us all closer akin. When he said, "Die when I may, I want it said that I always plucked a thistle, and planted a flower, where I thought a flower would grow," he was thinking of the thistles of life which beset the lives of all mankind. He was thinking of the sadness and sorrow, the discouragements and disappointments which come to humankind. He was thinking of the consoling happiness which comes from making the pathway of our fellowman a little happier. He was thinking of the times when his heart ached for the flowers which surrounded other men, while, seemingly, only the thistles of life confronted his outlook to the attainment of his ambitions.

Some neighbor of ours over in the sunflower State, whose name I never knew, has reembodied that beautiful thought into verse:

"I'd like to be able to lighten the load
For every poor soul I meet on the road.
I'd like to be able to dispel all the gloom
And fill every life with the sweetest perfume,
So when my time comes, and my boat draweth near
They will whisper to loved ones: 'My friend lieth here.'

"I'd like to take part in God's mighty plan
And make the world better than when I began.
I'd like to fill some definite place
And help and encourage the whole human race.
So when the clods of the valley shall fall on my bier,
They shall echo to heaven: 'God's man lieth here.'"

Let us make that our creed. We shall not have to look far each day to find an opportunity of lightening the load for some one. We will find a thistle to pluck and a flower to plant. We will find a place where the flower will grow. Men like you, great strong, successful men of the world, will find that all around you there are young men beset by the thistles of life; young men who are at the turning of the road, who are fighting the losing fight, who need your hand to pluck from their lives the thistles of discouragement and fear and emplant there the flowers of hope and courage.

We can but gather strength when we contemplate further this great American hero, as reflected in his standard of life as he left it to us in such well-condensed statements as the following:

"It adds nothing to my satisfaction to know that another man has been disappointed.

"I say try! If we never try, we never succeed.

"I am not bound to win, but I am bound to be true—I am not bound to succeed, but I am bound to live up to what light I have.

"I must stand with anybody that stands right; stand with him while he is right and part with him when he goes wrong.

"Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built.

"He sticks through thick and thin. I admire a man like that."

Abraham Lincoln was not only a statesman, but a politician. He believed in certain political policies, and he courageously gave them to the world.

If any man believes that any particular policy will bring greater happiness to the people than some other policy, it is his duty to advocate it.

I can see the towering figure of a mighty man carrying high the banner of a new political party. I can read the undying truths of the faultless logic emblazoned thereon; truths which were to guide our Ship of State over the uncertain seas of greenbackism, 16 to 1, and free trade, into that safe harbor of sound judgment and America for Americans.

Many political platforms have been written since that first giant of the Grand Old Party stripped himself for battle on the political arena, carrying that banner. Embodied in all of them I find nothing more self-serving to the American people than his terse statement that "if we buy our steel rails in Europe, we will have their rails and they will have our money; but if we produce the rails in America, we will have both the rails and the money."

Republicans and countrymen, are you not proud of the record which the disciples of that truth have made in bringing happiness to our country and our homes?

Time permitting, I should like to recite many of the accomplishments attained. Suffice it to say that whenever we adhere to that Republican doctrine of the protective tariff we are a prosperous Nation. When we depart from it, we immediately find ourselves in competition with the miserable peons of the poverty-ridden nations of the earth.

I have been hearing that there are those who are now proposing to reduce our tariff schedules.

If we would know the future, we have but to read the past. Armed with the disastrous record of our free-trade brethren, we are wont to exclaim to these tariff-tinkering statesmen, "Spare that tree; touch not a single bough. In adversity it has sheltered us, and we'll protect it now."

Everything I possess is invested in land. I am as interested as any man in the prosperity of the American farmer. We are always hoping for better prices. I wish I knew just how to arrange a perfect system of cooperative marketing. I wish I knew how to stabilize the prices of that which the American farmer produces. I am not sure how to bring about better conditions for the farmer, but I know for sure how we could bring about real disaster, and that would be by reducing the tariff schedules.

A sheriff had completed a scaffold in contemplation of an execution. He generously permitted the intended victim to inspect the contraption. After a somewhat exhaustive examination, the sheriff inquired concerning the prisoner's opinion of the same, to which the gentleman who was to become the central figure of the performance replied, "The blooming thing looks dangerous to me."

The reduction of our tariff schedules generally would not only look dangerous, but would almost immediately close every factory, mine, and mill in America.

It is well for us as a party, as well as a people, to take inventory once in a while. Without stopping to comment upon the many illustrious leaders who have held that banner high in hand, without stopping to comment upon the splendid record of our party's constructive achievements, let us review recent accomplishments.

Coming out of the World War the American people stood staring and stunned by the stupendous and ever-increasing national debt. They knew that history tells a brutal story of what happens to any nation when the people thereof lose faith in the stability of their national exchequer. They stood at the parting of the ways seeking guidance. Then, as of one accord, they accepted the direction of that kindly, friendly hand of the grand old party.

In "taking stock" let us begin with that day when the confiding people of our country once again turned over the business management of our Government into that guiding hand. That day we accepted the responsibility and stand charged with it.

We gave our leadership into the keeping of a great, patriotic American. Although he was immediately beset by an adversity of conditions and was preyed upon by those unworthy to even touch the hem of his garments, I thank God for the noble life of the man who came to us in that uncertain hour. Crushed by an overwhelming burden, he gave his life in a heroic effort to bring order out of chaos—generous, self-sacrificing, loving, and loved, Warren G. Harding.

I resent the cowardly weaklings who would not have dared look into that confiding countenance in life, but who, now that his lips are sealed in martyred death, attempt to besmirch his name.

I thank God for another great American who gathered from Harding's fallen hand his parchment of safe and sane statecraft. I refer, of course, to our cool, calculating, conservative Calvin Coolidge.

On the pages of that parchment were written a pledge to reduce our haunting national debt; to reduce needless governmental expenditures; to reduce Federal taxes and to restore confidence.

The pages of the ledger tell how faithfully that pledge has been kept. Our national debt has been reduced more than $5,000,000,000. The running expenses of the Government have been reduced $2,000,000,000 a year. Federal taxes have been decreased from $54 to $27 per person.

While the peoples of all the other governments on earth are in economic and social chaos, the people of our country are clothed, housed and fed as no other people ever were before. We are riding while the people of the rest of the world are walking—walking, and pulling a load.

Not perfect; not without effort to improve; not boasting; but always proud in accomplishment and sincere in purpose, we come to you once more, and, with the same sentiment expressed by another great American hero, we exclaim, "Abraham Lincoln, we are here!"

## OIL AND GAS LEASES UPON UNALLOTTED LAND WITHIN EXECUTIVE-ORDER INDIAN RESERVATIONS

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the oil-leasing bill passed yesterday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MORROW. Mr. Speaker, under leave granted to extend my remarks upon the oil and gas leasing bill, I wish to explain my position upon this legislation which passed the House February 23, 1927, and has for its purpose the leasing of all remaining Indian land upon Executive-order Indian reservations for oil and gas. This law at this time affects my State more than any other State involved, as New Mexico is apparently the only State now producing oil on lands which come under the provisions of this act. Before the discussion of this matter I was promised by the gentleman from Arizona [Mr. HAYDEN] time to discuss this legislation. Due to the limited allowance of time permitted for discussion, I was deprived of the opportunity of saying anything concerning the purpose of the act. I therefore extend my remarks upon this very important legislation, which tends to deal in behalf of the Indians of my State, with the leasing of the oil upon their Executive-order lands, and all the other States where Executive-order Indian lands are located.

I favored the passage of this legislation in order that the development of this oil wealth may proceed for the benefit of the Indians and also that the State might derive benefit therefrom.

The legislation is for the purpose of placing 22,500,000 acres of Indian lands, known as Executive-order lands, in the same position for future recognition as Indian treaty lands, and virtually confirming to the Indians the same rights therein to minerals found within this land as that found on other Indian lands. In fact, it establishes virtually full title to the Indians

in all their remaining Executive-order lands. This legislation had its origin in the discovery of oil upon the Navajo Treaty Reservation in New Mexico and upon Executive-order reservation in Utah. The opinion rendered by Secretary Fall, of the Interior Department, upon the appeal taken by E. M. Harrison from a decision by the Commissioner of the General Land Office, dated January 14, 1922, concerning the right for a prospecting permit under section 13 of the act of February 25, 1920 (41 Stat. 437), for a tract of land included in the Executive-order land of the Navajo Reservation situated within the State of Utah. The decision of the Secretary was:

Lands withdrawn from the public domain by Executive order for the use of the Indians are lands "owned by the United States" within the purview of that term, as used in the act of February 25, 1920, and may be included within an oil and gas prospecting permit under section 13 thereof.

To hold otherwise would result in defeating the very purpose of the act of February 25, 1920, for the Indians can not lease the lands, as their right to lease is specifically limited to lands bought and paid for; and if they are not subject to lease under the general provisions of the leasing act, then there is no other form of disposition permissible, and further legislation for the development of mineral resources upon this character of lands owned by the United States would be required.

In the view of the department no such condition was contemplated by Congress in the passage of the leasing act. For the reasons herein set forth it is the opinion of the department that the term "Indian reservations," as used in the departmental regulations of March 11, 1920, should not be construed to include lands within Executive-order Indian reservations, and it is the further view of the department and it is held that the mineral deposits, beneath the surface of such lands, specifically enumerated in the provisions of the act of February 25, 1920, are subject to lease by the department under the provision of that act.

This opinion of Secretary Fall was upheld by the United States District Court of Utah, Tillman D. Johnson presiding. (Case No. 8288E.) The language of the court in deciding the case follows:

This case, gentlemen, as indicated a moment ago, seems to have been brought by the Attorney General to cancel permits granted by the Secretary of the Interior pursuant to the leasing act, on the ground not that the Secretary of the Interior did not have authority to issue permits under the act but that he had no authority to issue permits upon this particular piece of land. The land it is claimed was set apart by Executive order for Indian purposes, but it does not appear that any Indian rights have attached. It is as much in the future, so far as the Indians are concerned, as it was on the 17th day of May, 1884, the day the order was made. The title, both legal and equitable, continued and was in the Government at the time this permit was issued. That being true, the Executive order could have been set aside at any time, could be set aside yet by the Executive.

My impression is, gentlemen, that the Secretary of the Interior could have set it aside under the authorities, and especially so in view of the leasing act wherein he is specifically given authority under certain rules and regulations to issue permits upon Government land.

The equities are all in favor of the defendant.

Mr. WILLIAMS. May I consider that a decree entered in this case dismissing the bill?

The COURT. That will be the end of this case, yes; decree will be entered dismissing the bill; that will be the decree.

Order filed and made a part of the record.

An appeal was later taken to the Circuit Court of Appeals, No. 872, October term, 1925, as follows:

1. Was there authority in the Secretary of the Interior to issue, under the provisions of the leasing act of February 25, 1920 (41 Stat. L., 437, 441, Comp. Stat. 1923 Supp. sec. 4640¼ss) the permit which the United States now seeks to have canceled in this suit?

If this question be answered in the negative, we ask:

2. Can this suit be maintained by the United States in equity to cancel the permit, it having been issued upon formal hearing by the Secretary of the Interior, no claim of fraud or bad faith being made, and the Government having brought no action to cancel the same for 1 year, 10 months, and 9 days after its issuance, appellees Midwest Oil Co. and Southwest Oil Co., at that time having expended over $200,000 in developing the property for oil, which to them is a total loss if the permit is canceled?

These questions of law are by the United States Circuit Court of Appeals for the Eighth Circuit hereby certified to the Supreme Court in accordance with the provisions of section 239 United States Judicial Code.

The case pending there now will no doubt be dismissed by the enactment of this legislation.

The Attorney General of the United States did not agree with the former Secretary of the Interior, nor with the decision of the United States District Court of Utah as to the holding that the lands under Executive order to the Indians gave no title.

He ruled:

The important matter here, however, is that neither the courts nor Congress have made any distinction as to the character or extent of the Indians' rights as between Executive order reservations and reservations established by treaty or act of Congress. So that if the general leasing act applies to one class there seems to be no ground for holding that it does not apply to the others.

You are therefore advised that the leasing act of 1920 does not apply to Executive-order Indian reservations.

In connection I cite the case of the United States against Minnesota (Supreme Court of the United States):

Lands which have been appropriated or reserved for a lawful purpose are not public and are to be regarded as impliedly excepted from subsequent laws, grants, and disposals which do not specially disclose a purpose to include them.

If the above opinion should be followed in this case pending this legislation now enacted settles the rights of the Indians.

This matter being in dispute between officers of the Government who permitted various citizens and corporations to file and lease, under the act of February 25, 1920, upon this land. The officers of the Government permitted, what has been variously estimated, some 400 filings and some 20 permits within the lands included in this bill, much development in prospecting for oil, building of roads, making geological surveys, and in refilings, court procedure, and otherwise trying to protect their rights therein as granted by the Government officials; so that now the development of the oil resources upon the land is at a standstill and requires legislation to permit development. There are, perhaps, some 100 filings that should be permitted to go ahead under the terms of the act of February 25, 1920.

This legislation has aroused much alarm, due to the statement made that the big corporations are going to have a monopoly in the production of the oil on the land and will increase their wealth many millions of dollars. I will admit that this may be true, but I want to say it is true not only of this legislation, but of all legislation which is enacted for development of oil and gas, because the expense is so great that it requires large capital for development which the individual with small means does not have and therefore would have but little opportunity for success with such projects.

Careful attention in the sale of leases upon the land should be given by the department of Government having in charge sale of same. In my opinion the large companies which are to-day practically in one great pool will only bid the minimum premium to secure the lease of this land.

The Indian has really been receiving more money in the oil development than is good for him. In fact, the guardianship over the Indian has left him as feeble and ignorant in his business affairs with the world as he was 150 years ago.

It will never be changed until the Indian is taught or forced to get down to that essential of civilized life, and taught that he must properly utilize the returns from his income. It is only too true that with wealth he is no match for his white competitor. My opinion is that the Indian must feel the pangs of necessity before he will start to build his race to self-sustainment.

Much of the propaganda concerning Indian distress is wrong. It is true he needs protection and uplift of the proper kind and less foolish sympathy.

Whether this legislation is right and will be carried out for the Indian welfare by the best possible method will entirely depend upon that branch of government which deals with the Indians and acts as their guardian. Their benefit depends upon the honesty, integrity, and ability of the Secretary of the Interior and his Commissioner of Indian Affairs.

My desire is to have the Indians receive the greatest benefit possible from this legislation; that they be brought as soon as possible to have an intelligent view of government as citizens, and that the real rights of citizenship be adopted by them, contributing to and sustaining the institutions of government.

I further desire that the rights of all those who filed in good faith and expended money toward development be permitted to go forward under a liberal construction of this act. I see no dynamite in the bill, as some have so pictured it. I believe in honest, fair, and just legislation, and if the department will stand squarely by proper rules and regulations, this law can be so administered successfully for the great benefit of the Indian people.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment House bills of the following titles:

H. R. 14831. An act to amend section 107 of the Judicial Code;

H. R. 15822. An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.;

H. R. 16024. An act to amend the act entitled "An act granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.," approved March 3, 1925, and to extend the time for the construction of the bridge authorized thereby.

H. R. 16104. An act to amend the act entitled "An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River," approved March 31, 1926;

H. R. 16105. An act to amend the act entitled "An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River," approved March 31, 1926;

H. R. 16116. An act granting the consent of Congress to the Henderson Bridge Co., its successors and assigns, to construct, purchase or lease, maintain, and operate a bridge across the Kanawha River at or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16165. An act granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to reconstruct the bridge across the Grand Calumet River at Burnham Avenue, in said county and State;

H. R. 16649. An act to extend the time for construction of a bridge across the Susquehanna River in Northumberland and Snyder Counties, State of Pennsylvania;

H. R. 16773. An act to amend an act entitled "An act authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 16778. An act to extend the times for the construction of a bridge across the Mississippi River at Alton Ill., and across the Missouri River near Bellefontaine, in Missouri;

H. R. 16887. An act granting the consent of Congress to George A. Hero and Allen S. Hackett, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 16954. An act granting the consent of Congress to the city of Blair, in the State of Nebraska, or its assignees, to construct a bridge and approaches thereto across the Missouri River between the States of Nebraska and Iowa;

H. R. 16971. An act granting the consent of Congress to the South Carolina and Georgia State highway departments, their successors and assigns, to construct, maintain, and operate a bridge across the Savannah River;

H. R. 17131. An act authorizing the construction of a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; and

H. R. 17181. An act to extend the time for constructing a bridge across the Rainy River, approximately midway between the village of Spooner, in the County of Lake of the Woods, State of Minnesota, and the village of Rainy River, Province of Ontario, Canada.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5028) entitled "An act for the promotion of certain officers of the United States Army now on the retired list."

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. 4305) to authorize the sale, under the provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. REED of Pennsylvania, Mr. GREENE, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled Senate bills and Senate joint resolution of the following titles, when the Speaker signed the same:

S. 2141. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes;

S. 2615. An act to amend paragraph (1) of section 22 of the interstate commerce act by providing for the carrying of a blind person, with a guide, for one fare;

S. 4893. An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations;

S. 5671. An act to amend paragraph (c) of section 4 of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924;

S. 5699. An act relating to the admission of candidates to the Naval Academy; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the reunion of the United Confederate Veterans, to be held at Tampa, Fla., in April, 1927.

COMMITTEE ON ENROLLED BILLS

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 11064. An act for the relief of R. W. Hilderbrand; and

H. R. 15547. An act to authorize appropriations for construction at military posts, and for other purposes.

RECESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House stand in recess until 8 o'clock.

The SPEAKER. The gentleman from Connecticut asks unanimous consent the House stand in recess until 8 o'clock. Is there objection?

Mr. HILL of Maryland. Reserving the right to object, is there anything to be taken up besides the Private Calendar?

Mr. TILSON. Under the special order nothing can be taken up except the Private Calendar.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Accordingly (at 5 o'clock and 26 minutes p. m.) the House stood in recess until 8 o'clock.

## EVENING SESSION

The recess having expired, the House was called to order by Mr. CHINDBLOM as Speaker pro tempore.

HORACE G. KNOWLES

Mr. UNDERHILL. Mr. Speaker, I submit for printing under the rule the conference report on the bill (S. 978) for the relief of Horace G. Knowles.

The SPEAKER pro tempore. Ordered printed under the rule.

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 House to the bill (S. 978) for the relief of Horace G. Knowles, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recedes from its disagreement to the amendment of the House, and agrees to the same.

CHARLES L. UNDERHILL,
BIRD J. VINCENT,
JOHN C. BOX,
*Managers on the part of the House.*

RICE W. MEANS,
ROBT. N. STANFIELD,
THOMAS F. BAYARD,
*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 (S. 978) for the relief of Horace G. Knowles, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment of the House reduces the amount from $7,296.49 to $1,666.67.

CHARLES L. UNDERHILL,
BIRD J. VINCENT,
JOHN C. BOX,
*Managers on the part of the House.*

THE NATIONAL TRIBUNE

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I wrote a letter to General Clem, in charge of the National Tribune, to find out whether he is collecting money from the old Federal soldiers in respect to these petitions. I have his letter in reply. I would like to put my letter and his reply in the RECORD. I ask unanimous consent to do that.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The matter referred to is as follows:

HOUSE OF REPRESENTATIVES,
*Washington, D. C., February 5, 1927.*

Mr. JOHN L. CLEM,
*Vice President National Tribune,*
*P. O. box 1803, Washington, D. C.*

MY DEAR MR. CLEM: I have your favor of the 1st instant.

Quite a serious charge has been preferred against your publication by Congressman TREADWAY, of Massachusetts, who claims that you are collecting money from veterans and their friends in connection with your sending out blank forms of petitions to be signed and you submitting same to Members of Congress thereafter.

I would like for you to please answer the following questions definitely and without evasion:

First. Are you collecting any money from any veterans or their friends?

Second. If so, from them in how many States have you collected money?

Third. What is the total amount that you have collected from each State, giving the State and amount?

Fourth. Give me the names and addresses of all parties in the State of Texas from whom you have collected any money and the amounts, respectively, collected from them.

Very sincerely yours,

THOMAS L. BLANTON.

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(John McElroy, acting president; Hays Haymaker, secretary; D. L. Rice, treasurer; John L. Clem, W. L. Mattocks, John Lewis Smith, vice presidents.)

NATIONAL TRIBUNE,
*Washington, D. C., February 11, 1927.*

"To care for him who has borne the battle and for his widow and orphans." (Abraham Lincoln.)

Hon. THOMAS L. BLANTON,
*House of Representatives, Washington, D. C.*

MY DEAR MR. BLANTON: I have your letter of the 5th instant.

Replying to your inquiry, would say that the National Tribune is not soliciting or receiving any contributions or donations in connection with sending out blank forms of petitions nor for personal service rendered veterans and widows, whether subscribers or nonsubscribers. The National Tribune is soliciting subscriptions to this publication. The subscription rate is $2 per year. This is the regular subscription rate established in 1919.

The National Tribune has a nation-wide circulation. With the exception of the American Legion Monthly, the official organ of the American Legion, it has the largest circulation of any veteran publication. The National Tribune was established in Washington nearly 47 years ago, and while it is not the official organ of any veteran society, has generally been recognized as the mouthpiece of the veterans of the Civil War and the Spanish-American War.

The National Tribune, at its own expense, without donations or contributions, has mailed blank petitions to approximately a quarter million veterans and widows who are interested in securing for themselves a "living pension."

While a meager increase of pension was granted to some Civil War veterans by the act of July 3, 1926, only about 1 in 12 of the Civil War widows received any benefit under that act. The increase granted to widows benefited only those who had been married to soldier husband prior to or during his service in the Civil War. A widow married the day after soldier husband's discharge is barred from increase under the act of July 3, 1926.

The Invalid Pension Committee of the House during the first session of the Sixty-ninth Congress unanimously reported a bill that would have given a $72 rating for all surviving veterans and for those widows married prior to 1915 a $50 rating. We quote from the report of the Committee on Invalid Pensions, as follows:

"The committee regards this bill as an emergency measure that should be promptly passed, in fulfillment of the obligation the Nation owes to the old veterans whose heroic service and sacrifices in the Nation's defense made forever secure the Union of the States and the perpetuity of the Republic.

"Whatever more is to be done for these old veterans and widows must be done soon. They are fast passing to their reward, where a grateful Nation can do no more to pay the debt it owes to them."

The report of the operations of the Bureau of Pensions shows that 18,556 Civil War veterans died during the year 1926 and that 22,115 Civil War widows died during the same period. You will realize from these figures that any Civil War pension bill is in reality an "emergency measure."

Not only are the veteran organizations aroused to the inadequacy of the act of July 3, 1926, but the voters in general feel that justice has not been done, as evidenced by their signatures on these petitions.

From your own personal experience you must realize how difficult it is to get action on any bill, no matter how meritorious.

You will recall the difficulty encountered in securing a chance to vote on the Spanish War bill last spring, despite the fact that Congress to a man favored it.

More recently you have encountered difficulties in bringing to a vote the bill which would grant relief to Indian war veterans. There is no class more deserving than these Indian war veterans, "The Winners of the West." There is no class that has been more neglected than Indian war veterans and the Indian war widows, and you say these have been discriminated against in pension matters.

The Civil War veterans and widows face the same condition of inaction in Congress.

The National Tribune is circulating petitions to bring to the attention of each Member of Congress the overwhelming sentiment in his own district for the enactment of a bill that will grant adequate relief, especially to those Civil War widows who received no benefit under the act of July 3, 1926.

Those petitions have been circulated at the expense of the National Tribune and not from funds derived from contributions or donations.

It would appear from Mr. TREADWAY'S speech that there is one Civil War widow in his district who has subscribed several years in advance.

The National Tribune has on its mailing list quite a number, both veterans and widows, who have subscribed for several years in advance. In case of the death of the subscriber, the paper is mailed to the member of the family notifying us of the death.

During our years of publication there have been thousands of cases where, on death of the veteran, the subscription has been continued by the widow, and, on her demise, by a son or daughter whose interest in the paper and what it is trying to accomplish has been maintained.

Again referring to your query we repeat that the National Tribune is neither soliciting nor accepting contributions or donations.

The National Tribune has on its subscription list a number of Civil War, Indian war, and Spanish-American War veterans and widows residing in Texas. If you would like a copy of the Texas subscription list, we would be glad to furnish same to you.

Yours most respectfully,

JNO. L. CLEM.

The SPEAKER pro tempore. Under the special order the session will be devoted to bills on the Private Calendar to which no objection is offered, beginning with the star number. The Clerk will report the first one.

THE COAST GUARD

The first business in order on the Private Calendar was the bill (S. 4287) amending section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes."

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes," be amended by adding thereto the following proviso:

"*Provided further*, That commissioned officers Daniel P. Foley, Francis M. Dunwoody, Howard M. Broadbent, Frank H. Newcomb, and Horace B. West shall have the rank of commodore on the retired list without any increase of pay by reason of the passage of this act."

The SPEAKER pro tempore. The question is on the third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CAPT. REGINALD ROWAN BELKNAP, UNITED STATES NAVY, RETIRED

The next business on the Private Calendar was the bill (H. R. 16703) authorizing the President to appoint Capt. Reginald Rowan Belknap, United States Navy, retired, a rear admiral on the retired list of the Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, with the understanding that the suggestion made by the Secretary of the Navy will be carried out by way of amendment, there will be no objection from me. He recommended certain amendments. I do not know whether they are put in the bill or not.

The SPEAKER pro tempore. Is there objection?

Mr. ANDREW. Mr. Speaker, my colleague [Mr. BURDICK], who introduced the bill, is not here, but I can say that the bill reported out has the approval of the Secretary of the Navy.

Mr. VINSON of Georgia. I can state, if the gentleman from Texas will yield, that the bill is reported to the House without any amendments appearing in the bill. If there are any amendments suggested by the Secretary of the Navy, I am satisfied they are embodied in the bill as reported to the House. This bill has the approval of the department.

Mr. BLANTON. Is it the only bill that the Secretary of the Navy made any report on? Is it the bill No. 15291? This bill, reported by the committee, is No. 16703. I would like to have some assurance that this bill, H. R. 16703, is identical with the bill H. R. 15291, with the suggestions of the Secretary of the Navy incorporated therein.

Mr. TREADWAY. Is not that the reason? It bears a later number.

Mr. BLANTON. I was trying to find out.

Mr. VINSON of Georgia. The bill H. R. 16703 has the approval of the department. I do not know what improvements the Secretary of the Navy suggested as to another bill, but I can state that this bill has the approval of the department.

Mr. ANDREW. The Secretary recommends in his letter that the word "in" be inserted after the word "increase."

Mr. BLANTON. I am not captious, but I think when a committee has a report from the Secretary of a department they should put it in their report. This bill was introduced on January 26. It was reported January 27. The committee report is dated January 27, and yet the only report that appears in this committee report from the Secretary of the Navy is dated January 11.

Mr. VINSON of Georgia. That is the Secretary's letter to the committee.

Mr. BLANTON. Is this bill reintroduced in compliance with the suggestion made by the Secretary?

Mr. VINSON of Georgia. I can not answer that accurately, but I know this bill has the approval of the Secretary, and that is the testimony of the witnesses.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That in recognition of the exceptionally meritorious service of Capt. Reginald Rowan Belknap, United States Navy, retired, in command of Mine Squadron 1 of the mine force during the operation of laying mines in the North Sea, and for his excellent work in connection with the equipping of these ships for mine-laying duty, the President is hereby authorized to appoint him, by and with the advice and consent of the Senate, a rear admiral on the retired list of the Navy: *Provided*, That no increase nor back pay or allowances of any kind shall accrue as a result of the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

WILLIAM W. GREEN

Mr. TUCKER rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Virginia rise?

Mr. TUCKER. To ask unanimous consent that Calendar No. 649, the bill S. 2139, which was objected to at the last time, be returned to.

The SPEAKER pro tempore. Does the gentleman ask to go back of the star?

Mr. TUCKER. Yes. This bill was objected to by the gentleman from Texas [Mr. BLANTON]. He has withdrawn his objection. I ask unanimous consent to take it up.

The SPEAKER pro tempore. The Chair would state that the unanimous-consent order reads:

On motion of Mr. TILSON, by unanimous consent,

*Ordered*, That on Thursday, February 24, 1927, not later than 6 o'clock p. m., it shall be in order to move that the House stand in recess until 8 o'clock p. m., at which time it shall be in order to consider unobjected bills on the Private Calendar, beginning where the last call was ended.

I do not think that would prevent a return.

Mr. UNDERHILL. I would suggest, if we can get out of the jam and finish the calendar, we can return to this.

Mr. TUCKER. I have conferred with the leader on the other side.

Mr. BLANTON. The gentleman from Idaho is in exactly the same situation here. He wants to ask unanimous consent to return to another bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia to return to Calendar No. 649?

There was no objection.

The SPEAKER pro tempore. Is there objection to the consideration of the bill S. 2139?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War is authorized and directed to pay to Warrant Officer William W. Green, out of any appropriation now or hereafter available for "pay, etc., of the Army," the sum of $7,897.80, to reimburse him for pay, for additional pay to officers for length of service, for rental allowance, and for subsistence allowance, withheld on account of absence from his post of duty from January 1, 1923, to September 15, 1925, such absence having been caused by his arrest, conviction, and confinement in the State of North Carolina for an offense against such State, for which he has been unconditionally pardoned by the Governor of North Carolina.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DISBURSING AGENTS OF THE BUREAU OF RECLAMATION

Mr. SMITH. Mr. Speaker, I ask unanimous consent to return to the consideration of H. R. 14567, a bill authorizing the Comptroller General of the United States to allow credits to disbursing agents of the Bureau of Reclamation, Department of the Interior, in certain cases, which was considered at the last meeting and objected to by the gentleman from Texas [Mr. BLANTON], who later read the report and withdraws his objection.

The SPEAKER pro tempore. The gentleman from Idaho asks unanimous consent to return to the consideration of H. R. 14567, Calendar No. 657. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That any funds available for the construction of the American Falls Reservoir, Minidoka Federal irrigation project, Idaho, whether appropriated by Congress or contributed by water contractors participating in the construction of that reservoir for expenditure by the United States, shall be available for payment for damages for the removal of improvements from the right of way acquired for said reservoir; and the Comptroller General of the United States is hereby authorized and directed to allow payment of same, or to allow credit in the accounts of any disbursing agents of the Bureau of Reclamation, Department of the Interior, for the payment of any or all of said damages when made on properly executed vouchers, and under contracts made between the respective owners of such improvements and the United States, as follows:

Allen Oil Co., $1,000; Minnie Adolf, $400; William Bartel, $520; Boise Payette Lumber Co., $550; Evans Mercantile Co., $9,500; Bert Hager, $150; John F. Kosanke (guardian of Harold J. Kosanke, a minor), $150; J. A. McCool, $125; J. P. Mehlhaff, $300; Power City Garage, $2,850; and the Power County Fair Association, $2,400.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

JENNIE WYANT

The next business on the Private Calendar was the bill (H. R. 15197) for the relief of Jennie Wyant.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I want to ask a question about this bill. Of course, this ought to be paid. This lady had her leg broken but the hospital charges seem to me to be ridiculously high.

Mr. HOOPER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HOOPER. We went over the matter of the hospital charges very carefully in the committee. Of course, we had to use the proof we had about the matter before the committee, and it seemed there was no doubt about the amount charged by the hospital. I assure the gentleman from Texas we cut this down to the very bone and as far as we could.

Mr. BLANTON. I do not think it is cut down to the bone very much. It occurs to me that for a hospital to charge $569.50 is outrageous for treating a broken leg.

Mr. HOOPER. But the gentleman will remember that this lady was in the hospital for 61 days. She was being treated for a compound fracture of her leg. Of course, she had no control over the amount of the hospital charges.

Mr. BLANTON. Just because the Government is paying we ought not to pay a hospital that puts in a ridiculous bill for treating a broken leg. The nurse's bill is also outrageous, and from the size of the nurse's bill it would seem the person was in terrible shape. A broken leg, even a compound fracture, is not a serious matter.

Mr. HOOPER. Will the gentleman yield for one minute more?

Mr. BLANTON. Certainly.

Mr. HOOPER. I do not think the gentleman would want to deprive this lady of this payment.

Mr. BLANTON. I do not want to deprive her of anything; but I do think this is a most outrageous charge. When our children happen to have limbs broken we take them to the hospital, and then we are absolutely at the mercy of the hospital. Whatever they charge we have to pay; whatever the nurses charge we have to pay, simply because we do not want to quibble about such things. But just because the Government has to pay a bill of this kind and the money is to be taken out of the Treasury, there is no reason why a hospital should charge such a ridiculous amount as this for treating a broken leg.

Mr. HOOPER. The gentleman knows what brought about this accident?

Mr. BLANTON. I shall not stand in the way of this, but I think the committee ought to look very carefully into this kind of a claim.

Mr. HOOPER. I thank the gentleman, because this is a meritorious claim.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jennie Wyant, of Weston, W. Va., the sum of $2,500, which shall be in full satisfaction of all claims of said Jennie Wyant against the United States for damages resulting to her because of a personal injury received by her on account of a rocket which was discharged by soldiers in the military service of the United States, who were engaged in giving an exhibition at the Lewis County fair in Lewis County, State of West Virginia, September 29, 1920.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following parties the sums herein stated, which shall be in full satisfaction of all claims of said parties against the United States as a result of a personal injury received by Jennie Wyant on account of a rocket which was discharged by soldiers in the military service of the United States who were engaged in giving an exhibition at the Lewis County fair in Lewis County, State of West Virginia, September 29, 1920:

"(1) Jennie Wyant, of Weston, Va., the sum of $546.

"(2) General Hospital of Weston, Weston, W. Va., the sum of $569.50.

"(3) Frances V. Dodge, of Weston, W. Va., the sum of $384.50."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

CITIZENS' NATIONAL BANK, PETTY, TEX.

The next business on the Private Calendar was the bill (H. R. 15678) for the relief of the Citizens' National Bank, of Petty, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, Senate bill 5466 should be substituted for this bill.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that Senate bill 5466 be considered in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $1,380.83 to the Citizens' National Bank, of Petty, Tex., or its assigns, on account of unavoidable loss sustained through theft from robbery from said bank of war savings certificate stamps of the series of 1919, which said bank held as duly authorized agent of the second class for the sale of war savings certificate stamps, and which loss resulted from no fault or negligence on the part of the said Citizens' National Bank, of Petty, or any of its officers or employees.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

House bill 15678 was laid on the table.

NEW AMSTERDAM CASUALTY CO.

The next business on the Private Calendar was the bill (H. R. 2054) for the return of $5,000 to the New Amsterdam Casualty Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that the bill (S. 1787) be substituted for the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. BLANTON. Mr. Speaker, is the Senate bill identical?

Mr. LINTHICUM. It is identically the same bill.

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate bill?

Mr. HOWARD. Mr. Speaker, reserving the right to object, what is it? Will the gentleman tell us what the bill is?

Mr. UNDERHILL. Has the gentleman from Nebraska the House bill, H. R. 2054?

Mr. HOWARD. No, sir; but I have consulted my administrators here and they tell me it is all right. Let it go. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the New Amsterdam Casualty Co., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in adjustment of an equal amount heretofore received from said company in forfeiture of a bond guaranteeing the appearance in the United States District Court, Eastern District of New York, of one Antonio Cassesse, who, after the forfeiture of said bond, was apprehended, tried, and convicted.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

CHARLES A. MAYO, T. S. TAYLOR, AND FRANK HICKEY

The next business on the Consent Calendar was the bill (S. 70) for the relief of Charles A. Mayo, T. S. Taylor, and Frank Hickey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That there be paid, out of any money in the Treasury not otherwise appropriated, to Charles A. Mayo the sum of $1,120, to T. S. Taylor the sum of $90, and to Frank Hickey the sum of $90, on account of property lost by fire at the United States reclamation camp at Rimrock, Wash., May 11, 1920.

With the following committee amendment:

In line 3, strike out the words "that there be paid" and insert in lieu thereof "that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH B. TANNER

The next business on the Consent Calendar was the bill (S. 467) for the relief of Joseph B. Tanner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph B. Tanner, of Shiprock, N. Mex., out of any money in the Treasury not otherwise appropriated, the sum of $250, for reimbursement of the amount forfeited by him for nondelivery at the Navajo Springs Indian Agency, Colo., of 385 head of 2-year-old heifers of Hereford blood, and 15 bulls not less than three-fourths Hereford blood, 2-year-olds and 3-year-olds, the sum in question having been deposited by him in the form of a certified check guaranteeing the performance of his contract to deliver these animals, which check was forfeited to the Government on account of his failure to make delivery under his agreement through a misunderstanding of the true meaning and intent of his contract as between the said Tanner and the inspecting official representing the Government.

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

A motion to reconsider the vote, by which the bill was passed, was laid on the table.

MARK J. WHITE

The next business on the private calendar was the bill (S. 2242) for the relief of Mark J. White.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, reserving the right to object, why should the people's Treasury make good court costs between two private litigants?

Mr. UNDERHILL. The claimant in question was merely acting as an agent of the Government, and he had to pay the costs while protecting the Government property and the Government's rights in the case.

Mr. BLANTON. He has not paid them.

Mr. UNDERHILL. He had paid them.

Mr. ARENTZ. This man White was acting for the Government at the time, and this suit was instituted in his name and the suit was carried on. He paid the court costs as an agent of the Government and now he desires to be reimbursed for the payment he made.

Mr. BLANTON. In what way did the Government benefit in this suit?

Mr. ARENTZ. It was a suit for Government property. He was holding the property in trust for the Government. If the gentleman will read the report on the bill he will notice there is a report by Mr. Mellon, which states the case very clearly, and in my opinion this case is justified in every respect.

Mr. BLANTON. I have read Mr. Mellon's report and I call the gentleman's attention to what Mr. Mellon says about the costs not having been paid.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. In just a moment. I want to answer one at a time. Here is what Mr. Mellon says:

In view of the circumstances set forth above, and the further fact that this officer is being pressed for payment by the judgment creditor in this case, it is requested that appropriate steps be taken with a view to the introduction of a bill along the lines suggested in the accompanying draft, and your active support of such a bill will be greatly appreciated.

This would indicate that Mr. White had not paid the costs but was being pressed for them.

Mr. UNDERHILL. But the Comptroller of the Currency is demanding payment, I will state for the gentleman's information.

Mr. BLANTON. Does the gentleman from Massachusetts think the Government is liable in this case?

Mr. UNDERHILL. I have the word of the Attorney General that the responsibility of Doctor White for these costs grows out of the sole fact he was in charge of the property as an officer of the Government assigned by competent authority to such duty, and in my judgment equity requires that he should be relieved of this liability and from the payment of the costs in question.

Mr. BLANTON. Is this Mark J. White related in any way to Dr. William A. White? [Laughter.]

Mr. UNDERHILL. I think not.

Mr. BLANTON. I will withdraw the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay to Mark J. White, an officer of the United States Public Health Service, Treasury Department, the sum of $163.75, from any money in the Treasury not otherwise appropriated. Such sum represents a judgment for costs assessed against Mark J. White by the Supreme Court of the United States on December 10, 1923, in case No. 172, October term, 1923, growing out of the case of William Leather et al. *v.* White et al. for the recovery of certain real estate in the custody of the said Mark J. White as an official of the United States, said sum to be paid to the plaintiffs in the above cause, and, when accepted, to be in full settlement of this judgment.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JORDAN KIDWELL

The next business on the Private Calendar was the bill (H. R. 15487) to correct the military record of Jordan Kidwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jordan Kidwell, who was a member of Company G, Fifty-fourth Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the — day of ————: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Page 1, line 9, after the word "the" insert the word "1st," and after the word "of" insert the words "April, 1865."

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

DAVID PARRETT

The next business on the Private Calendar was the bill (H. R. 15637) for the relief of David Parrett.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of the pension laws, or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, David Parrett, who was a private in Company I, Fifth Regiment Ohio Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 5th of October, 1865: *Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN OFFICERS OF THE MARINE CORPS TO ACCEPT FROM THE REPUBLIC OF HAITI A MEDAL FOR DISTINGUISHED SERVICE

The next business on the Private Calendar was the bill (H. R. 4141) authorizing certain officers of the United States Marine Corps to accept from the Republic of Haiti "The medal for distinguished service."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL of New York. I would like to ask why these bills are not referred to the Committee on Foreign Affairs. We discussed that matter in the committee, and it seems to me the bills are wrongly referred. This is an international matter and ought to go to the Committee on Foreign Affairs. I would like to ask the chairman of the committee why his committee claims jurisdiction of these bills?

Mr. BLANTON. Reserving the right to object, I can enlighten the gentleman. The reason is there are so many of these bills where men are to receive gifts and decorations that no one committee of the House can take care of them, and therefore they have been distributing them to other committees of the House. I want to know what the policy of the Government is going to be. The framers of the Constitution wisely sought to prevent Americans from accepting decorations and presents from foreign governments. It takes an act of Congress to permit them to do it, and yet we are getting around the law. What is going to be the policy of our Government in reference to decorations and presents from foreign governments? I have had presents offered me because of work done for individuals since I have been in Congress. I would not accept them. I do not think officials of the Government ought to accept decorations and presents from foreign governments.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BLANTON. I yield the floor to the gentleman.

Mr. VINSON of Georgia. I do not care for the floor.

The SPEAKER pro tempore. The gentleman from New York has asked a parliamentary question, and the Chair would like to say that under Rule 22, section 1, Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof.

So the Member introducing the bill designates the committee to which he thinks it should be referred.

Mr. O'CONNELL of New York. Is that permitted by the rule?

The SPEAKER pro tempore. The Chair will read the rule:

Rule 22, section 1. Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof.

Mr. BLANTON. This is not a bill of a private nature. It is a bill that affects the public policy and ought to go to the Committee on Foreign Affairs. That committee did not claim it, and when they do not claim jurisdiction of a bill when it is reported the committee reporting the bill has jurisdiction.

The SPEAKER pro tempore. The Chair will state that the question of jurisdiction can always be raised before the bill is taken up for final action.

Mr. BLANTON. When a committee that has not jurisdiction reports a bill, the committee that ought to have jurisdiction waives its right.

The SPEAKER pro tempore. The Chair will state that section 2 of Rule XXII provides—

that an erroneous reference of a petition or private bills under this clause shall not confer jurisdiction upon the committee to consider or report the same.

Mr. BLANTON. The Chair will find rulings of various Chairmen that where a committee permits it to be reported and does not claim jurisdiction, it waives it rights.

Mr. HOWARD. Mr. Speaker, reserving the right to object, I have some questions that I want to ask. I have been down in Haiti. This bill says that this decoration is to be conferred by the Haitian Government. I discovered while in Haiti that there is no Haitian Government other than that which is conducted by the American marines. I know, because I have been there. I do not get that second hand. Are we going to begin a policy now of having the United States Government issue decorations to several favored officers on its own authority? The Haitian Government has no authority at all. It does not exist except as the United States marines permit it to exist. Somebody suggests that I may get into a discussion of Nicaragua before I get through, but I shall get into a discussion of Nicaragua pretty soon. I am discussing Haiti now. I wish some gentleman would kindly tell me what kind of a decoration this is. What does it look like?

Mr. DREWRY. These medals are conferred on these officers who have been assigned by the United States Government to do purely administrative work in Haiti, under a treaty which the United States Government has with the Government of Haiti. That is why the medals are being conferred. The medals are in the hands of the Secretary of the Navy.

Mr. HOWARD. Are they ribbon medals or metal?

Mr. DREWRY. I could not tell the gentleman. I have never seen them.

Mr. HOWARD. Well, let it go.

Mr. VAILE. Mr. Speaker, further reserving the right to object, are these officers retired officers?

Mr. DREWRY. I could not answer that. They were assigned to duty by this Government to the Government of Haiti and received pay from the Government of Haiti.

Mr. VAILE. Are they now retired?

Mr. DREWRY. I do not think so.

Mr. VAILE. I shall not object to this bill or others on this calendar, but I think it is a very poor practice to allow American officers prior to their retirement to accept medals or rewards from other countries.

Mr. DREWRY. My impression is that they have not been retired.

Mr. BULWINKLE. That is the reason the bill is here.

Mr. UNDERHILL. Mr. Speaker, further reserving the right to object, to-night was set apart for consideration of bills unobjected to on this calendar. I shall be obliged to call for the regular order hereafter on all these bills. This is not the proper time to discuss the bills, but it is the proper time to pass such bills as may pass the scrutiny of the Members present.

Mr. BLANTON. Mr. Speaker, the gentleman from Massachusetts surely does not want to precipitate the adjournment of the House this early to-night?

Mr. UNDERHILL. I would not deprive the gentleman from Texas from objecting to any or all of these bills.

Mr. BLANTON. What I mean is this: The gentleman knows that there is but a handful of us here, and we have come here at the sacrifice of our own convenience and pleasure to attend to this business to-night. The gentleman has got to let us find out something about some of these bills or he will precipitate an adjournment.

Mr. UNDERHILL. In spite of the gentleman's threat, it seems to me that the proper way to carry on the business is to carry it on under the rule under which we are working.

Mr. BLANTON. That is what we are doing, and the gentleman is now taking up time that ought to be devoted to the consideration of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That Lieut. Col. Douglas C. McDougal, Lieut. Col. James J. Meade, Maj. Alexander A. Vandegrift, Maj. Harry L. Smith, Capt. William H. Rupertus, and Capt. William F. Beattie, all of the United States Marine Corps, be, and they are hereby, authorized to accept from the Republic of Haiti "The medal for distinguished service" which has been tendered to each of said officers, through the Department of State, in appreciation of services rendered the said Republic of Haiti.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Chair begs the indulgence of the House in order that the RECORD may be complete in the event that the question should arise again during the consideration of these bills, and calls attention to a further observation in the Manual on page 375, as follows:

* * * a point of order is good when the bill comes up for consideration either in the House or in Committee of the Whole.

That is, a point of order upon the question of jurisdiction.

FARRAH DANE RICHARDSON

The next business on the Private Calendar was the bill (H. R. 12577) for the relief of Farrah Dane Richardson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HUDSPETH. Mr. Speaker, is there not a similar Senate bill on the Speaker's table?

The SPEAKER pro tempore. The Chair was about to inquire whether there is objection to the substitute of the Senate bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill, S. 4405.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed to accept for enlistment in the Navy, without regard to physical or other qualifications, Farrah Dane Richardson, formerly chief electrician's mate, United States Navy, in the rating held by him when last discharged therefrom, and to transfer him immediately to the Fleet Naval Reserves in that rating, and with all the benefits and emoluments thereof which he would have been entitled to receive had he been transferred thereto under the provisions of the act of August 29, 1916 (vol. 39, Stat. L. p. 589), at date of his discharge from the naval service at expiration of enlistment, August 25, 1921.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF BETHLEHEM SHIPBUILDING CORPORATION (LTD.)

The next business on the Private Calendar was the bill (H. R. 12813) for the relief of the Bethlehem Shipbuilding Corporation (Ltd.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. COYLE. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. If the gentleman will get the permission of the gentleman from Massachusetts.

Mr. COYLE. I think the gentleman from Massachusetts will not refuse.

Mr. UNDERHILL. I regret, but I must ask for the regular order.

The SPEAKER pro tempore. The regular order is demanded.

WILLIAM H. SANTELMANN

The next business on the Private Calendar was the bill (H. R. 14718) for the promotion and retirement of William H. Santelmann, leader of the United States Marine Band.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That upon application of William H. Santelmann, leader of the United States Marine Band, for retirement after 36 years' service, the President is authorized to appoint him a captain in the United States Marine Corps and place him upon the retired list of the Marine Corps with the retired pay and allowances of that rank: *Provided,* That the limitation in section 1 of the act of June 10, 1922, relative to counting service for purposes of pay for officers appointed on and after July 1, 1922, shall not apply: *Provided further,* That all active service as a musician in or leader of the United States Marine Band shall be counted in computing length of service for longevity pay purposes.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ARENTZ. Mr. Speaker, I think it is very essential that Members of this House have a chance for a few minutes on these bills if they are objected to, and unless this procedure is followed it will be necessary for me to ask for an adjournment of this House right now.

Mr. BLANTON. The gentleman has that right if he wishes to assert it.

Mr. ARENTZ. Exactly, and we are going to do so from now on.

Mr. BLANTON. The gentleman has a perfect right.

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. For what purpose does the gentleman from Nevada rise?

Mr. ARENTZ. I have said my say with regard to two or three minutes' discussion on these bills. I think it is very essential.

COMMANDER ROBERT E. TOD

The next business on the Private Calendar was the bill (H. R. 14926) to authorize Commander Robert E. Tod, United States Naval Reserve, to accept from the French Government the brevet and insignia of "Commandeur de la Legion d'Honneur."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I make the point of order this bill has been improperly referred to the Committee on Naval Affairs when it should have gone to the Committee on Foreign Affairs, and I do that to get a specific ruling from the Chair, so we will have a precedent from now on.

Mr. VINSON of Georgia. Mr. Speaker, in regard to the point of order, the custom has been from time immemorial to refer all bills seeking to permit officers of the marine or naval forces to receive medals, and so forth, to the Committee on Naval Affairs and officers of the Army to receive medals from other governments to the Committee on Military Affairs. Now, if the Naval Affairs Committee has not jurisdiction, we are not so anxious to consume our time in investigating these cases. It has been the practice in the past for this kind of legislation to be referred to those two committees. If the Foreign Affairs Committee has jurisdiction, we would be glad to know, so that we can be relieved of that responsibility.

Mr. BLANTON. Mr. Speaker, I will not embarrass the Chair to pass upon the point, but, reserving the right to object for a second, I am one American who wants the French Government to understand that we do not want anything they have got except the money they owe us, and I do not want to see an American accept a decoration from the French Government until they make some attempt to pay their honest debts. I object to this bill.

CAPT. THOMAS L. JOHNSON, UNITED STATES NAVY

The next business on the Private Calendar was the bill (H. R. 15482) granting permission to Capt. Thomas L. Johnson, United States Navy, to accept a brevet and medal of the French Legion of Honor, tendered by the President of the French Republic.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next one.

REAR ADMIRAL ALBERT P. NIBLACK, UNITED STATES NAVY, RETIRED

The next business on the Private Calendar was the bill (H. R. 15916) to authorize Rear Admiral Albert P. Niblack, United States Navy, retired, to accept certain decorations from the Principality of Monaco and from the Kingdom of Denmark.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That Rear Admiral Albert P. Niblack, United States Navy, retired, be, and he is hereby, authorized to accept from the Principality of Monaco the decoration of "Grand Officer of the Order of St. Charles" and from the Kingdom of Denmark the decoration of "Commander of the Order of Daneborg," which have been tendered said officer, through the Department of State, in appreciation of services rendered by him in his official capacity as director of the International Hydrographic Bureau.

The SPEAKER pro tempore. The Chair desires to inquire if the word "Daneborg" at the beginning of line 8 is correctly spelled? If not, the proper correction will be made. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

ACCEPTANCE BY CERTAIN NAVY OFFICERS OF DECORATIONS FROM PERU AND ECUADOR

The next business on the Private Calendar was the bill (H. R. 15928) to authorize certain officers of the United States Navy to accept from the Republic of Peru decoration and diploma of the Order of the Sun and from the Republic of Ecuador decoration and diploma of the Estralla Abdon Calderon.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That Rear Admiral William C. Cole, of the United States Navy, be, and hereby is, authorized to accept from the Republic

of Peru the decoration and diploma of Grand Officer of the Order of the Sun, and from the Republic of Ecuador the decoration and diploma of the Estralla Abdon Calderon, first class; that Capt. Harry K. Cage, of the United States Navy, be, and hereby is, authorized to accept from the Republic of Peru the decoration and diploma of commander of the Order of the Sun, and from the Republic of Ecuador the decoration and diploma of Estralla Abdon Calderon, first class; and that Commander John F. Shafroth and Commander Marshall Collins, both of the United States Navy, be, and hereby are, authorized to accept from the Republic of Peru the decoration and diploma of officer of the Order of the Sun, and from the Republic of Ecuador the decoration and diploma of the Estralla Abdon Calderon, second class, which have been tendered to each of said officers through the Department of State on the occasion of the visit of the U. S. S. *Birmingham* to the said Republic of Peru and the said Republic of Ecuador in the month of May in the year 1923.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ACCEPTANCE BY NAVY OFFICERS OF DECORATIONS BY GREECE

The next business on the Private Calendar was the bill (H. R. 15981) to authorize certain officers of the United States Navy and Marine Corps to accept certain decorations conferred upon them by the Government of Greece.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, in reading this bill over hurriedly I am not sure whether it embraces all the officers in the Army and Navy and Marine Corps or not. But if there are any officers in the Army, Navy, or Marine Corps who have not yet been decorated by some foreign government, I hope the Sergeant at Arms will notify them, and have them come in and be decorated. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the following-named officers be, and they are hereby, authorized to accept from the Government of Greece the decorations mentioned below after their respective names, which decorations have been tendered to each of these officers, through the Department of State, in appreciation of services rendered the said Government of Greece: Rear Admiral Philip Andrews, United States Navy, Grand Cross of the Holy Order of the Redeemer; Capt. F. T. Evans, United States Navy, Commander of the Holy Order of the Redeemer; Capt. F. D. Berrien, United States Navy, Commander of the Holy Order of the Redeemer; Commander J. S. Woodward (MS), United States Navy, Holy Order of the Redeemer of the First Class; Commander R. A. Spruance, United States Navy, Holy Order of the Redeemer of the first class; Commander W. F. Halsey, jr., United States Navy, Holy Order of the Redeemer of the first class; Commander A. G. Stirling, United States Navy, Holy Order of the Redeemer of the first class; Lieut. Commander W. J. Hine (SC), United States Navy, Holy Order of the Redeemer of the first class; Lieut. H. O'D. Hunter, United States Navy, Holy Order of the Redeemer of the second class; Maj. M. B. Humphrey, United States Marine Corps, Holy Order of the Redeemer of the first class.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

MEDALS CONFERRED BY THE REPUBLIC OF CHINA AND THE REPUBLIC OF HAITI

The next business on the Private Calendar was the bill (H. R. 16067) to authorize certain officers of the United States Navy and civilian employees of the Navy Department to accept certain medals tendered them by the Republic of China, and to authorize Capt. Walter S. Crosley, United States Navy, to accept a medal of honor and merit and a diploma tendered him by the Republic of Haiti.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Senate bill S. 4622 will be substituted in lieu of the House bill.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the following-named officers and civilians be, and they are hereby, authorized to accept from the Republic of China the medals mentioned below after their respective names, which medals have been tendered to such officers and civilians, through the Department of State, in appreciation of services rendered by them to the hydrographic mission of the Chinese Government during the years 1925 and 1926: Vice Admiral Albert P. Niblack, United States Navy, First Order of Wen Hu; Capt. Walter S. Crosley, United States Navy, Second Medal of Wen Hu; Capt. Paul P. Blackburn, United States Navy, Third Medal of Wen Hu; J. H. Larrabee, Navy Department, Washington, D. C., Third Order of Chia Ho Medal; and A. E. Weeks, Navy Department, Washington, D. C., Fourth Order of Chia Ho Medal.

SEC. 2. That Capt. Walter S. Crosley, United States Navy, be, and he is hereby, further authorized to accept a medal of honor and merit and a diploma tendered to him by the Republic of Haiti in appreciation of services rendered by him to the said Republic of Haiti.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. Without objection, the similar House bill will be laid on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

MARY H. DOUGHERTY

The next business on the Private Calendar was the bill (S. 1641) for the relief of Mary H. Dougherty.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is hereby authorized and directed to cause to be paid, from the appropriation for beneficiaries of officers who die while on the active list of the Navy, to Mary H. Dougherty, widow of Horace DeB. Dougherty, late lieutenant, United States Navy, an amount equal to six months' pay at the rate to which the said Horace DeB. Dougherty would have been entitled to receive had he been employed on active duty at the time of his death.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

ACCEPTANCE BY NAVAL OFFICERS OF DECORATIONS FROM THE REPUBLIC OF CHILE

The next business on the Private Calendar was the bill (S. 3464) authorizing certain officers of the United States Navy to accept from the Republic of Chile the order of Al Mérito.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the following-named officers of the United States Navy be, and they are hereby, authorized to accept from the Republic of Chile the order Al Mérito, of the class hereinafter respectively designated, conferred on them by said Republic in evidence of its appreciation and good will upon the visit, in the year 1921, to that country of the Pacific Fleet, the said officers being then and there with said fleet and holding, respectively, the rank hereinafter indicated, to wit: Admiral Hugh Rodman, first class; Vice Admiral Clarence S. Williams, first class Rear Admiral J. L. Jayne, first class; Rear Admiral J. S. McKean, first class; Capt. C. L. Hussey, first class; Capt. S. E. Moses, first class; Capt. W. V. Pratt, first class; Capt. T. W. Leutze, first class; Capt. E. L. Bennett, first class; Commander W. F. Halsey, jr., first class; Lieut. Commander H. B. Mecleary, first class; Lieut. Commander D. C. Godwin, first class; Lieut. C. W. A. Campbell,

second class; Lieut. J. B. Reinburg, jr., second class; and Lieut. J. L. McCrea, second class.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next one.

JOSEPH ROSEN

The next business on the Private Calendar was the bill (H. R. 12191) to reimburse Joseph Rosen, formerly of the United States Navy, for losses sustained while carrying out his duties.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Paymaster General of the Navy be, and he is hereby, authorized and directed to reimburse Joseph Rosen, formerly fireman, third class, of the United States Navy, for the amount of $84.10, for the loss of his personal effects at Pelham Bay Park Training Station, N. Y., June 4, 1918, while he was carrying out his duties under the direction and orders of the commandant of the station. The amount of $84.10 is hereby appropriated for this specific purpose in accordance with the "Act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service."

With the following committee amendment: Strike out all after the enacting clause and insert the following:

That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be paid to Joseph Rosen, formerly fireman, third class, United States Navy, from the current appropriation for "Pay of the Navy," the sum of $84.10 to reimburse him for the loss of his personal effects at Pelham Bay Park Training Station, N. Y., June 4, 1918, which loss occurred without fault or negligence on the part of said Rosen and while he was carrying out his duties under orders of his superior officers.

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BLANTON. Mr. Speaker, will the Chair permit a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Will not the present acting Speaker adopt the same plan that our regular Speaker adopts in passing such bills, that when no objection is offered the Chair will not have the bill read again, but will state that without objection the bill will be engrossed and read a third time and passed, or, if a Senate bill, read the third time and passed? That will save three-fourths of our time to-night, and we can clear up this calendar of the good bills. That has been done by Speaker LONGWORTH a half dozen times this session. Most of our time is taken up by the actual reading of the text of the bills.

The SPEAKER pro tempore. The present occupant of the Chair believes the House should at least know what the purpose of the bill is.

Mr. BLANTON. But after the bill is read not half the Members know what is in it.

The SPEAKER pro tempore. There is nothing before the House, and the Clerk will report the next bill.

JAMES H. M'CORMICK

The next business on the Private Calendar was the bill (H. R. 12604) for the relief of James H. McCormick.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury of the United States be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James H. McCormick, of Suffolk County, dependent father of Arthur James McCormick, first-class seaman, late of the United States Navy, the sum of $—— as six months' gratuity pay, which amount would have been paid by act of Congress approved June 4, 1920, but for the omission through ignorance or error of his son to designate beneficiary before he was killed in the performance of his service duty.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be paid from the appropriation 'Pay of the Navy, 1925,' to Mary McCormick, mother of Arthur James McCormick, late seaman, first class, United States Navy, the sum of $356.40, being an amount equal to six months' pay at the rate received by said McCormick at the date of his death."

The committee amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I suggest a change in the title. The bill is for the relief of James H. McCormick but it should be amended to read for the relief of Mary McCormick.

The SPEAKER pro tempore. Without objection the title will be amended as suggested by the gentleman from Texas.

There was no objection.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ACCEPTANCE OF THE ORDER AL MÉRITO

The next business on the Private Calendar was the bill (H. R. 16103), authorizing the acceptance, from the Republic of Chile, of the order Al Mérito, conferred on certain officers of the United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSPETH. Mr. Speaker, reserving the right to object, and I have no intention of objecting, I would like to ask my friend from Kentucky what is the order Al Mérito?

Mr. THATCHER. It is the order of merit.

Mr. HUDSPETH. Why is it issued?

Mr. THATCHER. It is just a decoration given in honor or appreciation of meritorious service.

Mr. HUDSPETH. I know it is the order of merit but I was just wondering why they issued it to United States marines?

Mr. THATCHER. It is not issued to marines, but these are officers of the American Navy, who were with the Pacific Fleet that went to Chile in 1921 as an evidence of our good will toward this sister Republic at a very opportune time, as our Government thought. The American ambassador to Chile said, at the conclusion of this visit of our fleet, that as a result of that visit more had been accomplished for the promotion of cordial relationships between the United States and the Republic of Chile than 40 years of diplomacy had accomplished.

Mr. HUDSPETH. It is for services rendered to the Republic of Chile?

Mr. THATCHER. No; it is just an evidence of the good will evinced by the Chilean Government for the officers of the Pacific Fleet and our own Government.

Mr. O'CONNELL of New York. We have just passed three bills of a similar nature, and this is the same kind of a bill.

Mr. HUDSPETH. I was just wondering what services had been rendered in order to warrant the issuance of the order Al Mérito.

Mr. O'CONNELL of New York. We are giving all kinds of medals to-night, so why interfere with this generosity?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That Admiral Hugh Rodman and Rear Admiral J. L. Jayne, officers of the United States Navy, both retired, and Mrs. Nathan C. Twining, widow of Rear Admiral Nathan C. Twining, deceased, be, and each of them is, hereby authorized to accept from the Republic of Chile the order Al Mérito, first class, conferred on the said Admiral Hugh Rodman and the said Rear Admirals J. L. Jayne and Nathan C. Twining, by the said Republic of Chile in evidence of its appreciation and good will upon the visit, in 1921, to that country of the Pacific Fleet of the United States, the said officers being then and there with said fleet and of the respective ranks hereinbefore indicated.

With the following committee amendment:

On page 2, after line 5, insert the following:

"SEC. 2. That Dr. William S. Thayer and Dr. William H. Welch, citizens of the United States, be, and each of them is, hereby authorized to accept from the Republic of France the decoration of the French Legion of Honor, heretofore conferred, and the certificate of award in relation thereto."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

FRANK H. WILSON

The next business on the Private Calendar was the bill (H. R. 16192) to amend the naval record of Frank H. Wilson, alias Henry Wencel.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, Senate bill 2700 will be substituted for the House bill, being an identical bill.

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws and laws conferring rights and privileges upon persons honorably discharged from the United States Navy, Frank H. Wilson, alias Henry Wencel, seaman, United States Navy, shall be held and considered to have been honorably discharged from the United States Navy on August 14, 1885, but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

House bill 16192 was laid on the table.

OFFICERS OF THE ARMY

The next business on the Private Calendar was the bill (H. R. 16500) for the relief of certain officers and former officers of the Army of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is another bill seeking to get around the decisions of the Comptroller of the United States, whom the Congress has appointed, to require money to be paid only according to law. I am one of those who wants to protect the Comptroller General of the United States in the splendid work he is doing, and I object.

ROSWELL H. BANCROFT

The next business on the Private Calendar was the bill (S. 5415) for the relief of Roswell H. Bancroft.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Is the gentleman going to let this $15,000 bill go by?

Mr. UNDERHILL. Mr. Speaker, the gentleman knows this is necessary in case of a burglary over $10,000. In order to adjust the books they must come to Congress, and that is all this is.

Mr. BLANTON. There is just one kind of bill introduced by my friend from Colorado [Mr. TAYLOR] I will object to, and that is when he seeks to interfere with our guides here. I am going to let this bill go by.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Roswell H. Bancroft, postmaster at Palisades, Colo., in the sum of $15,188.91 due to the United States on account of postal funds, postage stamps, and war-tax revenue stamps which were lost as a result of burglary on the night of August 2, 1924.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES ROBERT O'LEARY

The next business on the Private Calendar was the bill (H. R. 15215) for the relief of Paymaster Charles Robert O'Leary, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That hereafter Paymaster Charles Robert O'Leary, United States Navy, shall be regarded as having been promoted to a pay inspector in the United States Navy on the 11th day of January, 1918, with rank as such immediately after Pay Inspector Herbert Elliott Stevens, United States Navy: *Provided*, That said Paymaster Charles Robert O'Leary shall establish to the satisfaction of the Secretary of the Navy, by examination, his mental, moral, physical, and professional qualifications to perform all the duties of said grade: *Provided further*, That nothing herein shall be construed to entitle Paymaster Charles Robert O'Leary, United States Navy, to any back pay, allowance, or other emoluments in this permanent rank.

With the following committee amendment:

In line 6, after the figures "1918," strike out the comma, insert a colon, and strike out all the remaining language in that line and all of line 7.

The committee amendment was agreed to.

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

MARIA J. M'SHANE

The next business on the private calendar was the bill (H. R. 15990) granting six months' pay to Maria J. McShane.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, there is a rule or regulation that pays to the dependents of a man enlisted in the Army or Navy six months' pay at his death. In this case the payment is to this man's mother. There is no objection to it at all, but I want to call attention to a great injustice that has been done to the dependents of our deceased colleague, Mr. Thomas, of Kentucky. There never has been a case where a Member of Congress has died but what the annual salary has been paid to his wife, or to his children, or to his mother and father, if he has not any children. Our colleague from Kentucky has no wife surviving him, but he had two daughters. I can not understand why the Committee on Appropriations has not embraced this amount in the deficiency bill that is to come up to-morrow.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. I yield to my colleague.

Mr. HUDSPETH. I want to state to my friend from Texas that he not only left two daughters but an afflicted son. His son is deaf and dumb, and an amendment is going to be offered to-morrow to the deficiency bill, and it ought to go into that bill. I believe the House is going to sustain the gentleman from Texas [Mr. BUCHANAN] when he offers the amendment to-morrow.

Mr. BLANTON. I just wanted to let my colleagues know about the matter. It is going to come up to-morrow, and it will be the rankest kind of injustice if this man's two daughters are denied this money.

Mr. ROMJUE. And the son, too.

Mr. BLANTON. Yes; but especially the daughters. The son, even though he is afflicted, can manage in some way, but the two girls need this money.

Mr. ROMJUE. Will the gentleman yield?

Mr. BLANTON. I yield, although I do not want to take up too much time.

Mr. ROMJUE. I submit that a man who is deaf and dumb is very unfortunate.

Mr. BLANTON. Yes; and we should see that this amendment goes into the bill to-morrow.

Mr. HUDSPETH. If the gentleman will be here and help us to-morrow, we will put the amendment in the bill.

Mr. BLANTON. I will be here.

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

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay Maria J. McShane, dependent mother of the late Ensign Julian J. McShane, United States Navy, an amount equal to six months' pay at the rate said Julian J. McShane was receiving at the date of his death.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Navy be, and he is hereby, authorized and directed to pay out of the appropriation 'Pay of the Navy, 1927,' to Maria J. McShane, dependent mother of the late Ensign Julian J. McShane, United States Navy, who was drowned at Wilmington, Calif., on

October 9, 1926, an amount equal to six months' pay at the rate said Julian J. McShane was entitled to receive at the date of his death."

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. F. NICHOLS

The next business on the Private Calendar was the bill (H. R. 16828) for the relief of J. F. Nichols.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That the sum of $200 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of refunding to J. F. Nichols the said sum paid in excess as a fine to the clerk of the United States district court at Tulsa, Okla., in the case of the United States v. John Nichols, No. 463.

With the following committee amendment:

Page 1, line 3, after the word " hereby," insert the words " authorized to be."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed, read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN CRONIN

The next business on the Private Calendar was the bill (S. 2085) to correct the naval record of John Cronin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That John Cronin, formerly seaman, United States Navy, be, and he is hereby, relieved of all disabilities attendant upon the dishonorable discharge received by him pursuant to sentence of general court-martial, March 18, 1899, and the Secretary of the Navy is hereby authorized and directed to review the naval record of the said John Cronin and grant him an honorable discharge: *Provided*, That no back pension, allowance, or other emolument shall accrue prior to the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

" That in the administration of the pension law and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, etc., their widows and dependent relatives, John Cronin, formerly seaman, United States Navy, shall hereafter be held and considered to have been discharged honorably from the United States Navy, March 18, 1889: *Provided*, That no back pension, allowance, or other emoluments shall accrue prior to the passage of this act."

Mr. BLACK of Texas. Mr. Speaker, the purpose of this amendment is to carry out the usual rule of Congress in passing bills of this kind. This man Cronin was court martialed and given a dishonorable discharge from the Navy. Now, it is not infrequent that, where the conduct of the discharged sailor or soldier has been meritorious, that Congress passes a law that he shall be held to have been honorably discharged for the purpose of the pension laws. This bill as reported from the Senate would require the Secretary of the Navy to go back and issue an honorable discharge. That is very unusual and has not been done in any case that I know of in other cases of this kind. I do not think we ought to set a precedent requiring the Secretary of the Navy or the Secretary of War to make a falsification of the record. There is no allegation that the court-martial made a mistake and no allegation that he was dishonorably discharged through any error. The only reason now of having it done at this late day is to remove the stigma from his record so as to permit him to enjoy the privileges of the pension laws.

Mr. LINEBERGER. Mr. Speaker, I hope the House will indulge me a brief moment to state that this whole matter was considered very carefully by the Committee on Naval Affairs. Extensive and lengthy hearings were held upon it, and it is the purpose to relieve this man of a dishonorable discharge because he had an unusual record in the Army both prior to and during the period in which he was dishonorably discharged. After receiving the dishonorable discharge this man served in the late war while employed as a seaman in the merchant marine in the transportation of ammunition and supplies to the allies from New York to Liverpool. He hazarded his life not only upon one, but upon many occasions, and I hope the gentleman from Texas will not insist upon his amendment.

Mr. VINSON of Georgia. The amendment of the gentleman from Texas is in accordance with the usual disposition of these bills. This bill provides that he shall be granted an honorable discharge. The custom has been in the past merely to clear his record. Under this bill the Navy Department would have to issue a new discharge, stating that it was honorable. Now, I am inclined to think there is a good deal in the contention of the gentleman from Texas that the purpose of this bill would be to have the record of the Navy changed from a dishonorable discharge to an honorable discharge. The amendment would clear the record of a dishonorable discharge, and that would be satisfactory to the department and the man would get the benefit of the pension laws. So I think there is no harm in adopting the amendment of the gentleman from Texas.

Mr. LINEBERGER. The gentleman surely would not deprive this man of an honorable discharge?

Mr. VINSON of Georgia. Oh, not at all. He will get a pension from now on. It is all right.

Mr. LINEBERGER. I am glad to have had the explanation of the gentleman, and I accept the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment of the gentleman from Texas.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KENNETH M. ORR

The next business on the Private Calendar was the bill (H. R. 10290) for the relief of Kenneth M. Orr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman from California why it is that we do not get a report from the Navy on this bill?

Mr. LINEBERGER. We have a report.

Mr. BLANTON. But it is not in the committee report.

Mr. LINEBERGER. It is not, but it was considered by the committee.

Mr. BLANTON. Why is it not in the committee report?

Mr. LINEBERGER. I do not know. The gentleman knows that sometimes these things do not get into the committee report.

Mr. BLANTON. And sometimes they do not look good.

Mr. VINSON of Georgia. Of course, Mr. Speaker, the Navy Department is against the consideration of the bill.

Mr. BLANTON. I would like to see what the Navy Department has to say about it.

Mr. VINSON of Georgia. I would too, and so I suggest to the gentlemen that when he runs across a bill of this kind he call up the committee, and he then might be able to get the report.

Mr. BLANTON. I am not going to object to the bill, but he ought to get the report from the department, from the committee.

Mr. LINEBERGER. I assure the gentleman that I will have it in there the next time.

The SPEAKER pro tempore. Is there objection?

Mr. TOLLEY. Mr. Speaker, I object.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. TOLLEY. Yes.

Mr. VINSON of Georgia. I trust the gentleman from New York will state on what ground he objects.

Mr. TOLLEY. I object upon the ground that there is no report submitted from the Navy Department.

Mr. VINSON of Georgia. The gentleman from California, [Mr. LINEBERGER], who is the author of the bill, in preparing his report probably inadvertantly failed to include it. As a matter of fact the Navy Department reported adversely to the favorable consideration of this bill. I do not think the gentleman should hold his objection against the method of reporting the bill. Hereafter I am satisfied the gentleman will include it.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, did I understand the gentleman to say that the Navy Department has reported against the favorable consideration of this bill?

Mr. VINSON of Georgia. Knowing the character of the bill, to remove a dishonorable record against some enlisted man, the Navy Department, I know, always objects to every one of them.

Mr. LINEBERGER. This boy is only 17 years old.

Mr. VINSON of Georgia. The Navy Department always objects——

Mr. BLANTON. Unless it is an officer.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of the compensation laws and laws conferring rights and privileges upon honorable discharged soldiers, sailors, marines, etc., their widows and dependent relatives, Kenneth M. Orr shall hereafter be held and considered to have been discharged honorably from the United States Navy as a fireman, first class, November 20, 1922.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

### E. C. CALLAHAN

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to return to Calendar 615, H. R. 11399, authorizing the President to reappoint E. C. Callahan, formerly captain of Infantry, United States Army, a captain of Infantry United States Army.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to return to Calendar 615, H. R. 11399. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army, in accordance with the provisions of the national defense act, of June 3, 1916, as amended by the act of June 4, 1920.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the President of the United States be, and he is hereby, authorized to reappoint E. C. Callahan, formerly an officer in the Infantry, United States Army, an officer in the Infantry, United States Army, in the grade and in the position on the promotion list provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided*, That said E. C. Callahan shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further*, That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

### SUNDRY MATTERS AFFECTING THE NAVAL SERVICE

The next business on the Private Calendar was the bill (H. R. 15439) providing for sundry matters affecting the naval service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER pro tempore. The bill will retain its place on the calendar if there is objection made to its consideration.

Mr. BLANTON. I ask that it be passed without prejudice.

Mr. ARENTZ. Surely the gentleman has no objection to paying these officers who suffered loss due to exchange rates in foreign countries.

Mr. BLANTON. For instance, here is one to pay Frederick G. Pyne $1,000, and there is another to pay the Pace Institute of New York $833.50.

Mr. ARENTZ. Of course, that is a different matter.

Mr. BLANTON. It is all in one blanket bill. The Comptroller General of the United States, whom the gentleman helped to create, has turned these claims down. If I have to, I object.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

### OWNER OF STEAMER "SQUANTUM"

The next business on the Private Calendar was the bill (H. R. 12623) for the relief of the owner of the steamer *Squantum*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the claim of the owner of the steamer *Squantum* against the United States of America for damage and loss alleged to have been caused by collision between said vessel and the U. S. steam lighter *Thomas H. Timmins* on the anchorage ground off Bedloe Island, in the harbor of New York, on the 27th day of January, 1919, may be sued for by said owner in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing said court, and such court shall have such jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States of America in favor of the owner of the said steamer *Squantum*, or against the owner of the said steamer *Squantum* in favor of the United States of America upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

With the following committee amendment:

Page 2, line 9, after the word "appeals" insert "except that no interest shall be allowed on any claim."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed, and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

### OWNER OF SCOW "65H"

The next business on the Private Calendar was the bill (H. R. 12625) for the relief of the owner of scow *65H*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the claim of the owner of scow known as *65H*, arising out of damage and loss sustained by said scow while berthed in the harbor of New York, against the United States of America for damage and loss alleged to have been caused by suction and swells created by the United States ship *Broome* (destroyer 210), while said vessel was passing through Long Island Sound and the East River on December 11, 1919, may be sued for by said owner in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty, and acting under the rules governing said court, and such court shall have such jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States of America in favor of the owner of the said scow *65H*, or against the owner of the said scow *65H*, in favor of the United States of America upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The committee amendment was read, as follows:

Page 2, line 11, after the word "appeal," insert the words "except that no interest shall be allowed on any claim."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

S. K. TRUBY

The next business on the Private Calendar was the bill (H. R. 15181) for the relief of S. K. Truby.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem one United States Treasury certificate of indebetedness, payable to bearer, No. 8693, in the denomination of $500, series TS–1921, dated September 15, 1920, and matured September 15, 1921, with interest at the rate of 6 per cent per annum from September 15, 1920, to September 15, 1921, in favor of S. K. Truby, Maple Park, Ill., without presentation of the said certificate, the certificate of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said certificate of indebtedness shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said S. K. Truby shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said Treasury certificate of indebtedness, and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness herein described.

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

A motion to reconsider was laid on the table.

FRANCIS SWEENEY

The next business on the Private Calendar was the bill (H. R. 15867) for the relief of Francis Sweeney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis Sweeney, formerly an employee in the Bureau of Lighthouses, Department of Commerce, to wit, a seaman on the United States lightship *No. 58*, the sum of $80, the same being in full payment for losses suffered by the said Francis Sweeney by loss of personal property used and reasonably necessary in connection with his official duty on said lightship, which was sunk on December 11, 1905.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

OWNERS OF FERRYBOAT "OREGON"

The next business on the Private Calendar was the bill (S. 111) for the relief of the owners of the ferryboat *Oregon*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the claim of the owners of the ferryboat *Oregon* against the United States of America for damages alleged to have been caused by collision between the U. S. S. *Canby* and said ferryboat *Oregon* in the East River, at New York, N. Y., on or about the 24th day of February, 1916, may be sued for by the said owners of the ferryboat *Oregon* in the District Court of the United States for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said ferryboat *Oregon*, or against the owners of said ferryboat *Oregon*, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal, except that no interest shall be allowed on any claim: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

Committee amendment:

Page 2, line 9, after the word "appeal," insert the words "except that no interest shall be allowed on any claim."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELIZABETH W. KIEFFER

The next business on the Private Calendar was the bill (S. 244) for the relief of Elizabeth W. Kieffer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Elizabeth W. Kieffer, postmaster at Fort Russell, Wyo., in the sum of $1,508.60, due to the United States on account of loss by theft of post-office funds by Claude E. Davis, on November 14, 1922; and the sum of $1,508.60 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the payment of this claim.

Committee amendments:

Page 1, line 6, strike out "$1,508.60" and insert in lieu thereof "$568.31."

Page 1, line 8, after the figures "1922" strike out the remainder of lines 8, 9, 10, and 11.

The amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

OWNER OF THE STEAMSHIP "NEPTUNE"

The next business on the Private Calendar was the bill (S. 115) for the relief of the owner of the steamship *Neptune*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the claim of the owner of the steamship *Neptune* against the United States of America for damages alleged to have been caused by collision between said vessel and the United States steamship *Eagle*, formerly known as the *Peerless*, on the 24th day of October, 1917, at a bulkhead in Gowanus Canal, near the foot of Smith Street, Brooklyn, N. Y., may be sued for by the said owner of the steamship *Neptune* in the District Court of the United States for the Eastern District of New York sitting as a court of admiralty and acting under the rules governing such court, and the said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said steamship *Neptune*, or against the owner of said steamship *Neptune* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Committee amendment:

Page 10, after the word "appeal," insert the words "except that no interest shall be allowed on any claim."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

J. W. NEIL

The next business on the Private Calendar was the bill (S. 179) for the relief of J. W. Neil.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. W. Neil, of Ogden, Utah, the sum of $7,947.53 as compensation for and in full satisfaction of any claim such J. W. Neil may have for losses suffered by reason of the libel of a carload of sugar belonging to him on May 21, 1920, by a United States marshal under color of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, as amended.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 6, strike out "$7,947.53" and insert "$7,697.53."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

AUGUST MICHALCHUK

The next business on the Private Calendar was the bill (S. 521) for the relief of August Michalchuk.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to August Michalchuk as guardian of his infant daughter, Lizzie Michalchuk, the sum of $3,000 for injuries sustained by his daughter, Lizzie, an infant now about 6½ years old, who without negligence on her part or on the part of her parents, was run over, July 4, 1920, by a United States mail truck No. 2290, in charge of Joseph Tembone, causing a compound fracture of the left leg and severe lacerations of the forehead, with bruises and contusions covering the left side of her body. Said payment to be taken in full and final settlement of any claim against the United States by both the said August Michalchuk and Lizzie Michalchuk.

The SPEAKER pro tempore. The question is on the third reading of the bill.

Mr. BLACK of Texas. Mr. Speaker, I move to strike out, on line 7, page 1, "$3,000" and insert "$2,000."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 7, strike out "$3,000" and insert "$2,000."

Mr. BLACK of Texas. Mr. Speaker, the only purpose of this amendment is to make the bill conform to what I think is the general practice of the Committee on Claims in cases of this kind. This girl had a leg broken, but there is no evidence to show but that there has been a complete mending of the injury; no shortening of the limb, and no impediment of the limb. I doubt if in other cases we have allowed more than $2,000. I would like to get the views of the chairman.

Mr. UNDERHILL. I think the gentleman is correct, so far as the general policy of the committee is concerned. The usual amount has been $2,000. I confess I do not know why $3,000 was allowed.

Mr. BLACK of Texas. I have no objection, but my amendment was to make it conform to the general practice.

Mr. BULWINKLE. There was an additional injury. The doctors do not know at this time whether her mental condition is permanently impaired or not.

Mr. BLACK of Texas. If the gentleman can assure us there are other injuries than those named in the report, I shall withdraw my amendment.

Mr. BULWINKLE. I can.

The SPEAKER pro tempore. Without objection, the amendment will be withdrawn.

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ODELON RAMOS

The next business on the Private Calendar was the bill (S. 2594) for the relief of Odelon Ramos.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. With the understanding that the amendment is adopted, I shall not object.

The SPEAKER pro tempore. The Clerk will read the bill and amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Odelon Ramos the sum of $5,000, as compensation for the death of his son, Jose Maria Ramos, a minor, who was killed in Bexar County, Tex., on June 5, 1924, when two United States Army airplanes collided.

With a committee amendment as follows:

Line 6, strike out "$5,000 as compensation" and insert "$2,000 in full settlement against the Government."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HARRY CADEN

The next business on the Private Calendar was the bill (H. R. 13157) to allow credits in the accounts of Harry Caden, special fiscal agent, Bureau of Reclamation, Department of the Interior.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, this is a matter that seems to be an attempt to get around the decisions of the Comptroller General. There is no report whatever on the bill from the Comptroller General. Unless there is a report from the Comptroller General accompanying all bills of this kind, showing that they are not intended to enable these people to get around the decisions of the Comptroller General, I shall object to all of them. The Comptroller General must have some good reason for objecting to the payment of these accounts.

Mr. UNDERHILL. This is a departmental bill, and the Comptroller General has no connection whatever with it.

Mr. BLANTON. These bills are all designed to change the generality of his decisions. I would like to see what the Comptroller General has to say about it. If the gentleman from Massachusetts had investigated the activities of the department of the Comptroller General, as I have, he would know that they are doing a good work down there.

Mr. VAILE. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. If there is no objection to my withholding it, I will.

Mr. VAILE. This is simply a question between attorneys of different departments. I might say to the gentleman that since 1908 the fiscal agents of the Reclamation Service upon the direction of the Secretary of the Interior have allowed certain——

Mr. BLANTON. I think I can arrive at an agreement with the gentleman. We are going to have another night on the Private Calendar in a day or two, and in the meantime I will get a report from the Comptroller General on this proposition, and unless he has some serious grounds for turning this down I shall waive my objection.

Mr. VAILE. I assume the Comptroller General would adhere to his previous policy of disapproving this and other claims.

Mr. BLANTON. I will state this to the gentleman from Colorado: Whenever the Comptroller General turns down an account and a special bill is brought in to get around his objection, which this does, or to allow it in spite of his objection, I think the gentleman owes it to the Congress, who repre-

sents the people and the Public Treasury, to get a report from the Comptroller General of the United States on that proposition.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. O'CONNELL of New York. The gentleman from Massachusetts says the Comptroller General has no objection to it at all.

Mr. BLANTON. The gentleman from Massachusetts can not speak for the Comptroller General on this until he gets word from him.

Mr. UNDERHILL. The "gentleman from Massachusetts" will say to the gentleman from Texas that he is absolutely correct and if the committee has been neglectful in not bringing in any report from the Comptroller General, then the bill should be objected to.

Mr. BLANTON. I think the gentleman from Massachusetts has the finest judgment in the world.

Mr. VAILE. Do I understand the gentleman still objects?

Mr. BLANTON. I am sorry, but I must object.

FRED A. KNAUF

The next business on the Private Calendar was the bill (H. R. 15807), for the relief of Fred A. Knauf.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, this bill seeks to allow credit to a postmaster in Wisconsin of $141,000. If that is the kind of a claim we ought to try out here in a half minute, I do not want to be a party to it. I object.

Mr. UNDERHILL. Will the gentleman withhold his objection for a moment until I repeat to him once more that all accounts which are burglary accounts under $10,000 can be settled under the law by the Post Office Department, but when a burglary occurs and the amount exceeds $10,000 by $1 the law requires that they must come to Congress in order to adjust the bookkeeping of the department.

Mr. BLANTON. How many people live in this town in Wisconsin?

Mr. UNDERHILL. I do not know how many people live in this town.

Mr. BLANTON. It is a small town, is it not?

Mr. VOIGT. If the gentleman will permit, it is a town of 40,000 people.

Mr. BLANTON. How much money is a postmaster in a town of 40,000 people supposed to keep?

Mr. VOIGT. If the gentleman will look at the bill he will see that all of the funds here, with the exception of $107, were in postage stamps.

Mr. BLANTON. Well, for a town of only 40,000 people, it occurs to me $141,000 in postage stamps is a pretty big stamp account.

Mr. UNDERHILL. But this office supplies the whole region around about.

Mr. VOIGT. It supplies the surrounding country with postage stamps.

Mr. BLANTON. I do not like to object to a thing like this, but it occurs to me this is a very large amount.

Mr. VOIGT. Let me say to the gentleman from Texas that this claim has been investigated by a dozen officials and they have all reported that the postmaster there complied with every rule and regulation.

Mr. BLANTON. Is the gentleman acquainted with this postmaster?

Mr. VOIGT. Oh, yes.

Mr. BLANTON. Does he know he is a man of integrity?

Mr. VOIGT. Absolutely.

Mr. BLANTON. I will withdraw the objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Fred A. Knauf, postmaster at Sheboygan, Wis., in the sum of $141,433.82 (said sum consisting of $107 cash, $76,703.62 salable postage stamps, $64,575.20 precanceled stamps, one war-savings stamp of the value of $5, and war-tax revenue funds to the amount of $43), on account of money, war-savings stamp, and postage stamps stolen from safes in the post office at said city when burglarized on October 17, 1925.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LILLIE F. EVANS

The next business on the Private Calendar was the bill S. 1818) for the relief of Lillie F. Evans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, I object.

CLIFFORD J. SANGHOVE

The next business on the Private Calendar was the bill (H. R. 15855) for the relief of Clifford J. Sanghove.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object because there is no report from the Comptroller General on this bill.

Mr. CRUMPACKER. Will the gentleman from Texas withhold his objection a moment?

Mr. BLANTON. I withhold it.

Mr. CRUMPACKER. There is a report dated February 17, 1927.

Mr. BLANTON. Is there a report from the Comptroller General? It is not in the committee report.

Mr. CRUMPACKER. I have the report here.

Mr. BLANTON. Does the Comptroller General recommend that this be paid?

Mr. CRUMPACKER. He does.

Mr. BLANTON. Why did not the gentleman put that statement in the committee report?

Mr. CRUMPACKER. I do not know about that. I have a copy of the report here which came in late.

Mr. BLANTON. And the gentleman states that there is a report on this bill from the Comptroller General of the United States, Mr. McCarl, and that he recommends the passage of the bill?

Mr. CRUMPACKER. It is report No. 152, dated February 17, 1927. This is a very meritorious case.

Mr. BLANTON. And the gentleman says that General McCarl recommends the passage of the bill?

Mr. CRUMPACKER. The Comptroller General does not object to the passage of the bill due to the meritorious features of it.

Mr. BLANTON. The Comptroller General agrees that it be passed?

Mr. CRUMPACKER. He does not object to it in any way at all and I trust the gentleman from Texas will not object.

Mr. BLACK of Texas. Mr. Speaker, I make a point of order against the jurisdiction of the Committee on Naval Affairs. The reason I make it is that the Committee on Naval Affairs in several instances has taken jurisdiction of purely private claims and I think this is one of them.

Mr. BLANTON. Mr. Speaker, I withdraw my objection.

Mr. BLACK of Texas. I think it is time we raise the question of jurisdiction, so that the Committee on Naval Affairs will confine itself to the matters properly committed to the jurisdiction of that committee.

The SPEAKER pro tempore. The Chair will state it appears from the record upon the bill itself that this bill on January 4, 1927, was referred to the Committee on Claims and ordered to be printed. Thereafter, on January 6, 1927, the Committee on Claims was discharged and the bill referred to the Committee on Naval Affairs. Apparently, this was by action of the House.

Mr. CRUMPACKER. Mr. Speaker, this bill has been reported out of the Committee on Naval Affairs.

Mr. BLANTON. Mr. Speaker, the Comptroller General approves the bill, and I withdraw my objection.

The SPEAKER pro tempore. The Chair will state that the Manual contains this language:

> In cases wherein the House itself refers a private bill, a point of order may not be raised as to jurisdiction.

The Chair therefore overrules the point of order as to jurisdiction.

Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States is authorized and directed to cancel the claim of the United States against Clifford J. Sanghove, lieutenant, United States Naval Reserve Force, retired, in the sum of $1,067.46, erroneously paid to him through error in the General Accounting Office.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILFORD W. CALDWELL

The next business on the Private Calendar was the bill (H. R. 16706) for the relief of Wilford W. Caldwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent under the homestead entry of Wilford W. Caldwell for the southeast quarter of the southeast quarter of section 35 and the southwest quarter of the southwest quarter of section 36 in township 1 south of range 1 east, Uintah meridian, Utah, upon compliance by said Wilford W. Caldwell with the homestead laws of the United States: *Provided, however,* That in addition to the usual fees and commissions payable under existing laws said entryman shall pay the sum of $1.25 per acre for the land so entered, which latter sum shall be deposited in the Treasury of the United States and disposed of in the same manner as other proceeds derived from the sale of lands within the former Uintah Indian Reservation, Utah.

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

MRS. PATRICK H. BODKIN

The next business on the Private Calendar was the bill (S. 1661) conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That within six months from the date of the passage of this act a petition may be filed with the Court of Claims by or on behalf of Mrs. Patrick H. Bodkin, of Blythe, Riverside County, Calif., for a hearing of a claim for reimbursement for all loss, liability, damage, and expense incurred by her in any manner in connection with a quarter section of land described as northeast quarter section 11, township 7 south, range 22 east, San Bernardino meridian, in the State of California, for which land she had been issued a patent, and which she now holds as trustee for William B. Edwards in accordance with the decision of the United States Supreme Court in the case of Bodkin *v.* Edwards (205 U. S. p. 221), and the Court of Claims is given jurisdiction to hear and determine such claim.

With the following committee amendments:

Page 1, lines 7 and 8, strike out "all loss, liability, damage, and expense incurred by her in any manner in connection with a" and substitute in place thereof the following: "the value of the following-described land, exclusive of improvements, as of February 28, 1921, to wit, that certain".

Page 1, line 11, strike out "she" and insert "her husband, Patrick H. Bodkin, deceased".

Page 2, line 6, add the following: "*Provided,* That in considering the case the Court of Claims shall determine the value of the land in question at the date of judgment by the court adverse to Patrick H. Bodkin, also determine the value of the soldier's additional scrip, and deduct the latter from any awards made to the claimant."

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

NICK MASONICH

The next business on the Private Calendar was the bill (S. 2348) for the relief of Nick Masonich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection.

There was no objection.

The Clerk read the committee amendment as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to Nick Masonich, of Butte, Mont., who was disabled by personal injury sustained while in the performance of his duty as a member of a station gang employed by the Alaskan Engineering Commission."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

JAMES E. MOYER

The next business on the Private Calendar was the bill (H. R. 8443) for the relief of James E. Moyer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James E. Moyer, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 15th day of November, 1902: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

JOSEPH F. RITCHERDSON

The next business on the Private Calendar was the bill (H. R. 14708) for the relief of Joseph F. Ritcherdson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the committee amendment, as follows:

That all after the enacting clause be stricken out and the following inserted:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers or their dependents, Joseph F. Ritcherdson shall hereafter be held and considered to have been in the military service of the United States as a musician of Company C, One hundred and twenty-second Illinois Infantry Volunteers, from the 4th day of September, 1862, to the 1st day of June, 1864, and to have been discharged honorably from said service on the last-named date: *Provided,* That no bounty, pension, pay, or other emoluments shall accrue prior to the passage of this act."

The committee amendment was agreed to.

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

The title was amended.

A motion to reconsider was laid on the table.

KATHERINE IMBRIE

The next business on the Private Calendar was the resolution (S. J. Res. 112) for the relief of Katherine Imbrie.

The Clerk read the title to the joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I make the point of order that this claim ought not to go to the Committee on Foreign Affairs, that it is a claim against the Government of the United States, and that the Committee on Claims has proper jurisdiction over it.

Mr. UNDERHILL. There has been more or less controversy as to where it should go, but owing to the fact that the Committee on Foreign Affairs had all the papers, had gone through all the evidence, conducted the previous hearings and managed this affair from the beginning, the Committee on Claims felt that in justification to the claimant and to the Government that they should have the advantage of the knowledge that the Committee on Foreign Affairs had, and therefore refused to take jurisdiction of it.

Mr. BLACK of Texas. The other bill, the House bill, referring somewhat to the same subject, related to the expenditure of $110,000 that the Federal Government had collected from the Persian Government, and it undertook to make certain disposition of the $110,000. This is an entirely different bill. This is simply a claim for the relief of Mrs. Imbrie. It looks to me as if it was the same kind of a claim that the Committee on Claims is constantly considering.

Mr. UNDERHILL. As a matter of fact, this takes no money out of the Treasury of the United States. It takes it out of the $110,000 and leaves the balance of the money in the Treasury.

Mr. BLACK of Texas. The gentleman is mistaken; the bill provides that there shall be paid to Mrs. Imbrie, out of the Treasury of the United States, $30,000. It has no connection whatever with the $110,000 which has been paid by the Persian Government to reimburse us for the expense of the war vessel we sent over there.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that the joint resolution is improperly referred to the Committee on Foreign Affairs.

Mr. BLACK of Texas. Yes; that the Committee on Foreign Affairs did not have jurisdiction.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to question the gentleman from Texas for a moment.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. The gentleman from Texas must remember that $110,000 was paid into the Treasury of the United States by the Persian Government, and if $30,000 is taken from the Treasury for Mrs. Imbrie there still will be a balance left. It is the money which came from the Persian Government from the most atrocious assault upon an official of the United States Governument in the history of this Republic.

Mr. BLACK of Texas. Will the gentleman let me read this letter from the Secretary of State. It says:

> The Persian Government on July 29, 1924, agreed to these demands in full. It promptly paid the indemnity of $60,000 which this Government demanded for Mrs. Imbrie, this total having been fixed after a very careful examination of precedents consistently followed by this Government. This sum was paid over to Mrs. Imbrie on November 24, 1924. The Persian Government also paid $3,000 to Seymore for injuries he received at the time of the attack.

All of that $60,000 has been paid to Mrs. Imbrie, and, according to the letter of the Secretary of State that amount was consistent with the usual policy of the Government of the United States, and all of the precedents.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit me to correct him right there?

Mr. BLACK of Texas. Certainly.

Mr. COOPER of Wisconsin. The gentleman is usually a very thorough student of reports and a careful examiner of testimony, but he forgets one of the vital pieces of testimony in this particular case. That $60,000 was agreed upon while Mrs. Imbrie was coming back after the murder.

Mr. O'CONNELL of New York. With the body of her husband.

Mr. COOPER of Wisconsin. With the body of her husband, alone, on a battleship.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. The State Department, when it agreed to accept $60,000 and turn it over to Mrs. Imbrie, knew nothing whatever about the atrocious assault committed upon her four day's after the murder of her husband.

Mr. O'CONNELL of New York. And the loss of her child.

Mr. COOPER of Wisconsin. Yes. That assault upon her was committed in a public street in the central part of the city of Teheran. While sitting in an automobile she was seized by the throat by two young men and spat upon, an outrage which resulted in the loss of her child. Our Government did not wait until Mrs. Imbrie had arrived here to learn the facts about the murder, and the subsequent assault upon her, before making a settlement. The sum mentioned in this bill is to be paid to her in compensation for the injury which she herself suffered although it will far from compensate her. She ought to have received the whole $110,000. I hope the gentleman from Texas will not object to a claim like this.

Mr. BLACK of Texas. Mr. Speaker, I certainly would not object if I did not feel that the Government had paid $60,000, all that it collected from the Persian Government for this purpose. It collected $110,000 for the expense of the war vessel that it sent over there.

Mr. BULWINKLE. No; that was for the education of the Persian students.

Mr. BLACK of Texas. I will read from the report:

> Subsequent to the action taken by the Persian authorities in satisfying fully the first, third, fourth, and fifth demands stated above, it was suggested to the Persian Government that the undertaking of that Government with respect to the second demand, viz, the payment of the cost of dispatching the *Trenton* to Persia, the amount of which by then had been ascertained to be $110,000, might be carried out by the establishment of a trust fund to be utilized in the education of Persian students, etc.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield for a question?

Mr. BLACK of Texas. The Government collected the $110,000 to reimburse itself for actual expenditures in sending the *Trenton* over to Persia to bring back the body.

Mr. UNDERHILL. A question is raised here as to jurisdiction. There is no doubt that the gentleman's point of order is absolutely sound if he insists upon a ruling; but if he does, all of this work will go for naught, and Mrs. Imbrie will be deprived of her money.

Mr. BLACK of Texas. Mr. Speaker, I insist upon a ruling.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has again expired. The gentleman from Texas raises the point of order.

Mr. BLANTON. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. Let the Chair state the parliamentary situation. The gentleman from Texas [Mr. BLACK] makes the point of order that the Committee on Foreign Affairs was without jurisdiction to consider the pending bill.

Mr. BLANTON. Mr. Speaker, I want to be heard.

The SPEAKER pro tempore. The Chair will hear first from the gentleman from Maryland, a member of the Committee on Foreign Affairs.

Mr. LINTHICUM. Mr. Speaker, the original bill to which the gentleman refers was to appropriate out of the $110,000 which came from the Persian Government——

The SPEAKER pro tempore. The Chair desires to hear from the gentleman on the question of the point of order, and the Chair directs the attention of the gentleman to the following rule of the House, Rule XXI, section 3:

> No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on the Public Lands, and to the Committee on Accounts.

Has the gentleman any argument to make upon that rule?

Mr. LINTHICUM. I think that unanimous consent was obtained at the time. The point I want to make is this: When this bill was introduced it was to pay the money out of the $110,000 which was paid into the Treasury of the United States by the Persian Government. The bill was then amended, and when it came over here, having all the facts before the Foreign Affairs Committee, the chairman of the Claims Committee and the chairman of the Foreign Affairs Committee agreed that there should be unanimous consent obtained and the bill sent to the Committee on Foreign Affairs.

Mr. UNDERHILL. Mr. Speaker, it is my recollection that when Speaker LONGWORTH made this statement—and he made it to the House—that there had been some controversy as to where the bill should be referred; after consulting with the chairmen of both committees, he stated that by unanimous consent, unless there was objection, it would be referred to the Committee on Foreign Affairs.

The SPEAKER pro tempore. The Chair suggests that the bill be passed over temporarily while the record may be ascertained.

Mr. BLANTON. Mr. Speaker, will the Chair permit me for a moment or two to call his attention to a lot of decisions?

The SPEAKER pro tempore. In support of the rule?

Mr. BLANTON. In support of the various rules of the House.

The SPEAKER pro tempore. The Chair does not need any argument to support a rule of the House.

Mr. BLANTON. Let me present this feature of the case. If this were a private bill there would be no question but what the rule would apply. This is not an ordinary private bill. What is a private bill? It is one in which certain individuals only are interested. This bill is one in which the whole people of the United States are interested, because it affects one of our diplomatic officers in a foreign country and his heirs. It is a bill in which every person in the United States is interested in seeing that a proper adjustment is made for all the wrongs this good woman has suffered. This is not a regular private bill. In my judgment, if I were in the Chair I would hold it in order subject to the rules that where a public bill has been submitted to a wrong committee and that committee brings in a report, every other committee loses the right to question its jurisdiction.

The SPEAKER pro tempore. The Chair will say if it were a public bill it would not be considered at this time at all.

Mrs. ROGERS. Mr. Speaker, I do not believe the gentleman from Texas [Mr. BLACK] realizes that Mrs. Imbrie had been also injured——

Mr. BLACK of Texas. I wish the lady from Massachusetts would address the Chair on the point of order. I have made my point of order, and it will not be withdrawn.

Mrs. ROGERS. I will address my remarks to the Chair.

The SPEAKER pro tempore. The Chair desires to know whether it is agreeable to have the bill passed over temporarily in order to ascertain the record and know whether as a matter of fact the Speaker of the House by unanimous consent referred the bill.

Mr. BLACK of Texas. I will be very glad to have the Chair pass the bill over until he can have time to examine the record connected with the bill's reference to the proper committee.

The SPEAKER pro tempore. That is a question of fact. The bill will be passed over temporarily, and the Clerk will report the next bill.

CARL J. REID DUSSOME

The next business on the Private Calendar was the bill (H. R. 15410) authorizing the enrollment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patents to him to certain lands of the Kiowa Indian Reservation, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, this bill deals with a tract of land in my home county. I have never heard of it before, and I would like to know something about the legislation, why it has been introduced, and why I was not consulted.

Mr. THOMAS. Mr. Speaker, I would like to know if objection is going to be made in order to save time.

Mr. McCLINTIC. I would like to know if the gentleman has consulted members of the Indian Tribe who are supposed to own this land? No notice has been brought to me about the merits of this legislation, and I would not have known it was here had I not read the calendar.

Mr. THOMAS. If the gentleman will reserve his objection for a moment I will make a statement.

Mr. McCLINTIC. I will reserve it.

Mr. THOMAS. This Indian is a northern Indian. He came to Oklahoma and married into the Kiowa Tribe, and thereupon he was admitted to the tribe. He made application for an allotment. The Indian agent recommended favorably on the allotment. The Indian Bureau Commissioner recommended favorably, and it went before the Indian Affairs Committee of the House and they reported favorably.

The Indian lives in my district and the land happens to be in Mr. McCLINTIC's district. The land belongs to the Indians. That is about the statement with relation to the affair.

Mr. HASTINGS. If my colleague will permit, I made this report. I did not know the land was in my colleague's district. My colleague [Mr. THOMAS] appeared before the committee, and the statement made there was similar to the statement he makes here to-night. That is why the favorable report was made.

Mr. ROMJUE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROMJUE. I want to know whether any other gentleman from Oklahoma has had anything to do with this legislation?

The SPEAKER pro tempore. Is there objection?

Mr. McCLINTIC. Mr. Speaker, in view of the fact that this is land that belongs to the Kiowa Indian Tribe and I have no recommendation from any member of that tribe, I shall be forced to object.

FRANK A. GRAB

The next business on the Private Calendar was the bill (H. R. 15182), granting six months' pay to Frank A. Grab, father of Alfred Newton Grab, deceased seaman, United States Navy, in active service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay to Frank A. Grab, father of Alfred Newton Grab, deceased seaman, United States Navy, who was killed in line of duty on February 7, 1922, at Guantanamo Bay, Cuba, an amount equal to six months' pay, at the rate said Alfred Newton Grab was receiving at the date of his death.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Navy be, and he is hereby, authorized and directed to pay out of current appropriations 'Pay of the Navy, 1927,' to Frank A. Grab, father of Alfred Newton Grab, deceased seaman, United States Navy, who was killed in line of duty on February 7, 1922, at Guantanamo Bay, Cuba, an amount equal to six months' pay at the rate said Alfred Newton Grab was receiving at the date of his death."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ROBERT F. NEELEY

The next business on the Private Calendar was the bill (H. R. 16336) for the relief of Robert F. Neeley and Franklin E. Neeley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized and directed to convey by appropriate quitclaim deed to Robert F. Neeley, his heirs and assigns, all the right, title, and interest of the United States in and to the easement for the Lawrence Canal over the southeast quarter of section 11, township 22 north, range 58 west of the sixth principal meridian, and to Franklin E. Neeley, his heirs and assigns, all the right, title, and interest of the United States in and to the easement for the Lawrence Canal over the southwest quarter of section 12 of the same township and range, the Lawrence Canal having been abandoned and the easements over such lands being no longer required by the United States.

With the following committee amendments:

Page 1, line 5, after the word "Neeley," strike out the words "his heirs and assigns" and insert "and Franklin E. Neeley, their heirs and assigns."

Page 1, line 9, after the word "meridian," insert the word "Nebraska."

The committee amendments were agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

MARY M. JONES

The next business on the Private Calendar was the bill (H. R. 5622) for the relief of Mary M. Jones.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Mary M. Jones, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $1,950, in compensation for damages caused and sustained to property in Linn County, Oreg., such loss being caused by fire set from burning material from an Army airplane on or about July 1, 1924, the said airplane being in fire-control service under the direction of the Forest Service.

With the following committee amendments:

Page 1, line 6, after the word "appropriated," insert the words "in full settlement against the Government."

Page 1, line 7, strike out "$1,950" and insert in lieu thereof "$1,035."

The committee amendments were agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN J. CORCORAN

The next business on the Private Calendar was the bill (H. R. 5662) for the relief of John J. Corcoran.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of moneys in the Treasury not otherwise appropriated, to John J. Corcoran, 26 Dent Street, Roxbury, Mass., the sum of $600 for damages to his automobile, medical expenses, ruined clothing, and incidental expenses when his automobile was struck by ambulance No. 987 of the United States Veterans' Bureau on the 18th day of September, 1922, in Boston, Mass.

With the following committee amendments:

On page 1, line 4, after the words "out of" insert the word "any."

On page 1, line 6, after the word "Massachusetts" insert the words "in full settlement against the Government."

Page 1, line 9, strike out the words "incidental expenses" and insert the words "permanent injuries sustained by the wife of said John J. Corcoran."

The committee amendments were agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

D. GEORGE SHORTEN

The next business on the Private Calendar was the bill (H. R. 7852) for the relief of D. George Shorten.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Postmaster General be, and he is hereby, authorized and directed to pay to D. George Shorten, late postmaster at Storrs, Utah, the sum of $95.06, this being the amount stolen by a burglar on March 30, 1922, through no fault of the said D. George Shorten, and the sum of $95.06 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the payment of this claim.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to D. George Shorten, late postmaster at Storrs, Utah, the sum of $95.06, being the amount stolen by a burglar on March 30, 1922."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PRESS PUBLISHING CO.

The next business on the Private Calendar was the bill (H. R. 11727) for the relief of the Press Publishing Co., Marianna, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized notwithstanding the provisions of section 3828, Revised Statutes, to adjust and settle the claim of the Press Publishing Co., of Marianna, Ark., in the amount of $9, for publication of advertisements inviting proposals for sundry work at Marianna, Ark., post office, during July and November, 1924, and January, 1925, and to certify same for payment from the appropriation "General expenses of public buildings, 1925."

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

FIRST NATIONAL BANK, SAVANNA, ILL.

The next business on the Private Calendar was the bill (H. R. 16311) for the relief of the First National Bank, Savanna, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of the First National Bank, Savanna, Ill., United States Treasury note No. 56663 in the denomination of $1,000, series C–1925, issued December 15, 1922, matured June 15, 1925, with interest from the date of issue to the date of maturity, at the rate of 4½ per cent per annum, without presentation of said note, the said note, together with coupons due June 15, 1923, to June 15, 1925, inclusive, attached, having been lost, stolen, destroyed: *Provided*, That the said note shall not have been previously presented and paid, and that payment shall not be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said First National Bank, Savanna, Ill., shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of the said note and the unpaid interest which had accrued thereon when the principal became due and payable, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the Treasury note or the coupons thereof hereinbefore described.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

STEAMSHIP "GAELIC PRINCE"

The next business on the Private Calendar was the bill (S. 118) for the relief of all owners of cargo aboard the steamship *Gaelic Prince* at the time of her collision with the U. S. S. *Antigone*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the claims of all owners of various shipments of merchandise which were laden on board of the steamship *Gaelic Prince*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the said vessel and the U. S. S. *Antigone*, formerly known as steamship *Neckar*, on the 9th day of October, 1919, near buoy 10, in Ambrose Channel, in the harbor of New York, may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

With the following committee amendment:

Page 2, line 11, after the word "appeal," insert the words "except that no interest shall be allowed on any claim."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SAMUEL S. ARCHER

The next business on the Private Calendar was the bill (S. 190) for the relief of Samuel S. Archer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $226 to Samuel S. Archer, for injuries sustained as the result of being struck by a Government-owned automobile on the streets of the city of Plattsmouth, Nebr., on December 13, 1921.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

KATHERINE IMBRIE

The SPEAKER pro tempore. The Chair has ascertained the facts with reference to Calendar No. 738, and suggests that the Clerk again report Senate Joint Resolution 112.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The Chair finds that on February 8, 1927, on page 3311 of the CONGRESSIONAL RECORD, occurs the following proceeding:

The SPEAKER. On February 2 the Senate passed Senate Joint Resolution 112 for the relief of Katherine Imbrie. The chairman of the Committee on Claims advises the Chair that in view of the fact that

the Committee on Foreign Affairs has had extended hearings on this matter he prefers that the joint resolution be referred to the Committee on Foreign Affairs. The chairman of the latter committee also agrees to this reference. Therefore without objection the resolution will be referred to the Committee on Foreign Affairs.

There was no objection.

The Chair construes that as the unanimous consent which is required under section 3 of Rule XXI, and therefore overrules the point of order. Is there objection to the present consideration of Senate Joint Resolution 112?

There was no objection.

The Clerk read the joint resolution as follows:

*Resolved, etc.*, That the Secretary of the Treasury is authorized and directed to pay to Katherine Imbrie, widow of Vice Consul Robert Whitney Imbrie, out of any money in the Treasury not otherwise appropriated, the sum of $30,000 as compensation to her for the physical and mental suffering resulting from an attack upon her at Teheran, Persia, on July 22, 1924.

With the following committee amendment:

Page 1, line 9, after "1924," insert the words "the acceptance of this sum by Katherine Imbrie shall be in full settlement of all claims or demands for personal injuries suffered by her and for the death of her husband."

The committee amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

I want to say in behalf of my colleague, the gentleman from Texas [Mr. BLACK], who made the point of order, that the gentleman made it conscientiously, believing it to be his duty. He and I did not agree as to what should be done with respect to this bill, but there is not a more honorable, conscientious, hard-working, able, and efficient man in this House than the gentleman from Texas [Mr. BLACK]. The gentleman works hard on every one of these bills that comes up and puts in long hours upon them, with but one purpose in view, and that is to do what is right and just. I know he has the respect and properly deserves the commendation of every Member of this House for the splendid work he does, for he is one of the most valuable men in Congress. [Applause.]

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

C. P. DRYDEN

The next business on the Private Calendar was the bill (S. 2094) for the relief of C. P. Dryden.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. P. Dryden, $2,329.25, as full compensation to C. P. Dryden, Mrs. C. P. Dryden, and Mrs. D. F. Dryden for personal damages and private property damages which occurred, without negligence on his part, as a result of the operation of military aircraft on June 28, 1923, at Kiwanis Aviation Field, Van Nuys, Calif.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

FERRYBOAT "NEW YORK"

The next business on the Private Calendar was the bill (S. 3665) for the relief of the owner of the ferryboat *New York*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the claim of the United States Housing Corporation, owner of the ferryboat *New York*, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States ship *Wasp*, on the 19th day of August, 1919, in the Elizabeth River, Portsmouth, Va., may be sued for by the said United States Housing Corporation in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said ferryboat *New York*, or against the owner of the said ferryboat *New York* in favor of the United States, with the same powers as if said suits were brought in accordance with the provisions of the suits in admiralty act of March 9, 1920, and said decree or judgment shall be paid as provided in said act: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

With the following committee amendment:

Strike out all of line 6, page 2, after the word "States," lines 7 and 8, and the first six words in line 9, and insert in lieu thereof as follows: "Upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal, except that no interest shall be allowed on any claim."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL J. LEAPHART

The next business on the Private Calendar was the bill (S. 4841) for the relief of Samuel J. Leaphart.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Samuel J. Leaphart, United States marshal for the eastern district of South Carolina, out of any money in the Treasury not otherwise appropriated, the sum of $90.94, representing payments made by him to a number of special deputies for traveling expenses, which payments were disallowed by the Comptroller General of the United States, but which were subsequently paid by Samuel J. Leaphart.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

STANDARD OIL CO. OF NEW JERSEY

The next business on the Private Calendar was the bill (H. R. 16027) authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

GUY CARLTON BAKER

The next business on the Private Calendar was the bill (H. R. 17014) to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department to show that Guy Carlton Baker is one and the same person as Calton C. Baker or Carlton C. Baker, who served in the War of 1812 as a private in Capt. Ezekiel Colburn's company, Lieut. Col. Thomas B. Benedict's regiment, New York Militia.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMANDER JULES JAMES, UNITED STATES NAVY

The next business on the Private Calendar was the bill (S. 4683) granting permission to Commander Jules James, United States Navy, to accept the decoration of the Legion of Honor tendered him by the Republic of France.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

PAUL R. SUTHERLAND

The next business on the Private Calendar was the joint resolution (H. J. Res. 295) to waive age of Paul R. Sutherland, United States Army.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The joint resolution is as follows:

*Resolved, etc.,* That the maximum age for entrance into the United States Military Academy be waived in the case of Paul R. Sutherland, a private in the United States Army Air Service, to allow him to obtain appointment from the Army.

With the following committee amendment:

Line 6, after the word "Army," add the words "to enter with the class which reports July 1, 1927."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN W. CLEAVENGER, DECEASED

The next business on the Private Calendar was the bill (H. R. 15633) to correct the military record of John W. Cleavenger, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John W. Cleavenger, who was a member of Company B, Ninth Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 26th day of April, 1862: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

KENNEDY F. FOSTER

The next business on the private calendar was the bill (H. R. 9855) for the relief of Kennedy F. Foster.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of all laws conferring rights, benefits, and privileges upon honorably discharged soldiers, Kennedy F. Foster shall be held and considered as having been honorably discharged from the military service of the United States on November 10, 1864, as a member of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry: *Provided,* That no bounty, pay, or allowances shall be held as having accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLIE R. PATE

The next business on the private calendar was the bill (H. R. 15178) for the relief of Charlie R. Pate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of all laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charlie R. Pate, who was a member of Company L, Twenty-seventh United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on November 30, 1902: *Provided,* That no back pay, bounty, pension, or other allowance shall be held as accrued prior to the passage of this act.

With the following committee amendment:

In line 5, after the word "Pate" insert the words "who was a member of Company L, Twenty-seventh United States Infantry, shall hereafter."

Line 8, after the word "States" insert the words "as a private of that organization."

Line 9, after the figures "1902" insert the words "*Provided,* That no back pay, bounty, pension, or other allowance shall be held as accrued prior to the passage of this act."

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM TAYLOR COBURN

The next business on the Private Calendar was the bill (H. R. 14977) for the relief of William Taylor Coburn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Taylor Coburn, late a private in Company H, Nineteenth United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment: *Provided,* That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

With the following committee amendment:

In line 6, strike out the word "nineteenth" and insert in lieu thereof the word "sixteenth."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM MULLINS

Mr. REECE. Mr. Speaker, the gentleman who objected to No. 641 on the Calendar, H. R. 6935, has agreed to withdraw his objection, and I ask unanimous consent to return to that bill.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to return to H. R. 6935, on the calendar. Is there objection?

There was no objection.

The Clerk read the title of the bill, as follows:

A bill to correct the military record of William Mullins.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Mullins, who served in Company I, Eleventh Regiment, and Company G, Ninth Regiment Tennessee Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a private of Company G, Ninth Tennessee Volunteer Cavalry, on September 1, 1865: *Provided,* That no pay, bounty, or allowances shall be held as accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

MUSCLE SHOALS, BIRMINGHAM & PENSACOLA RAILROAD CO.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent of the House to take up out of the regular order No. 792 on the

calendar (S. 2722), a bill introduced by Congressman SMITHWICK, who is soon to leave this body, and I am sure every Member regrets that he is to leave and that they will extend him that courtesy.

Mr. BLANTON. And the only bill he has on the calendar.

Mr. HUDSPETH. The only one.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to consider out of order Calendar No. 792 (S. 2722). Is there objection?

There was no objection.

The Clerk read the title to the bill, as follows:

A bill for the relief of the Muscle Shoals, Birmingham & Pensacola Railroad Co., the successor in interest of the receiver of the Gulf, Florida & Alabama Railroad Co.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $27,008.04 to the Muscle Shoals, Birmingham & Pensacola Railroad Co., the successor in interest of the receiver of the Gulf, Florida & Alabama Railway Co., as full compensation for amounts expended and unreclaimable in connection with the construction of an extension of tracks to the United States naval air station and yard at Pensacola, Fla.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. Those of us who know JOHN HARRIS SMITHWICK, of Florida, know him to be an able, efficient, wise, painstaking legislator. He is a kind, big-hearted, dependable friend. I am sure that every one of us who do know him intimately regret that he is to leave us. I think that his retirement is a distinct loss to the Government; it is a great loss to his people in Florida, and it is our loss here that he is not to be with us in the next Congress. Many of us will miss him greatly. I am sure that I speak the sentiments of all those present when I say that he carries with him our strong affection, confidence, and best wishes in whatever he does. [Applause.] I hope that sometime we shall see him back here. [Applause.]

Mr. DRANE. Mr. Speaker, I move to strike out the last two words. I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DRANE. Mr. Speaker, I just came in and heard the gentleman from Texas talking about the gentleman from Florida [Mr. SMITHWICK]. Mr. SMITHWICK has been in Congress for eight years. I have been here for 10 years, and therefore his senior in point of service. He bears the most remarkable record in that he has been the quietest man in the House and has passed every bill he has ever introduced, and that is a good many bills. Personally I regret exceedingly to see him retire to private life. I know that I speak not only for this House, but particularly for his own delegation, both in the House and in the Senate, when I say that we wish him good luck and Godspeed in whatever he undertakes. [Applause.]

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MATILDA KLOPPING

The next business on the Private Calendar was the bill (H. R. 13119) for the relief of Matilda Klopping.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, and dependent relatives, Charles Klopping, who was a member of Company G, Fifteenth Regiment, New York Heavy Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 29th day of June, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

CALVIN H. BURKHEAD

The next business on the Private Calendar was the bill (H. R. 16080) for the relief of Calvin H. Burkhead.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War is authorized and directed to pay to Capt. Calvin H. Burkhead, out of any appropriation now or hereafter available for travel of the Army, the sum of $1,971.60 to reimburse him for money paid by him while traveling under official orders in Alaska from July 1, 1922, to and including September 5, 1924.

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

A motion to reconsider was laid on the table.

CHRISTINE BRENZINGER

The next business on the Private Calendar was the bill (H. R. 1569) for the relief of Christine Brenzinger.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to pay out of any money in the United States Treasury not otherwise appropriated, the sum of $526.50 to Christine Brenzinger, of Louisville, Ky., as compensation for injuries sustained on July 8, 1919, when struck by an automobile, at the time driven by a soldier of the United States Army.

With the following committee amendments:

In line 5, after the word "appropriated," add the following "and in full settlement against the Government."

In line 5 strike out the figures "$526.50" and insert in lieu thereof "$150."

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

FRANCES L. DICKINSON

The next business on the Private Calendar was the bill (H. R. 11010) for the relief of Frances L. Dickinson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Frances L. Dickinson the sum of $60 as reimbursement of a payment made to a former postmaster at Essex, Conn., for 12 war-savings stamps which were never delivered.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM A. LIGHT

The next business on the Private Calendar was the bill (H. R. 11459) for the relief of William A. Light.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the United States Employees' Compensation Commission is hereby authorized to examine into the claim of William A. Light, of Valentine, Ariz., in respect to the disability sustained by him on or about September 26, 1916, in the discharge of his official duties as superintendent of the United States Indian school agency at Mescalero, N. Mex., and to pay him compensation in accordance with the provisions of the employees' compensation act approved September 7, 1916 (39 Stat. L. pp. 742–750), as amended by the act of June 5, 1924.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $1,524.89, to William A. Light, of Valentine, Ariz., as compensation for injuries sustained on September 26, 1916, in the discharge of his official duties as superintendent of the United States Indian school agency at Mescalero, N. Mex."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. LINDSAY

The next business on the Private Calendar was the bill (H. R. 16182) for the relief of William H. Lindsay.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $2,811.25 to William H. Lindsay for services rendered between December, 1924, and September, 1926, at Glacier National Park, as expert mechanic and electrician, while holding the office of United States commissioner for the park.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle the claim of William H. Lindsay in the sum of $2,811.25, for services rendered by him as a mechanic and electrician at Glacier National Park, Mont., during the fiscal years 1925, 1926, and 1927, out of the appropriation for said park for the fiscal year 1927, notwithstanding the provisions of section 1765 of the Revised Statutes and of section 6 of the act of May 10, 1916 (39 Stat. L., p. 120)."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

C. G. DUGANNE AND A. N. ROSS

The next business on the Private Calendar was the bill (H. R. 17063) for the relief of C. G. Duganne and A. N. Ross.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the General Accounting Office of the Treasury Department is hereby authorized and directed to credit in the accounts of C. G. Duganne, formerly disbursing clerk of the Federal Trade Commission, and A. N. Ross, present disbursing clerk of the Federal Trade Commission, both located at Washington, D. C., the amounts of $42.80 and $28.75, respectively, representing amounts paid by them and which were disallowed by the General Accounting Office as having been paid in contravention of the travel regulations of the Federal Trade Commission or the rulings of the General Accounting Office.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BLANTON. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. Has the gentleman a report from the Comptroller General on the bill just considered?

Mr. UNDERHILL. There is no written report from him, but the comptroller states that this is a technicality which requires action on the part of Congress.

Mr. BLANTON. And he is willing to have that done?

Mr. UNDERHILL. Yes.

E. A. GOLDENWEISER ET AL.

The next business on the Private Calendar was the bill (S. 5539) to authorize and direct the Comptroller General to settle and allow the claims of E. A. Goldenweiser, Edith M. Furbush, and Horatio M. Pollock for services rendered to the Department of Commerce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what was the nature of these services?

Mr. UNDERHILL. Mr. Speaker, this is work that should only be done outside of the department, and the law, as I understand it, requires that it shall be done inside the department. There is no question, however, that the services were rendered, and the amount claimed is very reasonable. The Comptroller General found himself in a position where, according to the law, he was obliged to receive payment, but he has no objection to the payment of the amount.

Mr. SCHAFER. What is the amount?

Mr. UNDERHILL. Six hundred dollars in one case and $2,000 in the other.

Mr. SCHAFER. I withdraw the reservation.

Mr. BLANTON. Has the Comptroller General stated to the gentleman that he is willing to have this done?

Mr. UNDERHILL. He made the statement to me that it was perfectly correct.

Mr. BLANTON. I want to state to the gentleman from Massachusetts that his work on this Claims Committee is the best I ever saw. He is the best chairman of the Committee on Claims that I ever saw. He has killed more bad bills on that committee than have been killed in any term of Congress that I have been here, and I think his work deserves such great commendation that even though the Comptroller General had not agreed to this, I would not object to it.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of E. A. Goldenweiser in the sum of $600, and the claim of Edith M. Furbush and Horatio M. Pollock in the sum of $2,000 for services rendered the Department of Commerce in the preparation of monographs on census subjects notwithstanding provisions of existing law.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. JAMES P. WILLIAMS

The next business on the Private Calendar was the joint resolution (H. J. Res. 339) authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution is as follows:

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to award a Nicaraguan campaign badge to Capt. James P. Williams, now a captain in the United States Army, Headquarters and Headquarters Troop, One hundred and fifty-sixth Cavalry Brigade, United States Army Reserve, for services rendered the United States Government in the Nicaraguan campaign of 1912 and 1913: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued by virtue of the passage of this act.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEWIS H. FRANCKE AND BLANCHE F. SHELLEY

The next business on the Private Calendar was the bill (H. R. 1564) for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs to Ralph K. Warrington.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum specified in section 2 of this act, to be paid to Lewis H. Francke and Blanche F. Shelley, of Kentucky, the sole legal heirs of the late Ralph K. Warrington, who died intestate on March 1, 1919.

SEC. 2. That for the purpose of compensating the estate of Ralph K. Warrington, deceased, for the loss of personal property belonging to said deceased, through and by the theft and conversion at the hands of an employee of the Government of the United States, who under his duties was authorized as such employee to receive and take possession of said property, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,892.64. The said Ralph K. Warrington, at the time of his death, was a civilian employee in the Medical Department of the United States Army and assigned to duty on the ship *A. T. Sherman*.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full compensation against the Government, the sum of $3,453.88 to Lewis H. Francke and Blanche F. Shelley, of Louisville, Ky., the

sole legal heirs of the late George A. Francke, who served as Ralph K. Warrington, formerly clerk, Medical Department at Large, United States Army, and who died intestate on March 1, 1919, for the loss of personal property belonging to the said deceased, through and by the theft and conversion at the hands of an employee of the Government of the United States."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARTHUR E. COLGATE

The next business on the Private Calendar was the bill (S. 105) for the relief of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is an unusual bill, where we direct a court to find a judgment for $50,000. It occurs to me that if we refer it to a court at all we ought to refer it for such judgment as the court deems just and proper.

Mr. VINCENT of Michigan. Mr. Speaker, this does not direct the court to find judgment for $50,000, but it directs that it shall not find judgment for a greater sum than $50,000. The reason this bill is referred again to the Court of Claims is this: That it was first referred by proper action to the Court of Claims under the Bowman Act, and under that act they are not permitted to render a judgment but only to render a finding of fact and law and report the same back to the Congress. They accomplished that service for the Congress, and they reported that under the facts and the law they find that this person is entitled to a judgment for $50,000; but since that time the question has been raised as to whether the document which transferred the right and title of the plaintiff in this case could legally transfer to him that part of the claim which accrued prior to the actual transfer of the title. Hence it was considered to be for the interest of the Government to send the case back to the Court of Claims, where that question of law can be determined and judgment rendered. The judgment could not carry a greater sum than $50,000, and it may be less than that; and that is the purpose of the act.

Mr. BLANTON. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the findings of fact made by the Court of Claims in the case of Arthur E. Colgate, administrator of the estate of Clinton G. Colgate, deceased, against the United States, Congressional, No. 6063, Senate Document No. 703, Sixty-fourth Congress, second session, be, and they are hereby, referred back to the Court of Claims with jurisdiction to render such judgment as the findings of fact heretofore found and the law require: *Provided*, That either party hereto may appeal to the Supreme Court of the United States upon or from any conclusion of law or judgment, from which appeals now lie in other cases, at any time within 90 days after the rendition of judgment: *Provided further*, That the amount of any such judgment shall not exceed the sum of $50,000: *And provided further*, That such notice hereof shall be given to the Attorney General of the United States as may be provided by orders of said court, and it shall be the duty of the Attorney General to cause one of his assistants to appear and defend for the United States."

The amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote, by which the bill was passed, was laid on the table.

J. C. HERBERT

The next business on the Private Calendar was the bill (H. R. 5787) for the relief of J. C. Herbert.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. C. Herbert, Hayesville, N. C., the sum of $2,000 for services rendered the Government of the United States in connection with the location of and the establishment of title of the United States to a certain tract of land containing 5,000 acres, situated in Clay County, N. C., and involved in a suit heretofore pending in the District Court of the United States for the Western District of North Carolina, entitled "United States of America *v.* The Hiawassee Lumber Co.," said services having been rendered upon the request and advice of the then district attorney of the United States for said district.

Committee amendments:

Page 1, line 6, strike out "$2,000" and insert in lieu thereof "$750 in full settlement."

Page 2, line 5, strike out the words "the then" and insert in lieu thereof "two successive."

Page 2, line 5, strike out the word "attorney" and insert the word "attorneys."

The amendments were agreed to.

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

A motion to reconsider was laid on the table.

ELLEN B. MONAHAN

The next business on the Private Calendar was the bill (H. R. 13091) for the relief of Ellen B. Monahan.

The Clerk read the title of the bill.

Mr. BOX. Mr. Speaker, I object to the amendment, and I ask to be heard on it.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ellen B. Monahan, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, for physical injuries received by her as the result of being overcome by illuminating gas escaping from a pipe (said to have been broken through the negligence of an employee of the Treasury Department) on the 14th day of June, 1911, while she was in the employ of the Government of the United States and in the discharge of her duties as a clerk in the national bank redemption agency office of the Treasury of the United States.

Committee amendment:

In line 5, on page 1, after the word "appropriated," insert "in full settlement against the Government," and in line 6 strike out "$1,000" and insert "$750."

Mr. BOX. Mr. Speaker, this is presented as a committee amendment. No such amendment was made in the committee. The gentleman from Texas had the honor to report this bill to the whole committee and makes this statement in the presence of the entire committee present when this bill was presented. The gentleman from Texas does not know how it was incorrectly reported to the House, but the committee concluded this claimant was entitled to $1,000, and the committee so decided and so ordered this case reported; and how this error has crept into the report the gentleman from Texas knows nothing about it.

Mr. UNDERHILL. Mr. Speaker, I will state for the benefit of the House, that was the understanding. The Chair does not know how the error occurred.

Mr. BLANTON. Will my colleague yield?

Mr. BOX. I yield.

Mr. BLANTON. We have such a splendid clerk to that committee that sometimes when he believes the committee grants more than it should, out of the Public Treasury, he cuts it down and he may have done so in this case.

Mr. BOX. That committee runs its own affairs and does not permit the clerk to run them, when it knows it. Therefore, I think, this amendment should be voted down and that this claimant should be allowed the sum of $1,000.

The SPEAKER pro tempore. The Chair would like to inquire whether the gentleman's objection goes to the first amendment.

Mr. BOX. It only goes to the one changing the amount.

The SPEAKER pro tempore. The question is on agreeing to the first amendment, which the Clerk will again report.

The Clerk read as follows:

Page 1, line 5, after the word "appropriated" insert the words "in full settlement against the Government."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

In line 6, strike out "$1,000" and insert in lieu thereof "$750."

The question was taken and the amendment was rejected.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN M. ANDREWS

The next business on the Private Calendar was the bill (H. R. 3464) for the relief of John M. Andrews.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, and their widows and dependent relatives, John M. Andrews shall hereafter be held and considered to have been discharged honorably from the United States Army as a private: *Provided*, That no back pay or allowance of any kind accrue because of the passage of this act.

With the following committee amendments:

Page 1, line 8, strike out the words "from the United States Army as a private" and insert the words "as a private, Company F, Seventh United States Infantry, July 24, 1899; Troop I, Fourth United States Cavalry, August 24, 1906; Three hundred and forty-ninth Infantry, November 15, 1917."

Page 2, line 2, strike out the word "accrue" and insert the words "shall be held to have accrued."

The committee amendments were agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BETHLEHEM SHIPBUILDING CORPORATION

Mr. COYLE. Mr. Speaker, I ask unanimous consent to return to the consideration of the bill (H. R. 12813) for the relief of the Bethlehem Shipbuilding Corporation (Ltd.). The objection which was raised before has been at least temporarily suspended.

Mr. BLANTON. Will not the gentleman just get recognition to speak out of order? The gentleman can move to strike out the last word or ask unanimous consent to speak out of order.

Mr. COYLE. I will very gladly do that, as the gentleman from Texas was the one who objected to the consideration of the bill.

Mr. BLANTON. The gentleman is another one of our friends who is going to leave us, and I ask unanimous consent that he may be permitted to speak out of order for five minutes.

Mr. COYLE. Three minutes will be sufficient.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to proceed for three minutes. Is there objection.

There was no objection.

Mr. COYLE. Mr. Speaker and gentlemen of the House, this particular bill is one that I commend very seriously to your attention because, while the title calls for the relief of the Bethlehem Shipbuilding Corporation, it ought perhaps to be written a bill to permit the Navy Department to pay its contract obligation which has been determined by law as its just debt to the Bethlehem Shipbuilding Corporation. The bill authorizes the Comptroller General to settle this claim, which arises from the fact that the Bethlehem Shipbuilding Corporation had a small subcontract during the war time with the West & Dodge Co., and the Navy Department notified them to discontinue payments under that contract. The West & Dodge Corporation, the subcontractor, subsequently sued the Bethlehem Shipbuilding Corporation.

The Navy Department defended that suit and judgment was ordered against the contractor. The Bethlehem Shipbuilding Corporation and the Navy Department are now under agreement to save the Bethlehem Shipbuilding Corporation harmless as a result of that suit. This amount has been paid by the Bethlehem Shipbuilding Corporation now nearly one year ago.

Mr. BLANTON. Will the gentleman yield?

Mr. COYLE. Yes.

Mr. BLANTON. If this is a just claim against the Navy, why has it not settled the claim?

Mr. COYLE. This claim has not been settled because the Navy Department has had neither the appropriation nor the legislative authority to settle it, going back into the year 1918 or 1919.

Mr. BLANTON. I have such a high regard for our friend, who is going to leave us, and he only having one bill on the calendar, that I shall withdraw my objection if he can get unanimous consent to go back to it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the Bethlehem Shipbuilding Corporation (Ltd.), on account of a judgment rendered in the case of the West & Dodge Co. *v.* The Bethlehem Shipbuilding Corporation (Ltd.) in the United States district court at Boston, Mass., which claim grew out of the contract of December 6, 1917, between the Secretary of the Navy and said corporation for the construction of torpedo-boat destroyers.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN W. SIPLE

The next business on the Private Calendar was the bill (H. R. 5179), to correct the military record of John W. Siple.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That in the administration of the pension and homestead laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John W. Siple shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Seventy-seventh Regiment of Fourth Indiana Volunteer Cavalry, on February 27, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Page 1, line 10, after the word "pension" insert the words "pay, or bounty."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

WILLIAM L. TROTT

The next business on the Private Calendar was the bill (H. R. 7146) for the relief of William L. Trott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William L. Trott, who was a member of Company M, Fourteenth Regiment Kansas Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 25th day of June, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES W. KINGON

The next business on the Private Calendar was the bill (H. R. 7211), for the relief of James W. Kingon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Kingon, out of any money in the Treasury not otherwise appropriated, the sum of $170 in full settlement of all pay, bounty, and allowances due him for services in Company H, Forty-second Regiment Illinois Volunteer Infantry.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES P. DAVIS

The next business on the Private Calendar was the bill (H. R. 9927) to correct the military record of James P. Davis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James P. Davis, who was a member of Company E, Thirteenth Regiment Veteran Reserve Corps, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 31st day of January, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 5, strike out the initial "P."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

THEODORE HERBERT

The next business on the Private Calendar was the bill (H. R. 11433) for the relief of Theodore Herbert.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of the pension laws, Theodore Herbert shall be held and considered to have been honorably discharged from the military service of the United States in Company B, Ninety-fifth Regiment New York Volunteer Infantry, on the 13th day of July, 1864: *Provided,* That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Page 1, line 8, after the word "pension," insert the words "pay, or bounty."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ALEXANDER ASHBAUGH

The next business on the Private Calendar was the bill (H. R. 14161) to correct the military record of Alexander Ashbaugh.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to review the military record of Alexander Ashbaugh, late of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and grant him an honorable discharge.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alexander Ashbaugh, who was a member of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 1st day of October, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

CHARLES A. BLACK, ALIAS ANGUS BLACK

The next business on the Private Calendar was the bill (H. R. 14312) for the relief of Charles A. Black, alias Angus Black.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles A. Black, alias Angus Black, who was a member of Company B, Eleventh Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of August, 1861: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALFRED ST. DENNIS

The next business on the private calendar was the bill (H. R. 15792) to correct the military record of Alfred St. Dennis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alfred Saint Dennis, who was a member of Company E, Fifty-seventh Massachusetts Volunteer Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 6th day of May, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Amend the title so as to read: "A bill for the relief of Alfred St. Dennis."

With the following committee amendment:

Line 5, page 1, strike out the words "Alfred Saint Dennis" and insert in lieu thereof the words "Alfred St. Dennis."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

MEDAL OF HONOR AND MERIT FROM THE REPUBLIC OF HAITI

The next business on the Private Calendar was the bill (H. R. 17088) to authorize certain officers of the United States Navy to accept from the Republic of Haiti, the medal of honor and merit.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DREWRY. Mr. Speaker, I ask unanimous consent to substitute the Senate bill (S. 3110) for the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That Commander Archibald L. Parsons and Lieut. Commander Ben Moreell of the Civil Engineer Corps of the United States Navy be, and they are hereby, authorized to accept from the Republic of Haiti the medal of honor and merit which has been tendered to each of said officers, through the Department of State, in appreciation of services rendered the said Republic of Haiti.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

DE WITT COUNTY NATIONAL BANK, OF CLINTON, ILL.

The next business on the Private Calendar was the bill (H. R. 16224) for the relief of the DeWitt County National Bank, of Clinton, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the DeWitt County National Bank, Clinton, Ill., United States registered note numbered J-105600 in the denomination of $1,000 of the Victory Liberty Loan 4¾ per cent convertible gold notes of 1922-1923, inscribed "Mrs. Alta F. Farnsworth," with interest from December 15, 1922, to May 20, 1923, without presentation of the note, said note having been stolen after being assigned in blank by the registered payee, now deceased, and the estate of the registered payee having been reimbursed for the note by the DeWitt County National Bank, Clinton, Ill.: *Provided*, That the said note shall not have been previously presented and paid: *And provided further*, That the said DeWitt County National Bank shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said note and the unpaid interest which had accrued thereon when the principal became due and payable in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury with condition to indemnify and save harmless the United States from any loss on account of the note hereinbefore described.

With the following committee amendments:

Page 2, line 6, after the word "paid," insert the words "and provided further."

Page 2, line 7, after the word "first," insert the words "reimburse the Postmaster General for any indemnity paid, and shall."

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

FINAS M. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 10813) for the relief of Finas M. Williams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Finas M. Williams shall hereafter be held and considered to have been honorably discharged from the service of the United States Army on August 14, 1913: *Provided*, That no back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALBERT J. ZYVOLSKI

The next business on the Private Calendar was the bill (H. R. 15519) for the relief of Albert J. Zyvolski.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $613.10 to Albert J. Zyvolski for loss of his personal property by fire in section house No. 21, Eklutna, on the Alaska Railroad on May 28, 1924.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

O. E. MOORE

The next business on the Private Calendar was the bill (H. R. 16957) granting patent to O. E. Moore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what kind of patent is this?

Mr. ENGLEBRIGHT. It is a patent to a homestead. It is a homestead that has been involved in a number of withdrawals.

Mr. SCHAFER. I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to issue a patent to O. E. Moore, conveying lot 11, in the southwest quarter of section 6, and lots 7, 8, 9, and 10, in the northwest quarter of section 7, township 47 north, range 2 east, Mount Diablo meridian, California, as indicated on that certain plat of township 47 north, range 2 east, Mount Diablo meridian, California, approved by the United States surveyor general's office, San Francisco, August 2, 1920, being the lands embraced in homestead entry of O. E. Moore, Sacramento serial 012117.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. GRAYSON

The next business on the private calendar was the bill (S. 1261) for the relief of William H. Grayson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

*Be it enacted, etc.*, That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William H. Grayson shall hereafter be held and considered to have been honorably discharged on August 22, 1864, from the military service of the United States as a private of Company I, Fifteenth Regiment Kansas Volunteer Cavalry: *Provided*, That no pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT P. COOKE

The next business on the Private Calendar was the bill (H. R. 17057) granting an annuity to Dr. Robert P. Cooke.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department the name of Dr. Robert P. Cooke and pay to him for and during his natural life, in lieu of all pensions, the sum of $100 per month, in special recognition of the eminent service rendered, suffering endured, and permanent disabilities contracted by him in the interest of humanity and science as a volunteer subject for experiment in the yellow fever hospital in Cuba.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEAR EAST RELIEF (INC.)

The next business on the Private Calendar was the bill (S. 1752) for the relief of the Near East Relief (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that this bill be recommitted to the Committee on Claims.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. VINCENT of Michigan. Mr. Speaker, reserving the right to object, how is this bill on the calendar?

Mr. UNDERHILL. That is what I want to find out.

Mr. VINCENT of Michigan. The committee never ordered it reported.

Mr. UNDERHILL. There is some doubt in the chairman's mind about it.

The SPEAKER pro tempore. Without objection the bill will be recommitted to the Committee on Claims.

There was no objection.

PERSONS SUFFERING LOSS IN LAWTON FIRE IN 1917

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 605 (H. R. 1579) a bill called up on a previous night and objected to by my colleague [Mr. BLACK of Texas]. The gentleman from Texas has finally consented to withdraw his objection and if no one else objects to let the bill be considered.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to return to Calendar No. 605 (H. R. 1579), for the relief of persons suffering loss on account of the Lawton fire, 1917. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $73,391.45 to the persons whose names appear below, as compensation in full for loss of property destroyed by the fire on September 24, 1917, in the city of Lawton, Okla., such loss having been the result of the inability of the fire department of the city of Lawton to control said fire because of lack of water, all available water for fire-fighting purposes having been appropriated and being used by the War Department in connection with the training of soldiers at Fort Sill and Camp Doniphan: Date Crabtree, $1,132; H. D. Ingraham, $33,682.57; Anna Beaver, $1,800; W. Garven, $1,000; Mrs. C. E. Bear, $7,750; Joe Jacobson, $3,000; Dr. L. C. Knee, $3,000; S. J. Coffey, $1,413.18; C. J. Aurell, $406.75; J. G. Mitchell, $3,077.88; John H. Ledgerwood, $200; E. L. Shanklin and E. L. Kelley, $1,550; Julia N. Burns, $1,208; Hannah Beaver, $700; Mary E. Wooten, $3,150; Charles Fuson and J. E. Fuson, $3,850; Ada Hammond and O. W. Northrup, $2,419.72; Annabel Young, $1,775.35; Lee N. Wallis, $1,000; Mrs. E. C. Swisher, $959; D. D. Dean, $317.

With the following committee amendment:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $75,000 to the persons whose names appear below, as compensation in full for loss of property destroyed by the fire on September 24, 1917, in the city of Lawton, Okla., such loss having been the result of the inability of the fire department of the city of Lawton to control said fire because of lack of water, all available water for fire-fighting purposes having been appropriated and being used by the War Department in connection with the training of soldiers at Fort Sill and Camp Doniphan: Date Crabtree, $1,132; H. D. Ingraham, $33,682.57; Anna Beaver, $1,800; W. Garven, $1,000; Mrs. C. E. Bear, $7,750; Joe Jacobson, $3,000; Dr. L. C. Knee, $3,000; S. J. Coffey, $1,413.18; C. J. Aurell, $406.75; J. G. Mitchell, $3,077.88; John H. Ledgerwood, $200; E. L. Shanklin and E. L. Kelley, $1,550; Julia N. Burns, $1,208; Hannah Beaver, $700; Mary E. Wooten, $3,150; Charles Fuson and J. E. Fuson, $3,850; Ada Hammond and O. W. Northrup, $2,419.72; Annabel Young, $1,775.35; Lee N. Wallis, $1,000; Mrs. E. C. Swisher, $959; D. D. Dean, $317; C. R. Simpson, $2,850.15: *Provided*, That before any of said claims are allowed and paid the Comptroller General of the United States shall make an investigation of each of said claims to determine the extent and amount of such loss and damage, and such claims shall be adjusted in amounts not in excess of the amounts set out herein and upon certificates issued to each said claimant by the said Comptroller General of the United States.

The committee amendments were agreed to.

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

PAUL B. BELDING

The next business on the Private Calendar was the bill (S. 2197) for the relief of Paul B. Belding.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Paul B. Belding, of Hot Springs, Garland County, Ark., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 for injuries received while serving as a member of the Reserve Officers' Training Camp at Fort Sheridan, Ill., on the 24th day of June, 1921, due to the explosion of a rifle.

With the following committee amendment:

In line 6, after the word "appropriated," insert "and in full settlement against the Government,".

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM BARDEL

The next business on the Private Calendar was the bill (H. R. 3283) for the relief of William Bardel.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Bardel, the sum of $4,800 for property loss sustained by him as a result of the war while acting as American consul at Rheims, France.

With the following committee amendments:

In line 5, after the word "appropriated," insert "in full settlement against the Government"; and after the word "to," in line 5, insert "the estate of."

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

OLOF NELSON

The next business on the Private Calendar was the bill (H. R. 17230) for the relief of Olof Nelson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. CHRISTOPHERSON. Will the gentleman withhold that objection?

Mr. BLANTON. How many people are there in this town?

Mr. CHRISTOPHERSON. Yankton, on the Missouri River, is a city of 15,000.

Mr. BLANTON. This is a pretty big loss—$20,000—and I want to say if the gentleman would investigate the losses, he would find hundreds of them that the Post Office itself approves when it does not believe in them. They are getting to be too frequent, and it is a disgrace.

Mr. CHRISTOPHERSON. If the gentleman will let me state the facts: In the city of Yankton the Government maintains its own building—a fine building—and last summer robbers entered the post office in the early morning, blew open the safe, and got away with $20,000 of Government money.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Olof Nelson, postmaster at Yankton, S. Dak., with $20,489.14 on account of loss sustained in the burglary of the post office on October 12, 1926.

Mr. BLANTON. Dynamited the safe?

Mr. CHRISTOPHERSON. Yes; and it was no fault of the postmaster.

Mr. BLANTON. I withdraw my objection.

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

A motion to reconsider was laid on the table.

THE SCHOONER "SENTINEL"

The next business on the Private Calendar was the bill (H. R. 7168) for the relief of the owner of the schooner *Sentinel*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the title of the bill.

*Be it enacted, etc.*, That the Treasurer of the United States is hereby authorized and instructed to pay to Capt. Louis P. Sunderland, owner of the schooner *Sentinel*, the sum of $77.60 for cost of repair to said schooner *Sentinel*, which was damaged by collision with the United States Coast Guard cutter *Smith* on March 21, 1925.

With the following committee amendments:

Strike out the first line and the first four words in line 4 and substitute as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

BEN WAGNER

The next business on the Private Calendar was the bill (H. R. 15305) for the relief of Ben Wagner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof, as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $150 to Ben Wagner, for the value of a horse at Broken Arrow, Okla., electrocuted by broken kite wire of the Weather Bureau which had come in contact with the high-power line of the Public Service Co. of Oklahoma."

The committee amendment was agreed to.

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

POCAHONTAS FUEL CO.

The next business on the Private Calendar was the bill (H. R. 16482) for the relief of the Pocahontas Fuel Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pocahontas Fuel Co. (Inc.), a corporation duly organized by law and having a usual place of business in New York, N. Y., the sum of $1,595.18, in full compensation for property damage done to the coal wharf owned by said corporation at New Bedford, Mass., by the United States Coast Guard cutter *Achusnet,* on April 20, 1926, as a result of negligence on the part of duly authorized agents of the Treasury Department, Coast Guard Service, in charge of the operation of the said *Achusnet.*

With the following amendments:

In line 8, strike out the figures "$1,595.18" and insert in lieu thereof "$1,200." In line 11, substitute after "1926" a period in lieu of the comma, and strike out lines 12 to 14, inclusive.

The committee amendments were agreed to.

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

A motion to reconsider was laid on the table.

JAMES C. BASKIN

The next business on the Private Calendar was the bill (S. 2279) for the relief of James C. Baskin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TOLLEY. I object.

Mr. FULMER. Mr. Speaker, will the gentleman reserve his objection?

Mr. TOLLEY. Yes.

Mr. FULMER. Mr. Speaker, we have passed several similar bills this evening, at least a half dozen. This bill was very carefully considered in the committee of the Senate and the committee of the House. This gentleman lives in my district, He is a splendid citizen, and the bill is drafted as suggested by the Secretary of War. We have passed a number of the same kind to-night, and I hope the gentleman will not object.

Mr. TOLLEY. I have seen no bill that had a report of court-martial records in which a man was found guilty of repeated offenses. This man was an officer. There are enlisted men who have been deprived of their benefits who have not this officer's intelligence. Because of this man's influence he is now to have the benefit of this honorable discharge that an enlisted man similarly situated would not get.

Mr. FULMER. This case was not reviewed at all after the trial, and this party that was released by the gentleman was allowed to go home in charge of another officer. This party brought in some whisky, and it was not known at all by the gentleman who is now asking for relief. I know the man personally.

Mr. TOLLEY. I would not object to the gentleman's asking for unanimous consent to pass over the bill so that it will not be on the objected calendar.

The SPEAKER pro tempore. The Chair would say that the bill will retain its place on the calendar, even though objected to.

Mr. TOLLEY. Then, Mr. Speaker, I object.

PURDY TRAGER

The next business on the Private Calendar was the bill (H. R. 1386) for the relief of Purdy Trager.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of the pension laws Purdy Trager, now a resident of Newton, Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company L, Ninth Regiment Iowa Volunteer Cavalry: *Provided,* That no pension accrue because of this act prior to the passage thereof.

With the following committee amendment:

Line 8, strike out the word "accrue" and insert "pay, or bounty shall be held to have accrued."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN P. PENCE

The next business on the Private Calendar was the bill (H. R. 13090) authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

WILLIAM EARHART

The next business on the Private Calendar was the bill (H. R. 14955) for the relief of William Earhart.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Earhart, who was a member of Company B, Thirteenth Regiment Pennsylvania Cavalry, Civil War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of August, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM MORIN

The next business on the Private Calendar was the bill (H. R. 15274) for the relief of William Morin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Morin, who was a member of Company G, Fifteenth Regiment Maine Volunteer Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 25th day of January, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

RICHARD B. BARNITZ

The next business on the Private Calendar was the bill (H. R. 15357) authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

ROBERT ZINK

The next business on the Private Calendar was the bill (H. R. 16658), to amend the military record of Robert Zink.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.*, That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Robert Zink, a resident of Illinois, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a musician of Company C, Eighteenth Regiment Missouri Volunteer Infantry, on the 18th day of July, 1865: *Provided*, That no pension, shall accrue prior to the passage of this act.

With the following committee amendment:

Page 1, line 10, strike out the words "shall accrue" and insert the words "pay, or bounty shall be held to have accrued."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Robert Zink."

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM G. BEATY

The next business on the Private Calendar was the bill (H. R. 16897) for the relief of William G. Beatty, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, William G. Beaty, who was a member of Company C, First Battalion, Mississippi Mounted Rifles (subsequently Company I, Second Mississippi Volunteer Cavalry), shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of May, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

BUTLER LUMBER CO. (INC.)

The next business on the Private Calendar was the bill (H. R. 17108) giving jurisdiction to the Court of Claims to hear and determine the claim of the Butler Lumber Co. (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of the Butler Lumber Co. (Inc.), Richmond, Va., for damages resulting from the furnishing of piling in the erection of a fueling station on Craney Island, in Norfolk Harbor, Va., which station was erected under a contract dated May 21, 1921, between W. S. Rendle and the United States Shipping Board representing the United States of America.

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

A motion to reconsider was laid on the table.

JOSEPHINE THIBODEAUX

The next business on the Private Calendar was the bill (H. R. 5471) for the relief of Josephine Thibodeaux.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object to the consideration of the bill.

JOHN STREVY

The next business on the Private Calendar was the bill (H. R. 11231) to correct the military record of John Strevy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers John Strevy shall be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Third Provisional Pennsylvania Volunteer Cavalry, on the 26th day of October, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, after the word "pension," strike out "shall accrue" and insert "bounty, back pay, or allowance shall be held to have accrued."

The amendment was agreed to.

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

The title was amended.

PAUL B. BELDING

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to return to Calendar No. 791.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. BLANTON. For what purpose?

Mr. UNDERHILL. To ask for a reconsideration of the bill. My attention was distracted when the bill was reported.

Mr. BLANTON. The gentleman wants to put in a salutary amendment?

Mr. UNDERHILL. I want to reduce the amount.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to return to the bill (S. 2197) for further consideration. The Chair will state the only way anything can be done in relation to the bill now is by unanimous consent to vacate the proceedings.

Mr. UNDERHILL. I ask unanimous consent to vacate the proceedings.

Mr. LARSEN. Will not the gentleman wait until we have concluded this page?

Mr. UNDERHILL. I prefer to do it now.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that proceedings by which Calendar No. 791 was passed be vacated. Is there objection?

Mr. SCHAFER. Reserving the right to object, is that the bill to make payment to an American consul?

Mr. UNDERHILL. No.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will again report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Paul B. Belding, of Hot Springs, Garland County, Ark., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 for injuries received while serving as a member of the Reserve Officers' Training Camp at Fort Sheridan, Ill., on the 24th day of June, 1921, due to the explosion of a rifle.

Committee amendment.

Page 6, after the word "appropriated," insert "in full settlement against the Government."

The committee amendment was agreed to.

Mr. UNDERHILL. Mr. Speaker, I wish to offer a further amendment to strike out the figures "$5,000" and insert in place thereof the figures "$1,500."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 7, strike out the figures "$5,000" and insert in lieu thereof the figures "$1,500."

The committee amendment was agreed to.

The bill was ordered to be read the third time, was read the third time and passed.

CHARLES ROBERTSON

The next business on the Private Calendar was the bill (H. R. 16597) to correct the military record of Charles Robertson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles Robertson, who was a private in Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and in Company I, Sixth Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said Company C, Forty-ninth Regiment Indiana Volunteer Infantry, on the 17th day of January, 1863: *Provided,* That no bounty, pension, pay, or allowances shall be held as accrued prior to the passage of this act.

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

A motion to reconsider the vote was laid on the table.

N. H. THIBODEAUX

Mr. DENISON. Mr. Speaker, I ask unanimous consent to return to the consideration of H. R. 5471, for the relief of N. H. Thibodeaux. The gentleman from Wisconsin [Mr. SCHAFER] objected because there was no one here to explain it. The attention of the chairman of the committee was distracted at the time, but I think he can give an explanation.

Mr. SCHAFER. Mr. Speaker, I have looked into it, and I find it is a good bill. Therefore, I will withdraw my objection.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to return to the consideration of H. R. 5471. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to N. H. Thibodeaux, of Los Angeles, Calif., which sum was paid by him to the United States as a bail bond for appearance in court, said bail bond being declared forfeited by the court for nonappearance, but subsequently ordered paid back to him through an order of said court vacating the forfeiture of the bail bond, but which amount had been covered into the Treasury of the United States by the clerk of the court.

With the following committee amendments:

Page 1, line 5, strike out "$2,500" and insert "$2,000."

Page 1, line 6, strike out the initials "N. H." and insert "Josephine."

Page 1, line 7, after the word "by," strike out the word "him" and insert the word "her."

Page 1, line 8, after the word "court," insert the words "of N. H. Thibodeaux."

Page 1, line 11, after the word "to," strike out the word "him" and insert the words "said Josephine Thibodeaux."

The committee amendments were agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

DENNIS W. SCOTT

The next business on the Private Calendar was the bill (H. R. 14664) for the relief of Dennis W. Scott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Dennis W. Scott, who was a member of Company B, Thirty-second Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 31st day of October, 1898: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CARLOS TOMPKINS

The next business on the Private Calendar was the bill (S. 95) for the relief of Carlos Tompkins.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Carlos Tompkins, who served as a member of Troop H, Second Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from said service on the 20th day of May, 1865: *Provided,* That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

EUSTACIO B. DAVISON

The next business on the Private Calendar was the bill (S. 1413) for the relief of Eustacio B. Davison.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Eustacio B. Davison, formerly of Companies A and H, Eighty-seventh Regiment New York Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a sergeant on the 13th day of June, 1862: *Provided,* That no pension shall accrue prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PATRICK C. WILKES

The next business on the Private Calendar was the bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Patrick C. Wilkes, alias Clebourn P. Wilkes, private, Battery C, Second Regiment United States Artillery, which subsequently became the Fourteenth Company of Coast Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 15th day of March, 1901: *Provided,* That no back pay, bounty, pension, or other emolument shall accrue prior to the approval of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LILLIE F. EVANS

Mr. UNDERHILL. Mr. Speaker, I promised the gentleman from Georgia that at the completion of the calendar I would ask unanimous consent to return to the consideration of Senate bill 1818, for the relief of Lillie F. Evans. I now ask the gentleman to relieve me from that promise, due to the fact that it is so late we will not have time in which to properly debate the bill.

Mr. O'CONNELL of New York. Is the bill controversial?

Mr. UNDERHILL. Yes, very.

Mr. BLANTON. And we are going to have to be back here to-morrow.

Mr. UNDERHILL. So if the gentleman from Georgia will release me from my promise I will appreciate it.

Mr. LARSEN. I would like to know whether we are likely to have another opportunity to pass upon bills on the Private Calendar?

Mr. UNDERHILL. I think some day next week, between the consideration of conference reports, the Speaker of the

House will grant a little time for the consideration of some bills that have been placed upon the Private Calendar.

Mr. LARSEN. I am quite sure that the arguments on this bill would not consume over 10 minutes.

Mr. UNDERHILL. I should want more time than that myself, and I am up against pretty strong opposition in the delegation from Georgia. I feel I would be derelict in my duty if I did not ask to be released from the promise I made to the gentleman.

Mr. LARSEN. I am really the only man on the Georgia delegation here, I believe.

ADJOURNMENT

Mr. UNDERHILL. I hope the gentleman from Georgia will release me from my promise; and, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p. m.) the House adjourned until to-morrow, Friday, February 25, 1927, at 12 o'clock noon.

## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 25, 1927, as reported by the clerks of the several committees:

MILITARY AFFAIRS COMMITTEE

(10 a. m.)

Special subcommittee to consider Muscle Shoals.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To provide for the coordination of the public-health activities of the Government, and for other purposes (H. R. 10125).

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1012. A letter from the Secretary of the Navy, transmitting proposed draft of a joint resolution to regulate the operation of Government-owned radio stations for the use of the general public in the Virgin Islands, in American Samoa, and in the Canal Zone; to the Committee on the Merchant Marine and Fisheries.

1013. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the legislative establishment, House of Representatives, for the fiscal year 1927, in the amount of $3,000 (H. Doc. No. 747); to the Committee on Appropriations and ordered to be printed.

## CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 4330) authorizing the Secretary of War to make settlement of the claim of the Franklin Ice Cream Co.; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 12754) granting a pension to Rebecca Dennis; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12666) granting an increase of pension to Mary Schoske; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. H. Con. Res. 56. A concurrent resolution for the appointment of a joint committee of the House and the Senate to join and participate in the celebration as representing the Congress of the United States in the observance of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, and for other purposes; with an amendment (Rept. No. 2233). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. S. 4746. An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton; with an amendment (Rept. No. 2235). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16998. A bill to amend section 224 of the Judicial Code; without amendment (Rept. No. 2236). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Maryland: Committee on Military Affairs. H. J. Res. 370. A joint resolution increasing the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and appointing certain members of the board; without amendment (Rept. No. 2237). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on World War Veterans' Legislation. H. R. 16688. A bill to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.; without amendment (Rept. No. 2238). Referred to the House Calendar.

Mr. COLE: Committee on Foreign Affairs. S. 2643. An act to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar; without amendment (Rept. No. 2239). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 3403. An act to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913; without amendment (Rept. No. 2240). Referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 17268. A bill to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, and for other purposes; without amendment (Rept. No. 2245). Referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 17255. A bill for the relief of Joseph Jameson; without amendment (Rept. No. 2234). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. S. 4491. An act for the relief of G. W. Rogers; without amendment (Rept. No. 2241). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 13193. A bill for the relief of Maude A. Sanger; with amendment (Rept. No. 2242). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. H. R. 13279. A bill for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.; with amendment (Rept. No. 2243). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. H. R. 14067. A bill for the relief of William F. Goode; without amendment (Rept. No. 2244). 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. CANNON: A bill (H. R. 17320) granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT of Tennessee: A bill (H. R. 17321) to create an executive department of the Government to be known as the department of conservation; to the Committee on the Judiciary.

By Mr. CELLER: A bill (H. R. 17322) to amend the act approved August 23, 1912, as amended by the act of February 28, 1916, providing for establishment of efficiency ratings and preference for persons honorably discharged from military or naval service employed in the civil service; to the Committee on the Civil Service.

By Mr. ENGLEBRIGHT: A bill (H. R. 17323) an act to consolidate or acquire alienated lands in national parks by exchange; to the Committee on the Public Lands.

By Mr. HICKEY: Joint resolution (H. J. Res. 369) providing for the observance and celebration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski sesquicentennial commission; to the Committee on the Library.

## MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Wyoming, relating to the delivery to the States of all unappropriated public lands; to the Committee on the Public Lands.

By Mr. WINTER: Memorial of the Legislautre of the State of Wyoming, to repeal the Federal estates (inheritance) tax provision of the revenue law; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Wyoming, relating to the delivery to the States of all unappropriated public lands; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Wyoming, memorializing Congress to amend and modify the so-called 640-acre homestead act of the United States; to the Committee on the Public Lands.

By Mr. VAILE: Memorial of the Legislature of the State of Colorado, urging the enactment of legislation for the retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

By Mr. ARENTZ: Memorial of the Legislature of the State of Nevada, memorializing Congress to pass an act extending the benefits of the pension laws of the United States to all persons who served for any period of time in the military or naval service of the United States during any war and who were honorably discharged from such service; to the Committee on Pensions.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GIFFORD: A bill (H. R. 17324) for the relief of James Jorgenson; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 17325) granting a pension to Dora L. Fuller; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 17326) granting a pension to Jennie E. Keown; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 17327) granting a pension to David Harper; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 17328) for the relief of Atlantic Refining Co.; to the Committee on Claims.

By Mr. MacGREGOR: Resolution (H. Res. 440) for compensation to continue the employment of three telephone operators from April 1 to November 30, 1927; to the Committee on Accounts.

Also, a resolution (H. Res. 441) to pay for additional clerical service in the enrolling room; to the Committee on Accounts.

Also, a resolution (H. Res. 442) to provide an attendant to the retiring room of the female Members of the House of Representatives; to the Committee on Accounts.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7376. Petition of Bibb Graves, Governor of the State of Alabama, advising of the creation of a commission, known as the Muscle Shoals commission, charged with the duty to investigate the right, title, and interest of the State of Alabama in and to the power dam, power site, and other improvements at Wilson Dam and Muscle Shoals; to the Committee on Military Affairs.

7377. Petition of sundry citizens of Denver, Colo., asking the enactment of legislation providing for increase of pension to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

7378. Petition of Washington Board of Trade, committee on public and private buildings, favoring a stadium for Washington; to the Committee on Public Buildings and Grounds.

7379. By Mr. ANDREW: Petition signed by Mr. Noland E. Giles and other citizens of Beverly, Mass., favoring the passage of further legislation providing increases in pension for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7380. By Mr. BARKLEY: Petition of numerous citizens of Olive Hill, Ky., against House bill 7179; to the Committee on the District of Columbia.

7381. Also, petition of numerous citizens of Olive Hill, Ky., against House bill 7179; to the Committee on the District of Columbia.

7382. Also, petition of numerous citizens of Morehead, Ky., against House bill 7179; to the Committee on the District of Columbia.

7383. Also, petition of numerous citizens of Lexington, Ky., against House bill 7179; to the Committee on the District of Columbia.

7384. By Mr. BLOOM: Petition of Chamber of Commerce of the United States, requesting legislation which would remove existing barriers to extension of the present parcel post convention with Cuba; to the Committee on Ways and Means.

7385. By Mr. BRIGHAM: Petition of Madora C. Brooks, of Bennington, Vt., favoring passage of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7386. By Mr. BURDICK: Petition of citizens of Providence, R. I., opposing the Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

7387. By Mr. CARSS: Resolution adopted by the Kiwanis Club of International Falls, Minn., urging support of the demand for the Great Lakes-St. Lawrence waterway, completion of the improvements in the Mississippi, Missouri, and connecting waters, and other interior waterways; to the Committee on Rivers and Harbors.

7388. By Mr. CARTER of California: Petition of Eugene K. Sturgis and 25 other voters of Oakland, Calif, urging the passage of legislation increasing the pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7389. Also, petition of Mrs. Martha S. Chapman, of Modesto, Calif., and 73 other voters of Alameda County, Calif., urging the passage of legislation increasing the pensions of the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7390. Also, petition of Mrs. Margaret M. Downing and eight other voters of Oakland, Calif., urging passage of legislation increasing the pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7391. By Mr. DAVIS: Brief and letter of American Legion, in support of the Tyson-Fitzgerald bills (S. 3027 and H. R. 4548) for the retirement of the disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

7392. Also, resolution of the Immigration Restriction League, expressing opposition to the repeal of the national-origins quota basis provided in the present immigration law; to the Committee on Immigration and Naturalization.

7393. By Mr. DYER: Petition of certain citizens of the city of St. Louis, Mo., protesting against passage of the so-called Sunday observance bill; to the Committee on the District of Columbia.

7394. By Mr. ENGLEBRIGHT: Petition of California State Legislature, indorsing House bill 16473, relating to the protection of the McCloud River; to the Committee on Agriculture.

7395. Also, petition of the California Society of the Sons of the American Revolution, favoring early passage of House bill 12444, the deportation bill; to the Committee on Immigration and Naturalization.

7396. Also, petition of Santa Monica Bay Woman's Club, Santa Monica, Calif., through its corresponding secretary, Mrs. James Westervelt, urging that such emergency legislation to insure protection of Imperial Valley does not in any way hamper or impede any legislation pending for permanent flood control of districts irrigated by water from the Colorado River; to the Committee on Flood Control.

7397. By Mr. ROY G. FITZGERALD: Memorial of Mr. Claude W. Soice, National Military Home, Dayton, Ohio, concerning conditions in home and requesting investigation of sanitary conditions in general mess and manner of handling food; to the Committee on Military Affairs.

7398. By Mr. GALLIVAN: Petition of Gilman Bros. (Inc.), Boston, Mass., wholesale druggists, protesting against House bill 17130; to the Committee on Ways and Means.

7399. By Mr. HUDSON: Petition of citizens of Flint and Oxford, Mich., protesting against the passage of House bill 10311, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

7400. By Mr. JOHNSON of Washington: Petition of 36 members of the Wallace Parent Teachers' Association, of Kelso, Wash., favoring the Curtis-Reed bill; to the Committee on Education.

7401. Also, petition of citizens of Hoquiam, Wash., in behalf of increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7402. Also, petition of 30 citizens of Grays Harbor County, Wash., protesting against passage of Sunday observance bills; to the Committee on the District of Columbia.

7403. Also, petition of citizens of the State of Washington, in behalf of increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7404. Also, petition of citizens of Napavine, Wash., in behalf of increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7405. By Mr. KINDRED: Resolution of the Major James A. McKenna Post, No. 797, presented to the United States Congress, that the Adjutant General's office, Bureau of Navigation, and the Marine Corps, under the control of the United States Government, be allowed sufficient funds to provide the proper military escort for deceased veterans, and that it shall be mandatory for the commander of the nearest post, base, fort, or camp to furnish a proper and fitting escort for the deceased veteran, and that such request for military escort be made to the senior officer of the post, base, fort, or camp by the local veterans' organization nearest to the home of the deceased veteran, giving all data as to honorable discharge, residence, and place of burial, and that transportation of escort to and from the base, port, post, or camp to the place of burial be furnished by the United States Government; to the Committee on Military Affairs.

7406. Also, petition of 3,700 pharmacists of the New York State Pharmaceutical Association to the United States Congress, strongly protesting passage of Whisky Trust bill; to the Committee on Ways and Means.

7407. By Mr. LANHAM: Petition of Prof. E. L. Drummond and others, protesting against the enactment of House bills 7179, 7822, 10123, and 10311; to the Committee on the District of Columbia.

7408. By Mr. McKEOWN: Petition of Dr. Edward E. White, Mrs. Bradbury, Joe Vicars, W. H. Jones, Mrs. Neony Wilson, and others, of Oilton, Okla., urging that immediate steps be taken to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

7409. By Mr. McLAUGHLIN of Michigan: Petition of 17 residents of Hart, Mich., in opposition to the enactment by Congress of the Sunday-closing legislation now pending; to the Committee on the District of Columbia.

7410. By Mr. McSWEENEY: Petition of the citizens of Doylestown, Ohio, asking for consideration of bill for further relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7411. By Mr. MICHENER: Petition of numerous citizens of Saline, Mich., protesting against the passage of House bills 7822, 10123, and 10311, known as the Sunday observance bills; to the Committee on the District of Columbia.

7412. Also, petition of several citizens of Medina, Lenawee County, Mich., asking that certain pension laws affecting Civil War soldiers and widows of soldiers be amended; to the Committee on Invalid Pensions.

7413. Also, petition of several veterans of the Civil and Spanish-American Wars, of Tecumseh, Mich., asking that certain pension bills be passed by Congress; to the Committee on Invalid Pensions.

7414. Also, petition of numerous citizens of Ann Arbor, Mich., protesting against compulsory Sunday observance bill (S. 4821); to the Committee on the District of Columbia.

7415. Also, petition of several citizens of Ann Arbor, Mich., protesting against the compulsory Sunday observance bill (S. 4821); to the Committee on the District of Columbia.

7416. By Mr. MONTAGUE: Petition of 179 residents of the third congressional district of Virginia, protesting against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

7417. By Mr. MOORE of Kentucky: Petition signed by a number of voters in Logan County, Ky., urging immediate and favorable action on pension legislation pending in Congress; to the Committee on Invalid Pensions.

7418. By Mr. MURPHY: Petition by voters of Salem, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

7419. Also, petition by voters of Freeport, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

7420. By Mr. O'CONNELL of New York: Petition of Irving E. Burdick, of New York City, favoring the passage of Senate bill 3641, known as the war minerals relief bill; to the Committee on Claims.

7421. By Mr. O'CONNOR of Louisiana: Petition of constituent citizens of the city of New Orleans, La., protesting against the enactment of any law enforcing the observance of any religious institution; to the Committee on the District of Columbia.

7422. By Mr. PEAVEY: Petition of J. J. Irwin and other citizens of Ashland, Wis., protesting against proposed legislation on compulsory Sunday observance; to the Committee on the District of Columbia.

7423. By Mr. PORTER: Petition for an acknowledgment of the authority of Christ and the law of God in the Constitution of the United States; to the Committee on the Judiciary.

7424. By Mr. REED of New York: Petition of citizens of Belmont, Dunkirk, and Angelica, N. Y., in favor of Civil War pension bill; to the Committee on Invalid Pensions.

7425. By Mr. ROBINSON of Iowa: Petition from the sewing-machine operators in the H. B. Glover factory in Dubuque, Dubuque County, Iowa, urging the enactment of the Walsh-Cooper bill; to the Committee on Labor.

7426. By Mr. ROWBOTTOM: Petition of Samuel G. Coonrad and others, of Pike County, Ind., that the bill granting an increase of pension to Civil War widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

7427. By Mr. SINCLAIR: Petition of 192 residents of Epping and Williston, N. Dak., and vicinity, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7428. By Mr. SMITH: Petition signed by 55 citizens of Blackfoot, Idaho, favoring the enactment of legislation providing for an increase in the pensions of Civil War veterans; to the Committee on Invalid Pensions.

7429. By Mr. THURSTON: Petition of Iowa Retail Hardware Association, favoring negotiations with Canada, to the end that the terms and conditions of building and operating the St. Lawrence seaway shall be settled and the construction thereof begun; to the Committee on Rivers and Harbors.

7430. By Mr. VAILE: Petition of the Fort Collins (Colo.) Chamber of Commerce, advocating the passage of pending legislation proposing an extension of the boundaries of Rocky Mountain National Park; to the Committee on the Public Lands.

7431. By Mr. VINCENT of Michigan: Petition of residents of Ithaca, Mich., protesting against enactment of legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

7432. By Mr. WEAVER: Petition of citizens of Hornet, Jackson County, N. C., relative to increase in Civil War pensions; to the Committee on Invalid Pensions.

7433. Also, petition of citizens of Old Fort, McDowell County, N. C., protesting against Sunday laws for District of Columbia; to the Committee on the District of Columbia.

7434. Also, petition of citizens of Asheville, N. C., protesting against Sunday laws for the District of Columbia; to the committee on the District of Columbia.

7435. Also, petition of citizens of Candler, Buncombe County, N. C., protesting against Sunday laws for the District of Columbia; to the Committee on the District of Columbia.

## SENATE

FRIDAY, *February 25, 1927*

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

Our Father, we are the recipients of Thy grace, and we would trust Thee in every emergency of life. Give us the understanding mind, the clearness of comprehension in reference to the great duties incumbent upon us. Lead us into the light always with the consciousness of Thy guidance, and so direct our paths that we may honor Thee. We ask in the name of our Lord and Savior, Jesus Christ. Amen.

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

### MUSCLE SHOALS

The VICE PRESIDENT. Pursuant to the unanimous-consent agreement, the Chair lays before the Senate the bill S. 4106.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes.

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

The VICE PRESIDENT. The clerk will call the roll.

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