2468. Also, petition signed by Mrs. Joe Stasney, sr., and 148 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2469. Also, petition signed by O. E. Baltzell and 150 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2470. By Mr. TAYLOR of Colorado: Petition from citizens of Cedaredge, Colo., protesting against the passage of any legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

2471. By Mr. TIMBERLAKE: Petition opposing the enactment of any legislation seeking to impose further restrictions on farm-labor immigration from Mexico; to the Committee on Immigration and Naturalization.

2472. Also, petition of Johnstown Commercial Club, Johnstown, Colo., opposing any change in our immigration laws that would restrict Mexican labor from coming in for agricultural purposes; to the Committee on Immigration and Naturalization.

2473. Mr. WILLIAMS of Missouri: Petition of John F. Roeser et al. urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

2474. Also, petition of E. Janell et al. urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

2475. By Mr. WILSON of Mississippi: Petition of Mrs. Clara Alexander and others, of Hattiesburg, Miss., for increased pensions for Civil War pensioners; to the Committee on Invalid Pensions.

2476. Also, petition of R. B. Phillips and others, of Hattiesburg, Miss., against House bill 78; to the Committee on the District of Columbia.

2477. By Mr. WILLIAMSON: Petition of numerous citizens of Custer County, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2478. By Mr. WINTER: Petition signed by the voters of Lander, Wyo., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2479. Also, resolution adopted by Basin Lions Club, of Basin, Wyo., on January 10, requesting adequate appropriation for reforestation of 2,000,000 acres of denuded lands within the national forests of the United States; to the Committee on Agriculture.

SENATE

WEDNESDAY, *January 25, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, our Heavenly Father, whose gift is length of days, help us to make the noblest use of all our powers in our advancing years. According to our strength apportion Thou our work. Grant to the nations of the world new ties of friendship made ever more secure by the quickening impulse of Thy love stirring in the hearts of men. Remember all who by reason of weakness are overtasked, or because of poverty are forgotten, and let the sorrowful sighing of the suffering come before Thee, for the sake of Him who loved us and gave Himself for us, Thy Son our Saviour, Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday 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. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, 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. 9022) to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va., and it was thereupon signed by the Vice President.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, the report of the company for the calendar year 1927, which was referred to the Committee on the District of Columbia.

FEDERAL AID FOR NATIONAL FOREST ROADS AND TRAILS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report for the fiscal year ended June 30, 1927, concerning appropriations for the construction of rural post roads in cooperation with the States, the Federal administration of the work, and the survey, construction, and maintenance of roads and trails within or only partly within the national forests, which, with accompanying papers, was referred to the Committee on Post Offices and Post Roads.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Ferris	McKellar	Sheppard
Barkley	Fess	McLean	Shipstead
Bayard	Fletcher	McMaster	Shortridge
Bingham	Frazier	McNary	Simmons
Black	George	Mayfield	Smith
Blaine	Gillett	Metcalf	Smoot
Blease	Glass	Moses	Steck
Borah	Gooding	Neely	Steiwer
Bratton	Gould	Norbeck	Stephens
Brookhart	Greene	Norris	Swanson
Broussard	Hale	Nye	Thomas
Bruce	Harris	Oddie	Trammell
Capper	Harrison	Overman	Tydings
Caraway	Hawes	Phipps	Tyson
Copeland	Hayden	Pine	Wagner
Couzens	Heflin	Pittman	Walsh, Mass.
Curtis	Howell	Ransdell	Walsh, Mont.
Cutting	Johnson	Reed, Mo.	Warren
Dale	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ark.	Watson
Dill	Keyes	Robinson, Ind.	Wheeler
Edge	King	Sackett	Willis
Edwards	La Follette	Schall	

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

PETITIONS AND MEMORIALS

Mr. LA FOLLETTE presented a petition of sundry citizens of the State of Wisconsin, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

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

Mr. DENEEN presented petitions of sundry citizens of Chicago, Ill., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. NORBECK presented a resolution adopted at a meeting of the board of county commissioners of Corson County, S. Dak., which, at his request, was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

The following resolution was passed at the December meeting of the county commissioners of Corson County, S. Dak.:

"*Be it resolved by the board of county commissioners of the county of Corson, State of South Dakota*, That whereas certain bills have been introduced in the Congress of the United States, said bills attempting to shift the burden of administration of the affairs of the Indians of the several States to State control: Now therefore be it

"*Resolved by the board of county commissioners of Corson County, S. Dak.*, That we consider this proposed move inimical to the best interests of the Indians, the county, and the State; and we believe that the best interests of the Indians demand the continued supervision of the Federal authorities; that we further believe that the Indian is not yet prepared to cope with the white man without further protection and preparation by the Federal Government; and that this duty is owed to the Indian by the Federal Government and not by the several States; and be it further

"*Resolved*, That copies of this resolution be sent to Governor Bulow; to the Commissioner of Indian Affairs at Washington, D. C.; to the Secretary of the Department of the Interior at Washington, D. C.; to the Hon. LYNN J. FRAZIER, chairman of the Senate Indian Committee at Washington, D. C.; to the Hon. SCOTT LEAVITT, chairman of the House of Representatives Committee on Indian Affairs, at Washington, D. C.; to the Hon. PETER NORBECK at Washington, D. C.; and to Hon. WILLIAM WILLIAMSON, Washington, D. C., with the request that the

control, expense, and administration of Indian affairs remain in the hands of the Federal Government; and we further request that a more liberal provision be made for the education, health, and industrial programs now being followed among the Indians by the Federal Government."

W. B. HOWE, Jr.,
Chairman Board of County Commissioners,
Corson County, S. Dak.

Attest:

J. N. HOGARTH,
County Auditor.

REPORTS OF COMMITTEES

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1692) granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes, reported it without amendment and submitted a report (No. 116) thereon.

Mr. ODDIE, from the Committee on Mines and Mining, to which was referred the bill (S. 1347) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, reported it without amendment.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 2310) supplementary to and amendatory of the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia, reported it without amendment.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 2720) for the relief of David McD. Shearer, reported it without amendment and submitted a report (No. 117) thereon.

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

A bill (S. 2765) for the relief of the estate of Benjamin Braznell (Rept. No. 118); and

A bill (S. 2780) for the relief of owners of cargo aboard the steamship *Boxley* (Rept. No. 119).

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 2737) for the relief of Morgan Miller, reported it without amendment and submitted a report (No. 120) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 760) granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, reported it with an amendment and submitted a report (No. 121) thereon.

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

A bill (S. 768) to authorize the Alabama Great Southern Railroad Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama (Rept. No. 122);

A bill (S. 820) granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River (Rept. No. 123);

A bill (S. 821) 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 (Rept. No. 124);

A bill (S. 1501) granting the consent of Congress to the State of Montana, or Valley County, in the State of Montana, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont. (Rept. No. 125);

A bill (S. 1917) to legalize a bridge across Hillsboro Bay at Twenty-second Street, Tampa, Fla. (Rept. No. 137); and

A bill (S. 1761) granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal (Rept. No. 126).

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

A bill (S. 1558) granting the consent of Congress to the Chicago & North Western Railway Co. to construct, maintain, and operate a railroad bridge across the Rock River (Rept. No. 127);

A bill (S. 1742) granting the consent of Congress to the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River (Rept. No. 128);

A bill (H. R. 193) to extend the times for the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn. (Rept. No. 129);

A bill (H. R. 280) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Red River at or near Coushatta, La. (Rept. No. 130);

A bill (H. R. 444) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Wolf Point, Mont. (Rept. No. 131);

A bill (H. R. 5547) granting the consent of Congress to the city of St. Joseph, in the State of Missouri, or its assigns, to construct a bridge and approaches thereto across the Missouri River between the States of Missouri and Kansas (Rept. No. 132);

A bill (H. R. 5582) to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near the point where South Santa Fe Street, in the city of El Paso, crosses the Rio Grande, in the county of El Paso, State of Texas (Rept. No. 133);

A bill (H. R. 5628) to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River (Rept. No. 134);

A bill (H. R. 5642) to extend the time for the construction of a bridge across Red River at Fulton, Ark. (Rept. No. 135); and

A bill (H. R. 6479) to extend the times for commencing and completing the construction of a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa. (Rept. No. 136).

BILLS INTRODUCED

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

By Mr. PHIPPS:

A bill (S. 2805) for the relief of Charlie Rupert Steen (with an accompanying paper); to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 2806) to provide for the regulation of the use of certain sugars; to the Committee on Agriculture and Forestry.

By Mr. WALSH of Montana:

A bill (S. 2807) granting a pension to John P. Cleveland; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 2808) granting a pension to Marcellus W. Mace; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 2809) granting a pension to Calista E. Clary (with accompanying papers); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 2810) granting an increase of pension to Kate E. Putnam; to the Committee on Pensions.

A bill (S. 2811) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River in Cook County, State of Illinois;

A bill (S. 2812) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River in Cook County, State of Illinois; and

A bill (S. 2813) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River in Cook County, State of Illinois; to the Committee on Commerce.

By Mr. FRAZIER:

A bill (S. 2814) granting an increase of pension to Sarah C. Crandall (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 2815) to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled; to the Committee on Indian Affairs.

By Mr. SHIPSTEAD:

A bill (S. 2816) granting a pension to Humphrey J. Roberts (with accompanying papers);

A bill (S. 2817) granting a pension to Joseph Gilley (with accompanying papers); and

A bill (S. 2818) granting a pension to James D. Price (with accompanying papers); to the Committee on Pensions.

By Mr. EDWARDS:

A bill (S. 2819) granting an increase of pension to Kate E. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2820) authorizing the Secretary of War to donate certain field guns to the city of Dallas, Tex.; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 2821) for the relief of Capt. Will H. Gordon; to the Committee on Claims.

By Mr. McMASTER:

A bill (S. 2822) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."; to the Committee on Public Lands and Surveys.

By Mr. METCALF:

A bill (S. 2823) amending the Statutes of the United States with respect to reissue of defective patents; to the Committee on Patents.

By Mr. DILL:

A bill (S. 2824) exempting David Sinclair from the provisions of sections 203 and 205 of the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. MAYFIELD:

A bill (S. 2825) to amend the World War adjusted compensation act; to the Committee on Finance.

By Mr. BROOKHART:

A bill (S. 2826) to prevent monopoly in the production, transportation, and sale of anthracite coal in the United States by providing for the acquisition by the Government of a quantity of lands containing coal, leasing the same for mining coal, and the construction or acquisition of railroad facilities for the transportation and delivery of the same, in order to prevent discrimination in transportation service or rates against such lessees; to the Committee on Interstate Commerce.

By Mr. NORBECK:

A bill (S. 2827) granting the consent of Congress to the States of South Dakota and Nebraska, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; to the Committee on Commerce.

A bill (S. 2828) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."; to the Committee on Public Lands and Surveys.

By Mr. KENDRICK:

A bill (S. 2829) to provide for aided and directed settlement on Federal reclamation projects; to the Committee on Irrigation and Reclamation.

By Mr. CUTTING:

A bill (S. 2830) authorizing the adjustment of the boundaries of the Carson, Manzano, and Santa Fe National Forests in the State of New Mexico, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. PINE:

A bill (S. 2831) to refer the claims of the Loyal Creek Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States; to the Committee on Indian Affairs.

A bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area; to the Committee on Agriculture and Forestry.

A bill (S. 2833) granting an increase of pension to Mary J. Jones;

A bill (S. 2834) granting an increase of pension to Amanda A. Mount Anderson; and

A bill (S. 2835) granting an increase of pension to Mary B. Lake; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 2836) granting a pension to Susie Letcher (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 2837) granting a pension to Bascom Prater (with accompanying papers);

A bill (S. 2838) granting an increase of pension to Theresa Steffin (with accompanying papers);

A bill (S. 2839) granting an increase of pension to Nancy Coomer (with accompanying papers); and

A bill (S. 2840) granting a pension to Addie Stilts (with accompanying papers); to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 2841) granting a pension to George W. King; to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 2842) granting an increase of pension to Francis W. Mudd; to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 2843) placing certain employees of the Bureau of Internal Revenue and Department of Justice in the classified civil service, and for other purposes; to the Committee on Civil Service.

SIGN POSTING ON HIGHWAYS

Mr. JONES submitted an amendment intended to be proposed by him to the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. THOMAS submitted an amendment proposing to appropriate $10,000 for the purchase of additional land for the Sequoyah Orphan Training School near Tahlequah, Okla., intended to be proposed by him to House bill 9136, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRATTON and Mr. CUTTING submitted an amendment proposing to appropriate $1,593,311 for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the Middle Rio Grande conservancy district, New Mexico, and in accordance with a contract which the Secretary of the Interior is authorized to enter into with said district, etc., intended to be proposed by them to House bill 9136, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PINE submitted an amendment intended to be proposed by him to House bill 9136, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 55, line 2, strike out the figures "$1,390,000" and insert in lieu thereof the figures "$1,440,000."

On page 57, line 5, after the figures "$20,000," insert "Claremore Hospital, Okla., $50,000, on condition that not less than 5 acres of land shall be donated to the United States by the city of Claremore for hospital purposes."

On page 57, line 6, strike out the figures "$105,000" and insert in lieu thereof the figures "$155,000."

PAINTING OF BATTLE OF FORT MOULTRIE

Mr. BLEASE. Mr. President, I submit a resolution, for which I ask immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 119), as follows:

Whereas there is hanging in the south corridor of the gallery floor of the United States Senate in the Capitol at Washington, D. C., a painting of the Battle of Fort Moultrie, which was painted in 1815 by John Blake White; and

Whereas from the position that it now occupies on the wall it is shown to great disadvantage on account of the reflection of the light as it is cast upon it from its place and position, making it almost impossible to obtain a clear view of it: Now therefore be it

Resolved, That the authorities in charge of the placing and location of paintings around the Capitol and within the Senate gallery be instructed to remove the said painting of the Battle of Fort Moultrie from its present location, and to put it in such position that it can be clearly seen and will be distinguishable.

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

Mr. CURTIS. Mr. President, I ask that it may go over that I may have a talk with the Supervising Architect of the Capitol on the subject.

The VICE PRESIDENT. The resolution will go over under the rule.

RELATIONS WITH CENTRAL AND SOUTH AMERICAN COUNTRIES

Mr. LA FOLLETTE submitted the following resolution (S. Res. 120), which was referred to the Committee on Foreign Relations:

Resolved, That the Senate Committee on Foreign Relations is hereby authorized and directed to make a thorough investigation of the relations between the United States and the countries of Central and South America and the Caribbean.

That at the conclusion of the investigation the committee report its findings of fact to the Senate, together with recommendations of a

constructive policy to be adopted by the United States in its relations with the countries aforesaid.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; and to employ experts, and other assistants, and stenographers, at a cost of not exceeding $1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate on vouchers of the committee signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The committee is authorized to sit during the sessions or the recesses of the Senate and until otherwise ordered by the Senate.

HOUSE BILL REFERRED

The bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FOREIGN POLICY

Mr. WILLIS. Mr. President, there is much discussion in the press at this time touching the foreign policy of the United States. My attention has been drawn to an editorial in yesterday's Washington Post entitled "Not committed to war." I believe it gives a fair statement of our policy and I ask that it may be printed in the RECORD, under the rule.

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

The editorial is as follows:

NOT COMMITTED TO WAR

Foreign Minister Briand's reply to Secretary Kellogg brings out the fact that the nations belonging to the League of Nations are bound to the principle of war as an instrument of policy. The American note, proposing that the principal nations agree to renounce all war, was calculated to bring out this admission and thus expose the hypocrisy of the plea that foreign powers are anxious to "outlaw" war, while the United States stands in their way.

The truth is that the United States is the only one of the great powers that is not committed to the principle of war as an instrument of national policy. All others have bound themselves to go to war in certain contingencies. Some of them have made military alliances in addition to the general commitment embodied in the covenant of the League of Nations.

Since the abrogation of the alliance with France, made before the adoption of the Constitution, the United States has never contracted an alliance with any nation or group of nations. By good fortune in 1919 it avoided making the general alliance for war purposes which is the pith and marrow of the League of Nations.

Theorists at Habana are now trying to develop a league or a system of alliances in this hemisphere to replace the Monroe doctrine. They stand no better chance of success than those who attempted to involve the United States in the League of Nations.

The United States is ready to extend the arbitration treaty with France. It will agree to arbitrate with any nation. Its policy is to arbitrate international differences that are susceptible of arbitration. It has always refused to arbitrate questions of independence, honor, or vital interest. It will not arbitrate the question of its right to exclude aliens, nor will it enter into any international agreement that might bring about a decision by the "World Court" or some other foreign tribunal, declaring that the United States is bound to arbitrate the immigration question.

In their haste some American negotiators have attempted to secure arbitration treaties that would compel the United States to submit vital questions to a foreign tribunal. The Senate has always refused to approve such treaties, and has wisely insisted that arbitration agreements on specific questions should be cast in the form of treaties to be submitted to its consideration.

M. Briand's note brings to a melancholy end his effort to draw the United States into a special agreement under which this country could not protect its rights as a neutral in case France should become involved in war and commit aggressions against American commerce. Such aggressions on the part of France were the cause of the rupture of the old treaty of alliance. The United States, under George Washington, marked out its course as a neutral and it will remain neutral while foreign powers are fighting unless they commit outrages upon it. In that case it will go to war, and it will not enter into any agreement not to go to war. In order to protect its neutral rights it must have a strong Navy. The Navy is to be strengthened accordingly. No horrified shrieks from pacifists, proclaiming that the United States has gone "war mad" when it strengthens its defenses, will deter Congress or the people from making the defenses strong.

Seeking peace, respecting others' rights, avoiding entanglements, and strong enough to maintain its rights, the United States is not dangerous to any nation that really desires peace.

FEDERAL TRADE COMMISSION'S REPORT ON PRICE OF GASOLINE

Mr. McMASTER. Mr. President, the Federal Trade Commission recently submitted to the Senate a report on the prices of gasoline. That report covers an investigation of a year and a half. I ask unanimous consent that the report may be printed as a public document, and that all the schedules, and all the tables, and all the data in connection therewith be printed in full.

Mr. BINGHAM. Under Rule XXIX, all reports of that kind should first be referred to the Committee on Printing, whose duty it is to secure an estimate from the Public Printer as to the cost of the printing. I hope the Senator from South Dakota will change his request to conform to the rule. That is what has been done with the recent reports of the Federal Trade Commission and other commissions. The Committee on Printing is going to have a meeting in the very near future, so there will be no delay in the matter at all.

Mr. SMOOT. Mr. President, I will say to the Senator from South Dakota that the law requires before any action is taken that an estimate of the cost shall be obtained. I have no objection to the printing of the report, as the Senator desires, but I think the Senator from Connecticut is correct and that the report should first go to the Committee on Printing.

Mr. BINGHAM. Where is the report now, I will ask the Senator from South Dakota?

Mr. McMASTER. I understand it is before the Committee on Manufactures.

Mr. President, I ask unanimous consent that the Committee on Manufactures may be discharged from the further consideration of the report of the Federal Trade Commission on the subject of gasoline prices, and that it be referred to the Committee on Printing.

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

DULUTH SHIP CANAL BRIDGE AT DULUTH, MINN.

Mr. SHIPSTEAD. I ask unanimous consent for the present consideration of the bill (S. 1761) granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal.

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 Commerce with amendments on page 1, line 6, after the word "at," to insert "or near"; on page 2, line 1, after the numerals "1902" to insert "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters, approved March 23, 1906,'" and in line 11, after the word "prescribe," to strike out the comma and the following words: "and in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Duluth, Minn., to construct, maintain, and operate a bridge and approaches thereto across the Duluth Ship Canal, at or near the site of the existing suspended car transfer, or aerial ferry constructed under an act of Congress dated February 7, 1902, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906," and for that purpose to locate the towers and approaches of said structure on the lands of the United States pertaining to the said canal, as now occupied under a certain revocable license issued by the Secretary of War to the city of Duluth, Minn., under date of September 6, 1901, now on file in the War Department: *Provided*, That the city of Duluth, Minn., shall make any changes in the said structure, and any changes in the towers and approaches located on said lands of the United States, which the Secretary of War may from time to time prescribe.

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

The amendments were agreed to.

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

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

RED RIVER BRIDGE AT FULTON, ARK.

Mr. CARAWAY. I ask unanimous consent for the present consideration of the bill (H. R. 5642) to extend the time for the construction of a bridge across Red River at Fulton, Ark.

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.

RIO GRANDE RIVER BRIDGE, EL PASO, TEX.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of the bill (H. R. 5582) to extend the times for commencing and completing the construction of a bridge across the Rio Grande, at or near the point where South Santa Fe Street, in the city of El Paso, crosses the Rio Grande, in the county of El Paso, State of Texas.

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.

RED RIVER BRIDGE AT OR NEAR COUSHATTA, LA.

Mr. RANSDELL. I ask unanimous consent for the present consideration of the bill (H. R. 280) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Red River at or near Coushatta, 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 a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE BETWEEN MISSOURI AND KANSAS

Mr. SHEPPARD. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 5547) granting the consent of Congress to the city of St. Joseph, in the State of Missouri, or its assigns, to construct a bridge and approaches thereto across the Missouri River between the States of Missouri and Kansas. It is a bill in which both the Senators from Missouri are especially interested.

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.

TOMBIGBEE RIVER AT EPES, ALA.

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 768) to authorize the Alabama Great Southern Railroad Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama. The bill was reported a few moments ago.

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 Commerce with amendments: On page 1, line 3, before the word "is," to strike out "authority be, and" and insert "the consent of Congress"; in the same line, after the word "hereby," to strike out the comma; in line 6, after the word "operate," to strike out "the" and insert "its existing"; in the same line, after the word "bridge," to strike out "of the said company with the necessary piers, abutments"; in line 7, after the word "approaches," to insert "thereto"; and on page 2, line 3, after the name "Alabama," to strike out "all at points suitable to the interests of navigation: *Provided*, That such reconstruction shall be," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Alabama Great Southern Railroad Co., a corporation of the State of Alabama, its successors and assigns, to rebuild, reconstruct, maintain, and operate its existing bridge and approaches thereto across the Tombigbee River from Epes, in Sumter County, in the State of Alabama, to a point on the opposite bank of the said river in Greene County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting the consent of Congress to the Alabama Great Southern Railroad Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama."

INVESTIGATION RELATIVE TO THE SINKING OF THE SUBMARINE "S-4"

Mr. SWANSON. Mr. President, I wish to be recognized when a resolution coming over from a preceding day shall be laid before the Senate.

The VICE PRESIDENT. If there are no further concurrent resolutions, the Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. 109), submitted by Mr. TRAMMELL January 12, 1928, as follows:

Resolved, That a committee composed of five Senators, to be appointed by the President of the Senate, is hereby authorized and created.

Resolved further, That it shall be the duty of the said committee to investigate the full facts of the sinking of the submarine *S-4* in collision on December 17, 1927, with the United States Coast Guard destroyer *Paulding* off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto. All hearings before the committee shall be open to the public.

Resolved further, That to carry out and give effect to the provisions of this resolution, the committee hereby created shall have power to issue subpœnas, administer oaths, summon witnesses, require the production of books and papers, and receive testimony taken before any proper officer in any State or Territory of the United States.

Resolved further, That the said committee shall immediately proceed with the said investigation, and not later than March 15, 1928, make its report to the Senate.

Mr. SWANSON. Mr. President, as I understand, Senate Resolution 109 is now before the Senate. The resolution went over on a previous occasion.

Mr. HALE. Mr. President, does the resolution automatically come before the Senate?

The VICE PRESIDENT. The resolution automatically comes before the Senate, as it is a resolution coming over from a preceding day, it having been previously passed over without prejudice.

Mr. HALE. I will say to the Senator that I hope he will not insist on having the resolution considered now. I announced yesterday that I was going to call up this morning House Joint Resolution 131, being Calendar No. 78.

Mr. SWANSON. I desire to be heard on the resolution which has been laid before the Senate, and then I will yield to the Senator.

Mr. HALE. I desire to call the attention of the Senator to the fact that I made the announcement yesterday that I would call up House Joint Resolution 131 immediately at the close of the morning business to-day.

Mr. SWANSON. The Senator made the announcement that at the close of the morning business he would make a motion to take up the joint resolution to which he refers, but Senate Resolution 109 comes under the head of morning business.

Mr. HALE. The joint resolution to which I refer has been discussed here on the floor and it is now ready to be brought before the Senate again, and I hope the Senator will let us have action on it.

Mr. SWANSON. The joint resolution to which the Senator from Maine refers was discussed for a whole day, and then the Senator, because he had authority to do so, peremptorily withdrew it.

Mr. HALE. I explained my reasons for that action, which were perfectly proper and perfectly in order, as the Senator knows.

Mr. SWANSON. Mr. President, the purpose of Senate Resolution 109 is to create a committee of five Senators, to be named by the Vice President, to consider all the facts in connection with the sinking of the submarine *S-4*. During the debate on the House joint resolution presented by the Senator from Maine it developed that many Senators thought the Senate itself, without reference to the House of Representatives, should conduct an investigation into the sinking of the *S-4*. The Senator from Iowa [Mr. BROOKHART] urged that that was the proper course for the Senate to pursue.

Senate Resolution 109, of course, is a simple resolution. It merely provides that the Vice President shall appoint a committee of five Senators to investigate the facts in connection with the sinking of the *S-4*. If we want a senatorial investigation, we ought to have an opportunity to express our opinion before we take up the joint resolution which is in charge of the Senator from Maine and which contemplates that the President of the United States shall appoint a commission of five members to conduct an investigation. If the Senate resolution shall be defeated, then the joint resolution may come up. If, however, the Senate should decide to conduct an investigation by a committee of five Senators named by the Vice President, then we will know exactly what amendments should be made to the joint resolution. In the interest of orderly procedure and in order to get the views, convictions, and judgment of the Senate on this question, it seems to me that Senate Resolution 109 ought to be voted on first. After that resolution shall have been disposed of, either favorably or unfavorably, I shall have no objection then to having the House joint resolution which is in

charge of the Senator from Maine come before the Senate at any time he may see proper to bring it up.

Mr. MOSES. Mr. President, does the Senator want an investigation to determine whether an investigation shall take place?

Mr. SWANSON. My proposition is that if the Senate decides to investigate by a committee of Senators, there is no necessity for section 3 in the joint resolution. Therefore let us determine whether the Senate wants to conduct such an investigation. If the Senate wants such an investigation as is provided for in the joint resolution, then it can adopt that resolution which not only provides for an investigation of the sinking of the submarine *S-4* under section 3, but provides for an investigation of improvements and appliances to promate the safety of operation of submarines. I think that such an investigation as that ought to be made; but I take the ground that the Senate itself or the House or a joint committee composed of Members of the two bodies ought to investigate the facts in connection with the sinking of the *S-4* and not have that investigation made by a committee named by the President on the suggestion of the Secretary of the Navy.

Mr. MOSES. Of course, everyone knows that the Senate knows more about any subject than anybody else knows about it.

Mr. SWANSON. No; but the Senator from New Hampshire thinks a man ought to appoint a committee to try himself. That is where he and I differ.

Mr. MOSES. I do not understand that the President is involved in the sinking of the *S-4*.

Mr. SWANSON. But the Secretary of the Navy is, and the Secretary of the Navy has already asked certain gentlemen if they would serve on that committee.

Mr. MOSES. With what authority?

Mr. SWANSON. With the presumption that the President would name those whom he suggested.

Mr. HALE. He has not asked anybody to serve on that committee, as the Senator knows.

Mr. SWANSON. Mr. President, I do not wish to detain the Senate longer. All I ask is to have the Senate itself determine whether it wants to investigate the sinking of the *S-4* by a committee of Senators or to abdicate its privilege and its right and let a committee practically named by the Secretary of the Navy himself investigate that disaster.

Mr. MOSES. Will the Senator let me ask him a question?

Mr. SWANSON. I should like to state further that I have been reading the testimony in connection with the inquiry being made into the sinking of the *S-4*; and it seems to me that the proceedings have resolved themselves into a debate between the *Paulding* of the Coast Guard and the Navy on behalf of the *S-4* as to who was at fault.

That seems to be the issue as to that disaster; and yet here is a proposition to let the President or the Secretary of the Navy—who has already asked people to serve, including two retired naval officers—appoint a commission to determine who is at fault, the Coast Guard or the Navy.

Mr. MOSES. What abdication is involved here?

Mr. SWANSON. The abdication is that you refused to investigate these facts.

Mr. President, I am not going to detain the Senate longer. All I ask for is a recorded vote as to whether or not the Senate will investigate this *S-4* disaster. If it says it will not, then I am willing for the Senator's proposition to come up, and we will determine further how the investigation shall be conducted.

Mr. MOSES. Does the Senator think it possible, in view of the number of Senators already engaged in other investigations, to find Senators sufficiently numerous and sufficiently free to constitute a committee to make this investigation?

Mr. SWANSON. I do. If Senators can not serve, they can decline. Tell me that out of 96 Senators you can not find 5 Senators who will honestly investigate a great calamity that has disturbed this country as much as any accident that has happened for years!

Mr. President, that is the simple question. It is not an intricate question. There is not much involved. All I ask is that this resolution be voted on, and let the Senate reach a conclusion on it. If the Senate decides that it has no desire to investigate this unfortunate affair, then we will take up the joint resolution of the Senator from Maine, and determine what kind of joint resolution shall be passed. If it decides to take up the joint resolution, it will be subject to amendment.

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

Mr. SWANSON. I am through. I do not desire to filibuster against a vote on this resolution.

Mr. BINGHAM. Mr. President, the Senator from Virginia has made a very extraordinary statement, and he now declines to submit to a question.

Mr. SWANSON. Oh, I will answer the Senator's question. I thought he was going to make a speech. He usually does when he asks a question. He generally uses an interrogation to get an opportunity to make an address; but if the Senator is going to ask a question I shall be glad to answer it.

Mr. BINGHAM. I accept the Senator's apology.

Mr. SWANSON. The Senator generally speaks very well, too.

Mr. BINGHAM. The Senator said that the only point at issue was who was to blame—the *Paulding* or the *S-4*. Does the Senator really think that is all that is involved?

Mr. SWANSON. I think that is one of the important things, and as to whether the Navy has all the contrivances that are required for safety, whether our submarines ought to have this or have that. Let a committee be appointed to ascertain all the facts, how submarines should be improved, and so on; but I am unwilling, under a pretense of getting this information, to absorb all the power to investigate the cause of this unfortunate disaster.

Mr. BINGHAM. But does not the Senator realize that one of the things in which the public is interested, and which the Senator from North Carolina [Mr. SIMMONS] called attention to when he put that article into the RECORD yesterday, is as to whether the Navy did all that could be done to save those men?

Mr. SWANSON. That is true; and I do not think two retired naval officers ought to be the judges of it. Does the Senator think so?

Mr. BINGHAM. That is not the question involved in this resolution.

Mr. SWANSON. Yes; it is. The joint resolution puts two retired naval officers on the commission to try this matter.

Mr. BINGHAM. The Senator is discussing now the joint resolution which he refused to permit to come up yesterday, in order that he might have the parliamentary advantage of considering another resolution first.

Mr. SWANSON. No; it is not any parliamentary advantage. The only parliamentary advantage is for the Senate to express its judgment. I think the Senate ought to decide whether or not it wants to investigate this matter. If it decides that it does not wish to investigate it, it can decide in what method it wants to have it investigated.

I think this resolution ought to be voted on before the other matter is voted on.

Mr. HALE. Mr. President, in view of the Senator's statement, I can not understand how he could have on the other resolution proposed an amendment providing for a joint committee of three Senators and three Representatives. Apparently that was what the Senator wanted.

Mr. SWANSON. If the Senator will permit me, the measure advocated by the Senator from Maine is a joint resolution. With a joint resolution the House tenders a certain proposition. My proposition is to amend the joint resolution, since the House thought that was the best way, so as to have a joint committee of the House and Senate. This is a simple resolution, not a joint resolution.

Mr. HALE. Do I understand that the Senator now thinks that the Senate alone should act upon it?

Mr. SWANSON. I heard some Senators state that the House did not want to make an investigation, and I am not willing to force people to do things that they do not want to do. That is the reason why I did not ask the Naval Affairs Committee to investigate, because they showed an indisposition to do it.

Mr. HALE. The Senator has offered his amendment. Why can we not go ahead and take that up?

Mr. SWANSON. The measure of the Senator from Maine is a joint resolution. Let the Senate decide whether it wants to have anything to do with this resolution or not. When the Senate votes it down, if it does, the joint resolution of the Senator from Maine will come up. If the Senate votes that it wants to investigate this matter, then the joint resolution of the Senator from Maine can be amended accordingly.

Mr. HALE. But, Mr. President, if there is so much merit in a congressional committee of investigation, does not the Senator think that his own proposition of allowing the House to take part in it is proper?

Mr. SWANSON. Wait; wait. Four or five Senators say the Senate ought not to have anything to do with the House; let them go and attend to their own business. The Senator has a

joint resolution which he has proposed to the Senate, embodying a method of conducting the investigation with which they have nothing to do. The Senator's joint resolution can be amended to follow that. If the Senator is going to propose a joint resolution, I am of the opinion that the method proposed in the Senator's measure is all right.

Mr. HALE. Now, I ask the Senator if he will not withdraw this resolution and let us go ahead with the joint resolution.

Mr. SWANSON. I will not. All I ask is for the Senate to express its judgment as to whether or not it wants to conduct this investigation or have anything to do with the *S-4*. If the Senate decides that it does not want to investigate the disaster, it can be ascertained by a roll call, and then I will consent to have the joint resolution of the Senator from Maine come up.

Mr. HALE. Mr. President, the Senator from Connecticut [Mr. BINGHAM] called attention to the statement of the Senator from Virginia that the question of who was to blame for the collision between the *S-4* and the *Paulding* was the principal matter at issue. He does not seem to understand that that is not the principal matter at issue at all. The whole question that we want to try out and ascertain is whether or not the Navy was to blame. The Navy is on trial now before the whole country. I maintain, and I think I am right in doing so, that no commission that has no experts on it can satisfactorily determine that question. What we have to show before the Navy can be criticized, as I said the other day, is that the Navy was at fault in some way because it did not furnish proper safety appliances for use on its submarines; then that in this particular case of the *S-4* some part of the proper equipment that submarines should have had was lacking; then that there was some dereliction on the part of the Navy in preparing for this trial test of the *S-4;* and then, finally, that there was some dereliction on the part of the Navy in not using all of the means at its command to save the men who were imprisoned on the submarine.

Those are all questions for experts to decide. What position would we be in if, as a congressional committee, we should decide that the Navy was at fault because certain safety appliances were not used, and then a committee of experts should come along and say that the particular appliance referred to was not needed, was not practicable, would not have done any good? What position would we be in then?

To my mind, it is essential that the committee that acts on one should act on the other; then you will get some kind of an intelligent expression of opinion.

Congress never can give an intelligent expression of opinion on a matter of that sort. They can hear experts—experts that will decide one way and experts that will decide another way—and then they will have to determine which expert is right. What we ought to get is the deliberate opinion of a board that is made up of people who have the confidence of Congress and the confidence of the country and who know what they are talking about; and that is exactly what the commission asked for by the President provides.

I have gone into the whole question of how the commission was to be appointed. I have explained that when I came back after the Christmas holidays I found the Secretary of the Navy about to recommend to the President that he ask for an appropriation for a commission to look into the question of safety appliances for the Navy and to make a report with recommendations for the future. At that time he had no question of having this commission act on the *S-4*. I suggested to him that I thought it would be appropriate for the commission to do so. That was my suggestion entirely. He told me that he had already sounded out, as it was perfectly proper for him to sound them out, certain men to see if they would go on this commission, if appointed by the President, that he was about to ask for, to consider the question of safety appliances. No man can question the propriety of the Secretary of the Navy asking men if they would act on such a commission if appointed; and yet the Senator from Virginia has questioned it, and repeatedly questioned it, and said that this was a whitewashing commission. This commission was to act on the question of safety appliances when these men were spoken to. Afterward, when the Secretary decided that my suggestion was a proper one, he asked that a commission should be appointed to take up both questions—that of safety appliances and that of the sinking of the *S-4*.

Mr. BINGHAM. Mr. President, the Senator from North Carolina [Mr. SIMMONS] yesterday put into the RECORD a story taken from the Outlook of January 11 which he asked all Senators to read and consider. In response to his request I took pains to read it, and it is a very thrilling, very well-written story. No one can find any fault with the man who wrote it. He was out in the cold in a small boat, in a rough sea a good part of the time, and he did not have the consideration shown him which the representatives of the press have a right to have shown them. They are the people through whom the American public, which pays for these matters and has to suffer from mistakes, are told what occurs.

It happens that last evening, before I had an opportunity to read that article, I read an editorial from the World's Work which calls attention to this matter of the *S-4*, and I should like to read a part of it. It is very brief. It is a calm, dispassionate statement from a fearless, independent editor who has not hesitated to criticize the administration frequently, and who has not made it his business to act as advocate for the Navy. I think it will be agreed by everyone that the World's Work, ever since the days when its brilliant editor, Walter Hines Page, conducted its columns with courage and keen, incisive, and constructive criticism, has had a very high standing in this country for fearless, independent opinion. The World's Work is not known as an administration organ. It has frequently attacked this administration on matters with which it disagreed. So these words from the editor of the World's Work are particularly appropriate at this time.

The editorial appears in the current February number, on page 355. The editor says—and I should like to call the attention of Senators to this with particular relation to the article put into the RECORD by the Senator from North Carolina [Mr. SIMMONS] yesterday:

> As the facts about the sinking of the *S-4* come to light the charges of mismanagement of the rescue work die down and it becomes more clear that the Navy on the spot failed only in its liaison work with the newspapers. In the days immediately following the accident there was a storm of criticism over the Navy's "negligence" in the rescue work, and this was due largely to the fact that the officers were so intent on the job that they neglected the very necessary job of telling the reporters why the impossible could not be done—and the reporters, not being naval experts, could not understand why the impossible was not done.

Here is the thoughtful, considered opinion of a fearless editor, who has followed the course of events in the newspapers, and followed the course of the naval investigation, and has come to the conclusion that the trouble with the Navy at that time was that they were so anxious to save the men and to save the submarine that they did not have the necessary liaison with the newspapers which they really ought to have had in a country where a popular government prevails.

The editor goes on to say:

> The raising of a wrecked vessel from a bed of mud 100 feet under water is not a task that can be done overnight, as has been demonstrated time and again. German accounts of disasters of this kind disclose that they were barely able to raise their smaller submarines sunk in shallow water, even with the help of all the devices they had perfected—and they had special catamaran boats and other inventions that work well enough on smaller submarines but are not effective on larger boats of the American S type.

He then goes on to quote Admiral Sims, and I think even the Senator from Virginia will agree that Admiral Sims is one who has never withheld criticism from the Navy when it was justified, and even sometimes when friends of the Navy felt it was not justified. Friends of the administration and friends of the Navy have frequently held their breath for fear he might say something devastating when he spoke on naval matters. As the editor of the World's Work says:

> Admiral Sims does not step lightly when he feels that criticism will increase naval efficiency and yet, after the unfortunate loss of the *S-51* two years ago, he wrote this in the New York Evening Post:
>
> "If the boat is not flooded, the water not too deep, or the seas too rough, at least one end can be hoisted above water. The difficulty of raising a submarine can be readily explained. Its weight when its compartments are flooded is 1,000 tons or more, and the problem is further complicated by the fact that the hoisting crane is on a floating platform that is unsteady in a seaway. However, with more than one compartment flooded, or even with one, the weight involved is greater than any crane in the world could hoist. But even if such cranes should be built, they would be so huge and expensive as to be impracticable to build in any numbers, and they would seldom be in the right place at the right time."

Mr. REED of Missouri. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. Certainly.

Mr. REED of Missouri. What is the document the Senator is reading?

Mr. BINGHAM. I was reading from an article by Admiral Sims, published in the New York Evening Post after the *S-51* disaster, in which he stated the difficulties with regard to raising submarines. It is quoted in an editorial in the World's Work for February.

The editor of World's Work goes on to say:

The rescue workers did attempt to raise the *S-4* by pumping in air to make it buoyant while some of the crew were still alive.

That is brought out in the story printed in this morning's RECORD.

Senators will appreciate the fact, after what Admiral Sims has said, that it is absolutely necessary to pump in air to make a submarine buoyant if they are to bring the ship to the surface with the men in it.

The editor goes on to say:

The rescue workers did attempt to raise the *S-4* by pumping in air to make it buoyant, while some of the crew were still alive, but this effort failed and the sea became rough before divers could carry out other rescue plans. All the accounts of reckless, daredevil diving during the war point out the impossibility of diving in rough weather, and occasionally British divers who were anxious to enter German submarines immediately after they were sunk had to wait for days for the sea to become calm enough for diving with safety. As it was, several divers had narrow escapes during calmer weather.

Despite its distress as a naval accident, the loss of the *S-4* will stimulate the search for safety devices, and yet, as Admiral Sims has pointed out, the problem in construction of this type of vessel is to get safety without sacrificing efficiency.

That is the point the Senator from Maine brought out a few moments ago in his reply to the Senator from Virginia. This investigation must not be merely to find out whose fault it was, that of the captain of the *Paulding*, or that of the captain of the *S-4*, who can not appear for himself; this investigation must go to the heart of the matter and find out whether the Navy had provided proper safety devices in the *S-4*, and whether, in constructing this type of vessel, they had sufficiently provided for safety without sacrificing efficiency.

The editor then quotes another paragraph from Admiral Sims:

In submarines more than in any other type of ship, except the airplane—

Says Admiral Sims—

construction and equipment are ever a compromise. Every pound of weight and every cubic foot of space is devoted to one purpose at the expense of others. The question is not as to the value of any feature itself, but rather as to its value compared to that of some other feature.

Mr. President, I submit that, with all due respect to the Members of this great body, considering the enormous amount of work they do, the enormous number of subjects they cover, that, with the possible exception of the distinguished junior Senator from Nebraska [Mr. HOWELL], none of them has had practical experience in the Navy. None of them has had practical experience in designing submarines, none of them has had practical training so as to enable him to judge where you are to compromise between efficiency and safety. How, then, can a committee of five Senators determine the important point as to whether the Navy, in designing this type of submarine, and in permitting it to operate, erred on the side of efficiency or on the side of safety, or had erred at all? Surely, that is a question for experts to determine, as it would be determined in the investigation contemplated by the resolution which has been offered and which is on the calendar, but is not before us because the Senator from Virginia has refused to permit it to come before us. I submit that was a very extraordinary parliamentary proceeding—the attempt to get a Senate resolution up at this time, when he has constantly refused to have us consider a previous one in regard to the same subject.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. BINGHAM. Certainly.

Mr. SWANSON. I never refused until after the chairman of the committee had taken a whole day, and about 4 o'clock it was given up by unanimous consent. He withdrew it himself. One objection could prevent it from being considered. I insisted it should be disposed of. I do not wait here on the convenience of the chairman of the Committee on Naval Affairs. I gave consent a half dozen times to take the resolution up. He withdrew it, as he had a right to do.

Mr. HALE. Mr. President, there was no question at all of any agreement to get through on that day, as the Senator knows.

Mr. SWANSON. I have not claimed that there was such an agreement.

Mr. HALE. There was no such understanding.

Mr. SWANSON. I never objected. I said that the next time it came up it had to come up in such a shape that the Senate will have control of it, and not the Senator from Maine.

Mr. HALE. Mr. President, late on that afternoon I was told by several Senators that they would have something to say on the *S-4* resolution, but that they could not stay here at that time, so the joint resolution could not be finished that night. Under those circumstances I withdrew the joint resolution, as any one having it in charge would do, and as any one should do; and the Senator from Virginia knows it.

Mr. BINGHAM. Mr. President, I think the Senator from Virginia forgets that although the resolution offered by the Senator from Maine had been on the calendar for some time, and efforts had been made to bring it up, certain Senators, not including the Senator from Virginia, but on his side of the aisle, had taken occasion, under their rights, to discuss a great many matters besides this, had taken occasion to hold preconvention caucuses on the floor of the Senate, had taken occasion to air the private grievances of the Democratic Party. There had been an enormous amount of time taken up on matters which were not really properly before the Senate of the United States.

Furthermore, on the very day the Senator from Virginia speaks of, January 20, when he says the matter was before us the whole day, if he will look in the RECORD he will find that a large part of the time was consumed by a Democratic Senator on a matter which he thought was more important than the *S-4*. He had every right to do so. He and one of his colleagues proceeded to discuss an entirely separate matter, and took a long period of time doing so.

The Senator must not find fault with us on this side of the aisle, because Senators on his side of the aisle insist on taking up time in discussing matters other than the *S-4*, and must not find fault with us when we express surprise at his unwillingness to have the original resolution considered at this time.

The truth is, Mr. President, that a good many people in this country do not like to see the evidence shown by certain Senators of a desire to play politics in the matter of the *S-4*. The Senator from Virginia and his friends have stated that if a congressional investigation took place—and I assume they would say the same thing if this resolution offered by the Senator from Florida should pass—that there would be no politics in it. Let us hope there would not be. But a committee appointed under a resolution calling for the appointment of five Senators must contain three of one party and two of another party. If the majority should be all Democrats, and they should find that the Navy was at fault, a large part of the country would say, "They are playing politics, and endeavoring to condemn the administration so as to make political capital for the coming election."

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

Mr. BINGHAM. Just a moment and I shall be glad to yield. If the majority were Republicans, and they found that the Navy was not to blame, a large number of people in the country would say, "Ah, ha! The Republicans, having an eye on the next election, do not want to have anybody think that this administration has been at fault when it comes to the Navy, and they have whitewashed the Navy, as became a majority of the committee, which is in sympathy with the administration."

Now I yield.

Mr. KING. The Senator must know that under the precedents the Vice President would appoint three Republicans and two Democrats upon this committee. Obviously there could be no politics being played by the Democrats, because if this resolution is passed the control of the committee will be placed in the hands of the Republicans. It does seem to me that the Senator ought to exculpate Senators on this side of the Chamber, as well as on his side of the Chamber, from any desire to play politics when they seek to have an investigation conducted by three Republicans and two Democrats. If the Democrats are willing to trust three Republicans, obviously, it seems to me, the Senator should not contend that they desire to play politics.

Mr. BINGHAM. Mr. President, I agree, of course, that under all the precedents there would be three Republicans on the committee. But, as I have just endeavored to point out, if the committee whitewashed the Navy, or found that the Navy was not at fault, a large number of people in the country would say, "Well, three Republicans, being of the majority party, had to say that anyway." What we want is a real investigation, that will be helpful to the national defense, not one that will conduce to our victory at the polls in the next election, or one that will conduce to your victory at the polls in the next election. We are not interested in politics in this matter. We are interested in getting a real, thorough investigation by experts who have made it their business to understand these matters, engineers of distinction, men who have spent their lives

in the work of salvage, men whose future is not at stake in any degree at all.

The appointment of a commission of the kind suggested by the President would meet with the approval of the American people, and their findings would be considered to be acceptable by a majority of the people, because there could be no politics in it. Distinguished engineers and a Federal judge would not lend themselves to such a verdict that the public could possibly say there was any politics in it. Does not the Senator see that if a majority of a committee composed of three Republicans and two Democrats should find that the Navy was not at fault, and the minority find that the Navy was at fault, the country would not know whether the Navy was free from blame or not, the country would not know whether the Navy sacrificed safety to efficiency or not.

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

Mr. BINGHAM. Certainly.

Mr. KING. The Senator knows that any commission appointed to make an investigation, whether the personnel be selected by the Senate or whether appointed by the President of the United States, should not make their findings and should not base their conclusions upon their own consciousness. They are bound to take the testimony of a multitude of witnesses, and if a committee of the Senate were appointed, they would call upon experts who were familiar with marine material, with the construction of submarines and their operation, and if that committee were so derelict as to betray the Senate and the country by making findings not justified by the evidence, they would be pilloried before the public, and the public would very quickly determine whether the findings were warranted or not. So with the Federal judge and other men of the character contemplated by the resolution of the Senator from Maine. Their findings would be based upon the testimony of experts the same as the findings of the senatorial committee would be based upon the testimony of experts.

It would, therefore, seem to me the point which the Senator is now making is without foundation because, after all, the testimony which is given must be considered, and when the public becomes acquainted with that testimony it will be determinative of the judgment of the committee and the judgment of the public. If the judgment of the committee is not warranted by the evidence the public will very quickly determine that fact, and the committee would be criticized by the people for playing politics or for rendering a verdict which was at variance with the testimony which had been adduced.

Mr. BINGHAM. The Senator seems to forget this is not going to be such an easy matter to decide. All the men of the *S-4* have passed away. There is no evidence that can be brought in on that side of the question. The question seems to be one that will require the careful judgment of experts as to whether the Navy, in not adopting certain safety devices, was sacrificing safety to efficiency or not. It is not a question which the public or which Senators can easily decide. It is a question which will require experts to decide.

In case the Senator thinks I am drawing too much on my imagination in claiming that the public feels that politics is being brought into this matter, I should like to have the clerk at the desk read an editorial from the Washington Post.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will read, as requested.

Mr. REED of Missouri. Mr. President, before that is done, will the Senator permit a question?

Mr. BINGHAM. Certainly.

Mr. REED of Missouri. The Senator has made the point that if a committee of the Senate is appointed, composed in part of Republicans and in part of Democrats, and that committee divides in its vote, the majority finding one way and the minority the other, that will leave the country in a state of uncertainty and introduce confusion into the question. That is perhaps true. Is the Senator prepared to say that the commission which he is recommending may not divided in its vote or that its vote is necessarily going to be unanimous, and, if it is not unanimous and there are two reports or two findings, why not the same confusion to result?

Mr. BINGHAM. The difference is, Mr. President, that in the one case the country will say that the difference is political. In the other case the country will say, as frequently happens, that the doctors disagreed.

Mr. REED of Missouri. Will they not also say or might they not also say that the Navy stood by itself or that the administration appointed a commission calculated to bring a certain verdict? If people begin to attribute evil motives, improper considerations, they can apply them quite as well, it seems to me, to a commission appointed as the Senator would have it, as to a committee appointed from the floor of the Senate. Indeed, it has been already suggested on the floor here many times that a commission appointed in the manner the Senator desires would be a commission which was selected by one who had an interest, and if that is said here it will be said elsewhere.

If the Senator will pardon me for this long interruption, which I had not intended to make when I rose, it seems to me if we go to attributing improper motives they are quite as likely to be attributed to the commission asked of the Senate and in the case of a division of finding, in either case, the result would be equally unfortunate. I do not think that argument gets us very far.

Mr. BINGHAM. May I say to the Senator that I do not believe he was present when the debate began the other day, when the Senator from Virginia [Mr. SWANSON] referred in a very flattering manner to the work of the President's Aircraft Board. That board was appointed by the President when his administration was under very severe criticism by a former officer of the Army in the Air Service, and when the President took it upon himself, Congress not being in session, to appoint a board of the type which we wish appointed, namely, one composed partly of experts, of a Federal judge, of one or two Members of Congress, and of one or two retired officers, one from the Navy and one from the Army. No one claims that the board of nine appointed by the President whitewashed the President's administration or was appointed for that purpose.

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

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

Mr. BINGHAM. Certainly.

Mr. SMOOT. It seems to me that the attention of the Senate ought to be called to the wording of the resolution. I doubt very much whether it could be considered at this time, it never having been referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SWANSON. It provides for no expenses.

Mr. SMOOT. Let us see if it does not provide for expenses. It reads:

> *Resolved further,* That to carry out and give effect to the provisions of this resolution, the committee hereby created shall have power to issue subpœnas, administer oaths, summon witnesses, require the production of books and papers, and receive testimony taken before any proper officer in any State or Territory of the United States.

The wording is exactly that which is used in nearly every such resolution passed by the Senate. There is no question, if the resolution is adopted, that there will be expenses incurred. There is no doubt that the committee would have a shorthand reporter there to take down the testimony. If that were not the case, what Member of the Senate except the members of that particular committee would know what the testimony was? Therefore, I make the point of order that under the law the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SWANSON. If the resolution should provide for any payment out of the contingent fund of the Senate at this time, it would be subject to the point of order suggested by the Senator from Utah, but it does not provide for the payment of any expenses, and no money can be paid out of the contingent fund of the Senate unless the payment is authorized. It might develop that the committee do not want to incur that expense. Later, if it should develop that they want to do so, they would have to come here and ask for authority. The resolution certainly does not now provide for the payment of any expenses, and I doubt whether the committee will need to incur any. They can ask the Navy Department to come before them with whatever evidence the department may have.

Mr. SMOOT. I as a Member of this body would object to the committee taking testimony and never having it printed. This is one of the most important questions before the public to-day, and the American people are entitled to know just exactly how the investigation will develop; and it can not be developed and it can not be known unless the testimony is recorded and printed. I say to the Senator that he has been here too long not to know that every resolution carrying the exact words which appear in this resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MOSES. In other words, it is the substance and not the form of the resolution which determines whether the Committee to Audit and Control shall deal with it.

Mr. REED of Missouri. I should like to ask the Senator if he does not know that it is a well-settled custom in the Senate to pass a resolution authorizing a committee to act, without attaching to it a clause authorizing the payment of expenses

out of the contingent fund of the Senate; that if the resolution does pass, we then pass a subsequent resolution authorizing the necessary expenditures.

Mr. SMOOT. No. Such resolutions are always referred to the Committee to Audit and Control.

Mr. REED of Missouri. I have seen such resolutions where they have deliberately left out the expense clause, which frequently is included, providing that the committee is authorized to employ stenographers at not more than so much per page. With that language left out there is no appropriation carried, no authority to expend a penny, and if the committee goes ahead without such authority it takes the chance of having to pay the bill itself. But when we put in that additional clause, which carries an appropriation with it, then the resolution has to go, and only then does it have to go, to the Committee to Audit and Control.

Mr. MOSES. Let me call this to the attention of the Senator from Missouri: There have been instances such as he now adduces. I think one of his select committees found itself in exactly that situation once. But that does not constitute the well-settled practice in the Senate, and if the point of order had ever been made against the original resolution, which was lacking the words to which the Senator from Utah now refers, it would have been sustained under a very well-settled practice of the Senate.

Mr. REED of Missouri. I do not know what the practice is. I know I have always understood the rule to be otherwise, and the only thing that binds us is the statute. The statute requires that when the Senate passes a resolution which calls for the expenditure of money or any appropriation of money, in that case it should go to the Committee to Audit and Control; but we have had resolution after resolution in the years that I have been here, when it was desired first to ascertain whether the Senate was willing to authorize an investigation or the work to be done, and that being tested and the resolution having been passed, then came in a resolution authorizing the expenditure of money, and that resolution authorizing the expenditure of the money had to go to the Committee to Audit and Control.

Mr. SMOOT. But in every case the committee to which those resolutions were referred never took up the question of making provision for expenses. They were referred for the simple purpose of deciding whether the committee wanted to proceed with the investigation. If the pending resolution took that same course, then there would be no committee here to which it could be referred. This is a direct appointment of a committee consisting of five Senators, and the resolution provides exactly what they shall do, and they can not do it without the expenditure of money. It is an impossibility.

Mr. MOSES. In those other instances no point was raised to the contrary.

Mr. SMOOT. That is true, too.

Mr. REED of Missouri. I am astounded that Senators should make that assertion. The point has been raised many times that a resolution had to go to the committee and it being found that it did not carry any right to expend money, then the resolution was acted upon. What is the language by which we are bound? I read:

> Hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate, or from the contingent fund of the House of Representatives unless sanctioned by the Committee on Accounts of the House of Representatives. And hereafter payments made upon vouchers approved by the aforesaid respective committees shall be deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and officers of the Government: *Provided*, That no payment shall be made from said contingent funds as additional salary or compensation to any officer or employee of the Senate or House of Representatives.

What does that language do? It simply declares that no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate. The pending resolution does not provide for any payment. It authorizes work, but if the committee were blindly to go on and incur expenses without first securing the authority of the Committee to Audit and Control, then the special committee would be in the position of having incurred expenses which were not legally justified and they would have to take their chances of thereafter securing the approval of the Committee to Audit and Control. I do not think the question is open to serious debate.

Mr. SMOOT. I think the precedents of the Senate and the real purpose of the resolution are not in conflict. There is no Senator who will deny that if this resolution shall be passed and an investigation shall be made expenses will be incurred; and there is no other way of paying such expenses unless they are paid from the contingent fund of the Senate. The law specifically provides that before any money shall be paid by any committee of Congress the matter shall be first passed upon by the Committee on Contingent Expenses of the Senate.

Mr. REED of Missouri. The Senator certainly will not dispute this with me——

Mr. SMOOT. The Senator from Missouri himself said that the committee could not get any money.

Mr. REED of Missouri. I said if they proceeded without further authorization.

Mr. SMOOT. Does the Senator think they would not proceed under this resolution?

Mr. REED of Missouri. I think they will come in with another resolution. Then it will be time for the committee to act. That is frequently done. Mr. President, the Senator from Utah will certainly not dispute the fact that repeatedly bills are passed authorizing public works, approving great projects, without carrying an appropriation.

Mr. SMOOT. Certainly; and such bills could not carry the appropriation if they were merely authorizations, I will say to the Senator from Missouri.

Mr. REED of Missouri. Let us not get on that sidetrack.

Mr. SMOOT. That is not a sidetrack; that is an absolute fact.

Mr. REED of Missouri. Frequently bills are passed authorizing public works and approving projects and directing that they shall be carried into effect, but carrying no appropriation of money. Then subsequently, from time to time, Congress appropriates the necessary money to carry on the work. Why is not that an exact parallel to what we have here? We are proposing to authorize a committee to make an investigation; we are proposing to authorize them to subpœna witnesses, to call for books and papers and documents, but we do not at this time authorize them to expend a penny of money; and, governed by this statute, of which they must take notice, before they begin that expenditure they must come in with a resolution to the Senate providing for the appropriation. That must go to the committee. That is a separate proposition. The two purposes can be combined in one resolution or they can be provided for in two resolutions.

Mr. SMOOT. Mr. President, resolutions of the kind which, I think, the Senator has in mind generally do not specifically provide what the committee shall do, but this resolution specifically so provides. There is no Senator but knows that money will be required from the contingent fund of the Senate as soon as the resolution shall be acted upon.

Mr. BINGHAM. Mr. President, has the point of order been decided?

Mr. SMOOT. It has not yet been decided.

The PRESIDING OFFICER. The Chair decides that the point of order is not well taken, because the resolution does not call for the payment of money.

Mr. BINGHAM. Mr. President, I ask that my former request be granted, that the clerk at the desk read an editorial from the Washington Post which brings out the point for which I am contending, namely, that the public is actually beginning to think that certain Senators, in their effort to prevent a commission of experts investigating this matter, are playing politics.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

[From the Washington Post of Wednesday, January 11, 1928]

THE "S-4" INQUIRY

The House of Representatives passed the resolution recommended by the President providing for the appointment of a commission to investigate the *S-4* disaster and to consider ways and means of preventing such accidents. The resolution provides that the commission shall consist of three civilians and two retired naval officers, to be appointed by the President.

Now Democratic opposition to the resolution has developed in the Senate Committee on Naval Affairs. It is suggested that the commission would "whitewash" the Navy; that it is a scheme whereby the administration hopes to escape a searching investigation by Congress; and it is demanded that the inquiry be made by Members of Congress and not by private citizens or Navy officers.

This demand is nothing else than an attempt to turn the *S-4* disaster to political advantage. The demand is not made for the purpose of ascertaining the truth and thus to save the lives of submarine crews hereafter, but to work up an agitation against the party in power, so that Democrats may gain some advantage. It is equivalent to saying, "We don't want an impartial and nonpolitical investigation of the *S-4* disaster, because the commission might confine itself to facts and not take advantage of the opportunity to discredit the administration.

Let us have a free-and-easy investigation by Congressmen who know how to twist such an inquiry into political channels. This submarine was sunk while the Republicans were in power. Let us make the most of it."

The people of the United States have no use for such political tactics when the lives of its defenders are involved. The people trust President Coolidge. They know he will not appoint a commission that will "whitewash" anybody. He is not serving the United States as a Republican, but as its President. In this matter Congress should serve the whole country, and not Democratic politicians. The Navy is not a Democrat or a Republican Navy. The prostitution of the Navy into an instrument of politics is abhorrent to all decent citizens of all parties.

The Senate naval committee should report out the resolution and the Senate should pass it. Cut out politics, Senators, if you can, and do your duty as Americans, relying upon the President of the United States to do his duty also.

Mr. BINGHAM. Mr. President, it is quite evident from the tone of that editorial and from the tone of others that might be read, and some of which have already been put into the RECORD, that there are a great many people in this country who are extremely suspicious of this effort to take away from a committee of experts appointed by the President of the United States the duty of investigating this very great disaster and of determining where the blame lies and whether the Navy has done its full duty in the matter.

The history of political investigations in England and America for hundreds of years show that it is extremely difficult for members of political parties to look at accidents and disasters in the Army and in the Navy—particularly in the Navy—purely from the point of view of experts.

Over and over again in British naval history we have seen the party in power investigate the conduct of an admiral or a captain in the case of an accident with the object of white washing the party in power. I trust, if this resolution should pass and a committee of five should be appointed, three Republicans and two Democrats, that no one would claim that such a thing was done in this instance; but I submit, Mr. President, that if such a committee should find that the Navy has done all that it could do under the circumstances they would have difficulty in persuading the very able correspondent who wrote the editorial in the Outlook, which was printed in the RECORD this morning, who was on the spot and who feels that the Navy did not do all that they might have done, and in persuading people like him and those who read his story and agree with it. They would be much more likely to accept the decision of an impartial committee of experts and a judge appointed by the President of the United States.

As I have heretofore said, I wish very much that the committee of five, as suggested by the Senator from Maine, might be enlarged to a committee of seven or eight, so as to have one representative from the Senate and one from the House or two from the House on the committee, as was done in the case of the Aircraft Board. In that way we would get a liaison between the Congress and the committee conducting the investigation that, it seems to me, would be very useful. I should like to see such an amendment proposed, and I should be glad to vote for it, and, as I said the other day, if one Senator is to be a member of the committee I should like to see the Senator from Virginia [Mr. SWANSON], the ranking Democratic member of the Committee on Naval Affairs, who has spent so many years in studying naval problems and who was at one time chairman of that committee, be appointed as representative of the Senate. I am not trying to play politics, Mr. President. I have no desire to prevent him from serving on the commission, but I submit that it is better policy for the country and for both parties to follow to have a commission appointed which the country can not say has as its majority a number of gentlemen chosen for their loyalty to certain political parties. If, for example, I should happen to be chosen as a member of that commission——

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

Mr. BINGHAM. I will yield in a moment. If I should happen to be chosen as a member of the commission, which I trust I will not be, as I know nothing about submarines, only having taken two trips on submarines in my life, and should believe that the Navy ought to be exonerated completely and should have to vote that way, I know that I would be subjected to criticism for the remainder of my life as having been an administration supporter voting to whitewash the Navy. I think that other Senators might feel the same way.

Why is there objection to such a commission as was originally proposed to find out proper safety devices to be used in submarines also serving as a commission to investigate the sinking of the *S-4*? Now, I yield to the Senator from Wisconsin.

Mr. BLAINE. Mr. President, I assume that the Senator from Connecticut will concede that the President has the power to appoint a commission such as is proposed by the joint resolution without authority of Congress?

Mr. BINGHAM. Yes, Mr. President, the President has done so when Congress is not in session; but it is a very bad plan, it seems to me, for the President to pursue that course when the Congress is in session and he can first ask the Congress to authorize such appointments and to authorize such expenditures. In the other case, he has to come to Congress and ask for an appropriation for expenses which he has incurred without authority. I think the Senator will remember that there have been times in the past, notably during the administration of President Roosevelt, when Congress vigorously objected to his exercising his power of appointing commissions.

Mr. BLAINE. But the President does not hesitate, without the consent of Congress, to send an army and a navy to Nicaragua while the Congress is in session.

Mr. BINGHAM. No, Mr. President, he has not done that. The Senator is mistaken. The President has sent no part of the Army.

Mr. BLAINE. He has been sending to their death young men who have enlisted in the Marine Corps without the consent of Congress. Then why should the President be so particular about his attitude with respect to Congress in connection with the appointment of a commission to investigate the *S-4* disaster? Why does the President exercise or assume the power to send armed forces to a foreign country at a time when Congress is in session and then is so considerate of Congress that he does not want to appoint a commission to investigate a disaster because Congress is in session?

Mr. BINGHAM. The answer to that question, Mr. President, is quite obvious. It is the duty of the President, under the Constitution, to look after our foreign affairs. It is his duty to look after the lives and property of American citizens when they are subjected to loss in countries where the proper governmental authority is not able to grant them proper protection, as he has very ably done in China and as he is doing to-day in Nicaragua. It is the business of the President of the United States to see to it that adequate protection is given; and in this particular case it is done at the invitation of both of the leading parties in Nicaragua, as the Senator from Wisconsin well knows.

Furthermore, the President has not used the Army. To use the Army would be an act of war; but to use marines in protecting American lives in foreign lands has been held under international law not to be an act of war.

Mr. BLAINE. But he has used armed forces that have the effect of an army in Nicaragua. What persons and what property in Nicaragua are being protected? Who are they, and what is the property?

Mr. BINGHAM. I am afraid if I should attempt to answer that—and I should be very glad to give the Senator the information, because I have in my desk a list of a large number of concerns that have asked for protection—I am afraid if I should endeavor to answer the Senator's question, and should be led aside in that way, I should be guilty of not talking to the point before the Senate, which I am anxious to do. I do not like to have another very important matter injected into this question of the *S-4*.

I think, Mr. President, the time has come when this accident ought to be investigated, and ought to be investigated by a committee of experts. I do not like to see this effort to delay the investigation which has been made on the other side of the aisle. I regret to see the Senator from Wisconsin bringing into it the question of our Nicaraguan policy, when we ought to have before us the question of deciding what is the best way of making our submarines safe and avoiding an accident like this in the future, and finding out whether the Navy is following a proper policy in sacrificing a certain amount of safety to efficiency, or whether it should sacrifice more efficiency in submarines to greater safety.

Mr. BLAINE. Mr. President, I should like to ask the Senator another question.

Mr. BINGHAM. I yield for a question, Mr. President.

Mr. BLAINE. The Senator expresses his desire to have an immediate investigation. The President has the power to appoint a commission to make the very investigation that is proposed by the resolution. I am willing to vote for the necessary appropriation in order that the President may carry out his power; but, the President having that power, why does he delay to exercise it when I know Congress will pass a resolution or an appropriation act to make effective the commission which he has the power to appoint? There will be no delay. There is no desire to delay. Let the President exercise his power in the present instance, and I am sure Congress will

respond by passing the necessary appropriation act to carry out the desires of the President in that respect. But why should the President be so concerned about not usurping power in this instance, and yet be one of only a few Presidents who without the consent of Congress have ever sent armed forces to another nation with which we are not at war and sacrifice the very principles out of which this Nation was born, without which we could not be sitting here as Members of the Senate of a free Republic?

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

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BINGHAM. I do.

Mr. SHORTRIDGE. I assume that the Senator from Wisconsin believes in the Monroe doctrine?

Mr. BLAINE. Not as interpreted by the present administration. I believe in the Monroe doctrine as an instrument for the protection of the Western Hemisphere, and that all nations upon the Western Hemisphere have an equality, and that the strong have no right to ride down the weaker nations; and to do so is an act of aggression against the small and defenseless nations. Let me remind the Senator from California that the Monroe doctrine has received this misinterpretation and maladministration only by those who desired to oppress and interfere and intermeddle in the internal affairs of another nation weaker than America, but not with respect to strong nations; and I challenge the Senator to suggest why we are not making war upon other nations as strong, perhaps, as America?

Mr. BINGHAM. Mr. President, I decline to yield any further. I did not yield for a discussion of our foreign policy. I thought the Senator rose in good faith to ask a question with regard to the matter of the *S-4*, which is now before us and which we ought to consider.

Mr. BLAINE. Let me say to the Senator from Connecticut that the Senator from California drew me into this discussion with the consent of the Senator from Connecticut, and I very gladly withdraw from the discussion.

Mr. BINGHAM. I did not suppose it was going to involve a speech on our foreign policy.

Mr. BLAINE. I always act in good faith.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me, in two or three sentences, to reply?

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

Mr. BINGHAM. I do.

Mr. SHORTRIDGE. In 1793 George Washington warned America to keep out of Europe. In 1823 James Monroe warned Europe to keep out of America; and I hold myself ready to show that no administration of this Government has ever violated the true American Monroe doctrine.

Grover Cleveland, a great President, did not violate the Monroe doctrine when he told mighty Great Britain to keep her lion's paw off of Venezuela; nor did the great President Theodore Roosevelt violate it when he told another great and more or less overconfident Empire to keep her paw off of Venezuela; and President Coolidge has not violated the Monroe doctrine when he has sought to protect the rights of Americans in Nicaragua.

On a proper occasion I will undertake to make good what I now state perhaps a little too vehemently.

Mr. BLAINE. Mr. President, if the Senator from Connecticut will permit me——

Mr. BINGHAM. I desire to get back to the *S-4*.

Mr. BLAINE. I should like to suggest, if the Senator will permit just this expression, that President Cleveland took the position that America has a character to maintain.

Mr. SHORTRIDGE. She has.

Mr. BLAINE. And when it was attempted to violate the sovereignty of the Hawaiian Islands it was President Cleveland who said that in order to maintain that character it was necessary to withdraw the treaty that was pending before the Senate, submitted by his predecessor, because that treaty had been obtained by force on the part of the representatives of the United States, and therefore America could not afford to have submitted that treaty so obtained.

Mr. BINGHAM. What does the Senator mean by saying that it was obtained by force?

Mr. SHORTRIDGE. What has the Hawaiian treaty to do with the Monroe doctrine?

Mr. BLAINE. I will read what the treaty has to do with the Monroe doctrine if the Senator from Connecticut will yield?

Mr. SHORTRIDGE. It has nothing whatever to do with it.

Mr. BLAINE. Will the Senator from Connecticut yield for that purpose?

Mr. BINGHAM. I yield.

Mr. BLAINE. I will read what President Cleveland said. When the revolution in Hawaii took place, shortly before the close of President Harrison's administration, the then President transmitted to the Senate a treaty providing for the annexation of Hawaii to the United States. As I said, when Mr. Cleveland came to the Presidency he withdrew that treaty, and in a message said this:

> While naturally sympathizing with every effort to establish a republican form of government, it has been the settled policy of the United States to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves, and it has been our practice to recognize revolutionary governments as soon as it became apparent that they were supported by the people.
>
> * * * * * * *
>
> As I apprehend the situation, we are brought face to face with the following conditions:
>
> The lawful Government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.
>
> But for the notorious predilections of the United States minister for annexation the committee of safety, which should be called the committee of annexation, would never have existed.
>
> But for the landing of the United States forces upon false pretexts—

The same false pretexts that exist in Nicaragua to-day, if you please—

> respecting the danger to life and property the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's government.
>
> But for the presence of the United States forces in the immediate vicinity and in position to afford all needed protection and support the committee would not have proclaimed the provisional government from the steps of the government building.
>
> And, finally, but for the lawless occupation of Honolulu under false pretexts by the United States forces, and but for Minister Stevens's recognition of the provisional government when the United States forces were its sole support and constituted its only military strength, the Queen and her government would never have yielded to the provisional government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States.
>
> Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the provisional government.
>
> But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our Government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality; that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.
>
> By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair. The provisional government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power.
>
> The law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement and that obedience to its commands practically depends upon good faith instead of upon the mandate of a superior tribunal only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong but as a disgrace. A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities, and the United States, in aiming to maintain itself as one of the most enlightened nations, would do its citizens gross injustice if it applied to its international relations any

other than a high standard of honor and morality. On that ground the United States can not properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance.

That is the Monroe doctrine as interpreted by President Cleveland.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BINGHAM. I yield.

Mr. SHORTRIDGE. Something has been said about this Nation attacking or trampling upon the rights of the weak, and not performing in the same way in respect to the rights of the strong. I wish to observe that this Nation has never feared to assert its rights and to protect the rights of its citizens, whether they were attacked by the weak or by the strong. My recollection is that Andrew Jackson did not fear very much. I do not recall that General Taylor was much afraid. I can not at the moment recall any event in our history in connection with which this Nation was afraid to attack the strong or the weak in defense of the rights of American citizens.

I repeat, the sentiments expressed by a great President, the one whose words have just been read, Grover Cleveland, in respect to the Hawaiian treaty, had nothing to do, have nothing to do, with the Monroe doctrine. Liliuokalani—flower of the skies, Liliuokalani——

Mr. FESS (in his seat). Say that again.

Mr. SHORTRIDGE. That is a very sweet, euphonious word, almost as sweet as "Mesopotamia," which used to make the old lady cry when the pastor pronounced the word.

Lilioukalani was Queen, not of the cannibal islands, or of the Sandwich Islands, but of the Hawaiian Islands. There was what was called a revolution, and she was overthrown. There was a treaty then proposed whereby those islands might be annexed to and in one sense become a part of the United States.

It is quite true that Grover Cleveland did not approve of that treaty, and hence withdrew it from the consideration of the Senate. It is also true that he thought we had done wrong and had connived at or been a party to this alleged, as he called it, revolution in the Hawaiian Islands, and the overthrow of the Queen.

I think a very distinguished citizen from a Southern State was sent down there, Mr. Blount, and he pulled down the American flag. I think he was termed "Paramount" Blount, but be that as it may—and I speak of him with respect—another administration lifted up the American flag in the Hawaiian Islands, and it floats there now. The doctrines of the Senator from Wisconsin would pull it down again, but I believe it should float there forever as a blessing to all the people.

As to weak nations and strong nations, I did refer to the controversy between Great Britain and Venezuela. There were any number of American citizens, loyal but misinformed, who inveighed against Grover Cleveland because he said then that what Great Britain was demanding, if persisted in, would be in violation of the true American Monroe doctrine. Nevertheless, Grover Cleveland, Democrat, insisted that Great Britain had no right by force or threat of taking or invading territory of Venezuela to insist on an acquiescence in her demand, and Great Britain yielded.

The same proposition was involved when again, during the administration of President Roosevelt——

Mr. BLAINE. Mr. President, I would like to ask the Senator a question as to Venezuela.

Mr. SHORTRIDGE. Certainly.

Mr. BLAINE. When Cleveland said that to Great Britain he said it to a nation equal to the United States in force. He did not say it to Venezuela, or to Haiti, or to San Domingo, or to Nicaragua, or to San Salvador, or to any other of the weak nations.

Mr. SHORTRIDGE. Pardon me, Senator——

Mr. BLAINE. He did not propose that America by force should be the wet nurse for other nations to collect their debts.

Mr. SHORTRIDGE. Senator, I remarked a moment ago—and the Senator has not an adder ear, he can hear—that we had asserted this doctrine as against either the strong or the weak, and I am now proceeding to mention what President Roosevelt said and did when Germany made certain demands, with veiled threat, upon Venezuela.

Mr. FESS. Before the Senator enters upon that, will he yield to a question?

Mr. SHORTRIDGE. Certainly, if the Senator will propound it; I may be able to answer it.

Mr. FESS. In reference to Cleveland's——

Mr. SWANSON. Mr. President, will the Senator yield to me just to make a request?

Mr. SHORTRIDGE. Just a moment.

Mr. SWANSON. I want to make a request, and I can not make it except at this time.

Mr. FESS. In reference to the attitude of Great Britain toward the Monroe doctrine back in 1887, the most significant utterance was made by the then Premier Salisbury, when President Cleveland, through Olney, had mentioned that the violation of the Monroe doctrine was involved.

Mr. SHORTRIDGE. That was during President Cleveland's administration, when Lord Salisbury was Premier.

Mr. FESS. Salisbury said that the Monroe doctrine had never been regarded by them as international law, no matter how brilliant the statesman who uttered it, or powerful the Nation that backed it. That was a very remarkable utterance from the Premier of Britain. It was on that occasion that the President asked Congress to authorize him to send a commission to the disputed territory to make a survey and to report upon the conditions.

Mr. SHORTRIDGE. Certainly.

Mr. FESS. I think that is one of the outstanding incidents in American history as to our position on the Monroe doctrine.

Mr. SHORTRIDGE. Precisely.

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

Mr. SHORTRIDGE. I wanted to finish my statement; the Senator may proceed, however.

Mr. BORAH. What was there about the statement that was exceptional—that it was not international law?

Mr. FESS. No; the statement that no matter how brilliant the author who uttered it, or powerful the nation that backed it. That is the remarkable statement.

Mr. BORAH. Of course, the Monroe doctrine is not international law.

Mr. SHORTRIDGE. No.

Mr. FESS. No one ever held it was.

Mr. SHORTRIDGE. No nation ever admitted it to be international law, but the Senator from Idaho knows well that we are contending that it is an American doctrine which we propose to enforce.

May I right here recall the resolution introduced by Senator Lodge, when he was chairman of the great committee of which the Senator from Idaho is now the chairman. He, in a sense, expanded the Monroe doctrine by the resolution which passed the Senate, and that resolution was to this effect—it had direct application, however, to Japan—that if any foreign nation should establish a naval base so near to our shore or our territory as perhaps to endanger this Nation, we should regard that as an unfriendly act. In other words, the Lodge resolution, which referred specifically to Magdalena Bay, in Lower California, was passed because there was a suspicion, or perhaps a well-grounded belief, that Japan was negotiating with Mexico to establish a naval base at Magdalena Bay.

Mr. SWANSON. Mr. President, will the Senator yield to me a moment now?

Mr. BINGHAM. Mr. President, I have the floor.

Mr. SHORTRIDGE. Let me complete this statement about Venezuela and President Roosevelt.

Mr. SWANSON. I want to submit a request.

Mr. BINGHAM. I have yielded to the Senator from California.

Mr. SHORTRIDGE. Mr. President——

Mr. SWANSON. Will not the Senator wait a moment and permit me to make a request, which I must make before 2 o'clock?

The PRESIDING OFFICER. The Senator from Connecticut has the floor, and can yield the floor to whomever he desires.

Mr. SHORTRIDGE. Regarding the very thoughtful remark of the Senator from Wisconsin, I say that when, during the administration of President Roosevelt, Germany undertook by threat of force, sending naval vessels there, off the shore of Venezuela, to insist upon certain alleged rights—who was then in the White House? Another old Andrew Jackson in his love for America, not a pale-faced, pigeon-livered President, such as I have seen men in this country to be, who never have been and never will be President. I mean there was no coward in the White House; and there has been none there, and there is not one there now. President Roosevelt sent this message, that if Germany sent her warships to intimidate Venezuela, Admiral Dewey would be there to meet them—and the German warships turned off their course and never proceeded to that coast to intimidate and threaten that little country of Venezuela.

On another occasion I will answer the Senator from Wisconsin, and endeavor to point out that never in the history of this country, under any administration, including the present, have the true principles of the Monroe doctrine, announced in 1823, been violated, that they are not now being violated, and I trust they never will be violated.

I repeat, for those who were not here a moment ago, there are two great doctrines in which I profoundly believe. In 1793 George Washington warned America to keep out of Europe, and did much to establish our great doctrine of American neutrality. He warned the United States to keep out of Europe, and we have kept out of Europe. In 1823 James Monroe warned Europe to keep out of America, and we propose to keep her out.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the resolution now under consideration, following the precedents of the Senate, will be returned to the calendar under Rule VIII, and the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. BINGHAM. Mr. President, I merely want to say that it seems to me an unfair advantage has been taken of my interest in Nicaragua and of the fact that I was born in Honolulu, and that many of my friends there had the deepest interest in the establishment of the Republic of Hawaii. The Senator from Wisconsin [Mr. BLAINE] proceeds to bring up both of those interesting subjects as a kind of barrage when I was attempting to give my reasons for opposition to the resolution offered by the Senator from Florida [Mr. TRAMMELL] and in favor of the joint resolution in charge of the Senator from Maine [Mr. HALE]. It seems to me that it is an unusual thing, when a Senator who is interested in discussing one matter and is endeavoring to present it, that two other matters in which he may be presumed to be deeply interested are brought up in the form of questions and of prolonged debate.

Mr. SHORTRIDGE. Mr. President, I want to apologize on behalf of the Senator from Wisconsin. He is to blame for the whole thing. [Laughter.]

PROHIBITION ENFORCEMENT

Mr. BRUCE. Mr. President, I see that pursuant to the plan which the Senator from Idaho [Mr. BORAH] has adopted for subjecting all of the present candidates for the Presidency, Republican and Democratic, to the thumbscrew of inquisition in relation to their views on the subject of prohibition, the Senator from Kansas [Mr. CURTIS] has formally replied to a communication from the Senator from Idaho. Now, the temper of this reply, which was laid in my hands only a few moments ago, is unquestionably dry; but I am sorry to say that in my judgment, according to the strictest prohibition standards, it is not bone-dry.

The Senator from Kansas takes occasion to say, as a candidate for the Presidency, that he does not favor the relegation to the States of the question as to what the content of alcoholic beverages should be within the limitation of the eighteenth amendment. He does say that and says it distinctly. He also says that he does not favor the repeal of the eighteenth amendment. He also says that he does not favor the repeal of the Volstead Act. But nowhere, so far as I can find within the corners of his reply, does he say that he is not in favor of an amendment or modification of the Volstead Act by Congress. I commend that fact to the attention of this candidate for the Presidency. I do not know whether the omission was intentional or not, but if it was intentional I do say that if he wishes to have his political fences in a state of perfect repair when he becomes more actively a candidate for the Presidency, he should make good that omission, because, of course, it is perfectly manifest that the relief which is sought by us from the tyranny of the Volstead Act might to a very considerable degree be obtained by the modification of the Volstead Act by Congress.

But, in addition to what I have said, I wish to express the very deep regret felt by me that a Senator so observant and vigilant as is the Senator from Kansas, one so quick to feel the pulse and to note the course of public opinion, should not have profited more than he apparently has from the recent practical workings of prohibition in his own State, the State of Kansas.

I hold in my hand a book which has only lately been published, entitled "Why the Volstead Law Should Be Modified." It is written by a Kansas citizen, and without unduly taxing the attention of the Senate I desire to read aloud some three or four extracts from this book, certifying to the present condition of prohibition enforcement in the State of Kansas. This writer says first:

> Kansas is supposed to be dry; and there is no doubt but what the State is as free or more free of liquor and law violations than any other State in the Union, but when anyone says or claims that Kansas is dry to-day they are—

Just listen to this little scintillation of Kansas wit—

> in the same class that George Washington would have been if he had denied cutting down the cherry tree. Conditions are such in Kansas to-day that if the modification of the Volstead law was put to a vote, the result would bring a smile to the face of Mr. McAdoo's well-known New York friend—

Namely, Alfred E. Smith!

Then the writer goes on:

> What Kansas people want and what they would vote for would be law enforcement, and they would vote for modification of the Volstead law because modification offers the only visible solution of the growing disrespect for all laws. Enforcement has been tried and failed, and Kansas people know it as well or better than they do in other States, and they know it because conditions are worse in Kansas—

Because they know that conditions are worse in Kansas—

> to-day than they were before national prohibition.

Then the writer proceeds:

> There was more whisky or stuff called whisky, better known as "corn," made and sold in Kansas during one month of 1926 than was shipped into the State in any six months' period 10 years ago. There have already been more whisky stills and home-brew outfits found and destroyed in Kansas since the Volstead law than there were legal breweries and distilleries combined in the entire Nation prior to the eighteenth amendment. The number of stills and home-brew outfits found in Kansas is a matter of record and runs into the thousands. These facts, of course, prove that Kansas has made a commendable effort to enforce the law, but when the records in just one city show there were more stills found in 1925 than in 1924, and a greater number discovered in 1926 than in 1925—nearly seven years after the Volstead law has been in effect—it is natural to conclude that conditions are growing worse instead of better.

Then the writer further says:

> Such wholesale criminal development in Kansas or any other State of men with previous good records should be of more concern to a State or its people than the use of, or possession of, liquor by an individual. A law that works to promote bad citizens out of previous good men, as the records show the Volstead law has done, is much more dangerous to society than the per cent of alcohol permitted in a beverage drink ever could possibly be.

Then listen to this with respect to Wichita, one of the chief cities of Kansas:

> The Wichita Daily Eagle is perhaps the most conservative publication in Kansas, with the largest circulation of any newspaper in the State. Both the editor and the management of the Daily Eagle are for prohibition first, last, and all the time. As a matter of news for its readers and in the interest of prohibition this newspaper made a survey of the amount of liquor sold and consumed in Wichita in just one year. The results of this survey were published in the Eagle under a large headline which read:
>
> "Wichita spends more than $2,000,000 a year for its booze."

Then the writer says:

> There is no greater fighter for prohibition and no better representative spokesman for the State of Kansas than ex-Gov. Henry J. Allen. In an article published in the New York Tribune not long before Mr. Allen sailed on the *University Afloat*, he said in part:
>
> "Of course we know that the Volstead Act has not decreased the use of liquor in Kansas. It is not as good a law as the Kansas prohibitory law."

Then, finally, the writer says:

> Even in Kansas high schools and colleges the bootlegger solicits and supplies his customers. * * * There are hundreds of young men of legal age in Kansas that have never seen a saloon, but there are very few of them in high schools and colleges that have not had an opportunity to drink liquor, and their familiarity with the hip-pocket flask is a matter of common knowledge, and there is little doubt but what the hip-pocket flask, a product of the bootlegger, is doing as much or more toward breaking down the morals of our young people to-day as the open saloons did in their day, bad as they were.

Now, after having read these extracts, I almost feel tempted to say to the able and popular Senator from Kansas, who has gone so far astray as to become a candidate for the Presidency of the United States on such a platform as he has, Fie, fie, Senator, how can you, with all this evidence of the practical workings of prohibition in your State, declare against the modification of the Volstead Act and the eighteenth amendment?

For his comfort it is only fair for me to add that only this morning evidence has been brought to my attention showing that in another State which enjoys the reputation of being a bone-dry State—that is to say, the State of South Carolina, from which the distinguished Senator who has just spoken

[Mr. BLEASE] comes—prohibition conditions are even worse than in Kansas. I turn to an issue of the Newberry (S. C.) Herald-News, dated January 17, 1928, and to a special dispatch in that issue from Columbia, S. C. This dispatch reads:

COLUMBIA, January 12.—For every 2,400 people of South Carolina—that is, for that number on an average, including men, women, and children, even to babes in arms—the dozen members of the governor's State constabulary destroyed one still during the 11 months from February 1 to December 31.

Think of that! One still for every 2,400 inhabitants in the State. Why, General Andrews testified last year before a subcommittee of the Committee on the Judiciary that only about one-tenth of the commercial stills which exist in this country were ever broken up by prohibition agents. If that is so, then there is one still in existence for every 240 inhabitants of the State of South Carolina.

Mind you, this writer is not speaking of home-brew stills, of home-brew plants of any sort; he is speaking only of commercial stills, stills which are set up for the manufacture and sale of corn whisky and other hard liquors. The entire dispatch is very interesting. The junior Senator from Maryland [Mr. TYDINGS] near me calculates that in South Carolina there is one still for every 60 families. Mr. President, whenever the Senator from Idaho [Mr. BORAH] puts a candidate for the Presidency on the rack, I propose to show just what sort of conditions as respects the enforcement of prohibition prevail in the State in which the particular candidate resides.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Maryland yield to me?

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

Mr. BRUCE. I do.

Mr. WALSH of Massachusetts. I think the Senator from Maryland ought to call attention to the fact that no Senator from the States to which the Senator has referred attempts to make answer or denial of the assertion which the Senator has made.

Mr. BRUCE. That is undoubtedly true; they are men of too much veracity and intelligence to attempt that; they are men of too ripe knowledge as to the local conditions which prevail in their States, to say nothing more, to do anything of the sort. They know that they would find themselves at once in a hopelessly difficult situation.

I venture to say that even the junior Senator from South Carolina [Mr. BLEASE], whose courage in the expression of his opinions on every subject I have always so much admired, will not undertake to deny the truth of the statements that I have just read with respect to South Carolina.

Mr. WALSH of Massachusetts. Nor will the Senator from Kansas [Mr. CURTIS].

Mr. BRUCE. As to the Senator from Kansas, in the language of the comic opera Olivette, which used to be so popular, he has said to himself, "It is time for disappearing," for he, I note, is no longer in the Senate Chamber. As the colored people were wont to say when I was a boy in Virginia he has made himself "skeerce." I am sorry that the Senator from Idaho has also disappeared. However, it is the midday hour, and possibly the urgency of his hunger was such that he could not remain any longer in the Chamber without enduring a certain amount of physical discomfort.

Mr. BORAH entered the Chamber.

Mr. BRUCE. I see that the Senator from Idaho has returned. I was about to say that he has turned up "like a bad penny," but, of course, it is absolutely impossible to say that of the Senator from Idaho. He is too sterling coin. I want to say just a word to the Senator from Idaho—and I am glad he has come back to his seat. In some respects he and I are very much in accord with reference to the matter of prohibition, however far apart we may be in other respects. I think that each of the great national parties of this country and their several candidates for the Presidency should be made by the compelling force of public opinion to say exactly where they stand with reference to the repeal or modification of the Volstead Act and the eighteenth amendment. They should be brought to book; they should not be allowed to dodge, evade, palter, or equivocate on this great issue of prohibition, the most pressing, the most burning issue that has vexed the politics of this country since the old issue of slavery or no slavery. So far no Republican candidate for the Presidency has taken any pronounced stand with regard to this issue, and so far only one solitary Democratic candidate for the Presidency, in my opinion, has taken the unequivocal stand that he should have taken with regard to it, and that is Gov. Albert C. Ritchie, of Maryland, who has let the people of this country know in no uncertain language the disastrous results that have resulted from the administration of the Volstead Act, and has told them explicitly that he is in favor of having the legislation of prohibition remitted to the States so that they may determine for themselves, within the limitations of the eighteenth amendment, just what the content of alcoholic beverages should be. Only a few days ago Governor Ritchie reiterated his well-known views with respect to prohibition in an issue of Plain Talk; and he did so the other night again on the occasion of the Jackson Day celebration of this year, in Washington. I honor him for his frankness and his courage. I think that he has risen to the level of the occasion in every respect, and I trust that the Senator from Idaho in the distribution of his rather searching favors will also question the Governor of Maryland.

Of course, I am not reflecting on the firmness of character of Gov. Alfred E. Smith, though I for one regretted, as thousands and millions of other people in this country did, that when he sent his message to the Legislature of New York some days ago he did not take occasion at least to say that his general views with respect to the issue of prohibition had undergone no change whatever. That would have been sufficient. While he was pretty explicit in his message, I regret that he did not take occasion to go just a little further than he did go in connection with the subject of prohibition.

And, great as is my admiration for the Senator from Missouri [Mr. REED]—and there is no greater admirer of his splendid talents and his general public character in this body that am I—I regret that he has declared that the prohibition issue should not be raised by the next Democratic national platform. I hope, however, that the Senator from Idaho will not be deterred by anything that has heretofore happened from flashing his interrogation right in the faces of Governor Smith and Senator REED as well as in the face of Governor Ritchie.

I think that the Senator from Idaho has performed a real service to the cause of honest and manly politics in coming forward as he has with his splendid, unquailing, unfailing resolution of character and saying that the time has passed for hesitation, for a lack of candor, or for lack of frankness on the part of the great parties of this country in relation to the subject of prohibition, a subject which is at this time, in my opinion as well as his, one of transcendent, of incomparable importance and significance to the people of the United States.

RUSSELL & TUCKER AND OTHERS

Mr. JONES obtained the floor.

Mr. MAYFIELD. Mr. President, I ask the Senator from Washington to yield to me so that I may ask unanimous consent for the consideration of Senate bill 620, a local bill, which passed the Senate at the last session of Congress. It will involve no discussion.

Mr. JONES. If it will take no time, I have no objection.

Mr. MAYFIELD. I thank the Senator. I ask unanimous consent for the present consideration of the bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

The PRESIDING OFFICER. Is there objection?

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 Russell & Tucker, a copartnership composed of Lee L. Russell and S. C. Tucker; Floyd & Co., a copartnership composed of C. W. Floyd and S. C. Tucker; Borroum, Tucker & O'Connor, a copartnership composed of J. L. Borroum, S. C. Tucker, and Martin O'Connor; Rutledge, Browne & Nichols, a copartnership composed of W. J. Rutledge, N. H. Browne, and J. W. Nichols; Russell & Wilson, a copartnership composed of R. R. Russell and W. E. Wilson; Rocky Reagan, Alfred A. Drummond, J. M. Dobie, and Dick Colson, any statutes of limitations being waived, are hereby authorized to enter suit in the United States District Court for the Northern District of Texas for the amount alleged to be due to said claimants from the United States by reason of the alleged neglect and alleged wrongdoing of the officials and inspectors of the United States Bureau of Animal Industry in the dipping of tick-infested cattle in Texas and Oklahoma, which said cattle were shipped from Texas to Osage County, Okla., in the years 1918 and 1922.

SEC. 2. Jurisdiction is hereby conferred upon said United States District Court for the Northern District of Texas to hear and determine all such claims without the intervention of a jury. The action in said court may be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the claimants base their claims, and the petition may be verified by the agent or attorney of said claimants, official letters, reports, and public records, or certified copies thereof may be used as evidence, and said court shall have jurisdiction to hear and determine said suit and to

enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due from the United States to the said claimants by reason of the alleged negligence and erroneous certification, upon the same principles and under the same measures of liability as in like cases between private parties, and the Government hereby waives its immunity from suit. And said claimants and the United States of America shall have all rights of appeal or writ of error or other remedy as in similar cases between private persons or corporations: *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 said court, and upon such notice 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 such suit shall be begun within six months of the date of the approval of this act.

Mr. JONES. Mr. President, I should like a brief statement as to the object and purpose of the bill.

Mr. MAYFIELD. Mr. President, this bill simply confers the right upon certain citizens of Texas, Oklahoma, and Kansas to enter suit in the United States District Court for the Northern District of Texas for an amount alleged to be due to the claimants from the United States by reason of the alleged neglect and alleged wrongdoing of officials and inspectors of the United States Bureau of Animal Industry in the dipping of tick-infested cattle in Texas and Oklahoma, which cattle were shipped from Texas to Osage County, Okla., in the years 1918 and 1922.

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

Mr. WILLIS subsequently said: Mr. President, a little while ago, during my temporary absence from the Chamber, Calendar No. 37, being Senate bill 620, which was introduced by the junior Senator from Texas [Mr. MAYFIELD], was passed by unanimous consent. I do not at all accuse the junior Senator from Texas of any bad faith in the matter, though I regret that he called the bill up during my absence, knowing that heretofore I had objected to it. I would not have objected to-day and did not intend to continue my objection, but I did want to make a statement about the bill. The Senator from Texas pointed out to me that certain amendments which had been recommended by the department had been embodied in the bill. Those amendments removed my objection in part but not entirely.

I merely wish to state now that I think the passage of bills of this character is bad legislation. We have a Court of Claims to consider such matters. It is proposed by this bill to refer the questions covered by it, which evidently are questions that should have gone to the Court of Claims under the general procedure, to a district court named in the bill. I think if that practice is persisted in it will result in encumbering up the records of the courts and seriously impeding the transaction of public business.

I desired to make that statement when the bill came up. As I have said, I would not have objected to its consideration, but I wanted to file my objection to that sort of legislation. That is all.

POLITICAL HISTORY OF SOUTH CAROLINA, ETC.

Mr. BLEASE. Mr. President, the article which the Senator from Maryland [Mr. BRUCE] has read from a South Carolina newspaper was written by John Kinard Aull, who has been the secretary of three governors of that State, who has been the official stenographer of two judicial circuits of that State, and who was for some time private secretary to one United States Senator. I can bear testimony to the fact that what he writes is true, so far as his information goes, and that he would not write such facts which are contained in the article referred to unless he obtained them from some official source.

Personally, Mr. President, I believe in State rights. If I had been a member of the Legislature of South Carolina when the amendment proposing national prohibition was before that body for ratification I would have voted against ratification. If I had been a member of the General Assembly of South Carolina when the amendment to the Federal Constitution providing for woman suffrage was presented I would have voted not to ratify it. I believe firmly that the determination of those questions belongs to the people of the individual States.

I shall not discuss political issues at this time, because I do not care very much about them; but if I wanted to name a ticket which I believe the people of this country would elect I would nominate, if I had the power, two great Democrats: For President, WILLIAM E. BORAH, of Idaho, and for Vice President, LEE S. OVERMAN, of North Carolina.

Mr. President, I have almost reached the conclusion that platforms are not worth the paper they are written upon. I have about reached the conclusion that what we need in this country in office is men—men who are not afraid to do what is right; men who have the courage to do what is right; men who are honest—and that it does not make any difference what platform you put them in on; it does not make very much difference what party you put them in on; if they are men in whom the people of this country have confidence, you will have a government superior to that of any other nation in the world.

That, however, was not what I rose to pay some attention to at this time.

A few days ago upon the floor of the Senate reference was made to the negro voting in the Southern States. The Senator from Virginia [Mr. SWANSON], in his very able address, has covered much of the ground which I myself intended to cover. Therefore I shall not reiterate.

South Carolina stands in a position of her own in regard to the Constitution of the United States of America. She has a constitution; and, without taking up the time of the Senate, I request to have printed in the RECORD in brief form the sections of our constitution which apply to this question.

Section 5 of the Declaration of Rights I ask to read:

The privileges and immunities of citizens of this State and of the United States under this constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

It also provides that no person shall be deprived of the right to vote because of race or color.

I also ask, at the same time, permission to insert some decisions from the supreme court of my State upon this question of suffrage.

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

The matter referred to is as follows:

SUFFRAGE—CONSTITUTION OF THE STATE OF SOUTH CAROLINA, RATIFIED IN CONVENTION DECEMBER 4, 1895

ARTICLE I. DECLARATION OF RIGHTS

SEC. 5. The privileges and immunities of citizens of this State and of the United States under this constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

SEC. 9. The right of suffrage, as regulated in this constitution, shall be protected by law regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct.

SEC. 10. All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this constitution shall have equal right to elect officers and be elected to fill public offices.

ARTICLE II. RIGHT OF SUFFRAGE

SECTION 1. All elections by the people shall be by ballot, and elections shall never be held or the ballots counted in secret.

SEC. 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided,* That any person holding another office may at the same time be an officer in the militia or a notary public.

SEC. 3. Every male citizen of this State and of the United States 21 years of age and upwards, not laboring under the disabilities named in this constitution and possessing the qualifications required by it, shall be an elector.

SEC. 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years, in the county one year, in the polling precinct in which the elector offers to vote four months, and the payment six months before any election of any poll tax then due and payable: *Provided,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State, otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in 10 years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration who can read any section in this constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to by the registration officer, shall be filed, one copy with the clerk of court and one in the office of the secretary of state on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of state

shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1, 1898, if otherwise qualified, shall be registered: *Provided*, That he can both read and write any section of this constitution submitted to him by the registration officer or can show that he owns and has paid all taxes collectible during the previous year on property in this State assessed at $300 or more.

(e) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated, or destroyed, if the applicant is still a qualified elector under the provisions of this constitution, or if he has been registered as provided in subsection (c).

SEC. 5. Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the Supreme Court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal, and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

SEC. 6. The following persons are disqualified from being registered or voting:

First. Persons convicted of burglary, arson, obtaining goods or money under false pretense, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws: *Provided*, That the pardon of the governor shall remove such disqualification.

Second. Persons who are idiots, insane paupers supported at the public expense, and persons confined in any public prison.

SEC. 7. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any institution of learning.

SEC. 8. The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided*, At the first registration under this constitution, and until the 1st of January, 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the governor, by and with the advice and consent of the senate. For the first registration to be provided for under this constitution, the registration books shall be kept open for at least six consecutive weeks, and thereafter from time to time at least one week in each month, up to 30 days next preceding the first election to be held under this constitution. The registration books shall be public records open to the inspection of any citizen at all times.

SEC. 9. The general assembly shall provide for the establishment of polling precincts in the several counties of the State, and those now existing shall so continue until abolished or changed. Each elector shall be required to vote at his own precinct, but provision shall be made for his transfer to another precinct upon his change of residence.

SEC. 10. The general assembly shall provide by law for the regulation of party primary elections and punishing fraud at the same.

SEC. 11. The registration books shall close at least 30 days before an election, during which time transfers and registration shall not be legal: *Provided*, Persons who will become of age during that period shall be entitled to registration before the books are closed.

SEC. 12. Electors in municipal elections shall possess the qualifications and be subject to the disqualifications herein prescribed. The production of a certificate of registration from the registration officers of the county as an elector at a precinct included in the incorporated city or town in which the voter desires to vote is declared a condition prerequisite to his obtaining a certificate of registration for municipal elections, and in addition he must have been a resident within the corporate limits for at least four months before the election and have paid all taxes due and collectible for the preceding fiscal year. The general assembly shall provide for the registration of all voters before each election in municipalities: *Provided*, That nothing herein contained shall apply to any municipal elections which may be held prior to the general election of the year 1896.

SEC. 13. In authorizing a special election in any incorporated city or town in this State for the purpose of bonding the same the general assembly shall prescribe as a condition precedent to the holding of said election a petition from a majority of the freeholders of said city or town as shown by its tax books, and at such elections all electors of such city or town who are duly qualified for voting under section 12 of this article, and who have paid all taxes, State, county, and municipal, for the previous year, shall be allowed to vote; and the vote of a majority of those voting in said election shall be necessary to authorize the issue of said bonds.

SEC. 14. Electors shall in all cases except treason, felony, or a breach of the peace, be privileged from arrest on the days of election during their attendance at the polls, and going to and returning therefrom.

SEC. 15. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State.

Mr. BLEASE. The only case that I can now recall, or of which I have been informed in reference to the constitutional provisions or the statutory provisions, herewith cited, have been decided in favor of the electors, and whenever any of them, either white or black, have appealed to the courts from a decision of the registration boards, the courts have ordered that they be given their registration certificates. I do not think the Supreme Court has been called upon to either affirm or reverse any such decisions, but that certainly is the record in so far as the circuit courts of our State are concerned.

SUFFRAGE—CASES CONSTRUING CONSTITUTION OF THE STATE OF SOUTH CAROLINA RATIFIED IN CONVENTION DECEMBER 4, 1895

ARTICLE II

SEC. 2. The term "qualified elector" as used in this section means "registered elector." Mew *v.* Railroad Co. (55 S. C. 95; 32 S. E. 828).

SEC. 3. Wright *v.* State Board (76 S. C. 574; 57 S. E. 536).

SEC. 4. Showing insufficient to raise question of avilidity of this section. Franklin *v.* State (218 U. S. 161; 54 L. Ed. 980).

Subsection (a). Applies to special as well as to general elections. Clarke *v.* McCown (107 S. C. 209; 92 S. E. 479).

Subsection (b). Each elector must present to managers of election registration certificate for precinct at which he offers to vote and proof of payment of all taxes for previous year. Taking oath that he is qualified elector is not sufficient. Wright *v.* State Board (76 S. C. 574; 57 S. E. 536).

Subsection (c). Registration by proper officer, unless vacated in the manner prescribed by law, is conclusive and such right can not be collaterally attacked. Rawl et al *v.* McCown (97 S. C. 1; 81 S. E. 958).

Subsection (e). Failure of managers to require voters' proof of payment of all taxes collectible during previous year renders election void. Gunter *v.* Gayden (84 S. C. 48; 65 S. E. 948).

SEC. 5. The State is not a necessary party and the question of qualification of an elector is always within the jurisdiction of the courts. Rawl et al *v.* McCown (97 S. C. 1; 81 S. E. 958).

SEC. 6. This section also disqualifies a person from being a juror. State *v.* Robertson (54 S. C. 146; 31 S. E. 868).

SEC. 8. Registration books are open to inspection for any citizen at all times and is a public record. Wright *v.* State Board (supra); Rawl *v.* McCown (supra).

I shall not take the time of the Senate to discuss that question. I have sometimes been painted as the enemy of the Negro race. That question I leave to South Carolina. I do not care what anybody else in the United States outside of South Carolina thinks about it, whether they think well or unwell, or what they think. That makes absolutely no difference in the world to me; but if the matter were left to the vote of the negro people of South Carolina, men and women—if the white people were just cut out entirely and only the negro people voted on it—I do not think I would have the slightest difficulty in being elected either governor of that State or a Senator of the United States.

I know how they feel toward me at home. I know that they come here to my office and ask me to help them get positions. I know that they come to my office and ask me to loan them money. I know that when I was elected governor of that State the penitentiary was crowded and the chain gangs were crowded with colored people who did not have any business there, and I turned out of that penitentiary and out of the chain gangs about 1,700 of them; and the only mistake I made was the day I left the governor's office that I did not turn out the whole darned business. [Laughter.] So I know how they feel toward me in that State; and I do not care, as I said, what any other State thinks about it.

The negroes of South Carolina do not want social equality. The best element of them will so express themselves at any time. What they do desire is equal rights and equal accommodations in traveling, and so forth, but they have no desire to hold office, and they have no desire to associate with white people. They fully realize that the white man who associates with them on equal terms is not as good or substantial a citizen as they are, and that by their association with him they lower themselves in the estimation of the best white people.

We have no trouble with the negroes in my State except very seldom, and then it is from an irresponsible class. They realize that the white people of South Carolina are their best

friends, and if let alone the question can be properly handled in South Carolina, without injustice to any and fairness to all.

Mr. President, here is what Abraham Lincoln said; and a good many people like to quote him and talk about him.

In a speech at Charleston, Ill., in 1858, Mr. Lincoln said:

I am not now, nor ever have been, in favor of bringing about in any way the social or political equality of the black and white races. I am not now, nor ever have been, in favor of making voters or jurors out of negroes, nor of qualifying them to hold office, nor of intermarriage with white people. There is a physical difference between the white and black races which will forever forbid the two races living together on social or political equality. There must be a position of superior and inferior, and I am in favor of assigning the superior position to the white man.

I say to these people who talk about the colored people not voting, talk about the colored people not holding office, and talk about the colored people intermarrying with white people go back to your earthly god; go out and stand here in front of his picture, or one of his statues, and repeat what he said.

South Carolina does not prevent a man who can comply with her constitution from voting in her elections. I wish to say to Senators or others who desire to read them that I hold in my hand the statutes of the State, three sections of which I also request to have printed, under the head of "Suffrage," one of which reads:

That no person shall be deprived of his right to vote because of his race or color.

In order not to take up the time of the Senate, I ask to insert in the CONGRESSIONAL RECORD these six sections of the statute laws of my State.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

(202) SEC. 1. Qualifications for registration after January 1, 1898.—Persons disqualified: Every citizen of this State and the United States 21 years of age and upwards, not laboring under disabilities named in the constitution of 1895 of this State, who shall have been a resident in the State for two years, in the county one year, in the polling precinct in which the elector offers to vote four months before any election, and shall have paid six months before any election any poll tax then due and payable, and who can both read and write any section of the said constitution submitted to said elector by the registration officer or officers, or can show that he or she owns, and has paid all taxes collectible during the previous year on property in this State assessed at $300 or more, and who shall apply for registration, shall be registered: *Provided,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State if otherwise qualified: *Provided further,* That persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison shall be disqualified from being registered or voting: *And provided further,* That persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, and larceny, or crimes against the election laws, shall be disqualified from being registered or voting, unless such disqualification shall have been removed by the pardon of the governor.

(203) SEC. 2. Electors to be registered.—No person shall be allowed to vote at any election hereafter to be held unless he or she shall have been registered as herein required.

(204) SEC. 3. Board of registration—Appointment, duties, term of office, etc.: Between the 1st day of January and the 15th day of March, 1898, and between said dates in every second year thereafter, the governor shall appoint, by and with the advice and consent of the senate, if in session, and if not in session subject to its approval at its next session, subject to removal by the governor for incapacity, misconduct, or neglect of duty, three competent and discreet persons in each county, who shall be citizens and qualified electors thereof, and who shall be known as the board of registration of * * * County, whose duty it shall be to register and to conduct the registration of the electors who shall apply for registration in such county as herein required. Their office shall be at the county seat, and they shall keep record of all their official acts and proceedings. Their term of office shall be for two years from the date of their appointment, and they shall continue in office until their successors shall have been appointed and shall qualify: *Provided,* That in case of a vacancy from any cause in the office of board of registration the governor shall fill such vacancy, by and with the consent of the senate as aforesaid: *Provided,* That in the county of Pickens the said board of registration shall be elected at the general election of 1912 and every two years thereafter.

(208) SEC. 7. Appeal from denial of registration: The boards of registration to be appointed under section 3 of this chapter shall, up to and including the 1st of January, 1898, judge of the qualifications of all applicants for registration. Any person denied registration shall have the right of appeal from the decision of the board of registration denying him registration to the court of common pleas of the county or any judge thereof, and thence to the supreme court; and on such appeal the hearing shall be de novo. Any person denied registration and desiring to appeal must within 10 days after the decision of the board of registration is made file with the said board a written notice of such notice of his intention to appeal therefrom. After the expiration of 10 days from the filing of such notice of intention to appeal the board of registration shall file with the clerk of the court of common pleas for the county the notice of intention to appeal and any papers in their possession relating to the case, and a report of the case if they deem proper. The clerk of the court shall file the same and enter the case on a special docket to be known as calendar No. 4. If the applicant desires the appeal to be heard by a judge at chambers he shall give every member of the board of registration four days' written notice of the time and place of the hearing. From the decision of the court of common pleas, or any judge thereof, the appellant or any duly qualified elector of the county may further appeal to the supreme court by filing a written notice of his intention to appeal therefrom in the office of the clerk of the court of common pleas within 10 days after such decision is filed, and within said time serving a copy of such notice on every member of the board of registration. Thereupon the clerk of the court of common pleas shall certify all the papers in the case to the clerk of the supreme court within 10 days after the filing of such notice of intention to appeal. The clerk of the supreme court shall place the case on a special docket, and it shall come up for hearing upon the call thereof, under such rules as the supreme court may make. If such appeal be filed with the clerk of the supreme court at a time that a session thereof will not be held between the date of filing and an election, at which the appellant will be entitled to vote if registered, the chief justice, or, if he is unable to act or disqualified, the senior associate justice, shall call an extra term of the court to hear and determine the case.

(209) SEC. 8. Registered electors before January, 1898, remain so—Establishment of right to vote: All persons registered on or before January 1, 1898, shall remain during life qualified electors, unless afterwards disqualified by the provisions of the said constitution. The certificate of the clerk of the court, or of the secretary of state, that the name of any person appears on the books or records hereinbefore required to be filed in their respective offices by the boards of registration shall be sufficient evidence to establish the right of such person to any subsequent registration and the franchise under the limitations imposed in the said constitution.

(210) SEC. 9. Board to judge the legal qualifications of applicants after January, 1898—Appeals: After the 1st of January, 1898, the board of registration to be appointed under section 3 of this chapter shall judge of the legal qualifications of all applicants for registration. From their decision appeals may be taken to the court of common pleas, or any judge thereof, and thence to the supreme court, and the mode of appeal shall be the same as prescribed in section 7, herein.

Mr. BLEASE. Mr. President, there is a provision there—and I hope those who criticize will remember this—that if a colored man or woman goes to the board of supervisors of registration in my State, and can qualify under the laws of my State, just as a white man has to do, just as a white woman to-day I am sorry to say ever consented to do, and that board of registration, composed of three men, declines to give that negro his registration certificate, he can appeal to either one of the circuit judges of the State, there being 14 of them; and on that appeal the circuit judge does not take the word of the supervisors of registration. He tries the case de novo, and he has the right to order that board of registration to enroll that colored man or colored woman as a registered voter; and I wish to call particular attention to the fact that that has been done in two or three instances in my State, and each time the circuit judge has decided in favor of the negro, and ordered that he be registered. Therefore, Mr. President, that question does not bother us down in South Carolina.

Just a word in reference to myself, for the benefit of some people who love to criticize.

On January 13, 1928, I received a letter from the president of the State Agricultural and Mechanical College of South Carolina, which is located at Orangeburg, a college supported by the State of South Carolina for the education of negro boys and girls. We have a 3-mill tax levy provided for in our constitution, which is divided between the races, and the colored people receive their part of that money for the education of their children. Then we support this State institution for the education of colored boys and girls when they are able to reach that college.

This professor, a colored man, in speaking of something that I did for this college, says:

Your kind favor is very much appreciated, as the books will be a valuable source of information to our faculty, students, and extension agents.

The college is in good shape, having this year a splendid enrollment of boys and girls eager to become better citizens and community builders. We are constantly encouraged to that end by your friendly interest and support. Governor Richards has shown a very friendly attitude toward the college in his budget recommendations, and the outlook for us under his administration is very hopeful and encouraging.

Governor Richards, I am proud to say, is to-day and has been for many years both personally and politically a very strong friend of mine.

Mr. President, on the floor of the Senate the other day, on page 1585 of the RECORD of January 17, the Senator from Montana [Mr. WALSH] said, speaking to the Senator from Illinois [Mr. DENEEN]:

The Senator's study of this matter will, of course, have apprised him of the fact that following the Civil War quite a large number of Members elect of the House of Representatives and some Members elect of the Senate had participated in the war against the Union and were, of course, guilty technically of treason. Had the Senator been a Member of this body at that time would he have voted to admit those men?

On page 1594 of the CONGRESSIONAL RECORD of the same date, in the first column—I shall not read it all—the Presiding Officer (Mr. WATERMAN in the chair) said:

Does the Senator from Connecticut yield to the Senator from Montana?

I call attention, without reading and without having it reprinted in the RECORD, to what appears from there down to the end of the first paragraph of the second column.

When the State of South Carolina ratified the Constitution of the United States it passed this resolution: I read from a document from the Library of Congress, entitled "Formation of the Union":

This convention doth also declare that no section or paragraph of the said Constitution warrants a construction that the States do not retain every power not expressly relinquished by them.

I do not know whether any other State in the Union, when it ratified this Constitution, put that in or passed a resolution similar to that or not; but South Carolina advisedly put it in there. It was put in by the man, I believe, if the record is ever properly searched and the truth is told, who wrote the Constitution of the United States of America, and whose draft of it, when handed in, was finally accepted, and it is really the Constitution of this country to-day.

I say, Mr. President, that under that section, as passed by that convention in South Carolina, she had a right not only then, but has a right now, to secede from the American Union if her people in convention assembled so declared then or should so declare now.

We are no strangers to the American Union. The South built this Nation. Of that there can be no doubt.

For 72 years—1789–1861—there were 15 Presidents of the United States and 9 were from the South. In nearly every Cabinet of the 15 Presidents the Attorney General was a southern man. These 9 southern Presidents made such excellent ones that 5 of them were reelected and not one from the 6 remaining ones from the North was reelected.

For 64 years the Chief Justices of the United States were southern men.

The obligations of the Nation to the South are great.

Richard Henry Lee, of Virginia, offered the resolution of independence.

Thomas Jefferson wrote the Declaration of Independence.

George Washington established it.

James Madison largely created the Constitution and was instrumental in having it ratified.

John Marshall was Chief Justice 30 years.

These men, with Alexander Hamilton, may truly be called the founders of the American Nation.

The South through Thomas Jefferson, of Virginia, added the Louisiana Purchase to the United States, million miles of territory.

The South through James K. Polk, of Tennessee, added Texas and the Pacific slope to the United States.

The South through Andrew Johnson, of Tennessee, added Alaska.

The South through Virginia gave the Territory Northwest of the Ohio River—Ohio, Indiana, Illinois, Michigan, and a part of Minnesota—to the United States.

The South through Lewis and Clarke, of Virginia, opened up the Yellowstone country and great West.

Through Georgia, Alabama and Mississippi were added to the Federal Government.

The South through Taylor and Scott, of Kentucky and Virginia, caused Mexico to yield.

In the Spanish-American War Gen. Joe Wheeler, of Alabama, was called "the backbone of the Santiago campaign."

Hobson, of Alabama, performed "the most heroic exploit ever executed in naval history."

It was Arthur Willard, of Maryland, who planted the first flag in Cuba.

It was Tom Brumby, of Georgia, who raised the first flag at Manila.

It was Anderson, of Virginia, who fired the first salute at El Caney.

The South deserves recognition by the Nation.

Every time you put a 2-cent stamp upon a letter the South speaks to you through George Washington. Every time you handle your silver money the South speaks to you through Thomas Jefferson.

In the late World War it was southern troops that broke the Hindenburg line.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment?

Mr. BLEASE. Yes.

Mr. BRUCE. The Senator should not forget that part of the force that broke the Hindenburg line was composed of New York troops.

Mr. BLEASE. I was just going to say, with the exception, of course, of the few troops from the State of New York; and I hope I may not be out of place in saying that possibly if the southerners had not been there, the New Yorkers might not have stayed.

Mr. President, some time back I inserted an article in the RECORD. I would like to have that article inserted at this place as a part of my speech, and as it would take some 25 or 30 minutes to read it, I ask permission, as it is already in the RECORD, to have it printed.

The PRESIDING OFFICER. Is there objection?

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

THE SOUTH IS THE DEMOCRATIC PARTY

It is seen and known by all men that those who to-day are endeavoring to control the Democratic Party have no genuine love for the South and no good can come to the South from those sources which are endeavoring to obtain for themselves or their candidate for the office of the Presidency of the United States by their present campaign of slander and abuse of that section of this Nation which has made it possible for it to be what it is. And what ill will of God's or man's could induce men to speak so contemptuously as they do of that section of our common country that waged the Revolutionary War and built here a Government which has raised the standards of human living and safety to heights hitherto unknown? That the South built the Republic and that men who built the Republic then organized the Democratic Party as an "association of patriots" to preserve the Republic, the most illiterate among our people must see and appreciate.

Let only a recital of some of the events and outmarks in our history serve here to remind you of these facts, although to review all the achievements of the southern patriots and statesmen would require more time than one could rehearse and might become tedious to those who are not in sympathy with them.

First of all, it was the feeble colonies of South Carolina and Georgia that first wrote to the strong Virginia Colony Legislature, or house of burgesses, suggesting the calling of the First Continental Congress to band the Colonies together for their mutual protection against the encroachment of the power of the tyrannical foreign monarchy that then held them subject to his crown; it was Patrick Henry, the burning torch of human liberty, a Virginian, who lighted the flames of the Revolutionary War, and he was the first commander of the American Army, which he organized and mobilized on the James River near Williamsburg, until George Washington was placed in command in his stead by the combined Colonies; and what need is there of relating with what glory and valor the South participated in that frightful war and what portion of the victories they achieved. It will be interesting to relate that one event of that awful conflict might be sufficient rehearsal here to fix the greatness of her sons in your minds; I refer to the Battle of Kings Mountain, of which Senator John W. Daniel, of Virginia, said in his one-hundredth anniversary oration at the base of the mountain in 1880, "It is indeed a mountain which kings may well remember." In that period of our struggle for independence Florida and Georgia had gone down under the merciless onslaughts of the conqueror; General Washington, his men exhausted from campaign and battle and his southern troops laid beneath the sod from death due to affliction and the rigors of that awful winter at Valley Forge, were on the verge of general collapse, and the British knew of his condition. On December 26, 1779, Sir Henry Clinton, the British commander in chief, set out from London with 8,500 new troops for the strengthening of the forces already on this continent; on May 12 General Lincoln, who had been second to General Gates at Saratoga and now in command at Charleston, was beleagnered, and after desperate resistance surrendered the fort with 5,000 men, shipping, stores, artillery, and arms, and then it seemed that the heel of the conqueror had fastened a death grind on the necks

of the colonists, for there was nowhere now for succor to come from, so it seemed. But they had failed to take note of the fact that the Presbyterians who had fled from the British Isles in search of religious liberty had taken up their homes in the valleys of southwestern Virginia and upper east Tennessee and northwestern North Carolina.

To these liberty-yearning people the word went out from the British commander, Ferguson, who had taken up his quarters on Kings Mountain, from which he boasted that "All the rebels this side of hell can not dislodge me"; those patriots from beyond the mountains quickly met and marched through the mountains, living on parched corn, to North Carolina, where they were joined by the little company of 70 North Carolina troops, who were standing guard of their homes, and under forced march arrived at Cowpens, S. C., where the remaining 200 South Carolina troops from the heroic colony, already bled white from fighting, joined them on October 6, and on the morning of October 7 they set out and in four columns advanced up the four sides of that mountain, with the result that only the runner talebearer of the British escaped to warn his fellow soldiers farther to the north, while these southern heroes rolled the tide of the Revolution back to Yorktown. Of the result of this battle Senator Daniel, in his abovementioned oration, said:

"As the victory of Moultrie at the palmetto fort was the early morning star, so Yorktown was the glorious and undimmed sunrise of American independence; and so Kings Mountain came like a vivid flash from the storm clouds of expiring night, dazzling darkened eyes with lambent light that played around this hoary crest, the patriots' eyes caught in prophetic vision an inspiring glimpse of Morgan and his men emerging through the smoke of Cowpens upon the heels of the flying Tarleton; beheld Cornwallis retreating before Greene after the dreadful carnage of Guilford, while at the close of the vista rose up in luminous splendor that grand historic picture which marks the dawn of a new era in the history of mankind, the sword of the conquered conqueror presented humbly to 'the Father of his Country,' while the standard of France and the flag of the great Republic floated in mingled glory over the ramparts of Yorktown."

Who was it but the southern colonies that in the constitutional conventions defeated the effort to make the new Government a limited monarchy, or a republican form of government in which the Chief Executive and the Senate would be elected for life; who but the southern delegates, led by Patrick Henry, saved to the people that glorious heritage, State rights, and had incorporated into the Constitution the Virginia Bill of Rights, which saved to the people the right of trial by jury among their own people, the writ of habeas corpus, the freedom of speech, freedom of the press, and the right to worship God according to the dictates of one's own conscience?

It was also Patrick Henry, as first Governor of Virginia, who organized the counties of Illinois, Indiana, and Ohio in the northwest territory of Virginia, and on the 3d day of May, 1784, the Virginia General Assembly ceded these three counties to the Federal Union with the stipulation that they should become three independent States. These negotiations were handled between the State and the Federal Government by James Monroe, Thomas Jefferson, Samuel Hardy, and Arthur Lee; this same Virginia gave also its right to the Territory of Tennessee and Kentucky and West Virginia to the Federal Government that this territory might become separate States in the Union; it was the South and southern statesmen that were, with their means and brawn, building the great seat of government at Washington when the British invaded our country in 1812, and, although we had a treaty of peace with the British, they destroyed our little Army and Navy at Baltimore and Bladensburg Road, drove President Madison and his wife from the seat of government, applied the torch first to the Library of Congress, then in the Capitol, then to the White House, after gorging themselves with what they found in it; sacked and burned the Treasury and the plant of the only newspaper of importance; sailed down the Potomac, bombarding Alexandria, and then into the open sea, which they had cleared of our ships, and on to New Orleans, where they encountered Andrew Jackson, born on the soil of South Carolina, and his southern troops, and the historian Parton tells the story that of the British dead on the field 80 per cent were shot between the eyes, and their commander, Pakenham, taken dead from the field, was pickled in rum and shipped to his brother-in-law, the Duke of Wellington, who received it on the eve of the Battle of Waterloo. And soon after this battle and as a sequel to it Florida came into the possession of the United States as a part of our national domain through the campaign of Jackson and the diplomacy of John C. Calhoun, of South Carolina, the two outstanding figures in history of their day, and Jackson organized the first Territorial government over it and prepared it to be converted into a State. Of its acquisition and the part he played in it John C. Calhoun, upon retiring from the portfolio of Secretary of War in the Cabinet of President Monroe, in an address to the people of South Carolina, replying to the attacks of Benton on him for the part he had had in this bit of statecraft, said:

"Although the youngest of Monroe's six Cabinet members, I have been attributed by Benton of being the author of the Florida treaty, the acquisition of which territory he sees as a disaster to the Republic. I have said it is a good treaty, not without due reflection. We acquired much by it; it gave us Florida, an acquisition not only important in itself but also in reference to the whole southwestern frontier. There was, at that time, four powerful tribes of Indians, two of whom the Creeks and Choctaws, were contiguous to Florida, and the two others, the Chickasaws and Cherokees, were adjoining. They were the most numerous and powerful tribes in the United States, and from their position were exposed to be acted on and excited against us from Florida. It was important that this state of things should terminate, which could only be done by the obtaining of Florida. But there were other and powerful considerations for the acquisition. We had a short time before extinguished the Indian title to large tracts of country in Alabama, Mississippi, and Georgia lying upon streams and rivers which passed through Florida to the Gulf—lands in a great measure valueless without the right to navigate those streams to their mouths. The acquisition of Florida gave us this right and enabled us to bring into successful cultivation a great extent of fertile lands which have added much to the increased production of the great staple, cotton. It also terminates a very troublesome dispute with Spain growing out of the capture of St. Marks and Pensacola by General Jackson in the Seminole War, and finally it perfected our title to Oregon by ceding to us whatever right Spain had to that territory."

It was John C. Calhoun, as chairman of the Foreign Affairs Committee of the House of Representatives in Washington in 1812, who forced on Congress the resolution declaring war on Great Britain because they were raiding and destroying our ships on the high seas, and carrying our seamen away as prisoners into foreign dungeons or putting them to death when captured in their avocation beyond the protection of their own country, and Calhoun also wrote his philosophy of government into books which form bright jewels in our libraries and schools of political economy.

Was it not Thomas Jefferson, a southern man and the original organizer of the Democratic Party, who negotiated the Louisiana Purchase and added to our domain that vast stretch of valley and prairie land in the world now formed into mighty States with cities teeming with a mighty and independent population? Was it not James K. Polk, a southern man born on the soil of North Carolina, who added all that vast domain of the Southwest and Pacific coast and the Rocky Mountains, and Oregon, Washington, and Idaho, to our public domain to become great and immensely wealthy States of the Republic? Of this territory the great Democratic orator from Indiana, Daniel Voorhees, once said in a speech in the Senate, "It embraces more gold and silver than is contained in all the world besides." Polk's enemies charged that he was turning the Republic into an empire by this act and that the people would thereby lose their liberties, but the same flag floats over them to-day that floats from the Capitol at Washington, and their people enjoy the same liberty and protection of government as do the people of New York or Pennsylvania. And it was Sam Houston, the boy house carpenter from Virginia, whose journeys into the Southwest placed him in command of the army of patriots, battling against marauders and alien enemies who were seeking to make our Government a failure and to turn us back to the tyrants of Europe, and after that glorious victory in war and the more glorious achievements in setting up and governing the Republic of Texas brought it into our dominion to add the States of Texas, part of New Mexico, part of Oklahoma, and part of Colorado and Wyoming to our Republic. And Houston, after he had twice served as President of that short-lived but glorious Republic and was in the United States Senate from Texas, refused to allow interests he thought not best for the future safety of the Republic of the United States to put his name forward for the Democratic nomination for President when he might have had the nomination by consenting to accept it. And after this vast domain was added to our Republic, extending its borders to the shores of the farthest ocean and lifting its greatness to the heights of glory never before known among men and conducted it without the breath of scandal ever being breathed against it; and it was a Democrat in Congress, Andrew Johnson, born in North Carolina and without a home of his own, who was the father of our homestead laws which gave all that vast domain acquired by southern statesmen as homes for the people, an administration of equal justice in government that was only attempted once before in history, that being in Rome during the administration of Julius Cæsar and Mark Antony and his brother Lucius Antony and for which the conspiracy against their lives was hatched.

With this glorious record of southern Democracy in building and conducting this Republic to such exalted heights, why should we allow it now to be dragged into the dirt to satisfy the vain desires of some candidate for office who has no sympathy for the people who made it or for the party whose political faith he professes only to gain his ends and gratify the gall of his backers?

If you turn to the sentimental aspect which our gallant and glorious Southland has added to this Republic, you have only to stand at attention when a band plays our national anthem, the Star-Spangled Banner, written by a southern man on the greasy paper which had been wrapped around the coarse food that was brought him to eat while he was imprisoned in the hold of a British warship that was bombarding Fort McHenry in Chesapeake Bay.

When evil days came upon the Republic, and with them graft and scandal and outrages of justice and lowering of the standards of greatness and duties of government, was it not our Southland which gave to the world the martial air Dixie and the gallantry and bravery of the Confederate soldier? The escutcheon of the Southern Confederacy is adorned with more illustrious names in proportion to the duration of its existence than ever graced the pages of history of any government that ever existed. Of the Confederate nation Senator John W. Daniel, of Virginia, in an oration before the annual reunion of Confederate veterans at New Orleans in 1892 said:

"There was no Confederate before 1861 and there were none after 1865. The Confederacy marked its boundaries with the bayonet; it flashed into the family of nations like a sword from its scabbard; it vanished from the family of nations like a sword into its scabbard. Its birth was registered and its epitaph written in the blood of the brave. It was born, it lived, it died amid the roll of drum and the blast of the bugle, the rattle of musketry, and the thunder of cannon. Its constitution was dissolved in the flames of war; its flag fell to rise no more; its institutions perished."

The sons and grandsons of the Revolutionary War and the Mexican War—the Confederate soldiers—fought for the greatest principles ever advocated by man; the right of the States to govern themselves as they best saw fit. They whose forefathers had made America possible; and upon the foundation which they laid the present great United States of America is built. When they returned to their homes from what is called the Civil War (God only knows how anybody could call a war civil, yet it seems that that has been adopted and I have used it, not that I indorse it, but to express certain ideas) they were without money; their property gone; their servants all set free; no mules; no horses; no cows; no hogs; even the sheep and goats gone; their barren land, which had laid in waste for four long years many of the loved ones which they had left at home sleeping in the silent grave yards. Any other race of people would have been heartbroken, discouraged, possibly have gone as emigrants to another country more prosperous to look for something to eat and for happiness; but no, they spurned it and like the men they were, they went into their own homes, some of them pulled a plow while the good wife held it to plant the seed for sustenance for the body; and in the late hours of the night the good housewife would sit and sew that she and he might have cloth in such shape as to hide their nakedness; they went to work; they went to their churches on Sunday and worshiped their God and asked for His assistance. I say to you, my fellow citizens, that they were the builders of this Nation and they should demand the right to say what this Nation stands for and what its principles should be. They met the deadliest foes ever known to man, the carpetbagger, the scalawag, the thief, the robber, yea, more than that, the black faces that had been their servants, which God had not made their equal and who will never be their equal or their associates. They proved that they could not be treated thus for they threw off that yoke of thraldom and oppression. I repeat that no other people on earth would have done that or could have done it and I repeat that we are the backbone of the American Nation and if you take the South out of the American Nation to-day she would perish like Rome and Carthage and the other countries that are known now only in the dim pencillings of history. Then, why should we not demand our rights? Why should we not stand in the Democratic convention and say that "This is what we want and by the Eternal God we shall have it."

And in the Spanish-American War the South sent her troops and stood ready with every man, woman, and child within her borders to defend the United States and her people, and did gallant service when called upon.

If you look to our aid to humanity you will notice that it is the cotton of Dixie that clothes the naked and furnishes beds for the tired workman to rest upon from his toil; it furnishes the swaddling cloth which wraps the babe when it is born into the world, and it furnishes the winding sheet for old age when it quits the walks of life; it furnishes the sails for the ships which sail the Seven Seas and rope to hang traitors in all parts of the world; it makes life more comfortable for the rich and the poor, and it shelters the soldiers on the field and in the camp when war devastates the land; it is made into belts to drive your machinery in your factories. In fact, there is no other one article of production on which our civilization so much depends as it does on cotton.

And if you look still for bravery on the field of battle, I will remind you that it was the Thirtieth Division, composed of troops from South Carolina, North Carolina, and Tennessee which broke the Hindenburg line and sent William II into his present retreat at Doorn, where he afterwards furnished some enlightening interviews in one of which he expressed his view that Dixie was the greatest martial air that was ever written, and on that opinion I think he was qualified then to speak as an authority.

And yet there are Democrats to-day, so called, who are cursing the South. Adherents of some of the candidates for the Presidency have been condemning the South for doing things they do not approve of. Let me tell you that the South made this country and handled it for 40 years without a blot on its escutcheon. No charges of graft or corruption. I repeat, let the personal consequences be what they may, I favor the southern delegates to the next Democratic National Convention standing up in the convention and demanding to be represented and demanding that what they favor be written in the platform of the party, and if the two-thirds rule be abolished and their demands are not agreed to, that they withdraw from that convention and hold a Simon-pure Democratic convention and invite all of the citizens of the United States of America to join them in the election of their nominees; and not allow mugwumps and camouflaged so-called Democrats to control the Democratic convention; men who do not want the Democrats to succeed, but want both Democratic and Republican candidates from their own crowd, so it matters not which gets in, they win and the people lose. As I suggest, if anyone is to bolt, let it be them and not us. Why let delegates from States that never have and never will give the Democrats an electoral vote name whom we shall vote for and what issues we shall advocate?

Mr. BLEASE. Mr. President, I also want to quote from The American Commonwealth, by Mr. Bryce, abridged edition of 1899, page 276.

The PRESIDING OFFICER. Is there objection?

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

In a remarkable letter written to Mr. Hodges (4th April, 1864) President Lincoln said:

"My oath to preserve the Constitution imposed upon me the duty of preserving by every indispensable means that Government, that Nation, of which the Constitution was the organic law. Was it possible to lose the Nation and yet preserve the Constitution? By general law life and limb must be protected, yet often a limb must be amputated to save a life, but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful by becoming indispensable for the preservation of the Constitution through the preservation of the Nation. Right or wrong, I assume this ground, and now avow it. I could not feel that to the best of my ability I had even tried to preserve the Constitution, if, to save slavery or any minor matter, I should permit the wreck of Government, country, and Constitution altogether."

Such as expenditure of vast sums on "internal improvements" and the assumptions of wide powers over internal communications.

"Truth of War Conspiracy in 1861," by H. W. Johnson, proves that Mr. Lincoln violated an armistice when he clandestinely sent reinforcements to Fort Sumter in April, 1861. In July, 1861, Mr. Lincoln asked Congress to adopt the resolution, as follows:

"*Be it resolved by the Senate and House of Representatives of the United States in Congress assembled,* That all the extraordinary acts, proclamations, and orders hereinbefore mentioned be, and the same are hereby, approved and declared to be in all respects legal and valid to the same, and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States."

Congress adjourned without considering the resolution. He used military (the limb) provided by the people to protect the Constitution (organic law) contrary to his oath, and overrode the Constitution (life) by using military dictatorially. His acknowledgments are "I felt that measures otherwise unconstitutional," and his application to Congress to sanction his acts in resolution shown above. Contradictory and ambiguous! Congressman Lincoln on the 18th of January, 1848, said:

"Any people anywhere, being inclined and having the power, have the right to rise up and shake off the existing Government and form a new one that suits them better. This is a most valuable, a most sacred right—a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can may revolutionize and make so much of their own territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority intermingled or near about them who may oppose their movements."

How many people revolutionize and change a government without seceding from the former government? Was not that a good secession remark? (See CONGRESSIONAL RECORD or the Globe.)

Mr. BLEASE. Mr. President, I also wish to print from The Confederate Cause and Conduct in the War Between the States by McGuire and Christian, and also Messages and Papers of the President, copyrighted by James D. Richardson in 1897, Mr. Lincoln's message to Congress of December 13, 1863, page 3389. I ask to have these printed, because I do not care to take the time of the Senate to read them.

The PRESIDING OFFICER. Is there objection?

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

THE CONFEDERATE CAUSE AND CONDUCT IN THE WAR BETWEEN THE STATES

(By McGuire and Christian, pp. 13, 14)

After the failure of the "peace conference" inaugurated by Virginia in her most earnest effort to prevent war between the sections,

and during the sessions of the Virginia conventions, that body determined to send commissioners to Washington to ascertain, if possible, what course Mr. Lincoln intended to pursue toward the seceded States, since it was impossible to determine this course from the ambiguous language employed in his inaugural address. These commissioners, the Hon. William Ballard Preston, Alexander H. H. Stuart, and George W. Randolph went to Washington and had an interview with Mr. Lincoln, and an account of that interview will be found in the first volume Southern Historical Papers at page 443. At page 452 Mr. Stuart says, "I remember that he [Lincoln] used this homely expression, 'If I do that [recognize the Southern Confederacy] what will become of my revenue? I might as well shut up housekeeping at once.'" "But," says Mr. Stuart, "his declarations were distinctly pacific, and he expressly disclaimed all purposes of war."

Mr. Seward, the Secretary of State, and Mr. Bates, the Attorney General, also gave Mr. Stuart the same assurances of peace. That night the commissioners returned to Richmond, and the same train on which they traveled brought Mr. Lincoln's proclamation calling for 75,000 men to wage war of coercion against the Southern States.

"This proclamation," says Mr. Stuart, "was carefully withheld from us, although it was in print, and we knew nothing of it until Monday morning when it appeared in the Richmond papers. When I saw it at breakfast, I thought it must be a mischievous hoax, for I could not believe Lincoln guilty of such duplicity. This proclamation is now conceded by nearly all northern writers to be a virtual declaration of war, which Congress alone has the power to declare. And yet Mr. Lincoln in violation of the Constitution and of his oath did all these things before Congress was allowed to assemble on the 4th of July, 1861. It is shown above that Mr. Lincoln submitted a resolution to Congress asking that his "extraordinary acts" be legalized, but Congress adjourned without acting upon the resolution. However, Mr. Lincoln continued his usurpation of authority to wage war.

Mr. Lincoln was Commander in Chief of the Army of the United States and took oath to observe the following laws concerning property, as understood and stated by General McClellan: "In prosecuting the war all private property and unarmed persons should be strictly protected, subject only to the necessity of military operations. All property taken for military use should be paid or receipted for, pillage and waste should be treated as high crimes, and all unnecessary trespass sternly prohibited, and offensive demeanor by military toward citizens promptly rebuked."

(Page 16)

"And yet within two weeks from that time the Federal Secretary of War, by order of Mr. Lincoln, issued an order to the military commanders in Virginia, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas directing them to seize and use any property belonging to the inhabitants of the Confederacy which might be necessary or convenient for their several commands, and no provision was made for any compensation to owners of private property thus directed to be seized and appropriated."

The following is the report of General Sherman after his march through Georgia: "We consumed the corn and fodder in the region of country 30 miles on either side of a line from Atlanta to Savannah; also sweet potatoes, hogs, sheep, and poultry, and carried off more than 10,000 horses and mules; estimate the damage to the State of Georgia at $100,000,000, at least twenty millions of which inured to our benefit, and the remainder was simply waste and destruction."

General Halleck, Mr. Lincoln's Chief of Staff, wrote to General Sherman on December 18, 1865, as follows: "Should you capture Charleston, I hope that by some accident it may be destroyed; and if a little salt should be thrown upon its site it may prevent the future growth of nullification and secession." To which General Sherman replied, 18th of same month: "I will bear in mind your hint as to Charleston, and do not think that salt will be necessary," indicating, by writing, destruction of the place.

(Messages and Papers by the Presidents, copyright by James D. Richardson, 1897)

MR. LINCOLN'S MESSAGE TO CONGRESS, DECEMBER 13, 1863

(Page 3389)

"According to our political system, as a matter of civil administration, the general Government had no lawful power to effect emancipation in any State, and for a long time it had been hoped that the rebellion could be suppressed without resorting to it as a military measure." However, on same page is stated he enticed 100,000 slaves from the South, enlisted them in his Army, and returned them South to murder their former owners. Northerners sold those slaves to southerners, and were never honest enough to return the purchase money. If those negroes had gained southern territory, what would they have done to old men, women, and children under influence of hating northerners? Was not Mr. Lincoln an insurrectionist? Other instances in that direction may be cited.

PRESIDENT JOHNSON'S ANNUAL ADDRESS, DECEMBER 4, 1865

(Page 3556)

The next step which I have taken to restore the constitutional relations of the States has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with public safety. For this great end there is need of a concurrence of all opinions and spirit of mutual conciliation. All parties in this late conflict must work together in harmony. It is not too much to ask in the name of the whole people, that on the one side the plan of restoration shall proceed in conformity with willingness to cast the disorders of the past into oblivion, and that the other evidences of sincerity in the maintenance of the Union shall be beyond any doubt of the proposed amendment to the Constitution which provides for the abolition of slavery forever within the limits of our country. So long as the adoption is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population and capital and security to the parts of the Union that needs it most. Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until this is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption; it heals the wound that still is imperfectly closed; it removes slavery, the element which has so long perplexed and divided the country; it makes of us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support.

(Page 3570)

Mr. Johnson said, December 18, 1865:

"The people of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee have reorganized their respective State governments and are yielding obedience to the laws of the United States. The proposed amendment to the Constitution providing for the abolition of slavery forever within the limits of the country, has been ratified by each one of those States."

If Mr. Lincoln's emancipation proclamation was not in violation of his constitutional oath, why necessity for the thirteenth amendment? Bolshevists and Reds from the North, also Congressmen, by oppression, forced that amendment by Southern States.

Mr. BLEASE. I also ask, in order to save time, for leave to insert an extract from the history of J. L. M. Curry, pages 202, 207, 208, 211, 213, 217, 229, and 242.

The PRESIDING OFFICER. Is there objection?

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

New York more explicitly said: "That the powers of government may be reassumed by the people whenever it should become necessary to their happiness; that every power, jurisdiction, and right which is not by the said Constitution clearly delegated to the Congress of the United States or the departments of the Government thereof remains to the people of the several States or to their respective State governments, to whom they may have granted the same; and that those clauses in the said Constitution which declares that Congress should not have or exercise certain powers do not imply that Congress is entitled to any powers not given by the said Constitution, but such clauses are to be construed either as exceptions to certain specified powers or as inserted merely for greater caution." Rhode Island lingered until 1790, and then adopted the cautious phraseology of New York, specifying certain rights and declaring that they shall not be abridged or violated, and that the proposed amendments would speedily become a part of the Constitution, gave her assent to the compact, but declared that "the powers of government may be reassumed by the people whenever it shall become necessary to their happiness." (5 Bureau of Rolls, 140-145, 190, 191, 311.)

WHY THE SOUTH RESISTED FEDERAL ENCROACHMENTS

It can now clearly be seen why the South, being a minority section, with agriculture as the chief occupation, and with the peculiar institution of African slavery fastened on her by old England and New England, adhered to the State rights, or Jeffersonian, school of politics. Those doctrines contain the only principles or policy truly conservative of the Constitution. Apart from them, checks and limitations are of little avail, and the Federal Government can increase its powers indefinitely. Without some adequate restraint or interposition, the whole character of the Government is changed and forms, if retained, will be, as they have been in other countries, merely the disguises for accomplishing what selfishness or ambition may dictate. The truest friends of the Republic have been those who have insisted upon obedience to constitutional requirements. The real enemies, the true disunionists, have been those who, under the disguise of a deceptive name, have perverted the name and true functions of the Government and have usurped for selfish or partisan ends, or at the demand of crazy fanaticism, powers which States never surrendered.

Those who contend most strenuously for the rights of the States and for a strict construction of the Constitution are the genuine lovers and friends of the Union. Their principles conserve law, good order, justice, established authority; and their unselfish purpose has been to preserve and transmit our free institutions as they came from the fathers, sincerely believing that their course and doctrines were necessary to

preserve for them and posterity the blessings of good government. The States have no motive to encroach on the Federal Government, and no power to do so, if so inclined, while the Federal Government has always the inclination and always the means to go beyond what has been granted to it. No higher encomium could be rendered to the South than the fact, sustained by her whole history, that she never violated the Constitution, that she committed no aggression upon the rights or property of the North, and that she simply asked equality in the Union and the enforcement and maintenance of her clearest rights and guarantees. The latitudinous construction, contended for by one party and one section, has been the open door through which have entered the grievances of which the people have complained. A strict construction gives to the General Government all the powers it can beneficially exert, all that is necessary for it to have, and all that the States ever purposed to grant.

Passion, revenge, cupidity, ignorance, and fanaticism have created an incurable misunderstanding of secession, its source, and object. In its simplest form and logically it meant a peaceable and orderly withdrawal from the compact of union, a dissolution of the civil partnership, a claim of the paramount allegiance of citizens, a declension to continue under the obligations due to or from the Federal Government or the other States. The authority of the Constitution remained intact and unimpaired over the States remaining in the Union and ceased only as to the seceding States. The remaining or continuing States had no right of coercion nor of placing the "wayward sisters" in the attitude of an enemy.

Mr. BLEASE. Mr. President, I also desire to call attention to the fact that not only those whom I have already mentioned, but other great southerners have done a great work for this country. I wish I could refer particularly to one as a southerner, but who was elected from the State of New Jersey. That is as far as I shall comment. Others may accept him as a southerner and give him credit such as they think he deserves, which possibly I might not.

On the 19th of this month in the South—and I am speaking particularly for my own State—bells were rung in the churches and in the city halls, meetings were held in schoolhouses, in social clubrooms, in libraries, courthouses, and other places, and addresses were made by some of our most distinguished people in honor of that matchless leader, Robert E. Lee, and in honor of the men who some people say were technically guilty of treason. I want to read a few of the names of those who were technically guilty of treason.

The first one is that of Wade Hampton, who sat in this Chamber after he had redeemed, through his leadership, the State of South Carolina from the dirtiest, meanest, vilest, most corrupt set of thieves, backed by negro ex-slaves, that ever disgraced any State in the American Union. They were camp followers of Sherman's army, the man to whom Halleck said, in writing to him, "I hope that when you reach South Carolina you will remember Charleston and the balance of that State, and use a little salt, if necessary." Sherman sent him word back that he need not be uneasy. Yes, but God knows the women and children of South Carolina were uneasy when his dirty, cowardly assassins set fire to our homes, robbed our women and children, snatched off of their hands and off of their necks the jewelry they had on, and in some instances did worse; I will not say what, with these ladies in this gallery.

That is the crowd Wade Hampton drove out of South Carolina. That is the crowd from which Wade Hampton and his followers restored to the United States a State and a people brave, honest, and independent, and to-day, if you were to start a search for pure, unmixed American blood, you would find more of it in the State of South Carolina than in any other State in the American Union.

Matthew C. Butler sat in this Hall for a long time; and right there, Mr. President, I want to correct a Senator who the other day, I know of course inadvertently, referred to the Butler case. Butler was never voted on because he was a Confederate soldier. That question was not raised in the Butler case, and if you will turn to page 637, Senate Documents, volume 3, Fifty-eighth Congress, special session, 1903, you will find the case of David T. Corbin against Matthew C. Butler. That case was where the Republicans—and when I say "Republicans," I hesitate to use the word. When I come here and see what the Republican Party in this Senate is composed of, and think about that crowd, I really think I do the present-day Republican Party an injustice in calling that crowd, whose very existence was a stench in the nostrils of decent people, by the name "Republican."

In South Carolina there were supposed to be two houses of the legislature. One was called the Mackey house, composed of negroes and scalawags. I think possibly there were a few renegades, the lowest type of humanity, native South Carolinians, in that body. The other was called the Wallace house, presided over by that distinguished jurist, William H. Wallace, of South Carolina.

They wrangled for quite some time as to which was the house to be recognized. Finally, when the Federal troops were taken out of the State and withdrawn, the Wallace house elected Matthew C. Butler to the United States Senate. He had been a general in the Confederate Army and a gallant one, as any man who was there will testify.

The question in this body was not whether General Butler had been a Confederate soldier or not; not whether he was technically guilty of treason or not. The question was, Did the house known as the Wallace house have the right and the power to appoint or elect a Senator? The United States Senate seated Butler, not on account of, nor did they take into consideration the question of, the Civil War; but they decided that he was entitled to his seat. If for no other reason than that I would have voted and expect to vote to seat WILLIAM S. VARE in this body because it was Don Cameron, of Pennsylvania, who, by his influence, turned the tide in favor of South Carolina then, and so far as I know she has never proven to be ungrateful up to this time.

Then as generals we had in that war Joseph B. Kershaw; Micah Jenkins; Maxcy Gregg; Richard H. Anderson; Johnson Hagood; Ellison Capers, a general in that war who afterwards became bishop of the Episcopal Church of South Carolina, one of the finest, one of the truest, one of the most capable men that God ever put breath in the body of; Roswell S. Ripley; M. L. Burham; Bernard E. Lee; N. G. Evans; Samuel McGowan; Benjamin Huger; and others—thousands as brave and true who served as officers and in the ranks as privates. Any man who says those men were technically guilty of treason, knowing what the southern people have done for this Nation and in the building of it, does not know what he is talking about.

Oh, somebody said Congress said they were technically guilty of treason. Somebody said the courts said they were technically guilty of treason. I have no respect for the Congress that said it and no respect for any court that delivered any such opinion. If that be treason or technical treason, then as Patrick Henry said, "make the most of it."

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. I yield.

Mr. BRUCE. Did the Senator ever hear the tribute paid by a colored man to Bishop Polk, of whom he has just spoken? May I recall it?

Mr. BLEASE. I am glad to have the Senator do so.

Mr. BRUCE. I happen to be somewhat familiar with his career, and gladly subscribed to everything the Senator has said on that subject.

Some years ago a gentleman told me this story about him. He said Bishop Polk was down in New Orleans on one occasion and a colored bootblack was blacking his shoes. The colored man addressed him as "general." Bishop Polk, who is a superb looking man, a man of glorious features and figure, said, "I am not a general." The colored bootblack addressed him a few moments later as "admiral." Bishop Polk said, "I am not an admiral." Then the colored man said, "Well, then, what is you?" Bishop Polk then said, "I am a bishop." "Well," the colored bootblack said, "I knew whatever you was, you was at the top." [Laughter.]

Mr. BLEASE. I am obliged to the Senator.

Mr. President, I desire to ask unanimous consent to have inserted in the RECORD an article from the Dorchester County (S. C.) Record of January 19, 1928, headed "Lee's birthday," and also an article entitled "The voice of the people," from the Richmond Times-Dispatch of December 29, 1927.

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

The articles are as follows:

[From the Dorchester County (S. C.) Record, January 19, 1928]

LEE'S BIRTHDAY

To-day is a day when the whole South should stop to pay consideration to the memory of one of the greatest and best men that ever blessed this world with the works and example of his life, and the whole world might well do likewise. It is the anniversary of the birth of Robert E. Lee, "Marse Robert," as he was affectionately called by the men in gray whom he so valiantly led in defense of their convictions as to their rights. He is well worthy of memory as a soldier, one of the greatest that ever maneuvered armies and fought battles. As a general there have been others with greater military genius. There are those

who claim that distinction for Jackson, the two Johnstons, and Kirby Smith, who also wore the gray. But as a man, a clean, noble, high-minded man, he has few equals and no superiors.

Far greater than his wonderful exploits on battle fields with outnumbered armies, whose equipment was also far beneath that of the foes they opposed, were his peace-time achievements. His work at Washington College, now appropriately bearing the names of the two great Virginians, Washington and Lee, stamps him as a man of supreme vision. Trained in a military school, West Point, he might not have been supposed to have been adequately equipped to be head of a civil college. Yet he visioned the educational needs of the prostrate South with keener and broader vision than those apparently better trained to head such colleges. He established the first school of journalism, because of the South's supreme need of trained journalists to lead the work of rehabilitation, rather than the old school of controversial editorialists, who had used the papers of the South to inflame its passions and bring on that war in which Lee nobly did his duty, though he had wanted it averted. And also he established an engineering school, because of the South's need of men equipped to take the lead in development of her resources, which had not been developed as they should have been before the war because of the easy life the institution of slavery permitted. And he made a law school where law was taught instead of its being read in the offices of lawyers.

How great he was in defeat! How quietly he turned aside the offer of a salary as president of an insurance company many, many times greater than the meager stipend that came to him as the head of a poor and struggling college. How fine his reason for declining that salary, that he had no knowledge of the business of insurance. And what quiet manliness in his reply when told that others would do the work and he was wanted as president because of the business that would come because he was president, that his name was not for sale.

And then, too, what more splendid than his refusal of an offer from his English admirers of an estate that would have supported him in ease and comfort, because acceptance of such an offer was incompatible with his self-respect and would have kept him from serving his country and his people as he wished to do.

The explanation of Lee? He came of noble people. Blood will tell. His father was a great figure in the Revolution, and his mother a modern Cornelia. She largely raised him because of his father's failing health. But the best explanation of Lee is his understanding and appreciation of duty, which he declared "the noblest word in the English language."

Anyone who has attended a military school knows what endless rules there are for governance of cadets, some of them seemingly quite "footy" and made only to be broken. Yet Lee was four years at West Point without one demerit mark. He broke no rule, no matter how silly or unimportant it seemed. Duty demanded they be obeyed and he obeyed them. He never went contrary to what he conceived to be duty. That West Point record best explains Lee.

[From the Richmond Times-Dispatch, Thursday, December 29, 1927]

MORE ABOUT LINCOLN

TO EDITOR OF THE TIMES-DISPATCH.

SIR: I hesitate to take up space in your paper by protracting the debate over Lincoln, but the letter of "Westerner" in your issue of December 23 is such an instance of the special pleading in which northern writers have indulged that an answer to him is, in a way, an answer to many others.

Without inquiring into the accuracy of the statements of Mr. Easley, it is very clear that the intention of "Westerner" is to absolve Lincoln from responsibility for the barbarous warfare of his odious lieutenants, Sheridan and Sherman. He assumes that because neither Sherman nor Sheridan gave Lincoln any account of their enormities that, therefore, he was ignorant of them. But, how absurd! These enormities continued for weeks and months, and it is ridiculous to suppose that the President of the Northern States, with all the agencies at his disposal, could be uninformed of them. The newspapers both North and South were full of them, and President Davis's protests against these outrages were well known.

As a matter of fact, they were directly instigated by Lincoln. It is a well-known principle of the international law that no private property, even of an individual in arms, can be taken except from military necessities, and, if taken for that reason, should be paid for, and pillage and waste are strictly prohibited. This rule of justice and humanity was adopted in 1861 by the Federal Government for the government of its armies, and yet in July, 1862, before the war had lasted but little more than a year, Mr. Stanton, the Federal Secretary of War, by order of the President, authorized Federal commanders everywhere in the South to seize and use any private property which might be necessary for their military commands, and no provision whatever was made for compensation. From this order, of course, there was only one step to universal pillage and destruction, and in 1864 eastern Virginia was more completely destroyed without orders from General Grant than the Valley of Virginia was with orders. Lincoln never lifted once a staying hand!

But this is not the whole story by a vast deal. The indictment against Lincoln as the head of the Government is ghastly! To reduce the South to submission, Lincoln issued a proclamation threatening with hanging as pirates all Confederate privateersmen and as guerrillas regularly commissioned partisans. The cartel of exchange was suspended and medicines were made contraband—the first time it was so done in the annals of history—and all supplies and gifts to Confederate soldiers in northern prisons were prohibited. Within the areas embraced by the Union lines the oath of allegiance was required of both sexes above 16 years of age under penalty of being driven from their homes.

By an order in 1864 all male noncombatants on the farms from 17 years old to 50 years were made subject to arrest, and under the pretext of this authority boys of 12 years and old men of 60 and 70 were hurried off to confinement, till in my native county of Charles City there was scarcely anyone of the male sex left on the plantations. I know the fact that the defenseless condition of the women and children in the county was directly brought to Lincoln's attention by my own mother, and this great, humane President did nothing beyond referring her letter to Ben Butler, of odious memory, then in command of the district. Never was there a more terrible indictment of Lincoln's government made by any southern man than was made by Charles Francis Adams, a Federal brigadier general and member of an illustrious family in New England, who declared that the policy of the Federal Government during the last stages of the war was the policy of unbridled inhumanity. Lincoln never rebuked Sheridan, Sherman, or Grant for their destructive courses, and Secretary Chase in his diary says that Lincoln declared, when the question of arming the slaves was under discussion in the Cabinet, that "he was pretty well cured of any objections to any measure except want of adaptness in putting down the rebellion." Everybody knows that the most adaptable, though the least humane, means to put down resistance are wholesale murder and wanton destruction, the methods employed in the Dark Ages.

"Westerner" appears to assert that the Emancipation Proclamation "clearly defined the issue between the two sections as one of freedom versus slavery." If this is a fact, he makes Lincoln out a very great ass or a very great hypocrite. He admits that Lincoln denied such an interpretation of the war, and instead of fighting for slavery the South would never have fought at all if Lincoln had not denied the right of self-determination. The Government of the United States was founded for nothing more than what their fathers had contended for—the right of governing themselves. The linking of slavery with secession is merely an attempt to cloud the real issue and prejudice the cause of the South.

Lincoln talked as if man was made for government rather than government was made for man, and his action in sending down South great armies who destroyed the property and took the lives of people who never injured him, was a colossal crime.

Of course, Lincoln's proclamation did not free the slaves. It was addressed to a country over which he had no control, and it had no legal status even when the Southern Confederacy collapsed. "Westerner" is mistaken in supposing that Congress gave Lincoln permission to issue it. Rhodes, the historian, about whom all that can be said is that, while an intense northern partisan, he is fairer than most northern historians, declares in his history, volume 4, page 213: "There was, as every one knows, no authority for the proclamation in the Constitution, nor was there any statute that warranted it"; and the Supreme Court of the United States in Ex parte Milligan (4 Wallace, p. 120), declared that "the Constitution was a Constitution equally for war and peace and none of its provisions could be suspended by any exigency of government." So that Lincoln's proclamation was a mere brutum fulmen, and it was the thirteenth amendment afterwards which gave emancipation any form of legality.

Undoubtedly the main purpose of the proclamation was to excite an insurrection of the slaves. Lincoln declared the measure a war measure, and an insurrection would have proved the best war result known, as it would have broken up the Confederate armies. While he did not dare in the face of the world to declare that such was his object, it is proved that he realized the natural consequences by his saying to a committee of clergymen from Chicago, only 10 days before his proclamation, that he would not be deterred from acting when the proper time for emancipation came "by objections of a moral nature in view of possible consequences of insurrection and massacre in the Southern States." Undoubtedly the passivity of the slaves greatly surprised him, as it did everybody else in the North, who had been taught to believe that the plantations in the South were hells of cruelty.

The "crass ignorance" which "Westerner" ascribes to some southerners regarding Lincoln's religious beliefs is one shared in by them with Herndon and Lamon, intimate friends of Lincoln and his biographers. His invoking God in his message did not make him a Christian, for Mohammedans and many other sects who are not Christians call upon God and make vows to Him.

And as to the letter to Mrs. Bixby, there is nothing in the letter, except the rhetoric, which any of our Presidents might not have written.

But one swallow does not make a spring, and one letter is not enough to give a man a character. There are other letters which concern Lincoln's own individuality, and these would hardly be an ornament to Brasenose College. There is the letter written by Lincoln to Mrs. Browning regarding a lady to whom he had proposed and by whom, much to his surprise, he had been rejected. This letter, whose genuineness is attested by its inclusion in Hay and Nicolay's Complete Works of Abraham Lincoln, is full of coarse suggestions and base insinuations. By itself it evidences a fundamental failure in Lincoln which is not excused by his youth of 25 years. It is impossible to suppose that Jefferson Davis could have written such a letter.

Then, perhaps, quite as damaging to any test of idealism as a hero is another letter written at the close of his administration. He kept his son, Robert Todd Lincoln, at Harvard University till 1865, when he wrote the following to General Grant:

EXECUTIVE MANSION,
Washington, January 19, 1865.

Lieutenant General GRANT:

Please read and answer this letter as though I was not President, but only a friend. My son, now in his twenty-second year, having graduated at Harvard, wishes to see something of the war before it ends. I do not wish to put him in the ranks, nor yet to give him a commission, to which those who have already served long are better entitled and better qualified to hold. Could he, without embarrassment to you or detriment to the service, go into your military family, with some nominal rank, I, and not the public, furnishing this necessary means? If no, say so without the least hesitation, because I am as anxious and as deeply interested that you shall not be encumbered as you can be yourself.

Yours truly,

A. LINCOLN.

It will be noticed that Lincoln was averse to putting his son in the ranks where danger was, but wanted him to have a safe place in General Grant's military family. To form a judgment of this it must be borne in mind that Lincoln had approved and enforced the conscript act of 1863, by which thousands of young men, perhaps Mrs. Bixby's own sons, for all I know, had been forced into the ranks to become victims to southern cannon and gunfire. And of all men it was incumbent upon him and his son to afford the sacrificial example of devotion and patriotism.

How impossible it would have been for Jefferson Davis to have written such a letter. Robert E. Lee's youngest son served as a private in the Confederate ranks. John Tyler, who was President in more happy days, had two sons, aged 16 and 18, private soldiers who surrendered at Appomatox. No doubt all three of these boys had sufficient influence to have gotten into some bomb-proofed position, but they would have scorned to make the application, and their parents would have scorned to make the application for them.

LYON G. TYLER.

Mr. BLEASE. If Robert E. Lee was technically guilty of treason, it does not seem to me that the President of these United States would pay tribute to him as he did—a President for whom I have the highest regard. I think he is, as near as a man well can be, President of all the people of this Nation; and, although I love some of the gentlemen who have announced themselves as candidates in that race, I would love to see the Republican Party get together and renominate, and I would not shed a tear if they reelected Calvin Coolidge as President of the United States.

I noticed in the Washington Post of Friday, January 20, the following item:

The Chief of Staff of the Army, Maj. Gen. Charles P. Summerall, is in Baltimore where he went to attend the celebration of the birthday anniversary of Gen. Robert E. Lee and Gen. Stonewall Jackson by the United Daughters of the Confederacy, yesterday.

Why not yank him up and say that as head of the Army he has no right to attend a celebration in honor of this gentleman and his soldiers who were "technically guilty of treason" to the United States of America?

Mr. President, I could go on and on with the reading of further extracts from speeches made by very distinguished and able people on the life and character of Robert E. Lee, but I shall not take the time of the Senate for that purpose. I thank the Senate for the courtesy of allowing me to insert in the RECORD the articles from books and the manuscript of mine to which I have referred.

I wish to ask, however, permission to insert one more brief quotation from The Republic of Republics.

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

The matter referred to is as follows:

WHAT THE FATHERS SAY ON SELF-DEFENSE OF STATES

Said Doctor Johnson, one of the most eminent lawyers and statesmen of Connecticut, in the Federal convention: "If States as such are to exist, they ought to have the means of defending themselves." (V. Ell. Deb. 255.)

*   *   *   *   *

And even James Wilson, the leading statesman of Pennsylvania—afterwards one of the Federal Supreme Judges—advances the same idea, as was unavoidable from the nature of things. He asserted that the absolute sovereignty never "goes from the people," but "remains in them after a constitution is made"; that making constitutions is "dispensing such portions of power" as "the public welfare" requires; that ratifying the Federal Constitution was "delegating Federal powers"; and that the general Government is "a Federal body of our own creation." And, said he: The Constitution "receives its political existence from their (the people's) authority; they ordain and establish. What is the necessary consequence? Those who ordain and establish have the power, if they think proper, to repeal and annul."

*   *   *   *   *

Beyond question, then, not only has the Federal agency no right to coerce its makers, as I have heretofore shown, but these makers have, as against it, unlimited right of self-defense, by withdrawing delegations, and recalling their citizens from Federal offices; by disassociation; and by fighting, if need be, the Federal Government.

Mr. BLEASE. Mr. President, my father was a Confederate soldier and three of his brothers were Confederate soldiers. Four of the brothers of my mother were Confederate soldiers. As to their records, I need not speak. South Carolina knows their records. In 1910 and 1912 and again in 1924 they gave credit to those soldiers, although they have long since passed from this earth, by casting their ballots for the son of one of them.

I take no part in this religious discussion, because I am a Methodist. I am a Methodist for only one reason, if one reason is sufficient, and that is because my mother was a Methodist. I hope I am a Democrat. Sometimes I doubt it. But I know I am a State rights Democrat. I know that.

When I was a young man I came to Washington. I attended Georgetown University. I graduated there. I boarded for nine months in a Catholic home. I often went to St. Aloysius Church. My dear sister, whom I loved only as a man can love both mother and sister, because my mother died when I was a baby, married a Catholic. I loved him as much as I did any brother I had. She has in the State of South Carolina to-day two of the finest boys in this world. They, at their father's request, were made Catholics. Therefore, I can not have and never expect to have any feeling against any man on account of his religion. If he believes that that kind of religion will take him to Heaven, for God's sake let him have it. If he wants to believe in evolution and believe that his granddaddy and grandmammy were monkeys, that is none of my business; but I do not believe mine were.

I hope I have said nothing unkind, but I could not let pass unnoticed the statement that the Confederate soldiers were "technically guilty of treason." I have used as strong language as I could use, I think, and still remain within the rules of the Senate. If a man were to tell me to my face on the outside of the Senate that a Confederate soldier was technically guilty of treason, I would call him what every true-blooded white man south of the Potomac River would fight about right now if he were called by that appellation. I am an American and a South Carolinian and pray God to bless both and all mankind.

PROHIBITION ENFORCEMENT

Mr. SHEPPARD. Mr. President, whatever the Senator from Maryland [Mr. BRUCE] may say about bootlegging and illicit stills in various localities, the fact remains that there has been so much less drinking and conditions have so much improved under prohibition that there is practically no probability that the prohibition law will ever be repealed.

With the advent of another session of Congress the same old minority of wet appetites is marching on the Capitol—marching to receive the usual knockout from the drys in Congress. On their banners might well appear the inscription, "Appetite is God and alcohol is its prophet." They are the Sancho Panzas in the trail of the Don Quixote of modern times—old John Barleycorn, pretender of the House of Bourbon in the United States. They still seem to consider the yearning for drink an aspiration for liberty. I look to see them propose a new national anthem, entitled "Oh, Hand Me Down That Bottle of Corn." They are still attempting in the name of freedom to reestablish on a legal basis the traffic in alcohol, a traffic that ministers to the basest passions of the human race—a traffic that multiplies criminals and increases crime—a traffic that makes the honor of officials a thing to be exchanged for gold—a traffic that brings the atmosphere of the barroom and the slum to the homes and entertainments

of many of the so-termed social elect—a traffic fed by rum pirates who fire on the American flag. Fortunate it is that the wets are in the minority, else they would sink our civilization for the sake of drink. Little do they understand the temper of those whose votes and efforts have placed beverage alcohol under the heel of the law if they suppose that we will yield for a moment or in any degree either to them or to the traffic they would restore.

They still fail to understand that in the permanent view of a permanent majority of the American people there is no legitimate use for beverage alcohol in any part of this Nation.

Clearly the time has come to put the whole damp aggregation on notice that the American people will not permit the thirst of the minority to dictate the policies or to overturn the duly and constitutionally established laws of this Republic. The wets have reached the point where they actually ask the repeal of a law because some people will not obey it.

Obedience to law, especially by the opposing minority, is the bedrock of this Nation. The American Republic is the creation of majorities—majorities of States, acting as such, devising and amending the Federal Constitution; majorities of the people in the States determining State constitutions, determining the membership and commanding the policies of the Federal Congress and the State legislatures. Behind internal peace and order, the basic requisites of all progress, is the obligation of every citizen to take up arms if need be to enforce the law. It has not been necessary as yet to invoke this obligation on any substantial scale and we trust it never shall be. Gunmen, thieves, robbers, bootleggers, and the breakers of all laws, however, may as well understand now as later that the patience of the American people can be tempted to the breaking point. The lawless few will never be permitted to terrorize or to control this Nation. Least of all will they be permitted to write or to repeal its laws. If a law must be repealed because a minority defies it, no law, however beneficent, will be secure.

They tell us that prohibition makes a Nation of hypocrites and lawbreakers. We tell them that if an individual must become a hypocrite and a lawbreaker to obtain an intoxicant we have made it that much harder for the individual to use it, that for these very reasons millions will retrace their steps who, if free and legal access to intoxicating drink existed, would go to misery and ruin. National prohibition is the greatest obstacle yet placed between the liquor traffic and millions of possible victims—the most effective blow the trade has ever received and the wets know it. Else why are they so desperately endeavoring to overthrow prohibition? So desperate have they become that they interpret the most insignificant and untypical occurrence as indications of what they call a trend against prohibition. When a wet city goes wet they say it portends a revolution. Evidently they would mistake the popping of a cork for a peal of thunder. The truth is we have had them on the run since the eighteenth amendment and the Volstead Act were adopted. We have them on the run to-day and we propose to keep them on the run. It is good exercise for the drys.

They tell us that prohibition stirs resentment in the human heart and manufactures violators by its very nature. That argument was devised in hell for the undoing of mankind. When God said to the first human beings, you shall not eat the fruit of a certain tree, He became the first prohibitionist. He tried to regulate the personal habits of individuals, told them what they should not eat, interfered with their personal liberty. Then the devil, more subtle than all the beasts of the field, began his successful temptation of humanity by calling attention to the fact that the command of God had begun with the prohibitory words "Ye shall not."

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment?

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

Mr. SHEPPARD. I do.

Mr. BRUCE. I merely wish to remind the Senator from Texas, however, that almost as soon as the prohibition about forbidden fruit was imposed Adam and Eve began to see snakes. [Laughter.]

Mr. SHEPPARD. Exactly, and the Senator is trying to persuade us that the American people are seeing snakes now when they are not.

Thus Satan planted rebellion in the human soul, became the first antiprohibitionist, and has been the logical wet leader ever since. Even the Apostle Paul recognized the power of this form of temptation when he said:

> I had not known coveting except the law had said, thou shalt not covet.

But this was not to him an argument against law or an excuse for its violation. From that day to this the most stubborn handicap of all law, human and divine, has been this hell-born impulse to resist the commands of conscience, of country, and of God. It is of the utmost importance that the prohibitions of earthly law shall be in harmony with those of God. The path to every crime prohibited by the Deity is made easier by alcoholic drink, which breaks down the physical, moral, and intellectual strength of untold multitudes of men and women. Who will assert that the prohibition of the traffic in alcoholic drink is not in direct consonance with the decrees and purposes of divinity? Of course, there a few supermen and superwomen who tell us drink does them no harm, who would send hosts of others to damnation to preserve what they describe as their privilege and right, who despise and flaunt the law, and become the patrons of illicit trade. They only serve to emphasize the general condition, and to them may be commended the scripture, "Be not deceived; God is not mocked."

It is evident that no cause ever rested on a sounder foundation than does nation-wide prohibition. It is the cause of a higher civilization—of home, church, school, mother, wife, and child. With the confidence that comes from a sense of right, the assurance that issues from a conviction of justice—the devotion that accompanies a crusade for God and humanity we challenge the wets before Congress and the people. We placed prohibition in the National Constitution by a vote of 46 of the 48 States of the American Union. Since then three Congresses have been elected and all have been overwhelmingly dry. Since then our country has registered an economic progress unequaled in all preceding history. Again we invite a renewal of the conflict, and again prohibition America will emerge triumphant and unscathed.

BRIDGE ACROSS HILLSBORO BAY, TAMPA, FLA.

Mr. FLETCHER. Mr. President, on the 16th of the present month the House passed a bill (H. R. 7218) to legalize a bridge across Hillsboro Bay at Twenty-second Street, Tampa, Fla. On December 17, 1927, I introduced Senate bill 1917, containing the same provisions. The Committee on Commerce has reported Senate bill 1917 favorably, with some amendments, which make it conform to the House bill. I ask unanimous consent that the bill S. 1917, to legalize a bridge across Hillsboro Bay at Twenty-second Street, Tampa, Fla., may be considered at this time.

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

Mr. FLETCHER. I move that the Committee on Commerce of the Senate be discharged from the further consideration of House bill 7218 and that it be considered now in lieu of the Senate bill.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7218) to legalize a bridge across Hillsboro Bay at Twenty-second Street, Tampa, Fla.

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

Mr. FLETCHER. I move that Senate bill 1917 be indefinitely postponed.

The motion was agreed to.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. JONES. Mr. President, I hope we may dispose of some of the amendments to the pending bill. On page 2, line 4, of the committee amendment, after the word "The," I move to insert the words "United States Shipping," so as to make it read "The United States Shipping Board." I think there is no objection to that.

The amendment to the amendment was agreed to.

Mr. JONES. Mr. President, the committee amendment which is pending is found on page 2. I do not think we can dispose of that now, for I understand the Senate will desire to take a recess in probably a minute or two, and so I think we had better not take up the discussion of that amendment until after the purposes of that recess shall have been served.

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

Mr. JONES. I yield.

Mr. COPELAND. Will it be understood that after the recess we shall go on with that amendment?

Mr. JONES. That is what I should like to do.

Mr. COPELAND. That is entirely satisfactory to me.

Mr. JONES. After the recess I should like to go on with the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Ashurst	Fess	McMaster	Shortridge
Barkley	Fletcher	McNary	Simmons
Bayard	Frazier	Mayfield	Smith
Bingham	George	Metcalf	Smoot
Black	Gillett	Moses	Steck
Blaine	Glass	Neely	Steiwer
Blease	Gould	Norbeck	Stephens
Borah	Greene	Norris	Swanson
Bratton	Hale	Nye	Thomas
Brookhart	Harris	Oddie	Trammell
Broussard	Harrison	Overman	Tydings
Bruce	Hawes	Phipps	Tyson
Capper	Hayden	Pine	Wagner
Caraway	Heflin	Pittman	Walsh, Mass.
Copeland	Howell	Ransdell	Walsh, Mont.
Couzens	Johnson	Reed, Mo.	Warren
Curtis	Jones	Reed, Pa.	Waterman
Cutting	Kendrick	Robinson, Ark.	Watson
Dale	Keyes	Robinson, Ind.	Wheeler
Deneen	King	Sackett	Willis
Dill	La Follette	Schall	
Edge	McKellar	Sheppard	
Ferris	McLean	Shipstead	

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

RECEPTION TO PRESIDENT COSGRAVE, OF THE IRISH FREE STATE

Mr. CURTIS, leader of the majority; Mr. ROBINSON of Arkansas, leader of the minority; Mr. BORAH, chairman of the Committee on Foreign Relations; Mr. SWANSON, ranking minority member of the Committee on Foreign Relations; and Representative STEPHEN G. PORTER, chairman of the Committee on Foreign Affairs of the House of Representatives, escorted into the Chamber Mr. William T. Cosgrave, President of the Executive Council of the Irish Free State, accompanied by Mr. Timothy A. Smiddy, minister plenipotentiary of the Irish Free State to the United States; Mr. Desmond Fitzgerald, Minister of Defense of the Irish Free State; Mr. Diarmuid O'Hegerty, Secretary of the Executive Council of the Irish Free State; Mr. Joseph P. Walshe, Secretary of the Department of External Affairs of the Irish Free State; Col. Joseph O'Reilly, aide to the President of the Executive Council of the Irish Free State; and Mr. William J. B. Macaulay, first secretary of the legation of the Irish Free State at Washington.

President Cosgrave was given a seat on the right of the Vice President.

The VICE PRESIDENT. Senators, I present President Cosgrave, of the Irish Free State. [Applause.]

Mr. BORAH. Mr. President, in order that the Members of the Senate may have an opportunity to meet President Cosgrave, I move that the Senate take a recess for 10 minutes.

The VICE PRESIDENT. The question is on the motion of the Senator from Idaho.

The motion was unanimously agreed to.

The VICE PRESIDENT stood in the area near the Secretary's desk with President Cosgrave, and personally presented the Members of the Senate to him, after which the Vice President said: I suggest to President Cosgrave that he say a few words. [Applause.]

President COSGRAVE. Mr. Vice President and Members of the Senate, this is indeed a very great honor which I have received at your hands, which I attribute to the regard in which you hold my country.

I have come to extend to your President and to the people of America the thanks of my people for all that you have done for us during the last 200 years, for the homes which you have extended to our people who have come here, and for the sympathy and support which you have ever been so gracious and so generous as to extend to my people.

In the eighteenth century Benjamin Franklin came to the Parliament of my country; and he told the members of that Parliament that the Americans and the Irish, working hand in hand, would achieve the freedom which they sought. Now, after 150 years, I come to return the visit of that great American.

I thank you, sir, on my own behalf and on behalf of my people for the courtesy and kindness and hospitality which have been extended to me since I have come here, for the great help which America and her people have always extended to my people, for their great contributions toward the cause of liberty the world over, and for their great work in the cause of humanity. [Applause.]

The recess having expired, and the distinguished visitor with his escort having withdrawn from the Chamber, the Vice President resumed the chair.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. JONES. Mr. President, the committee proposes an amendment to the pending bill 744 striking out section 2 and inserting a new section in lieu thereof. The section stricken out and also this amendment include section 5, which is also stricken out.

Section 2 I shall read, so that the Senate will understand what is proposed. As amended, it reads:

> The United States Shipping Board shall not sell any vessel or any line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative unanimous vote of the members of the board duly recorded.

I take it that the controversy with reference to this question will revolve about the last clause, "and then only upon the affirmative unanimous vote of the members of the board duly recorded."

In the bill as it was introduced, it was provided that none of the vessels constructed pursuant to this act should be sold without the consent of Congress. The committee came to the conclusion that that would be too cumbersome a process, that it would be very likely that a few members might retard the approval of a sale which might be quite desirable. So it was proposed to strike out that provision in the bill contained in section 5, and insert an amendment something like this.

There was quite a difference of opinion in the committee as to just what should be done. Some proposed that the Shipping Board be not permitted to dispose of a ship without the concurrence of five members of the Shipping Board, but after considerable discussion a majority of the committee agreed to the amendment as it is submitted to the Senate now.

I know that there may be serious objections to the provision as it is. There has been considerable difference of opinion with reference to the construction of section 1 of the shipping act of 1920.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield.

Mr. SHORTRIDGE. What is the now suggested amendment?

Mr. JONES. The suggested amendment is, in substance, that no ship shall be sold hereafter without the unanimous vote of the Shipping Board. In other words, all seven of the members of the Shipping Board must vote in the affirmative in order to perfect the sale of a ship.

As I was saying, there has been quite a difference of opinion with reference to the construction of section 1 of the shipping act of 1920. Some have contended that the primary purpose of that act was the building up of a merchant marine, and that the secondary purpose was the disposal of the ships so as to bring them ultimately into private ownership.

Personally I have never had any difficulty about the construction of that section. I have always thought that it very clearly expressed the idea that the building up of an adequate merchant marine was the primary purpose. But there has been this honest difference of opinion with reference to the meaning of that section. Some have thought that the Shippng Board in its dealings with its ships and in their disposal rather leaned to the construction that made the disposal of of the ships, you might say, the primary purpose. There has been considerable criticism of the action of the board with reference to the disposal of ships.

Really, the purpose of this amendment is to make it perfectly clear that the primary purpose of the shipping act of 1920, as supplemented by this, is not to get these ships into private hands as soon as possible but that the primary purpose is to build up an adequate merchant marine.

Furthermore, I think it is the idea in general of those who supported this amendment that we have come, in a way, to the conclusion that the only way to build up a merchant marine in this country is through the Government, and we think the purpose, in the absence of the possibility of adopting anything else that would lead to the private operation of ships and their construction, and so forth, is to make it certain that this policy will be carried out until at some time in the future the Congress may come to the conclusion that we are prepared to turn these ships over to private parties, and that private capital and energy is prepared to take them over, and not only operate them but also to carry out the policy of replacement so as to continue the services that it is deemed desirable to maintain. The committee believed that this was the best way to accomplish that.

Some may contend that this commits Congress to permanent Government ownership. I do not think so myself. I think

that that, of course, will be determined by Congress; but this does put us on the basis of Government ownership until Congress shall affirmatively declare the time has come for us to put these ships into private hands.

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

Mr. JONES. I yield.

Mr. McNARY. I want to inquire whether the chairman of the committee proposes to offer this amendment as a committee amendment, having the sanction of the committee, or as his own amendment?

Mr. JONES. It is an amendment proposed by the committee.

Mr. McNARY. Then I want to say at this point, very briefly, that I was not present at the time the chairman was authorized to offer the amendment on behalf of the committee. I think it is just as objectionable as the language in the bill as reported to the Senate. I understand the statement of the Senator, as chairman of the committee, is that he has stricken out that provision which requires that no ship shall be sold without the consent of Congress.

Mr. JONES. Yes; that is a part of this amendment.

Mr. McNARY. And the Senator is offering an amendment that no ship shall be sold unless the board unanimously agrees that the ships may be sold?

Mr. JONES. The committee is proposing that amendment.

Mr. McNARY. The unanimous consent of the board would be more difficult to get, in my opinion, than the consent of Congress.

Mr. JONES. That is the proposition before the Senate.

Mr. COPELAND. Mr. President, I shall be sorry to see this amendment adopted. It is an indirect way of making it impossible for the country to get out of the shipping business. I want to call attention to the practical effect of the amendment if it shall be added to the bill and the bill shall become a law.

I hold in my hand a copy of the 1920 shipping act, and call attention to section 3, where provision is made for the creation of the Shipping Board. It will be noticed that in the second paragraph of section 3 there is this language:

> The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act, and two shall be appointed from the States touching the Pacific Ocean, two from the States touching the Atlantic Ocean, one from the States touching the Gulf of Mexico, one from the States touching the Great Lakes, and one from the interior, but not more than one shall be appointed from the same State.

There is a great difference of opinion as to whether we should sell all these ships, or even some of them, or whether we should retain them all under the operation of the Shipping Board. If we intend to retain all these ships and operate them as Government owned and Government operated, we should approve the amendment presented by the Senator from Washington.

Mr. EDGE. Mr. President, will the Senator yield to me? I do not want, however, to disturb his train of thought.

Mr. COPELAND. I yield.

Mr. EDGE. I am compelled to leave the Senate Chamber to attend a committee hearing in a few moments, and I simply wanted to announce, in connection with what the Senator is saying, that I propose to offer an amendment to the amendment suggested by the Senator from Washington, now section 2 of Senate bill 744, so that it will read in the last two lines, "and then only upon the affirmative vote of a majority of the members of the board duly recorded." In other words, it would change the language so as not to require the necessity of a unanimous vote, but would provide that a majority vote would be sufficient. I merely wanted to make that announcement at this time. I thank the Senator from New York.

Mr. COPELAND. That is quite all right, and I think the Senator is right. I hope we can find votes enough to gain approval of the suggestion made by the Senator from New Jersey, so that it would require the votes of only four out of seven, which would be a majority, which, I presume, is the rule now. May I ask the Senator from Washington whether that is a fact?

Mr. JONES. The rule of the board now, apparently, is that a majority of a quorum determines the action.

Mr. FLETCHER. I think the amendment of the Senator from New Jersey would still leave that open. As I construe it now, all that is necessary is a majority of a quorum. Bids have been called for on a vote of three members, because seven members were not present, only five being present, and three out of the five voted in favor of advertising the ships on the Pacific.

Mr. EDGE. I think the point made by the Senator from Florida is well taken. I simply used the language of the bill as it has been printed. I will clarify my amendment to the amendment by simply inserting the words "a majority of all the members of the board." That certainly means that four members would be necessary.

Mr. FLETCHER. Let the Senator specify that a vote of four members is necessary.

Mr. EDGE. It would bring the same result.

Mr. COPELAND. Anyway, what the Senator from New Jersey has in mind is that he would require an affirmative vote of four members of the board in order to sell a ship.

Mr. EDGE. Exactly.

Mr. COPELAND. The trouble with the amendment proposed by the Senator from Washington, the committee amendment, is that the board being regional, it could readily happen that two members of the board would under all circumstances decline to vote to sell the ships because the interests of a particular region were involved, and they could not be sold. For instance, we have pending now before the Shipping Board, as I understand it, a project to sell practically all the ships left on the Pacific. Am I right in that?

Mr. JONES. The Senator is right.

Mr. COPELAND. That might be to the advantage of the country. I am not prepared to say whether it is or not. I am inclined to think it would not be. If, under the arrangement proposed by the Senator from Washington, five members of the board, representing the Atlantic coast, the Great Lakes, the interior, and the Gulf States, were convinced, and the whole country were convinced, for that matter, that for the good of the Nation the ships on the Pacific should be sold, they could not be, because the amendment would make it impossible for any ship ever to be sold without the affirmative vote of all the members of the board.

That means, if Senators will face it, that there never would be any ships sold in all human probability in the entire history of the Shipping Board. If I am correctly advised, with the exception of one occasion there has always been a member of the board to vote against any sale. So the Senator from Washington is proposing a plan which will perpetuate forever, or until Congress chooses to take other action, Government ownership and operation. We might just as well abolish the board and appoint one man to exercise the functions of the board if the amendment were adopted and enacted into law, because one man could determine the policy of the United States as regards the ownership and operation of these ships.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him just to clear up a matter?

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from New York yield to the Senator from Florida?

Mr. COPELAND. Certainly.

Mr. FLETCHER. It has been reported that one member of the board has voted invariably and constantly against the sale of ships. My information is that this is incorrect. The Senator's statement just now was not to the effect that a certain member had always voted against the sale of any ships, but that some member of the board could be found or would be found to vote against the sale of ships.

Mr. COPELAND. That has always been true, has it not?

Mr. FLETCHER. As a matter of fact, they have sold $85,000,000 worth of ships. They have not been holding up sales at all. They have been selling them right and left. I want to make it clear that there is not a single member of the present board who has constantly or invariably voted against the sale of ships. I think it is due to members of the board to say that. There is not a single member who has continuously voted against any proposal to sell, and there have been sales constantly made. I think most of those sales have been ordered practically by unanimous vote.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. COPELAND. I yield to the Senator from Nebraska.

Mr. NORRIS. The members of the board are appointed by the President. Does he not have a right under the law to remove them at any time he wants to do so?

Mr. FLETCHER. I think that is true.

Mr. NORRIS. If the President wanted to sell the ships and had a board on his hands who would not vote for it, he could remove them and appoint somebody who would, could he not?

Mr. FLETCHER. Precisely. He might have a little difficulty getting all of them, but he could get, perhaps, three-fourths.

Mr. NORRIS. Why could he not get all of them?

Mr. FLETCHER. I do not know. There would be a larger chance to find one man out of seven who would not be dictated to and who would perform his duty under the law.

Mr. NORRIS. He could easily do that. He could appoint men who had a viewpoint in favor of the sale of ships, who

wanted to sell everything. He could find men who honestly believed that we ought to sell the Capitol. He would not have any trouble about that.

Mr. FLETCHER. They have to be confirmed.

Mr. NORRIS. But he could appoint them when the Senate was not in session, and they could sell the whole Government before the Senate could get here. I do not see why, if the President wants to sell those ships, he could not do it very easily at any time.

Mr. COPELAND. Though I do not speak for the President—perhaps I need not impress that fact upon the Senator from Nebraska—I think I am right in saying that if I have read the President's utterances correctly, if he had his way he would sell all the ships. I think that is the President's attitude.

Mr. NORRIS. He can do it, I think, under the law.

Mr. COPELAND. Of course the Senator from Nebraska does not mean that. He knows that there are men like himself, men of high character, who are not going to be dictated to even by a Republican President.

Mr. NORRIS. I am not insinuating that to do that men would have to be coerced. It would not be a difficult thing to pick seven men who would be willing to sell all the ships. I could do it in five minutes. I could pick seven men who would be honestly in favor of doing that. I could get them right out of this Chamber, and the Senator would have to admit that they would be all right.

Mr. COPELAND. They would all be all right and unquestionably the President should be congratulated if he could have a board like that. I agree with the Senator. But we must face the fact, to be serious about it, that there is a great difference of opinion in the country and a great difference of opinion in the Senate about what we ought to do with these ships.

I am here to say, in terms just as strong as those used by the Senator from Washington, that we have to face the situation if we are to have a merchant marine. We must find some way to stimulate the interest of private citizens, so that they can afford to build and operate ships, or else the Government must do it. During the war we built ships and ships and ships. If one goes up the Hudson River, as I do very often, because it reaches a point only a few miles from where I live, he will see 125 ships tied up at the dock. What good are they? Undoubtedly many of them should be sold, and any board made up of men of good sense, and I am sure we have such men on the present board, would desire to sell those ships if they could find somebody to buy them.

But when it comes to the disposal of the service of a line of boats already operating between some point in the United States and some foreign port there comes a great and important question. Is it better to leave those ships in the hands of the Government, or if responsible, substantial citizens can be found to operate them and are willing to take them over at a price agreeable to the Shipping Board, should they be sold? I contend that they should. That is the secondary object of the law anyhow, but it is the primary object, too; at least it is in the first section of the law. Senators will notice right there that the ships which serve as naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States, are first mentioned, and then in section 5 it is provided:

> That in order to accomplish the declared purpose of this act and carry out the policy declared in section 1 hereof, the board is authorized and directed to sell as soon as practicable, consistent with good business methods and the object and purposes to be obtained by this act, at public or private competitive sale, etc.

So it is contemplated that if under right conditions they can be sold to substantial private citizens they shall be so sold.

If two members of the board or one member of the board under the proposal would say "No; we are not going to sell any ships," the best interests of the country might be defeated by the insistence of that member upon his rights. I do not think we need to discuss the matter at any considerable length. So far as I am concerned, I hope the amendment will be defeated.

Mr. ODDIE. Mr. President, I want to remind the Senator from New York of the fact that I know he will oppose the proposed sale of ships under the present terms if it can be shown to him that these terms will work an injustice to and be unfair to the best interests of American industry and shipping. Before the discussion is over I think we will have an opportunity of presenting the facts to the Senator.

Mr. COPELAND. I beg the Senator's pardon; did he ask me a question?

Mr. ODDIE. I feel sure that the Senator from New York will agree with me in not consenting to the sale of these ships under the present terms, which I believe can be shown to be unfair and not good business. Before the discussion ends I think that can be brought to the Senator's attention.

Mr. COPELAND. Let me say to the Senator at this point that if proposals which are now pending before the Shipping Board for the building of ships by private citizens should meet the approval of the Shipping Board and of the Congress, so that the conditions involved could be met, I would think under those conditions that certainly there should be a resurvey of the entire problem. I mean to say that if that were to happen, I am not sure but it would be very unwise to sell any ship until there has been such a study. Of course, whether the pending matter regarding the sale of ships should be carried out, I am not prepared to say. I have given it no study.

Mr. ODDIE. Under those conditions I feel sure the Senator from New York and I will agree pretty closely. I do not intend to discuss the matter in detail now, but I call attention to the fact that the shippers themselves, the small shippers, the independent shippers, have not had sufficient opportunity to be heard in this matter now pending regarding the sale of ships. I intend to speak further on the matter at a later time.

Mr. JONES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Senator will state the parliamentary inquiry.

Mr. JONES. As I understand it, the amendment of the Senator from New Jersey [Mr. EDGE] to the amendment of the committee is considered as pending?

The PRESIDING OFFICER. It is the pending amendment.

Mr. FLETCHER. Mr. President, I am opposed to the amendment offered by the Senator from New Jersey [Mr. EDGE] to enable the board to sell the ships whenever a vote of four members of the board to that effect can be had. I believe that is the substance of his amendment.

I am in favor of the amendment as reported by the committee. I differ entirely from the view of those Senators who hold that this would mean no sales of the ships would be made at any time. The language is perfectly explicit. We can not expect Congress to go on appropriating money to replace ships, to construct new ships, to balance our fleet, and to make it a competent and worthy fleet, if we are going to continue in the Shipping Board the power to sell those ships whenever they see fit, at any price and on any terms they may see fit to accept.

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

Mr. FLETCHER. Certainly.

Mr. COPELAND. Does not the Senator recognize that the law as it is at present certainly contemplates that when the ships can be sold under terms upon which the Senator and I both agree, that the board is called upon to sell if in their judgment they think the best interests of the country will be served by that sale?

Mr. FLETCHER. They are authorized to sell whenever the primary purposes of the merchant marine act of 1920 are accomplished thereby in their judgment, and that is the establishment and maintenance of an adequate American merchant marine.

Mr. COPELAND. Then if the Shipping Board had an offer for a line of vessels—we will say the United States Lines—I do not know whether there is anybody that would want to buy it, but suppose somebody did, and found upon investigation that the citizens submitting the offer were financially responsible and capable apparently by reason of the possession of technical knowledge to operate that fleet, and an offer were made at a price which would be considered to be a sufficient one, would it not be the duty of the board to sell, provided that the primary object of that act were to be carried out by the sale?

Mr. FLETCHER. Mr. President, I think they would be authorized to sell; but the board ought to be satisfied beyond any question that it would mean a contribution to the establishment and maintenance of an adequate American merchant marine. The board should impose in the case of a sale of that kind a guaranty of operation in certain services that they considered important for the public good for the period of, say, 10 or 15 years, and should also provide in such a contract that the ships they were selling must be kept in repair and in proper condition during that time, and that when they were worn out the purchasers should replace them and continue the operation of the line, or when one of them went down or some accident happened to it that it should be replaced in this service and maintained. It seems to me perfectly clear that some terms of that kind should be imposed. Otherwise, if we should sell the ships and require operation only for a period of five years, as has been the custom of the board, that five-year period elapses in what would seem hardly an hour in the life of a nation, and after the five years are gone there would be no obligation to replace, no obligation to keep up the service, and

the ships may go into coastwise trade or be disposed of in some other way. That would not be establishing and maintaining an American merchant marine.

Mr. COPELAND. Let me ask the Senator a question. Suppose the conditions which he names were met; suppose a 10 years' contract or 15 years' contract, whatever was the number of years the Senator named, was agreed to; suppose arrangements were made for replacement; suppose all the conditions recognized by the Senator as proper ones were met, and one man on the board would not vote for the sale, then it would be defeated?

Mr. FLETCHER. If the amendment as reported by the committee shall be written into the law, that would be quite true.

Mr. COPELAND. That is what would happen.

Mr. FLETCHER. One man could defeat the sale; but, according to the whole experience that we have had and our observation of the actual facts which have been developed, especially when the administration wants to get rid of the ships, the whole tendency is the other way, to get out of the business and sell the ships. So we want to protect the public, if we can, by requiring that every one of the seven men on the board, men of high character, men of intelligence, men of knowledge and acquaintance with shipping generally, and that sort of thing, must be convinced that the disposition of the ships or the line or the fleet is in the public interest, and vote accordingly. When all of them shall be thus convinced, not only as to the advisability of making the sale but as to the imposition in connection with the sale of certain terms which will carry out the purpose of Congress and the public policy of this country, that the United States shall have under its flag, either publicly owned or privately owned, merchant ships in the foreign trade which will meet our needs in a commercial way and also serve as auxiliaries of the Navy, then they may make the sale.

If we shall have men so qualified, with authority and power to sell the ships, it seems to me every one of those men, especially in view of the experience we have had and our knowledge that heretofore they have been disposed and anxious to sell the ships, ought to be convinced that such a sale and such terms and such conditions as may be provided are in the public interest before they vote for the sale; and in that case the sale should be made.

It is easy enough, as the Senator from Nebraska said a few moments ago, to find men of high character who are in favor of selling ships when they are appointed on the board, and perhaps it would be less difficult for the President to find men whom he could impress with his ideas as to the public policy involved and thereby influence them to favor sales whether they favored them in the first instance or not. It is easy enough to find seven good men who would favor the Government getting out of the shipping business and selling this property. What I think we ought to do is to see to it that the unanimous judgment and opinion of all the men, whoever they may be, who may be appointed on the board, shall be recorded on their minutes as to each sale and the terms and conditions upon which the sale shall be made. That is for the protection of the public. It does not make sales impossible at all. As I have stated, the whole tendency has been to rush speedily into the sale of the ships. What we want is to put on the brakes a little here, and have the subject thoroughly considered in all of its phases both as to the advisability of the sale and as to the terms and conditions of the sale. We ought to be able to find seven men, conscientious, public spirited, patriotic, qualified men, to serve on that board; and we ought to require that before any ships shall be disposed of all the members of the board must say that it is done in pursuance of their best judgment and in accordance with the policy laid down by Congress, the establishment and maintenance of a merchant marine being the primary purpose. Let all of them say it. Why should they not?

It is not true, as has been intimated in the press, that one member of this board never has voted for the sale of a ship. That is not the case at all.

The records will disclose the contrary of that. Sales have been going on and ships have been sacrificed. I will not go over that story again. It is perfectly appalling. One ship sold not long ago for $10,000 which cost us $625,000 to build and which, I am told, makes more than $10,000 on each voyage which is completed. In my judgment, to give these ships away is not a wise policy to pursue. I ask Senators, do they expect Congress to appropriate millions of dollars to build ships and give the Shipping Board the power to dispose of them as they may see fit?

Mr. ODDIE. Mr. President——

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

Mr. FLETCHER. I yield.

Mr. ODDIE. I ask the Senator if he does not think that, if any harm should come from this amendment, there would be less harm in the full board being required to approve a sale than to have present conditions continue, taking into consideration the present program of the Shipping Board, which I consider would be a national disgrace if it shall go through as has been planned. I consider it very fortunate for the American people that the question has been brought into open discussion.

Mr. FLETCHER. Mr. President, the 36 ships which it is proposed to sell cost some $74,000,000. They are worth at least $60,000,000, and could not be replaced to-day for that amount. The proposal now pending involves paying for them something like $3,000,000, and that question is to be voted on on February 10. Are we going to give away those freight ships on the Pacific coast, practically on the terms I have mentioned, and give them to people who probably already have a monopoly of the passenger ships and who by this transaction would secure a monopoly of the freight ships on the Pacific coast? Those are matters I take it the board will consider. I think in the proper protection of the public we should require the unanimous judgment of that board before they commit themselves to a proposition of that kind.

Mr. COPELAND. Mr. President——

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

Mr. FLETCHER. I do.

Mr. COPELAND. The Senator and I have belonged to church boards. Did the Senator ever know of a unanimous opinion in the case of a church board?

Mr. FLETCHER. Oh, yes; I think so.

Mr. COPELAND. The Senator's church is more generous and kind perhaps than mine.

Mr. FLETCHER. I think that is not an unusual thing at all. We secure unanimous consent in the Senate every day in 40 different ways on different propositions. We do not have any trouble about that.

Mr. BINGHAM. Mr. President——

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

Mr. FLETCHER. Yes.

Mr. BINGHAM. Let me remind the Senator from Florida that if in the Senate we do not secure unanimous consent, we have then the right to make a motion and have a majority decide the question; whereas there is no such provision here, but one member of the board not consenting may throw the whole matter out of court.

Mr. FLETCHER. I take it that the man who raises his voice against a proposition that is submitted to the board is taking that responsibility in such a way that he is able to convince reasonable minds that he is not acting in an arbitrary and unwarranted manner. There must be some good reason for his taking that position in opposition to all his fellow members of the board, and that reason, in my judgment, must be a reason in the interest of the public, rather than an effort to serve private interests.

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

Mr. FLETCHER. I yield.

Mr. BINGHAM. Would the Senator like to see the same rule applied to the Interstate Commerce Commission or to the Supreme Court, or to other governmental bodies, and permit one member to stop the business of the commission or court or whatever it may be?

Mr. FLETCHER. I think that is a very different situation. We can not very well do that because that might, in effect, block all business in those governmental bodies. That is a different case altogether. Here is a question simply of the power and authority to sell ships.

By the act of 1920 we gave the power to sell ships under certain conditions, not to bankrupt concerns, not as at a forced sale, but upon a business basis, and for the accomplishment of the primary purpose of the act; but what do we find? We find that they have construed that act and held it to be the whole purpose of that act to sell the ships. So we found the board willing to vote for sale after sale to the amount of some $85,000,000, and in most of the cases to sell the ships at about 10 per cent of their value. That is what happened under that act. We gave them power by a majority vote to do that thing, and they have done it, although it was secondary to the primary purpose of the act. That should be a lesson to us. Why should we give this board the power to dispose of ships

in the way in which they have been disposing of them in the past? We ought to have learned something about that. After the methods and practices of the past, why give them such power with reference to the disposition of the ships, particularly the ships which we are now building?

On yesterday the House passed a bill to appropriate $12,000,000 for reconditioning the *Mount Vernon* and the *Agamemnon*. When that bill comes here I am going to offer an amendment to it to the effect that the board shall not be allowed to sell those ships for less than the cost of reconditioning them, less 5 per cent depreciation annually after they shall be reconditioned.

I am not willing to vote to recondition those ships—ships worth, adding this $12,000,000 to what they are already worth, say, $20,000,000—and leave it to a majority of the board to sell them the next day to the International Mercantile Marine, or some other concern to which they may see fit to sell them, at their own price and on their own terms. I am not willing to do that, and I do not believe Congress is willing to do that. There must be some sort of protection of the public here. The public must not be wholly helpless in a condition like that.

Mr. COPELAND and Mr. BINGHAM addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. FLETCHER. I yield to either one of the Senators.

Mr. COPELAND. I want to ask the Senator this question, if I may: Then the Senator does not want any ships sold?

Mr. FLETCHER. I do not say that at all.

Mr. COPELAND. Just a moment. The Senator has found fault because a certain number of tons of ships—I have forgotten how many tons he said—have been sold; but he finds fault because they have been sold to persons who are operating them successfully.

Mr. BINGHAM. Mr. President, were they Americans?

Mr. COPELAND. They were Americans.

Mr. BINGHAM. Not foreigners?

Mr. COPELAND. Not foreigners.

Mr. BINGHAM. Does the Senator mean to say that the Senator from Florida objects to the sale of ships to Americans so that they may operate them under the American flag?

Mr. COPELAND. Well, I got the impression that the Senator was rather sorry that we had sold them, because they had been successful.

Mr. FLETCHER. I am not objecting to any sales that were made on a proper and reasonable basis, on proper terms, and where the operation has followed in accordance with a proper policy as to service and routes and conditions.

Mr. COPELAND. Is not that what happened?

Mr. FLETCHER. It is a most remarkable thing to me that we have been selling these ships. At the close of the war the Government owned over 10,000,000 tons of ships. The Government to-day owns about 6,000,000 tons. Consequently, some 4,000,000 tons of these ships intended to serve in foreign trade have been sold, and yet we have in private ownership to-day less tonnage than we had in 1914.

Mr. COPELAND. We sold a lot to Henry Ford, did we not? What did he do with them?

Mr. FLETCHER. We sold over a hundred of them to Henry Ford for about $10,000 apiece, and he scrapped them; yes. Senators talk about selling to American citizens. Is it a thing to be praised that the Shipping Board have been able to sell these ships to American citizens at any sort of price and on any sort of terms? Are we going to build ships for them to give away? Are we going to build ships for them to scrap whenever they see fit to scrap them?

I do not care whether the purchaser is an American citizen or who he is; I say that no American citizen has any right to come before this board and be the subject of favoritism in connection with the disposition of this public property.

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

Mr. FLETCHER. I yield to the Senator from Washington.

Mr. JONES. I want to call attention to what I think has caused the feeling that the Shipping Board is not really regarding the declarations of the act of 1920 but is trying to sell these ships, and seeking to sell them just to get rid of them; that is, upon almost any terms.

At the last meeting of the Chamber of Commerce of the United States it seems that that body was not satisfied with what they thought was the policy of the Shipping Board in the disposal of the ships. I think they thought probably the Shipping Board should sell them faster than they were doing, and they had some resolutions prepared. The chairman of the Shipping Board came down to the chamber of commerce and went before a special committee that was considering this matter, and here is what he said:

The Shipping Board is not in the business here to stay in Government operation. We are absolutely opposed to it. We want to get out of business. We absolutely want to get out of business, and we are willing to sell to any man, any American, who will come and buy the ships at any time, at any place, and the price does not make much difference.

I believe that is a fairly good offer to anybody here who has the idea that the Shipping Board does not want to sell ships. Come down to us; we will sell the ships if you will pick out the route, or we will tell you what the routes are; we will furnish you with the figures as to how the ships are running, how they are running at the present time, whether they are making money or losing money. We will give you all the information, and then you can make up your minds which one of the 23 routes you want to buy and we will sell the ships.

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

Mr. JONES. Just a moment. When the matter finally came up in the committee Mr. Barnes said:

Mr. Chairman and gentlemen, may I propose a substitute—

For the resolution that they had prepared before—

as follows:

"In view of the explicit disclaimer before this section by Chairman O'Connor, of the Shipping Board, that the board contemplates investing public moneys in new construction, and in view of his clear statement that the board is determined to dispose of all ships and trade routes to private enterprise at any sacrifice if with reasonable assurance of continued service on those routes, this section believes these utterances accord with the adopted principles of this chamber and no further action is necessary at this time except to impress upon the Shipping Board the need of energy in placing this shipping in private operation, and with such support as necessary to make private operation effective."

Mr. FLETCHER. There you are; and he made that offer over and over again, and declared that to be the policy of the board, to get out of business; "Come and buy!" He offered them at $5 a ton, $7 a ton, and finally said, "The price makes no difference."

Mr. ROBINSON of Arkansas. Mr. President——

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

Mr. ROBINSON of Arkansas. The Senator from Florida made a statement a few moments ago to the effect that one ship which cost, I think he said, $260,000, was sold for $10,000, and that at a time when it was earning that amount on each trip that it made.

What is the explanation for such a transaction? Why is it that individuals, private citizens, or corporations engaged in the mercantile-marine business are unwilling to pay more for a ship of that character, and with a business so profitable as that? It would seem that anyone who wanted to engage in the ocean-carrying trade would take into consideration the earning power of a ship, and pay something like its reasonable value for it, unless there are indications that its earning power will quickly and rapidly diminish, or unless there is something else which depreciates the actual value of the vessel as a carrier of commerce.

That is an enormous profit. It is a remarkable transaction to sell a ship for what it earns on a single trip.

Mr. BINGHAM. But, Mr. President——

Mr. ROBINSON of Arkansas. I am asking for information; and if the Senator from Connecticut has more information than the Senator from Florida, I shall be glad to get it from him.

Mr. BINGHAM. I understood the Senator from Florida to say something different from what the Senator from Arkansas understood him to say. I understood him to say that after the ship was sold, and went into private hands, and was operated by a private company, it then proceeded to earn $10,000 a trip—not that it was earning anything when it was sold.

Mr. FLETCHER. The Senator means when operated by the Government operators it was not earning anything? I can not say as to that. They can make a showing, as to any of these ships, that they are losing money, any time they want to; and it is possible that the ship was losing money under Government operation. I do not know about that.

Mr. ROBINSON of Arkansas. The Senator from Connecticut is correct. I did not correctly understand the statement of the Senator from Florida.

Mr. FLETCHER. But the question raised by the Senator from Arkansas is entirely in point and pertinent. Why sell that sort of a ship at that price when it is capable of earning as much money as that? The only explanation of that is that the board have the power, and they have the fixed policy, as laid down by the President, to get out of this business as quickly as possible.

Mr. ROBINSON of Arkansas. Of course, a partial answer to that, at least, is that under the present operation the ship is not earning anything, and a purchaser would, therefore, have little assurance as to what would be its earning capacity after it passed into private hands. I thought the statement was that while it was a profitable carrier it was sold.

Mr. FLETCHER. I do not know about that; and, to tell the truth, I think as a matter of fact there has not been until recent times anyhow—I will not say there is not to-day—a serious, deliberate purpose on the part of the Shipping Board or of the Emergency Fleet Corporation to make a success of operation. I think, on the contrary, the whole scheme has been to get out of shipping; and one of the arguments in support of that would be to point out the losses that have been incurred by the operation of the ships, and that sort of thing; but I think that is over. I hope it is. I think now they are reducing the cost of operation. The United States Lines are reported to have earned some $337,000 net last year.

Mr. COPELAND. Mr. President, will the Senator yield there?

Mr. FLETCHER. I yield.

Mr. COPELAND. Of course, the United States Lines did not count the interest, did not count depreciation, and made no provision for replacement. It was purely a matter of paper profit. The United States Lines have made no money. They never can make any money, as I see it, and according to the testimony, unless there are material replacements; and the other shipping lines, the other services of the Shipping Board, have not made money.

Mr. FLETCHER. As a matter of fact, at different times certain routes, certain services, have, as they say, reported "in the black." Taken as a whole, they require an appropriation now of some twelve or thirteen million dollars to meet the losses incurred by operation of some 380 ships; but the United States Lines is a more or less profitable line now. That is a very important line. It needs some additions.

Two ships like the *Mount Vernon* and the *Agamemnon*, added to the *Leviathan*, would make it one of the most powerful lines in the world; and my information is that it could easily expect to earn, net, a million dollars a year if those two ships were added to its service. I can not say what that would be, but I know this: I know that there is really but one line of the Shipping Board ships that is operated by the Government, and that is the United States Lines. The other lines are operated by private operators, not directly by the Government at all; and some of the contracts heretofore were perfectly absurd contracts, because originally the S-O-4 contract practically provided that the more money the operators lost, the more profit they made; so there could not be any successful operation under it. I do not, however, want to go into all those questions now.

Mr. BINGHAM. Mr. President, will the Senator permit a very brief observation in connection with the question of the Senator from Arkansas a few moments ago?

Mr. FLETCHER. Yes.

Mr. BINGHAM. I can not help feeling that the figures which the Senator from Florida brought out are in themselves a very cogent argument against Government ownership and operation, and in favor of private ownership and operation when given some form of governmental assistance, the form in this case being selling the ships at public sale at a very low price, thereby giving the private company a chance to make money on ships when the Government, which already owned them, did not succeed in doing so. The facts which the Senator has just been pointing out with regard to the operation of the Shipping Board seem to my simple intelligence to point to the fact that Government operation is not successful.

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

Mr. BINGHAM. I have not the floor.

Mr. ROBINSON of Arkansas. Why should the private owner of a ship which cost $10,000, and has earned $10,000 each trip, have any form of aid from the Government?

Mr. BINGHAM. The only aid the Government gave was by letting him have the ship at a price which he was willing to pay for it.

Mr. FLETCHER. Just take that point. Here for seven years we have been offering private enterprise at $5 and $7 a ton ships which cost from $200 a ton up, and why have they not gone in and taken over the ships? What greater subsidy do they want? If subsidy will bring about private ownership and operation of merchant ships, what greater subsidy could they ask? The Senator has just said that was a kind of aid or subsidy, but we have been trying to do that for seven years, and yet we can not get them interested. Evidently they have not been adding to our overseas tonnage at all the ships we have been selling them. They have been operating those ships in the coastwise business and otherwise, scrapping them, or whatnot, perhaps taking the machinery out of them. We sold many of them for less than the machinery in them was worth, and they have not been added to our foreign commerce and trade at all. What could they ask more than the subsidy we have been giving, in effect, by enabling the Shipping Board to go on and sell the ships at the sacrifices at which they have sold them? Yet we do not get any addition to our merchant marine in overseas trade under the American flag owned by private individuals.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. CARAWAY in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. FLETCHER. I yield.

Mr. COPELAND. May I ask the Senator if we have kept faith with the men to whom we have sold these ships? I have in mind a line running on the Mediterranean—I have forgotten its name, but when we sold the ships there was an implied contract at least that we were going to permit them to carry the mail, and that contracts were going to be entered into for a period of 5 or 10 years. This last year, by an amendment to an appropriation bill, all those contracts were canceled, and the Postmaster General now is permitted to make contracts only within the terms and for the time of the appropriation. We have done everything in the world that we could do to discourage the operation by private individuals of these ships, even after we have sold them at this cheap rate.

Mr. FLETCHER. Of course, we should not do that. That is a matter of administration which ought to be corrected. But we do keep faith with them in that we do not compete with them; we do not let the Shipping Board ships operate in competition with lines purchased by private individuals and part of the American merchant marine.

Here is what I am afraid of, Mr. President. I have here a quotation from the New York Times giving a communication, special, from London, dated January 15. It goes on to tell about what is being done by other countries. Thirteen new liners, including two of the largest ever launched, will be on the stocks by the end of this year if the companies carry out their present intention. The White Star Co. has ordered one boat of 25,000 tons, and other lines named here are the Cunard Line, the North German Lloyd, the Hamburg-American, the Swedish-American, the Norwegian-American, the Scandinavian. All those are contemplating building new ships and are actually laying the keels of new ships. This article concludes:

> British shipping men who have been watching the American situation with great interest are confidently predicting that the United States Lines will eventually be purchased by the International Mercantile Marine.

I think it is pretty well understood that the International Mercantile Marine is a British-controlled concern. Most of their ships are under the British flag. A majority of their directors are British people. The article from London continues:

> America, it was pointed out here, can not build up a big Navy without a mercantile marine.

That is one of the things we are contending for. That is quite true. Therefore we ought to have a mercantile marine under our flag.

> And she can not afford to operate merchant ships under Government ownership unless she wishes to pay heavy and continuing losses.

That is the consolation they take to their hearts over there, that the people of this country will get weary of the constant losses, and will quit operating the ships, and go out of the business. That is the hope they have.

> But she will not allow the United States Lines to pass into British hands—

Of course, they will not sell them to foreign interests—

> and therefore she will sell them to Franklin.

That means Franklin, of the International Mercantile Marine. That is the prediction in London, that we are going to sell these United States Lines, our only Government-owned passenger-carrying trans-Atlantic line, Mr. Franklin, of the International Mercantile Marine, a British-controlled concern.

The Senator from Nevada [Mr. ODDIE] can perhaps tell me how many ships owned by the Dollar Line are under foreign registry. Mr. Dollar, or the Dollar people, bought the seven President ships on the Pacific, and those ships are under our flag, under their contract, and must be for five years. But

Mr. Dollar has other ships. Will the Senator, if he has that information, give it to us?

Mr. ODDIE. Mr. President, the *Melville Dollar* was transferred to the Japanese flag in 1916. The *M. S. Dollar* was transferred to the British flag in 1915. The *Mackinaw* was transferred to the Japanese flag in 1915. The *Robert Dollar* is still under the British flag. The *Alice Dollar* has never been under the American flag. The *Stanley Dollar* is under the British flag and the *Esther Dollar* is under the British flag.

Mr. FLETCHER. Those are the people who have bought the finest fleet of combination passenger and cargo ships in the world, on any ocean, brand new ships, which cost $40,000,000 and were sold for $4,500,000. Those are the people, in my judgment, who are laying for the 36 freight ships on the Pacific now and expect to get them about February 10, unless something is done. What do those people care about the American flag?

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

Mr. FLETCHER. I yield.

Mr. COPELAND. I know nothing about it beyond the statement made to me by Mr. Stanley Dollar last week, that the last British ships that they had they sold within a few days, that every ship now owned by the Dollars is an American ship. Furthermore, let us bear this in mind, that not a single ship sold by our Shipping Board to the Dollars can ever be under any other flag except by permission of the Shipping Board. That is the law.

Mr. FLETCHER. I understand that, but they can take those ships out of the service in which they are engaged at the end of five years and put them into the coastwise trade if they find it more profitable.

Mr. ODDIE. Mr. President, can it be possible that some British influence or British interest is in the Dollar Line Co. to-day?

Mr. FLETCHER. The Senator from Nevada kindly answered my question, and I presume he has authority for his statement. I will inquire of the Senator where his information comes from? Does it come from the department? But I do not care about that. The Senator makes the statement, and I do not care to press as to how he gets it. That is sufficient for me. I did not know but that some one else might want to know, in view of the statement of the Senator from New York, whether this is an authoritative statement or not, or whether it is just the Senator's opinion.

Mr. ODDIE. Mr. President, the Department of Commerce is authority for the statement I have made regarding five of the Dollar ships, and I have had it on authority that I consider reliable that the last two named, the *Stanley Dollar* and the *Esther Dollar* are still under British registry.

Mr. FLETCHER. Mr. President, I have just read this communication from London. I am finding no fault with opinion there. I am not criticizing it; they are looking out for themselves, they are going to have a merchant marine, and let us not forget that. Their opinion is that we are going out of this business, and that as the result of that, while we will not sell the ships to the British, we will sell them to the International Mercantile Marine, which is a British-controlled concern.

That is in prospect. If it is left to a majority of this board, to four members of the board, will there be any reason to find fault hereafter with Congress because we have given this power to four members of the board to get rid of these ships, and pass title to the ships by way of getting the Government out of business?

So far as I am concerned, when seven men unanimously are of the opinion that they are accomplishing the purpose of Congress in establishing and maintaining an adequate American merchant marine in foreign trade in voting to sell the ships, I am willing to let them go, but I would not be willing, so far as I am concerned, to leave it to four members of that board to decide an important question like that, settling not only our property values, not only our place on the high seas, but settling the policy of the Government contrary to the purpose and intention of Congress.

Mr. JONES. Mr. President, I had hoped that we would be able to get the pending amendment disposed of this afternoon, but it is desired that we shall have an executive session.

I ask unanimous consent that when the Senate concludes its business to-day we shall take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES. I want to express the hope that we shall be able to act on the bill to-morrow.

EXECUTIVE SESSION

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 5 minutes p. m.), under the agreement previously entered into, took a recess until to-morrow, Thursday, January 26, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 25, 1928

REGISTER OF THE LAND OFFICE

Guy Francis Barnes, of South Dakota, to be register of the land office at Pierre, S. Dak.; vice John Widlon, resigned.

UNITED STATES MARSHAL

Fred S. Hird, of Iowa, to be United States marshal, southern district of Iowa, vice Roy B. Gault, term expired.

POSTMASTERS

ARIZONA

Margaret E. Finletter to be postmaster at Inspiration, Ariz., in place of M. E. Finletter. Incumbent's commission expires January 31, 1928.

ARKANSAS

Burnard O. Phelps to be postmaster at Okolona, Ark., in place of B. O. Phelps. Incumbent's commission expires January 28, 1928.

Elmer A. Murphy to be postmaster at Lepanto, Ark., in place of E. A. Murphy. Incumbent's commission expires January 28, 1928.

Jessie Garner to be postmaster at Kingsland, Ark., in place of Jessie Garner. Incumbent's commission expires January 28, 1928.

CALIFORNIA

William J. Boyd to be postmaster at Sausalito, Calif., in place of W. J. Boyd. Incumbent's commission expires January 31, 1928.

Ambrose E. Daneri to be postmaster at Merced, Calif., in place of A. E. Daneri. Incumbent's commission expires January 31, 1928.

COLORADO

Alvin L. Bourquin to be postmaster at Stonington, Colo., in place of R. B. Kerr. Incumbent's commission expired August 8, 1926.

FLORIDA

Lena M. Powers to be postmaster at Wabasso, Fla. Office became presidential July 1, 1927.

Nina K. Berkstresser to be postmaster at Hawthorn, Fla., in place of W. H. Berkstresser, deceased.

Julius H. Trent to be postmaster at Groveland, Fla., in place of W. E. Weihe, appointee declined.

Bertha F. Knight to be postmaster at Bartow, Fla., in place of B. F. Knight. Incumbent's commission expires January 28, 1928.

ILLINOIS

Roy C. Hallowell to be postmaster at La Harpe, Ill., in place of Susan Gilman, resigned.

Joseph V. Campeggio to be postmaster at Ladd, Ill., in place of J. V. Campeggio. Incumbent's commission expired January 7, 1928.

John H. Brill to be postmaster at Hampshire, Ill., in place of J. H. Brill. Incumbent's commission expired January 7, 1928.

IOWA

Charles W. Shelly to be postmaster at Ollie, Iowa, in place of George McKinnis, deceased.

Willis W. Overholser to be postmaster at Sibley, Iowa, in place of W. W. Overholser. Incumbent's commission expired December 19, 1927.

KANSAS

Earl M. Boland to be postmaster at Leon, Kans., in place of Clarence Leidy, resigned.

Charles C. Andrews to be postmaster at Norcatur, Kans., in place of C. C. Andrews. Incumbent's commission expires January 31, 1928.

George W. Tompkins to be postmaster at Melvern, Kans., in place of G. W. Tompkins. Incumbent's commission expires January 31, 1928.

Ora A. Smith to be postmaster at Marysville, Kans., in place of O. A. Smith. Incumbent's commission expires Jan. 31, 1928.

Robert R. Carson to be postmaster at Hamilton, Kans., in place of R. R. Carson. Incumbent's commission expires January 31, 1928.

Chauncey J. Nichols to be postmaster at Arcadia, Kans., in place of C. J. Nichols. Incumbent's commission expires January 31, 1928.

KENTUCKY

Bettie K. Wyatt to be postmaster at Valley Station, Ky., in place of B. K. Wyatt. Incumbent's commission expired January 17, 1928.

LOUISIANA

Roger F. Baudry to be postmaster at Garyville, La., in place of R. F. Baudry. Incumbent's commission expires January 28, 1928.

MARYLAND

Addie D. Rayne to be postmaster at Willards, Md., in place of A. D. Rayne. Incumbent's commission expires January 31, 1928.

MASSACHUSETTS

Wilfred J. Tancrell to be postmaster at North Uxbridge, Mass., in place of W. J. Tancrell. Incumbent's commission expired December 18, 1927.

Carl H. Carlson to be postmaster at Franklin, Mass., in place of C. H. Carlson. Incumbent's commission expires January 31, 1928.

MICHIGAN

Wellington E. Reid to be postmaster at Ubly, Mich., in place of W. E. Reid. Incumbent's commission expires January 31, 1928.

William H. Watson to be postmaster at Three Oaks, Mich., in place of W. H. Watson. Incumbent's commission expires January 28, 1928.

Martin C. Musolf to be postmaster at Tawas City, Mich., in place of M. C. Musolf. Incumbent's commission expires January 28, 1928.

Herbert S. Gay to be postmaster at Saginaw, Mich., in place of H. S. Gay. Incumbent's commission expires January 28, 1928.

Samuel B. Brant to be postmaster at Pittsford, Mich., in place of S. B. Brant. Incumbent's commission expires January 28, 1928.

William C. Mosier to be postmaster at Paw Paw, Mich., in place of W. C. Mosier. Incumbent's commission expires January 28, 1928.

Benjamin F. Peckham to be postmaster at Parma, Mich., in place of B. F. Peckham. Incumbent's commission expires January 28, 1928.

Norman J. Laskey to be postmaster at Milan, Mich., in place of N. J. Laskey. Incumbent's commission expires January 31, 1928.

Frank G. Leeson to be postmaster at Manchester, Mich., in place of F. G. Leeson. Incumbent's commission expires January 31, 1928.

Fay Elser to be postmaster at Litchfield, Mich., in place of Fay Elser. Incumbent's commission expires January 31, 1928.

Orville Dennis to be postmaster at Lake City, Mich., in place of Orville Dennis. Incumbent's commission expires January 28, 1928.

Frank T. Swarthout to be postmaster at Laingsburg, Mich., in place of F. T. Swarthout. Incumbent's commission expires January 28, 1928.

Floyd J. Gibbs to be postmaster at Ithaca, Mich., in place of F. J. Gibbs. Incumbent's commission expires January 28, 1928.

Byron D. Denison to be postmaster at Galien, Mich., in place of B. D. Denison. Incumbent's commission expires January 31, 1928.

Clara Woodruff to be postmaster at Freeland, Mich., in place of Clara Woodruff. Incumbent's commission expires January 28, 1928.

Wilbert L. Nelson to be postmaster at Daggett, Mich., in place of W. L. Nelson. Incumbent's commission expires January 28, 1928.

Harry E. McClure to be postmaster at Clinton, Mich., in place of H. E. McClure. Incumbent's commission expires January 28, 1928.

Frank E. Richards to be postmaster at Clarksville, Mich., in place of F. E. Richards. Incumbent's commission expires January 28, 1928.

Floyd Andrews to be postmaster at Clarkston, Mich., in place of Floyd Andrews. Incumbent's commission expires January 28, 1928.

MINNESOTA

Harry N. Nordholm to be postmaster at Red Wing, Minn., in place of F. A. Scherf. Incumbent's commission expired January 9, 1928.

Thomas J. Godfrey to be postmaster at Hibbing, Minn., in place of T. J. Godfrey. Incumbent's commission expired December 19, 1927.

Wilbert G. Lammers to be postmaster at Fairfax, Minn., in place of W. G. Lammers. Incumbent's commission expired December 19, 1927.

Donald P. McIntyre to be postmaster at Eveleth, Minn., in place of D. P. McIntyre. Incumbent's commission expired December 19, 1927.

Cora Thorson to be postmaster at Echo, Minn., in place of Cora Thorson. Incumbent's commission expired December 19, 1927.

Paul Sartori to be postmaster at Buhl, Minn., in place of Paul Sartori. Incumbent's commission expired December 19, 1927.

Mae Kirwin to be postmaster at Chokio, Minn., in place of F. A. Shipman, resigned.

MISSOURI

George S. Carnes to be postmaster at Trenton, Mo., in place of G. S. Carnes. Incumbent's commission expires January 28, 1928.

William A. Porter to be postmaster at Plattsburg, Mo., in place of W. A. Porter. Incumbent's commission expires January 28, 1928.

Beryl S. Littrell to be postmaster at Mendon, Mo., in place of B. S. Littrell. Incumbent's commission expires January 28, 1928.

Maude F. Eaton to be postmaster at Leadwood, Mo., in place of M. F. Eaton. Incumbent's commission expires January 28, 1928.

John A. Richmond to be postmaster at La Belle, Mo., in place of J. A. Richmond. Incumbent's commission expires January 28, 1928.

John Fleurdelys to be postmaster at Ilasco, Mo., in place of John Fleurdelys. Incumbent's commission expires January 28, 1928.

Raymond F. Gasche to be postmaster at Hillsboro, Mo., in place of R. F. Gasche. Incumbent's commission expires January 28, 1928.

Homer Beaty to be postmaster at Drexel, Mo., in place of Homer Beaty. Incumbent's commission expires January 28, 1928.

Charles C. Bishop to be postmaster at Clarence, Mo., in place of C. C. Bishop. Incumbent's commission expires January 28, 1928.

Ruie Chatburn to be postmaster at Buckner, Mo., in place of Ruie Chatburn. Incumbent's commission expires January 28, 1928.

John L. Esser to be postmaster at Boonville, Mo., in place of J. L. Esser. Incumbent's commission expires January 28, 1928.

MONTANA

Leslie L. Like to be postmaster at Drummond, Mont., in place of L. L. Like. Incumbent's commission expires January 31, 1928.

Gladys M. Eiselein to be postmaster at Boulder, Mont., in place of J. D. Filcher, removed.

NEVADA

William L. Merithew to be postmaster at Elko, Nev., in place of W. L. Merithew. Incumbent's commission expires January 28, 1928.

NEW JERSEY

Harry C. Lussy to be postmaster at Wharton, N. J., in place of James Walters. Incumbent's commission expired October 24, 1922.

Carroll R. Cox to be postmaster at Tuckerton, N. J., in place of C. R. Cox. Incumbent's commission expires January 31, 1928.

Abram A. Reger to be postmaster at Somerville, N. J., in place of A. A. Reger. Incumbent's commission expires January 31, 1928.

Charles W. Brophy to be postmaster at Skillman, N. J., in place of C. W. Brophy. Incumbent's commission expired January 7, 1928.

Charlotte S. Hurd to be postmaster at Dover, N. J., in place of C. S. Hurd. Incumbent's commission expires January 31, 1928.

Wilfred T. Sullivan to be postmaster at Delawanna, N. J., in place of W. T. Sullivan. Incumbent's commission expires January 31, 1928.

Alonzo P. Green to be postmaster at Chester, N. J., in place of A. P. Green. Incumbent's commission expires January 31, 1928.

NORTH CAROLINA

Jeremiah C. Meekins, jr., to be postmaster at Washington, N. C., in place of J. C. Meekins, jr. Incumbent's commission expires January 31, 1928.

Neill K. Currie to be postmaster at Tabor, N. C., in place of N. K. Currie. Incumbent's commission expires January 31, 1928.

W. Heman Hall to be postmaster at Rosehill, N. C., in place of W. H. Hall. Incumbent's commission expires January 31, 1928.

James A. Wyche to be postmaster at Hallsboro, N. C., in place of J. A. Wyche. Incumbent's commission expired December 19, 1927.

Herbert C. Whisnant to be postmaster at Granite Falls, N. C., in place of H. C. Whisnant. Incumbent's commission expires January 31, 1928.

NORTH DAKOTA

Almeda Lee to be postmaster at Mohall, N. Dak., in place of Almeda Lee. Incumbent's commission expires January 31, 1928.

OHIO

William M. Johns to be postmaster at Plymouth, Ohio, in place of W. M. Johns. Incumbent's commission expired December 19, 1927.

Wilber C. Foote to be postmaster at Fredericktown, Ohio, in place of T. E. Stafford, resigned.

Lloyd D. Carter to be postmaster at Akron, Ohio, in place of C. N. Sparks, resigned.

OKLAHOMA

Ralph P. Witt to be postmaster at Maud, Okla., in place of R. P. Witt. Incumbent's commission expires January 28, 1928.

James T. White to be postmaster at Howe, Okla., in place of J. T. White. Incumbent's commission expires January 28, 1928.

Ted R. Trolinger to be postmaster at Bluejacket, Okla., in place of T. R. Trolinger. Incumbent's commission expires January 28, 1928.

PENNSYLVANIA

John J. Nichols to be postmaster at Lansdowne, Pa., in place of J. J. Nichols. Incumbent's commission expired March 3, 1927.

Mary S. Moore to be postmaster at Everson, Pa., in place of M. S. Moore. Incumbent's commission expired January 15, 1928.

Millard F. Hauser to be postmaster at Delaware Water Gap, Pa., in place of M. F. Hauser. Incumbent's commission expires January 31, 1928.

SOUTH CAROLINA

Grover L. Smith to be postmaster at Springfield, S. C., in place of G. L. Smith. Incumbent's commission expires January 31, 1928.

SOUTH DAKOTA

John H. Mathias to be postmaster at Rapid City, S. Dak., in place of J. H. Mathias. Incumbent's commission expired January 15, 1928.

VIRGINIA

Jessie M. Martin to be postmaster at Concord Depot, Va., in place of J. M. Martin. Incumbent's commission expires February 8, 1928.

WEST VIRGINIA

Dova Varney to be postmaster at Edgarton, W. Va., in place of Dova Varney. Incumbent's commission expires January 28, 1928.

Epson Cook to be postmaster at Macdonald, W. Va., in place of H. H. Haeberle, removed.

WISCONSIN

Thomas A. Lowerre to be postmaster at Delafield, Wis., in place of T. A. Lowerre. Incumbent's commission expired January 17, 1928.

WYOMING

James A. Woods to be postmaster at Lingle, Wyo., in place of J. A. Woods. Incumbent's commission expires January 31, 1928.

Levi H. Converse to be postmaster at Lavoye, Wyo., in place of L. H. Converse. Incumbent's commission expires January 31, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 25, 1928

POSTMASTERS

ALABAMA

John H. Nixon, Goshen.

CONNECTICUT

James J. Fitzpatrick, Meriden.
James V. Golden, Noroton Heights.
Albert E. Wellman, Torrington.

FLORIDA

Frank W. Allaben, Fulford.
Paul R. Whitaker, Monticello.
Carrie F. Davis, Watertown.
Thomas R. Gamble, Wildwood.

KANSAS

Vertie O. Booth, Bird City.
Mattie L. Binkley, Brewster.
Harry B. Gailey, Cambridge.
George G. Griffin, Clearwater.
John M. Erp, Grainfield.
Lewis S. Newell, Harveyville.
Elmer E. Hilton, Hunnewell.
Harvey P. McFadden, Natoma.
Cliff W. Weeks, Osborne.
Earl R. Given, Randall.
Russel R. Bechtelheimer, Ulysses.

MAINE

Marjorie Gatcomb, Vanceboro.

MICHIGAN

Hugh A. McLachlan, Evart.
Edna B. Sargent, Levering.
Frank J. Adams, Rogers City.

TENNESSEE

John L. Harris, Bethel Springs.
Samuel C. Patton, Dayton.
Billie Creson, Mulberry.
John E. Davenport, Woodbury.

TEXAS

Minnie Owens, Dickinson.
Daniel B. Bynum, Eustace.
Nora C. McNally, Godley.
Cass B. Rowland, Hamlin.
Thomas E. Williams, Matador.
John B. Vannoy, McLean.
William R. Williams, Montague.
Beulah W. Carles, Muleshoe.
Francis M. Bell, North Zulch.
Nora M. Kuhn, Paige.
Isaac C. Plumlee, Pioneer.
Walter C. Sparks, jr., Taft.

UTAH

Joseph W. Johnson, Layton.

REJECTION

Executive nomination rejected by the Senate January 25, 1928

POSTMASTER

NORTH DAKOTA

Matt Johnson, Bottineau.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 25, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. TILSON.

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

Spirit of God, teach us that Thy will is love; teach us that Thy love is wise. May our heart's supreme wish be to give to our fellows good thoughts, strong principles, supporting comforts, and heavenly ideals. By grace help us to win the victories of faith and to do justice and to love mercy. Through chastened devotion to the public service may we animate others to follow our example. In every situation give us the light that never fails and the strength that never breaks. Amen.

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

BOOK AND MAGAZINE CENSORSHIP

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to proceed for just a few minutes on a matter that is somewhat personal to myself and my State.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, this matter is not at all serious, and I am not presenting it in a serious way; but I think some reference should be made to it.

This morning I received through the mails a clipping which I presume was taken from a paper in Chicago. No name is signed to the clipping and the paper in which it appeared is not named. I desire to read it into the RECORD and then comment briefly upon it.

> Representative TILLMAN, of Arkansas, introduced a bill in Congress Friday to establish a national board of book and magazine censorship. On the same day in an examination at the State University of Arkansas one student in answer to the question, "Who is Charles A. Lindbergh?" said he was a prime minister of Sweden in the fifteenth century; another said he was a German general in the World War; and a third that Lindbergh was a leader of the bolsheviks in Russia; and a fourth student thought Lindbergh was the battle line the Allies had such difficulty in breaking in the World War. Please write your own wheeze.

Ordinarily I would not say anything about this, and what I do say will be more or less in the spirit of a jest.

I do not know whether it is true that four students in the University of Arkansas made these silly answers to the question as to who is Lindbergh. They may have made those answers and made them jestingly, or ignorantly, for that matter. The University of Arkansas, however, has students from every State in the Union and from several foreign countries, and my information is that these four students who were supposed to have made these answers actually came from the city of Chicago and are not permanent residents of the State of Arkansas. [Laughter.]

But this newspaper man seems to find objection to a bill of mine to create a censorship to suppress indecent books and magazines. He does not, in fairness, state that this bill proposes to prevent the circulation of lewd and lascivious matter in magazines and books. That is the only purpose of the bill, and is a laudable one. The last sentence of the gentleman who criticizes Arkansas for a lack of literacy is himself illiterate. The objectionable sentence is this, "Please write your own wheeze." That is doubtful English, but I am suggesting the fact that even the mayor of Chicago is somewhat opposed to pure English. [Applause.] The sentence quoted is distinctly Chicagoese and is low-brow, slummy, coarse.

Now, Mr. Speaker and gentlemen, I ask unanimous consent, while this subject is warm, for 25 minutes to-morrow, January 26, immediately after the reading of the Journal, in which to discuss this particular bill, which proposes to curtail or eliminate altogether the circulation of magazines or books that are lewd, lascivious, or indecent. If the bill were enacted into law the book that has recently been bootlegged over America, full of filthy fiction, I think, could not have been circulated, and I expect to pay my respects to-morrow in a few words to that book.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of matters on the Speaker's table, he may be allowed to address the House for 25 minutes. Is there objection?

There was no objection.

THE MERCHANT MARINE

Mr. WELCH of California. Mr. Speaker, on invitation of the United States Shipping Board, I had the pleasure of addressing a conference called by that board on January 10, 1928, for the purpose of discussing with representatives of private American shipowners and allied interests ways and means of aiding our merchant marine. I now ask unanimous consent to have printed in the RECORD my statement, which includes excerpts from Senate Report No. 477, Sixty-eighth Congress, on foreign-trade zones in ports of the United States, as an aid in the development and maintenance of an American merchant marine.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

Mr. WELCH of California. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement before the Shipping Board at a conference held January 10, 1928:

> Mr. Chairman and members of the United States Shipping Board, in response to your invitation to be present here to-day for the purpose of a full discussion between the members of the Shipping Board and the American steamship owners of the Atlantic, Pacific, Gulf, and Great Lakes regarding the development and maintenance of an American merchant marine, may I ask if your board and the shipping interests of the United States so well represented here have given consideration to H. R. 8557, introduced by me in the House of Representatives, and a companion bill, known as S. 742, "A bill to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," which was introduced by Senator JONES in the Senate?
>
> Chairman O'CONNOR. Free ports?
>
> Mr. WELCH of California. Free ports or foreign-trade zones. We prefer to refer to them as foreign trade zones; the former appellation is misleading and tends to convey the impression that they might interfere with our present tariff system. Quite to the contrary, foreign-trade zones as provided for in this bill which I have introduced in Congress, have absolutely nothing to do with tariff regulations. Foreign-trade zones are magnets in the world's commerce. If established in this country, they will build up our merchant marine which is so vital to our national security.
>
> The Senate Committee on Commerce (65th Cong.) on May 3, 1918, referred to the Tariff Commission Senate bill 4153, with a request that said commission furnish the committee with suggestions touching on the merits of the bill and the propriety of its passage; the bill had for its purpose the establishment of foreign-trade zones in ports of the United States.
>
> In accordance with the request of the Committee on Commerce, the United States Tariff Commission submitted its report on November 20, 1918, concerning the policy of establishing foreign-trade zones in ports of the United States, together with comment concerning Senate bill 4153. The said report was signed by F. W. Taussig, chairman; Thomas Walker Page, vice chairman; David J. Lewis, William Kent, W. S. Culbertson, Ed. P. Costigan.
>
> In the course of the investigation hearings were held in San Francisco, New York, and Philadelphia by members of the commission.
>
> Information and data were sought through investigation by representatives of the commission in New Orleans and Galveston. A questionnaire was sent out to several hundred merchants and shippers. Study was made of the history and working of the free ports of free zones in Europe and of the laws and regulations controlling them. Interviews were had with those familiar with free-zone practice, and information as to recent foreign development was secured through the State Department.
>
> From data thus obtained the report was compiled with favorable recommendations from the following:
>
> Report of committee of New York Chamber of Commerce.
> Resolution adopted by Philadelphia Chamber of Commerce.
> Report of committee of Philadelphia Board of Trade.
> Resolutions adopted by the Philadelphia Bourse.
> Resolution adopted by the foreign-trade bureau of the New Orleans Association of Commerce.
> Resolution adopted by the commission council of New Orleans.
> Resolutions adopted by board of directors of New Orleans Cotton Exchange.
> Report of committee of Galveston Commercial Association.
> Report to United States Tariff Commission by committee of San Francisco Chamber of Commerce.
> Resolutions adopted by board of directors of San Francisco Chamber of Commerce.
> Extracts from a hearing held by United States Tariff Commission in New York.
> Extracts from a hearing held by United States Tariff Commission in Philadelphia.
> Interview between Hon. William Kent and Capt. V. Lassen.
> Letter of George R. Meyercord.
> Letter of Charles D. Boyles.
> Address of H. R. Geddes, of Dover, England.
> Acts of Congress granting privileges similar to free-zone practice.
> Law for establishment of a free port at Copenhagen.
> Charter of Copenhagen Free Port Joint Stock Co.
> Rules for the administration of the free port of Copenhagen.
> Law providing for a commission to select a site for a free port at Lisbon, Portugal.
> Royal decrees providing for establishment of free ports at Cadiz, Barcelona, and Bilbao, Spain.
> Bill providing for the establishment of free zones in French maritime ports, introduced in the French Chamber of Deputies July 10, 1914, with explanatory letter.
>
> National Merchants' Marine Association.
> National Foreign Trade Council.
> Detroit Chamber of Commerce.
> The Exporters and Importers' Association, of Philadelphia.
> The Exporters Round Table of Boston.
> The Baltimore Import and Export Board of Trade.
> Galveston Chamber of Commerce.
> Charleston Chamber of Commerce.
> Newport News Chamber of Commerce.
> The Los Angeles Chamber of Commerce.
> Oakland Chamber of Commerce.
> Board of commissioners of the port of New Orleans.

The New York and New Jersey Port and Harbor Development Commission.

Massachusetts Chamber of Commerce.

Boston Chamber of Commerce.

Seattle Chamber of Commerce.

Merchants' Association of New York.

Interstate and foreign trade committee of the Chicago Association of Commerce.

Mississippi Valley Association.

Foreign Trade Clubs of Chicago.

Associated Industries of Massachusetts.

And the following gentlemen appeared and made statements favoring the policy of foreign-trade zones:

I. L. Stone, general manager of the Associated Industries of Massachusetts.

John J. Rossiter, director of operations, United States Shipping Board.

J. J. Dwyer, manager of the port development of the San Francisco Chamber of Commerce.

Julius Henry Cohen, counsel for the New York and New Jersey Port and Harbor Development Commission.

Murray Hulbert, Dock Commissioner of New York.

John W. Thomas, vice president of the Great Lakes Trust Co., Chicago, Ill.

William F. Collins, secretary of the committee on commerce and marine of the American Bankers' Association.

DeWitt Van Buskirk, member of the New York and New Jersey and Harbor Development Commission.

Maj. E. Cunningham Church, Chamber of Commerce of New York.

Samuel Ulmann, importer and exporter of raw furs.

Henry Z. Osborne, Los Angeles Chamber of Commerce.

R. S. Guilford, of the International Mercantile Marine, New York.

Emil P. Albrecht, president of the Philadelphia Bourse.

Austin W. McLannahan, president of the Export and Import Board of Trade of Baltimore.

Wm. M. Brittain, secretary of the Import and Export Board of Trade of Baltimore.

W. O. Hempstead, customhouse broker, Baltimore, Md.

Peter Beck, secretary of the mayor's committee on free zones, Baltimore, Md.

Arthur McGuirk, special counsel for the board of commissioners of the port of New Orleans.

Wilbur F. Wakeman, treasurer and general secretary of the American Protective Tariff League of New York.

Alexander R. Smith, editor of the Marine News, New York.

William Kent, of the United States Tariff Commission in charge of investigation.

Dr. Roy S. MacElwee, assistant director of the Bureau of Foreign and Domestic Commerce in the Department of Commerce.

George W. Ashworth, Chief of the Division of Customs, Treasury Department.

Subsequently hearings were held before a subcommittee of the Committee on Commerce, United States Senate, Sixty-sixth Congress, on Senate bill 3170, "A bill to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite foreign commerce, and for other purposes."

This report to my mind is one of the most complete and comprehensive of its kind ever made to Congress. Much of this report is taken from the reports submitted in the Sixty-seventh Congress on Senate bill 2391:

"The Commerce Committee held extensive hearings during the first session of the Sixty-sixth Congress in connection with Senate bill 3170."

Mr. Arthur McGuirk, special counsel for the board of commissioners of the port of New Orleans, said:

"A free zone is the necessary complement of a protective-tariff system; the higher the tariff the more essential. Without such facility no high-tariff country can successfully compete in world trade with foreign nations, because the terms are not equal and they are not fair. American merchants in foreign trade can carry a handicap. That handicap results from the imposition of the customs system with its consequent expense and necessary delays to trade which does not enter, but merely touches or is deposited in the country at different points. By so much as the American merchant pays the customs on goods intended for reexport and not for domestic consumption is he handicapped and discriminated against. As the goods can not enter the country without payment of duty, the situation as to domestic producers and manufacturers will remain unchanged. They remain protected as before. The free zone as to them is extraterritorial; it is foreign country. The customs officers are simply transferred from the ship to the gates of the zone. The same customs duties are collected, only they are collected at a different place; dutiable goods taken from the zone into the country to pay the duty just as before. The free zone or area is an inclosed district free of customs restrictions, without resident population, equipped with wharves and warehouses where vessels may enter and leave and where goods may be deposited and reexported either in their original state or changed by manufacture. In legal contemplation it is foreign country. It affords a stopping place for goods in transit. Freedom of transportation and manufacture afforded by transshipment or transit zones implies only exemption from charges other than such as are imposed by way of compensation for the use of the property employed or for facilities afforded for its use. Commerce may be carried on in the zone and commodities may be purchased, sold, exchanged, and manufactured therein. Anything may be done with the goods in the zone that could be done outside of it, only they can not be brought from the zone into the United States without paying the same duties or being subjected to the same regulations as in the customs part of the port.

"The United States is a protected zone. The country is covered by a protective-tariff system imperfectly balanced by a system of drawbacks, bonded warehouses, and bonded manufacturing warehouses, so as to afford some limited scope to foreign commerce. Without some such device Congress would not have regulated but have prohibited and wholly crushed foreign commerce. Commerce is of two kinds—foreign and domestic. The framers of the Constitution contemplated our engaging freely in both under sensible regulations, but example as well as precept in Government demands the use of modern and up-to-date facilities in commerce and transportation. The free zone is a well recognized institution in world commerce. It has passed the experimental stage. It is the necessary adjunct of the protected zone; but it does not exist in the United States. If the tariff is a protective as well as a revenue system, if its object is to protect domestic trade and commerce, so will a free-zone system be a protective system, protecting by encouraging, safeguarding, and promoting foreign trade and commerce. Combined, they will form a harmonious, logical, well-balanced commercial system for the development of both foreign and domestic commerce.

"And so it is with the United States, at the end of the Great War, with hundreds of ships, manned by youthful, eager, and vigorous mariners, full of the spirit of adventure, and anxious to compete in world trade. 'We have the men, we have the ships, we have the money, too.' It therefore becomes our manifest duty to quickly provide the facilities without which the operation of the ships and the employment of our sailors in foreign commerce will be practically impossible. Under such circumstances it would be a public disgrace to revert to pre-war conditions when 90 per cent of our foreign commerce was carried in foreign bottoms. Our merchant marine must be preserved. Our future safety depends upon it. The control of the transportation of a country means the political control of that country. Neither our land carriers nor our sea carriers should be foreign owned. It is as essential to control our sea lanes as it is to control our public highways. Both are vital to national sovereignty."

Hon. John H. Rossiter is an experienced shipping man, and he presented the importance of this legislation and its bearing upon the development of our merchant marine, as follows:

"The foreign-trade zone will in effect bring the market places of other lands to our doors, making our ports the trade marts of the world—that is, will afford our manufacturers the advantages of purchasing raw materials, our merchants a convenient and advantageous buying market and will be of dominating importance to our merchant marine, and will constantly increase the volume of our commerce by providing needed homeward cargo, and, secondly, the operation of transshipment of reexport business."

The Secretary of Commerce and the Secretary of the Treasury have submitted reports on this bill, and their letters are made a part of this report at this point:

DEPARTMENT OF COMMERCE,
Washington, March 29, 1924.

Hon. W. L. JONES,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR JONES: Complying with your request of the 21st ultimo, this department submits suggestions touching the merits and propriety of the passage of Senate bill 2570 entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes."

In my opinion, properly located foreign-trade zones would facilitate and encourage the export trade of the United States and be of material benefit to our merchant marine, for the following reasons:

1. It will promote and expedite our transshipment trade by eliminating the customs formalities and difficulties under our present system of warehousing for reexport. In the course of the tariff revision of September, 1922, customs administrative regulations have been so liberalized that many of the activities relating to foreign merchandise under section 3 of the bill are now allowed in bonded warehouses without requiring the payment of duties; however, they are so encumbered with requirements, such as filing manifests, of making formal entry to all foreign merchandise whether intended for ultimate entry into this country or not, having goods weighed, or otherwise examined before allowed to be deposited in bonded warehouses, that the privileges available are not sufficiently attractive to be used to any great extent.

2. The establishment of such zones would probably be of considerable benefit to our merchant marine and place this country in a more advantageous condition to take advantage of our large consumption of many foreign raw materials and distribute such among foreign countries. It will also improve the opportunity for full cargoes for American ships both ways and result in a more economical use of our merchant marine by eliminating delays due to customs formalities.

In my opinion the bill is designed to accomplish the foregoing, and I therefore indorse it and recommend its passage.

For the committee's information, I am inclosing herewith a memorial of the Philadelphia Board of Trade to the Senate and House of Representatives, indorsing and recommending the passage of Senate 2570.

Yours faithfully,

HERBERT HOOVER, *Secretary of Commerce.*

PHILADELPHIA, *March 27, 1924.*

To the Senate and House of Representatives:

This memorial of the Philadelphia Board of Trade respectfully presents:

"That the board strongly indorses the general purposes of Senate bill 2570, authorizing the establishment of foreign trade zones.

"That the successful results attending the establishment of 'free ports' (free zones), noticeably at Hamburg and Copenhagen, would seem to justify the authorization of such facilities for the handling of our foreign commerce.

"That the transshipment of the commerce of the world runs into billions of dollars and the participation of the country in the development of this business will be greatly hastened by a recognition of the advantages to be gained through a free interchange of goods as provided in the bill under consideration.

"That the many advantages that would follow the enactment of a 'free zone' measure are to numerous to enumerate in detail, but the more important may be briefly summarized as follows:

"(a) Saving time and expense on part of the Government in handling imports in free zones.

"(b) Avoidance of complications attending bonding and securing drawbacks on reexporting arriving merchandise.

"(c) Additional facilities for profitable business in rehandling, packing, mixing, etc.

"(d) Advantages to manufacturers in their ability to establish factories in free zones, when dependent upon dutiable raw material, avoiding thereby the troublesome drawbacks on their exported products.

"That the free ports are a necessity if the merchants of this country may hope to control a reexport trade, and the relief from customs barriers as provided in the bill will prove of inestimable value.

"That under proper regulations, as will doubtless be adopted, the interests of the Government in the collection of duty can be protected when goods are released for domestic use or consumption.

"That the hearing on the subject of 'free ports' (free zones), held in Philadelphia in 1918, gave almost unanimous indorsement of the wisdom of the legislation then set forth and now again proposed.

"Therefore your memorialist, the Philadelphia Board of Trade, earnestly petitions for the enactment of Senate bill 2570, for the reasons set forth in the foregoing.

"And your memorialist will ever pray."

[SEAL.]

PHILADELPHIA BOARD OF TRADE,
WM. M. COATES, *President.*

Attest:

W. R. TUCKER, *Secretary.*

TREASURY DEPARTMENT,
Washington, D. C., April 8, 1924.

Hon. W. L. JONES,
Chairman Committee on Commerce, United States Senate.

MY DEAR MR. CHAIRMAN: I have the honor to refer to your letter of the 21st ultimo, transmitting for report a copy of the bill S. 2570, which provides for the establishment, etc., for foreign-trade zones.

After careful consideration of the bill I perceive no objection to its passage, so far as the interests of this department are concerned. I inclose herewith for your further information a copy of a letter dated the 6th instant from the collector of customs at New York, and invite special attention to his remarks with reference to section 562 of the tariff act of 1922, which authorizes manipulation warehouses.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
New York, March 6, 1924.

The SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: Receipt is acknowledged of department letter dated the 1st instant, E. W. Camp, director of customs, inclosing copy of so-called free zone bill (S. 2570), requesting an expression of the views of this office thereon, so far as customs matters are concerned.

The proposed measure has been carefully perused, and the proposition submitted involves a question of policy concerning which it is not believed this office is called upon to express opinion.

In so far as the customs interest in the measure is concerned, nothing appears to be presented which might not be taken care of with additional personnel, and this would appear to be provided for in that portion of the proposed bill which states that the cost of maintaining the additional customs service shall be paid by the operator of the zone, thereby constituting no additional burden on the customs appropriation.

The operations contemplated in the proposed free zone appear to have their counterpart in section 562 of the tariff act of 1922, with the exception that in the proposed free zone bill the additional privilege is granted of intermingling foreign with domestic merchandise. This privilege, it is understood, was proposed and sought by interests concerned when the present tariff act was under consideration, but was not finally incorporated in the law.

There has been no great response to the privileges granted under section 562 of the new tariff act, wherein manipulation of merchandise in warehouse is authorized, and, in fact, no warehouse for this specific purpose has yet been bonded at this port.

Respectfully yours,

H. C. STUART,
Assistant Collector of Customs.

The establishment of foreign trade zones—

Will not affect the principle or policy of protection to American industry and labor;

Will aid in better carrying out that policy;

Will encourage the investment of American capital in new industries;

Will employ American labor in work and enterprise now carried on in foreign countries;

Will develop American business in foreign markets and foreign trades;

Will build up centers in the United States for the distribution of merchandise throughout the world;

Will simplify, facilitate, and cheapen the handling of exports and imports;

Will establish great transshipment points in the United States;

Will expedite the loading and unloading of ships;

Will aid in securing return cargoes for American ships; and

Will aid in the development and maintenance of an American merchant marine.

Will involve no change of principle, but merely one of procedure.

Will require no expenditure of money on the part of the United States.

The law will be permissive only.

American foreign trade was carried in American ships—	Per cent
In 1830	89.9
In 1910	8.7
In 1920	42.7
In 1924	36.3
In 1925	34.1
In 1926	32.2

The year 1927, as I have been informed by the Department of Commerce, will show a further decrease in our foreign trade.

Mr. WELCH. Mr. Chairman, I sincerely hope that the members of the United States Shipping Board and the shipping interests will carefully consider this bill. I represent a big shipping center, San Francisco. San Francisco while still a young city ranks second to the great port of New York in foreign trade. In my judgment if this bill is enacted into law it will help solve the serious problem of saving our merchant marine. * * *

I would like to leave with you, to be incorporated in the minutes of these hearings, excerpts from this report of the Senate Committee on Commerce.

The excerpts referred to are as follows:

EXCERPTS FROM REPORT OF THE SENATE COMMITTEE ON COMMERCE—REFERRED TO BY CONGRESSMAN WELCH OF CALIFORNIA

So long as tariffs are levied ports of entry must be maintained and special steps taken for the collection of such tariffs. Tariffs levied solely for revenue are more easily determined and collected than when they are levied for both revenue and protection. Whether levied for revenue or for protection, or for both revenue and protection, the simpler and less vexatious the means necessary to protect the Government the better the system will be for business.

We now have in connection with our tariff system the bonded warehouse, the drawback, and the bonded manufacturing warehouse. There is a great deal of vexatious delay in the handling of goods through these agencies. Vessels are delayed in unloading. Complex regulations hinder transshipment of reexport. Much difficulty is met in working out drawbacks. Any system that will remove any of the obstructions to commerce that now exist should be welcome and will be welcomed by all business people who have to deal with the present system and who do not now possess some special advantage that might be affected.

This bill provides a means to do away with many of the evils of the present system. It does not do away with the present agencies, but it

does open the way for another agency that may be made use of to avoid many of the vexations of the present system.

The only substantial objection that has been urged to this measure is that it is a subtle device to undermine the protective tariff system. The Republican members of the Commerce Committee gave this objection special consideration. They are protectionists from principle and would not favor any measure inimical to that system. They came to the conclusion that this measure does not affect in any way the principles of a tariff, either for revenue or for protection. It provides for a very valuable instrument in connection with either system. If it has any special relation to either system it is especially desirable in connection with the enforcement of a protective tariff and will strengthen rather than weaken that policy. Action under it will add greatly to the value of protection. This is the view of every man who came before the committee urging the passage of S. 2391. As a matter of fact, it presents no new principle. It broadens and simplifies the principle or policy embraced in the present warehouses and drawbacks of existing law and has been applied for years.

It is urged that this bill would be a menace to the American export trade because it gives the foreign producers every advantage which American producers have so far as locality is concerned, with the added advantage of lower costs. Foreign goods have an advantage in lower costs. That is sought to be offset by a protective tariff, and foreign goods can not come into our domestic trade from these zones without paying that tariff. Foreign goods that go from these zones into the export trade in competition with our goods must bear a burden which our products do not bear, and that is the cost of transporting them from their origin to these zones. This is a considerable burden, but it is a burden upon foreign goods and not on our goods, and instead of their being on an equality they are at a decided disadvantage in competing for the export trade because of this added burden. As a matter of fact, these zones will not be used by foreign exporters, primarily, to compete with us in our export trade because of this advantage.

It is said that these goods would "snatch the export trade" from American producers because those seeking to make purchases of German goods, for instance, would not need to go to Germany. Granting this for the sake of argument, but they would come here. We would do the business. Business relations would be built up that would redound greatly to our benefit and would far more than offset any disadvantage.

It is urged that goods would be stored in these zones "awaiting the removal of import restrictions which would follow the election of a free-trade President and Congress." Such an objection is very far fetched. We know that foreign goods are imported in increased quantities immediately preceding the passage of a lower tariff bill. That occurs now, but no one thinks of bringing goods here for storing in anticipation of the passage of a tariff bill two or three years hence.

DEFINITION AND PURPOSE OF A FREE ZONE

A free port or free zone is a place limited in extent, that differs from adjacent territory in being exempt from the customs laws as affecting goods destined for reexport; it means simply that, as regards customs duties, there is freedom unless and until imported goods enter the domestic market.

A free zone may be defined as an isolated, inclosed, and policed area in or adjacent to a port of entry, without resident population, furnished with the necessary facilities for lading and unlading, for supplying fuel and ship's stores for storing goods, and for reshipping them by land and water; an area within which goods may be landed, stored, mixed, blended, repacked, manufactured, and reshipped without payment of duties and without the intervention of customs officials. It is subject equally with adjacent regions to all the laws, relating to public health, vessel inspection, postal service, labor conditions, immigration, and, indeed, everything except the customs.

The purpose of the free zone is to encourage and expedite that part of a nation's foreign trade which its government wishes to free from the restrictions necessitated by customs duties. In other words, it aims to foster the dealing in foreign goods that are imported, not for domestic consumption, but for reexport to foreign markets, and for conditioning, or for combining with domestic products previous to export.

THE POLICY OF THE UNITED STATES

The policy of the United States has not been unfavorable to the kind of commerce that the free zone is designated to promote. On the contrary, it has been the obvious intention of the Government to relieve reexport trade from the restrictions incident to the administration of the tariff and customs laws, and to that end three institutions have been devised.

(1) The bonded warehouse, where goods for reexport may be entered and held free of duty.

(2) The bonded manufacturing warehouse, where without payment of duty imported goods may be handled, altered, or manufactured solely for export, either with or without the admixture of domestic materials and parts.

(3) The drawback, which is a repayment of 99 per cent of the duties paid on imported goods when they are exported.

The provisions and retention of these three devices show clearly that it has not been the purpose of the United States Government to place unnecessary obstacles in the way of its citizens when engaged in international trade. That such obstacles have arisen is due to the fact that the three devices mentioned were inadequate wholly to relieve foreign commerce from the regulations and restrictions placed upon the importation of foreign goods for domestic consumption. It would therefore involve no change of policy to supplement these devices by a system of free ports or free zones such as have proved singularly effective in other countries.

INADEQUACY OF BONDING AND DRAWBACK

The purpose of the bonded warehouse is to relieve importers from the payment of duty on foreign products that in unchanged form are destined for reexport and also to permit the postponement of payment of such duties until the time when, during a period of three years, the owner desires to remove them. It can not aid in expediting the entry and clearance of shipping or the handling of merchandise, for vessels must submit to the same formalities and requirements, whether they bring dutiable goods or goods to be placed in bond, and the goods themselves, whatever their destination, must be valued, sampled, weighed, and tested before removal from the dock. Much of the delay necessary incident to the proper assessment of duties on imports for domestic consumption is equally imposed on goods destined to be reshipped.

(a) To protect the public revenue from unauthorized entry on goods into domestic trade, the owner of the goods is required, under present procedure, to give bond in double the amount of the duty, which is forfeited if the goods are stolen, lost, destroyed, or fraudulently removed.

(b) Even drayage, between dock and warehouse must be done under bond.

(c) In addition, from the time they enter port until they are reshipped, the goods are under constant customs control and supervision.

(g) Handling, sorting, mixing, or repacking of the goods is prohibited; only where serious damage is threatened can the original package be opened, and even then it must be done by special permission and under customs supervision.

(h) Subject to these regulations, the expense of which it should be noted is made a charge upon the goods, an owner may leave his merchandise in bond for three years, but at the end of that time if duties are not paid they are considered, to use a technical expression, as "abandoned to the Government," to be sold by the Government accruing charges and expenses deducted, and the remaining proceeds turned over to the owner.

BONDED MANUFACTURING WAREHOUSE

The mere statement of the regulations sufficiently indicates the limited usefulness, so far as export trade is concerned, of the bonded storage warehouse. Even more stringent are those applying to the bonded manufacturing warehouse. In the latter institution foreign materials may be entered free of duty and worked up into manufactures ready for consumption.

(b) Before beginning operations the proprietor must file with the Treasury Department and with the collector of customs a statement of all the articles he intends to manufacture, giving the names of the articles, the exact kind and quantity ingredients, and the formula of manufacture, and he must adhere rigidly to the formula set forth.

(c) He must also give bond in double the value of the goods he intends to produce.

(d) From beginning to end materials and operations are under strict customs supervision. A multitude of restrictions make the procedure intricate and expensive, and the penalties for violation are very heavy. Only in the most highly standardized industries is it possible to avoid frequent disputes and misunderstandings.

DRAWBACK

The law authorizing what is known as drawback permits an importer, instead of placing his goods in bond, to pay duty on their entry and then to draw back from the Treasury on their reexportation 99 per cent of the amount paid. This provision, of course, can not any more than the bonded warehouse relieve commerce from the delays and other burdens incident to customs enforcement. The intent of the law is to aid production for foreign markets by relieving from customs dues imported materials that are manufactured or finished in this country and then shipped abroad. But the relief thus afforded, except in the sugar and tinplate industries, has been relatively small, as may be seen from the following table.

ILLUSTRATIONS OF THE INADEQUACY OF THE PRESENT SYSTEM

At the hearings conducted by the Tariff Commission and in the replies to its questionnaire numerous instances were adduced illustrating the inadequacy of the bonding and drawback system. To a few of these attention may be here directed.

Rice milling is an industry for the successful prosecution of which all conditions appear to be favorable in the United States except a sufficient supply of raw material. The industry is now limited almost

entirely to the preparation of the domestic product for domestic consumption, and this does not furnish full employment. It requires expensive specialized machinery and much skilled labor that must be engaged by the year. But testimony was presented showing that the largest mills are idle much of the time, because the domestic crop can keep them in operation for only half the year.

Efforts have been made to use the idle months in cleaning and milling oriental rice, the supply of which is very large, for reexport to the West Indies and Spanish America. To do this work profitably the rice must be imported in full ships' cargo and handled in bulk through grain elevators. These cargoes usually are about 6,000 tons, and as there is an average duty of one-half cent a pound on rice, the duty that must be paid on a full cargo is $60,000. The importer, of course, would be entitled to a drawback on such quantity of rice as was reexported; but it was the unanimous testimony of the mill officials interviewed that business had to be discontinued because of the difficulty, delay, and expense of securing the drawback.

Again it was found that imported flowers and feathers and imitation feathers are extensively used in this country for trimming women's hats, the model or frame of which is an article of domestic production. Also panama and imitation panama hats for the use of both men and women are imported from Central and South America and finished in the United States with the use of domestic materials. The industry has been almost entirely limited to supplying the domestic market, for our manufacturers have found themselves hampered in competing for foreign markets by the restrictions of our bonding and drawback system.

The effect of these systems on dealers in highly finished goods is perhaps best seen in the case of laces and embroideries. These are manufactured for which Spanish America offers a large and lucrative market which heretofore has been almost entirely supplied from Europe. Commodities of this character are apt to be included in the same order with a variety of other goods, and the order naturally goes to the dealer who can fill it as a whole at the lowest price, in the shortest time, and in the most convenient form. The order often includes specialties covered by trade-mark that are produced in different countries. To engage successfully in this trade, therefore, the merchant must be able not only to furnish the goods of his own country, but also to assemble, sort, and repack foreign merchandise for convenient delivery. This kind of commerce American merchants are precluded from entering except under the greatest difficulties.

In many parts of South America merchandise has to be transported for long distances in carts or on the backs of mules or llamas. It must be packed, therefore, with the least possible weight and in such form that the packages may be evenly balanced. Furthermore, dry goods are usually dutiable in those countries at specific rates by weight, so that the lighter the carton or covering the lower the duty will be. But our bonding system does not permit the original packages received from Europe to be broken and rearranged. And if American manufacturers of clothing use imported laces and embroideries in making women's wear the difficulty of identification and the expense of collecting a drawback are so great that when they export such goods they frequently prefer to forego the claim. One American exporter testified that his firm found it necessary to take goods from bonded warehouses in the United States and ship them to a West Indian port where they might be repacked and thence forwarded to destination.

Such are specific illustrations brought out at the hearings and in the correspondence conducted by the Tariff Commission showing the need of American industry and commerce for more liberal arrangements in handling and transhipping foreign products. Before pointing out how this can be accomplished through the establishment of free zones, it should be said with the greatest emphasis that the advantages to be enumerated can be attained in full measure only through the observance of certain prerequisites such as set forth in the bill, comment on which forms the second part of this report. The free zone or port that is here contemplated is one of the character provided for in that bill.

THE FREE ZONE AND IMPROVED PORT FACILITIES

The most important prerequisite is that such a port shall provide properly coordinated, modern, and efficient physical facilities for the lading and unlading of cargoes, the entry and clearance of vessels, and the handling of merchandise. In the main, wharves, docks, piers, terminal facilities, and other necessary features of American ports have developed with few exceptions by a process of planless accretion. They are exposed to frequent fluctuations between slackness and congestion, and recent experience has proved them altogether unprepared for emergency.

EFFECT OF NEW FACILITIES

The subject of providing new facilities can not be dismissed without reference to its probable effect on facilities already existing and the investments that have been made in them. The prospect that a publicly financed free zone with its elaborate equipment would destroy the usefulness of the facilities already constructed at great cost in our ports would arouse a widespread criticism, and not unjustified, to its establishment. The inquiries of the Tariff Commission, however, lead to the belief that no such destruction would be entailed. The experience of foreign countries has been that the growth of business in a free zone has been accompanied by a material, although smaller, increase in the use also of the previously existing facilities. The trade, for example, in the free port of Copenhagen grew in seven years by 400 per cent, while at the same time the trade of the old, or customs port, not only escaped a loss, but actually showed some gain.

THE BUSINESS PROPER TO A FREE ZONE

The question now arises: Whence is the new business destined for a free zone to come, and in what way will it profit the country? The business proper to a free zone consists in receiving and manipulating foreign products and reshipping them in the direction and at the time to take advantage of the best foreign markets. This is not only a profitable business, it is also becoming a necessary business to our industrial and maritime growth. For however wide the range of goods we produce and however effective our methods of production, we can sell our products to best advantage only when the purchasers are able to pay for them with products of their own. If we do not accept their products, they must sell them in some third country and transfer to us the credit they thus acquire unless they forego buying our goods at all and make their purchases in the country where they make their sales.

THE LATE ADMIRAL VICTOR BLUE

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker and gentlemen of the House, a few days ago one of the most distinguished naval officers of the United States passed into the great unknown and beyond. I refer to Admiral Victor Blue, a native of North Carolina.

He was born in Richmond County, N. C., on December 6, 1865, and when nearly 18 years of age was appointed to the Naval Academy on September 6, 1883, from the first district of South Carolina by the Hon. J. S. Richardson. He graduated in June, 1887, as an engineer officer, and began a long and distinguished naval career which was terminated only by his death on January 22, 1928, at the age of 62.

In his early days he served on the ships of the old Navy, the *Pensacola*, *Quinnebaug*, *Charleston*, *Alliance*, *Thetis*, and the *Bennington*.

In December, 1892, he was transferred from the Engineer Corps to the regular line as an ensign, and thereafter continued in the line of the Navy.

In 1896, after nine years of nearly continuous sea duty, he went to the Naval Academy for two years shore duty as an instructor. While there he was commissioned a lieutenant (junior grade). In 1898, at the outbreak of the war, he went to sea duty in the Atlantic Fleet. While on duty with the fleet, off the Cuban coast, he twice penetrated the enemy's country in the vicinity of Santiago, Cuba, and obtained valuable information concerning the location of the Spanish fleet, commanded by Admiral Cervera, information which led to the eventual destruction of that fleet in the Battle of Santiago on July 3, 1898. For this heroic deed he was given the special meritorious medal and advanced five numbers in rank by the President of the United States.

After the war he again resumed the normal occupations of a naval officer in peace time and served on the *Massachusetts*, on the staff of the admiral of the Asiatic station, and on the *Kentucky*, *Wisconsin*, *Buffalo*, *Bennington* until 1905, when, after this long period of sea duty, broken only by eight months at Cramp shipyard, he was ordered to duty at the Newport News Shipbuilding Co. There he remained until 1908. During this time he was commissioned a lieutenant in 1899 and a lieutenant commander in 1905.

In 1908 he served as navigator of the armored cruiser *North Carolina*. In 1909 he took command of the *Yorktown*; became chief of staff, now with the rank of commander, of the Pacific Fleet in 1910; and in 1911 came to shore duty again with the General Board in Washington.

In 1913, while still only a commander, he received the unusual assignment to duty, for an officer of that rank, of Chief of Bureau of Navigation. He continued in that duty until August, 1916. During the World War period he was in command of the *Texas*, and after the war, in 1918, returned again to duty as Chief of Bureau of Navigation. His arduous duty in that assignment, coupled to his long and trying service in the past, reacted on his health, and in July, 1919, he was retired for physical disability (angina pectoris) received in line of duty. While chief of bureau he had the rank, from the office, of rear admiral; but his promotion in his own right had continued, and he was made a captain in 1914 and a rear admiral in April, 1919.

He never fully recovered from this heart affection and finally died on January 22, 1928, from a heart attack.

For his war service in command of the *Texas*, which was a unit of the American battleship detachment sent abroad to work with the British Grand Fleet, he received the Navy's highest award (short of the medal of honor, which is given only for individual heroic acts), the distinguished-service medal, with the following citation:

> For exceptionally meritorious service in a duty of great responsibility in command of the U. S. S. *Texas*, operating in the war zone in association and cooperation with the British Grand Fleet.

Thus passes from the scene of activity one of the great naval officers of the country. He will go down in history as a great and good man. [Applause.]

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

Mr. DYER. Mr. Speaker, if the gentleman will defer his request, I will be pleased to yield him 10 minutes during debate upon one of the bills which we will have up to-day.

Mr. ENGLAND. Very well.

REFERENCE OF A BILL

Mr. LAGUARDIA. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. LAGUARDIA. Mr. Speaker, I rise for the purpose of asking unanimous consent that the bill (H. R. 96) to prohibit the transportation, sale, and reception of stolen property in interstate and foreign commerce, which was referred to the Committee on Interstate and Foreign Commerce, be referred to the Committee on the Judiciary.

I make this request by authority of the Committee on the Judiciary. I have conferred with the chairman of the Committee on Interstate and Foreign Commerce and also with the minority leader. The bill is entirely penal and belongs to the Committee on the Judiciary.

The SPEAKER pro tempore. This can be done only by unanimous consent. Is there objection to the request of the gentleman from New York?

There was no objection.

CALENDAR WEDNESDAY

STENOGRAPHERS IN UNITED STATES COURTS

The SPEAKER pro tempore. This is Calendar Wednesday. The unfinished business is the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of this bill, and the gentleman from Michigan [Mr. CRAMTON] will resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9024, with Mr. CRAMTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on last Calendar Wednesday, there had been consumed by the gentleman from Missouri [Mr. DYER] 27 minutes, and by the gentleman from Texas [Mr. SUMNERS] 15 minutes.

Mr. DYER. Mr. Chairman, if the gentleman from Texas does not wish to consume further time in general debate, I have no requests from this side, and I will ask that the Clerk read the bill under the five-minute rule.

The Clerk read as follows:

> *Be it enacted, etc.*, That the district court of the United States in each district shall for the purpose of perpetuating the testimony and proceedings therein, appoint one or more competent stenographic reporters, as the business to be done may require, who shall be known as the official reporters of said courts and who shall hold office during the pleasure of the judges appointing them, or of the successors of said judges. Such reporters as may be appointed from time to time shall attend all sessions of or hearings before the said district courts, and shall upon the direction of the court or the request of either party in any civil or criminal action or proceeding take in shorthand the testimony and all proceedings had upon the trial or hearing, except the arguments of counsel, and shall, when directed by the court or a party to the proceedings, transcribe the same within such time as the court may designate and preserve the original stenographic notes for a period of not less than five years.

Mr. DYER. Mr. Chairman, I offer a committee amendment which I send to the desk.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Committee amendment offered by Mr. DYER: On page 2, line 5, strike out the word "except" and after the word "counsel" insert the words "or any part thereof."

Mr. DYER. Mr. Chairman, this will make the language of the section read as follows:

> Such reporters as may be appointed from time to time shall attend all sessions or hearings before the said district courts, and shall, upon the direction of the court or the request of either party in any civil or criminal action or proceeding, take in shorthand the testimony and all proceedings had upon the trial or hearing, the arguments of counsel, or any part thereof, and shall, when directed by the court or a party to the proceedings, transcribe the same within such time as the court may designate—

And so forth.

Mr. STEVENSON. Mr. Chairman, the gentleman left out the word "except."

Mr. DYER. Our amendment provides that that word be stricken out, so that this will include the arguments of counsel when directed——

Mr. STEVENSON. That makes it read that the reporter must take down the arguments of counsel.

Mr. DYER. When directed by the court or requested by either party to the suit.

Mr. STEVENSON. But not otherwise?

Mr. DYER. No.

Mr. McKEOWN. Do I understand that under the gentleman's amendment and the language of the bill there will be no question about the charge of the court being taken down as a part of the proceedings?

Mr. DYER. The charge will be taken and the arguments of counsel will be taken if directed by the court or requested by either party.

Mr. EDWARDS. May I ask the chairman of the committee a question?

Mr. DYER. Yes.

Mr. EDWARDS. Is it possible to construe the language to mean any part of the evidence on request or the whole of the evidence?

Mr. DYER. This refers only to the arguments of counsel. All the evidence will be taken down.

Mr. EDWARDS. This amendment relates to the arguments of counsel alone?

Mr. DYER. That is all.

Mr. EDWARDS. I think it is a good amendment and covers the point which I raised the other day.

Mr. DYER. Yes.

Mr. WILLIAMSON. Would it not be better in this case to let the argument of counsel be taken down only upon direction of the court and not by request of counsel? It seems to me the argument of an attorney should never be taken down except when directed by the court upon the request of counsel. I do not think a mere request of counsel should warrant or compel the court to have the reporter take down such argument.

Mr. DYER. This is necessary and is provided for in some of the States, because, for instance, one of the counsel may make some remarks to which the other counsel may take exception, and, of course, would want that part of the argument taken down.

Mr. SUMNERS of Texas. It was the opinion of the members of the Judiciary Committee, as I understand it, that the language of the bill as it was introduced in the House was sufficient to authorize the taking down of any part of the argument of counsel which constituted a basis of exceptions or of other objection, but in deference to the question that was in the minds of a good many Members of the House the matter has been made perfectly clear by adding the language which the chairman of the committee has directed the House's attention to. As the chairman has explained it will not be made obligatory for the stenographer to take down any part of the argument of counsel except that part which becomes a matter of controversy.

Mr. McKEOWN. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. McKEOWN. Is there any question in the gentleman's mind or in the mind of the committee that this does include the charges of the judge?

Mr. SUMNERS of Texas. No; and there is no question in my mind that under the bill as originally drawn it covered the taking down of the whole proceedings in the court, including that part of the argument to which counsel makes complaint. But, regardless of that, this amendment offered by the chairman of the committee makes it certain.

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

The question was taken, and the amendment was agreed to.

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

The Clerk read as follows:

Page 1, line 5, after the word "appoint," insert the words "in accordance with the civil-service rules and regulations."

Mr. LAGUARDIA. Mr. Chairman, I discussed this amendment fully the other day and will not take much time to-day. I pointed out the necessity of appointing court stenographers under rules and regulations laid down by the Civil Service Commission. These are not judges' stenographers; they are not to act in any confidential capacity to the judge. They are purely court stenographers.

It was pointed out last week the necessity of having accurate transcript of trials and hearings, and it will appeal to every attorney that has any experience in the trial of causes that it is to the advantage of all parties to have a court stenographer who is not absolutely and entirely under the control and at the mercy of the trial judge. I placed in the RECORD a week ago indorsement for my amendment by Chief Justice Taft and various Presidents in office at the various times of the appointment of court stenographers was before Congress. I believe our State pays the highest salaries to court stenographers of any State in the Union, and it appoints the court stenographers through the State civil service commission. I do not believe there is a State in the Union that has civil service that does not appoint court stenographers through that service. If they acted as confidential secretary to the judges, then there might be some force in the argument presented by some Members opposing my amendment.

Mr. LEHLBACH. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. LEHLBACH. The gentleman says that he knows of no other State where the court stenographers are not appointed through the civil service. Let me say that the State of New Jersey has probably the most comprehensive civil-service system of any State in the Union, and it does not dream of not letting the judge appoint his own court stenographer.

Mr. LAGUARDIA. Then that shows that it is not so comprehensive as the gentleman would indicate. These are not the judges' stenographers. They do not hold any such confidential position.

Mr. WELLER. Will the gentleman yield?

Mr. LAGUARDIA. I will yield to my colleague.

Mr. WELLER. If the gentleman's amendment was agreed to, what provision would be made for the removal of the stenographers?

Mr. LAGUARDIA. The gentleman will find that question fully answered in the letter from the Civil Service Commission on January 17, 1928. That is in the RECORD of last Wednesday.

Mr. WELLER. I understood the gentleman from New York to say last week that there would be no way under the civil service of removing the stenographer?

Mr. LAGUARDIA. No trial or hearing is necessary unless the removal officer desires.

Mr. WELLER. Would it not be in all fairness to the stenographer necessary to have a hearing? Is he not entitled to know upon what ground he is going to be removed? Is he not entitled to be heard and, if necessary, to be represented by counsel?

Mr. LAGUARDIA. Not under the civil-service rules.

Mr. WELLER. Under the civil-service rules, if he is not entitled to a hearing, does the gentleman feel that his amendment is fair to the stenographers?

Mr. LAGUARDIA. It is more fair to the stenographer than for him to be at the mercy and will of the judge who may dismiss him without even written notice.

Mr. WILLIAMSON. The court stenographer does hold a confidential relation to the judge, and in most cases the court stenographer acts as the personal stenographer to the judge and handles his correspondence.

Mr. LAGUARDIA. But in a busy court it is impossible for a stenographer, in the nature of things where the court holds daily sessions, to do any other work than to report the proceedings.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. LAGUARDIA]. This seems to me to be the situation: Each Federal district court, in the nature of things, must be a unit of procedure and adjudication. The judge must be held responsible for the procedure in his court. In order that responsibility should lie, power and discretion must be associated with the individual whom you propose to hold responsible. It seems to me, at least in the beginning—if abuses are found, they can be later corrected by the Congress—that the judge ought to be given the power and responsibility of selecting that individual who is to assist him in the procedure of his court. That is what this stenographer will do. For that reason I beg to express the hope that the amendment offered by the gentleman from New York [Mr. LAGUARDIA] will not be agreed to.

Mr. DYER. Mr. Chairman, I doubt if there is any necessity for further debate. I feel that I should invoke the rule. The Committee on the Judiciary is opposed to this amendment. I do not believe it should be agreed to. I think it would be very dangerous and would take away from the judges the opportunity to select men in whom they must have great confidence. We now permit the judges to select their clerks, and certainly the stenographer is nearer to the judge in the transaction of public business than anyone else. I ask for a vote.

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

The amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to take only a minute of your time. I do not want to delay the bill at all. The discussion we have just had brings up a matter that I have been interested in for a long time. The Civil Service Bureau has become a very ambitious bureau. It has reached out for everything in sight, and if it keeps on reaching out as it has been in the last two years, the next thing you know you will have to stand a civil-service examination before you can be elected to Congress.

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

Mr. McKEOWN. Yes.

Mr. CHINDBLOM. Did the gentleman ever hear of a civil-service employee being discharged for laziness?

Mr. McKEOWN. I never heard of many being discharged on any charge. I am not an advocate of what is called the spoils system, but I say here now that administrative positions ought not to be put under the civil-service control. We have had an example of that recently in our prohibition agents' examination. I was quoted as having said that the civil service at one time made an examination of three questions. I did not say that. I said that a story is told that at one time there was a bar examination, and the applicant for admission to the bar was asked three questions. Two of them he answered by saying that he did not know. That was correct—he did not know. The third one he tried to answer and missed it. Of course, he made two-thirds grade, because he answered two of them correctly when he said that he did not know.

Mr. HASTINGS. And was he graded 100 per cent perfect on that?

Mr. McKEOWN. No; they gave him 66 per cent perfect. I am glad to see the House turn down this proposition of putting these court stenographers under civil service. No matter what you think, they do occupy a confidential relation to the judge. I take this opportunity to make reference to this expanding policy of the Civil Service Commission. Where a position calls for scientific knowledge and special training, I think there is nothing better than the civil service, but when it comes to the selection of administrative officers, the civil service ought not to have anything to do with it. The Civil Service Commission can select postmasters, perhaps, but I would be willing to wager that any Congressman in this House can pick a better postmaster in his district than any Civil Service Commission can pick for him, because he will pick the man that will give the service and satisfaction. My good friend from New York [Mr. LAGUARDIA] is a great friend of the Civil Service Commission and is always pushing forward the civil service. This may be all right where as in New York State they employ all employees under that system and they get a large share in Washington, but the rest of us do not get quite so many appointments.

Mr. LAGUARDIA. But the gentleman is not living in a Tammany stronghold.

Mr. McKEOWN. That may be true, but I will say to the gentleman that we are living in some other stronghold. [Laughter.]

Mr. HASTINGS. I would like to know my colleague's experience with the recognition by the Post Office Department of the lists that have been certified over by the Civil Service Commission for appointment as rural mail carriers, and whether there is any juggling, and whether they are always recognized.

Mr. McKEOWN. For the past eight years I have had little to say about anything of that kind. I have not had much to say since I have been in Washington, because shortly after I came to Washington a rule was announced by the President that all postmasters would be put under the civil service, which left my opponent's friends all in office. He did require that the person making first grade should get the appointment. It

did not make any difference whether he was a Democrat or a Republican, if he got the first place, he was appointed, and under the present system they select three and permit the Congressman to say which out of the three he recommends, and maybe no one of them is his friend. As a result of that he does the best he can, unless it is some case where they call another examination.

Mr. STEVENSON. The gentleman does not mean to say that they appoint the man whom the Congressman indorses?

Mr. McKEOWN. They send him a list. I do not know whether they indorse or not.

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

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

Mr. DYER. Under the rules of the House on calendar Wednesday the debate must be on the bill. The gentleman is not confining his remarks to the bill. I ask that the Clerk read.

The Clerk read as follows:

SEC. 4. The compensation of such stenographers for services and transcripts and their duties, and the rules and regulations relating thereto, shall be prescribed by rules to be adopted by the district court in each district. The compensation shall not exceed such as is now or may be hereafter provided by law in the State courts in the State in which such district court is held, if such law there be. Such compensation for services shall be paid to the stenographers herein authorized in the same manner as the salaries of the judicial office are paid. The fees to be paid to such stenographers by the parties to actions or proceedings in said courts shall be prescribed by rules to be adopted by said court in each district. They shall not exceed such as are now or may be hereafter required to be paid to the State stenographers in the respective States in which said district courts are held, if any such there be.

Mr. McSWAIN. Mr. Chairman, I offer an amendment.

Mr. DYER. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. DYER: Page 3, line 2, after the word "stenographers," insert the words "for transcript."

Mr. DYER. As the amendment proposes, provided it is adopted, the fees to be paid to such stenographers shall include fees for transcript.

Mr. McSWAIN. Mr. Chairman, I rise simply to say that that is just the point that I desire to offer an amendment to for the purpose of clarifying the language. Would it not be better to go on and explain by saying, "transcript of proceedings," the word "transcript," of course, being of itself not a well-defined term and might be deemed indefinite, whereas if you said "transcript of proceedings" it would be clear?

Mr. STEVENSON. "Transcript" is the word set out in paragraph 3.

Mr. DYER. In section 4 we come to the word "proceedings" and say "The compensation of such stenographers for services and transcript." I think that covers it.

Mr. McSWAIN. Very well. I agree.

The CHAIRMAN. The question is on agreeing to the committee amendment offered by the gentleman from Missouri.

The committee amendment was agreed to.

Mr. CHINDBLOM. If they have stenographers, how shall the compensation be fixed?

Mr. DYER. It will be fixed by the court.

Mr. CHINDBLOM. Without any rate being prescribed? That is the effect of the bill?

Mr. DYER. Yes. That is the effect, in my judgment.

Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, as Speaker pro tempore having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DYER. Mr. Speaker, I move the previous question on the bill to final passage.

The motion was agreed to.

The SPEAKER pro tempore. Is a separate vote desired on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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

On motion of Mr. DYER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DECLARATORY JUDGMENT BILL

Mr. DYER. Mr. Speaker, I call up the bill H. R. 5623, known as the declaratory judgment bill. It was considered in part in the House last Wednesday.

The SPEAKER pro tempore. The gentleman from Missouri calls up the bill (H. R. 5623), which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5623) to amend the Judicial Code by adding a new section, to be No. 274D

Be it enacted, etc., That the Judicial Code approved March 3, 1911, is hereby amended by adding after section 274C thereof a new section to be No. 274D, as follows:

"SEC. 274D. (1) In cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction, the said courts upon petition shall have jurisdiction to declare rights and other legal relations on requests of all of the interested parties for such declarations whether or not further relief is or could be prayed, and such declarations shall have the force of final decree and be reviewable as such.

"(2) Further relief based on declaratory decree may be granted whenever necessary or proper. The application shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party, whose rights have been adjudicated by the declaration, to show cause why further relief should not be granted forthwith.

"(3) When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether a general verdict be required or not.

"(4) The Supreme Court may adopt rules for the better enforcement and regulation of this provision."

With a committee amendment, as follows:

On page 2, line 5, strike out the words "all of the" and insert in lieu thereof the word "any," and after the word "interested" strike out the word "parties" and insert in lieu thereof the word "party."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. CHINDBLOM. Can the gentleman inform us with reference to the committee amendment?

Mr. DYER. I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE] to explain this amendment.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for five minutes.

Mr. MONTAGUE. Mr. Speaker, on last Wednesday this bill was before the House. Unfortunately, in my judgment, it was referred back to the Committee on the Judiciary, because the precise question at issue could have been cured by an amendment in two or three minutes. The dispute turned upon the question as to whether this procedure of declaratory judgment could be invoked by one party or by all parties. The question was put to me, I having been designated by the committee to report the bill. I personally thought the initial right should be accorded to one party, but the bill said, "interested parties," and therefore might mean all interested parties. But by subsequent reference to the Committee on the Judiciary this view has been unanimously sustained, and I understand that the application may be made by any interested party.

Upon reflection, gentlemen, it is quite obvious that if left to all interested parties no advance has been made, and we have accomplished nothing.

Mr. STEVENSON. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. STEVENSON. It is now proposed that one party can invoke the power and action of the court?

Mr. MONTAGUE. Yes.

Mr. STEVENSON. In order for the court to act effectively the other parties to the issue must be brought before the court?

Mr. MONTAGUE. Yes; the gentleman is correct in that, and for the simple reason that the judge could not enter a judgment upon the question affecting the parties unless those parties were before the court, yet the procedure may be initiated by one party.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. RAMSEYER. It is true that the controversy at the time the bill was recommitted to the committee was over the matter the gentleman has just referred to, but there was quite a sharp difference of opinion among the members of the committee as to whether this procedure could be invoked only on issues in pending litigation or whether it could be invoked before litigation had been instituted on matters in dispute between the parties. Now, which is which to-day?

Mr. MONTAGUE. There was a dispute, but I do not think it was among the members of the committee. I do not recall as to that, but certainly there was a dispute on the floor of the House as to what is meant by actual controversies—whether a suit must be pending when application is made or whether the application could be made independently of the existence of suit. Do I not state it correctly?

Mr. RAMSEYER. Yes.

Mr. MONTAGUE. I come back, therefore, to the fundamental basis of this bill. It gives the power, in the absence of a suit or in the absence of litigation, and for the purpose of forestalling litigation, to determine certain preliminary questions in cases of actual controversy. The actual controversy may not be in the court at the time, but it is impending in such a manner that it must be in the court. For instance, the gentleman and myself have a contract and we appoint an agent. He comes to me and says, "Has the agent under our agreement the right to do so-and-so?" I say, "I think he has." The gentleman says, "I do not think he has." Then I could make an application—which, by and by, is a suit in itself—to have the court determine the meaning of the contract in the particular that has caused a difference of opinion and consequent rights of the parties.

This is preventive relief. It exists in 20 States of the Union; it has existed in Great Britain for over 35 years; it exists in Canada, and has existed in Scotland for about 300 years.

Mr. RAMSEYER. Does it exist in the gentleman's State?

Mr. MONTAGUE. Yes; but it has not been resorted to very much, I will say to the gentleman from Iowa.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. DYER. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. MONTAGUE. As I say, it has not been resorted to in my State very much, and, if I may be permitted to say so, I fear our statute is somewhat complicated.

Mr. RAMSEYER. What is the experience of the States that have this procedure?

Mr. MONTAGUE. The gentleman from Kentucky stated on the floor the other day that it worked most admirably in his State, and from the information I have obtained—and I have endeavored to obtain it—leads me to the conclusion that wherever it has been tried it has given great satisfaction. As I stated the other day, it is preventive medicine and preventive relief intended to cut off litigation or to expedite, simplify, and lessen the costs of litigation.

Mr. RAMSEYER. If the gentleman will yield, I will ask him this further question. I notice that in the last paragraph on the second page of the report it is stated:

> The "declaratory judgment" is a useful procedure in determining jural rights, obligations, and privileges, but may be applied to the ascertainment of almost any determinative fact or law.

Then in the next sentence it speaks of it as being used to determine the validity of statutes. I am wondering whether under this procedure——

Mr. MONTAGUE (interposing). The validity of statutes, does the gentleman say?

Mr. RAMSEYER. Yes; to determine the validity of statutes.

Mr. MONTAGUE. Will the gentleman read that again?

Mr. RAMSEYER. It is in the report.

Mr. MONTAGUE. I think it can be done, but I do not see the language.

Mr. RAMSEYER. In the second sentence in the last paragraph of the report it is stated:

> The declaration of a status was perhaps the earliest exercise of this procedure, such as the legality of marriage, the construction of written instruments, and the validity of statutes.

I was just wondering whether under this procedure you could bring into question the constitutionality of an act of Congress before any litigation involving that statute had been brought.

Mr. MONTAGUE. I would not like to answer the gentleman further than to say this: That under proper circumstances it might be brought, but it should be brought upon proper application and in conformity with the directions and judgment of the court. If it is a question dependent upon a statute and the constitutionality of that statute is involved, why not permit the validity of the statute to be determined in advance of prolonged and costly litigation?

Mr. RAMSEYER. Was it the intention of the committee in writing this bill to give the court the power or not to give the court the power before the act was questioned in the regular court of litigation as it has to be now?

Mr. MONTAGUE. Such litigation may be expensive and prolonged and may involve many years, and if the validity of the statute can be determined in whole or in part, why not afford a procedural remedy in advance of what might be otherwise prolonged and complicated litigation?

Mr. RAMSEYER. The bill intends to confer that power upon the court?

Mr. MONTAGUE. I think this bill confers that power upon the court.

Mr. CHINDBLOM. Will the gentleman from Virginia yield?

Mr. MONTAGUE. Yes.

Mr. CHINDBLOM. I beg to direct the gentleman's attention to the language "in cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction." Does that test relate only to the jurisdiction of the subject matter?

Mr. MONTAGUE. I think so.

Mr. CHINDBLOM. Or also to the parties?

Mr. MONTAGUE. Yes. You see, the minute you bring the application or invoke the application for this machinery of the court to determine this question you have begun a case or a suit.

Mr. CHINDBLOM. Exactly; but——

Mr. MONTAGUE. If I may make myself clear, the subject matter must be of Federal jurisdiction.

Mr. CHINDBLOM. Certainly; but the courts would not have jurisdiction of a moot question.

Mr. MONTAGUE. No; and the bill so prohibits; therefore——

Mr. CHINDBLOM. Or of a question which did not involve any rights. So that you could not go in on a petition in this sort of proceeding and get the delivery of an opinion by the court upon the validity of a statute unless some rights were involved, could you?

Mr. MONTAGUE. No; of course, it must be an actual controversy about a right.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. LaGUARDIA. I simply desire to point out, in response to the question of the gentleman from Iowa, that in our State it has been held in Board of Education of Rochester *v.* Von Zandt (119 Misc. 124, affirmed 201 App. Div. 194):

> Where an actual controversy exists involving only a question of law, such as the construction of a provision of the State constitution, the court has the power, in view of this section and rules 210–214, Rules of Civil Practice, to entertain and determine an application for a declaratory judgment.

Mr. CHINDBLOM. But it does not appear that this language is exactly the same as the language in the statute of the State of New York.

Mr. MONTAGUE. I will say to the gentleman that the Supreme Court of the State of Michigan has held that a declaratory judgment, a moot question, was unconstitutional; but this language, put in this bill after thorough study, has commended itself to our approval, must be applied to actual controversies. We therefore have obviated the question raised in the Michigan decision.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. DYER. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. MONTAGUE. Will the gentleman, before he proceeds, permit me to have one minute more?

Mr. STOBBS. Yes; certainly.

Mr. DYER. I yield one minute more to the gentleman from Virginia, with pleasure.

Mr. MONTAGUE. I beg to submit to the Members of the House, if I may have their attention one minute further, that this is a very meritorious piece of legislation. We complain of the courts, their slowness, and what not. This is intended to meet that criticism, and this purpose has been so effected everywhere it has been tried by simplifying, expediting, and diminishing the costs of the administration of justice.

It is in the interests of the people of the country, whether the bar wants it or not.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. MONTAGUE. I only have one minute. I would be pleased to yield if I had the time.

Mr. GOLDSBOROUGH. I would like to say that in Maryland a similar statute has been used very successfully for 50 years at least, I should think.

Mr. MONTAGUE. Twenty States of the Union have it, as I have observed.

Mr. GOLDSBOROUGH. It is not used in law cases, but in the construction of wills on the equity side of the court it is almost universally used.

Mr. MONTAGUE. We have used it for that purpose for many years in Virginia.

Mr. STOBBS. Mr. Speaker and gentlemen of the House, on the question that was asked by the gentleman from Illinois [Mr. CHINDBLOM] as to whether or not this could be used where there was a moot question only, I might say the Supreme Court of Michigan decided the statute in that State unconstitutional, because it said that that question might arise; but that statute did not include the words "in actual controversy," and so to obviate or to take care of the decision in the State of Michigan the words were inserted in this particular bill—"in actual controversy." This makes it perfectly clear that no court can take any jurisdiction of any question under this declaratory judgment provision unless there is an actual controversy.

As regards the words "actual controversy," these words have been defined by the Kansas Supreme Court, because the same words were used in the Kansas statute, which was passed after the Michigan decision. The Michigan decision, by the way, was in Two hundred and eleventh Michigan—I have not the page right here. The Kansas court said that the words "actual controversy" mean "an actual, antagonistic assertion and denial of a right;" and then Professor Borchard, of Yale, who has made a study of this proposition, and who is largely responsible for the drafting of this bill, has defined the words "actual controversy" as "a real and not a fraudulent or ostensible controversy"; and the Pennsylvania Supreme Court has defined the words "actual controversy" as "an actual controversy or the ripening seeds of one." All of which goes to show that the court in its discretion is going to decide whether there is in fact an actual issue between the parties and not purely a moot question, and that is why this provision was put in the act.

Mr. JENKINS. Will the gentleman yield?

Mr. STOBBS. I will be pleased to yield to the gentleman from Ohio.

Mr. JENKINS. Is there any provision in this bill in case the party aggrieved desires to take up his case, when the court has decided he has no controversy? Is there any provision for an appeal on that proposition?

Mr. STOBBS. The act provides that the Supreme Court may make rules and regulations in reference to carrying out the provisions of this declaratory judgment act, and, of course, that would provide for an appeal; and I might say on that particular question that this provision with respect to a declaratory judgment, as the gentleman from Virginia has already stated, has been in successful use in Scotland for something over 100 years and in England ever since 1850, so that this legislation can not be regarded as an experiment.

It has been adopted by 20 States, and the commissioners on uniform practice throughout the United States have recommended the provisions of declaratory judgment—recommended that these provisions be put into the statutes of all the States, and since 1922, when they adopted that report, several States have come in. Among others is Pennsylvania. The commission on uniform practice have put in the bill 14 sections; they have reported all of the rules and regulations under which declaratory judgments should be safeguarded. The bill before the House has simplified it as much as possible by allowing the Supreme Court to make rules and regulations. Pennsylvania, as I say, has adopted the recommendation of the uniform practice commission in toto. Many of the other States are following the practice of Kansas, where they have adopted the simplified form. The words in this act are broad enough to take care of not only the construction of a contract, but the issues of fact which may not be in written form, because if there is a contract between the parties which is not in written form under the provisions of this act we are discussing the court may summon a jury and decide that contract or issue of fact and base its judgment on such findings of fact.

Now, on the question as to whether or not this could be brought at the instigation of one party rather than by all, as the gentleman from Virginia has well said, the act would mean nothing more than we can do at the present time on an agreed statement of facts if we left it "all." But from the very beginning this provision for a declaratory judgment has been at the request of any one party.

In England the statute reads "any person claiming to be interested"; and the uniform practice act has this provision: "Any person interested under a deed, will," and so forth.

So the uniform practice act recommends that any one person may instigate this petition or request.

Connecticut has "any person"; likewise Kansas, Kentucky, Florida, California, and Pennsylvania, and such other States as have adopted the uniform-practice provisions.

Mr. CELLER. Will the gentleman yield?

Mr. STOBBS. I will.

Mr. CELLER. I agree with the gentleman that the amendment should be adopted so as to make the jurisdiction coercive so one party might have a trial and bring all the other parties in. But what bothers me now is this: That being the case, would it in any way interfere with the right of trial by jury in so far as bringing defendants into court to have a judgment declared against them in that way?

Mr. STOBBS. The judgment that the court makes the decree is nothing more nor less than the construction of a contract, or as to the legal relation between the parties. The court does not pass on the question of fact. If there is an issue of fact, the bill provides that you can have a jury to decide it.

Mr. CELLER. I do not know whether or not the language in the bill of rights is broad enough to give the right to a district judge to interfere with the right of anyone who is thus coerced to have his case tried by a jury.

Mr. STOBBS. Clause 3 of this bill says:

> When a declaration of rights or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories with proper instructions by the court whether a general verdict be required or not.

Mr. McSWAIN. The allowance of such a motion is at the discretion of the court and may be submitted to the jury?

Mr. STOBBS. Yes; of course, the court may decide that there is no issue to be tried by a jury.

Mr. McSWAIN. This is simply to afford an additional remedy to existing rights; this does not afford any additional rights.

Mr. STOBBS. It is clearly remedial.

Mr. McSWAIN. They have the right under the Constitution to have a trial by jury.

Mr. STOBBS. Surely. Nothing in this act can do away with any constitutional right anybody may have.

Mr. McSWAIN. And if the judge reads this language as though it grants him discretion to submit the issue arising out of common law to trial, the judge must remember the Constitution, which says, irrespective of the language of the statute, that he must submit the legal issue to the jury.

Mr. STOBBS. Absolutely.

Mr. McSWAIN. I injected these remarks so that the RECORD may show, if the judge ever denies that right, that the committee here acceded to it.

Mr. CELLER. The courts have held that statutory construction involves the interchange of "shall" and "may."

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. DYER. Mr. Chairman, I yield the gentleman five minutes more.

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

Mr. STOBBS. Yes.

Mr. CHINDBLOM. The filing of the petition gives the court jurisdiction. From that time on the proceeding goes ahead in the way of an ordinary suit. The parties are brought in. The court must observe all constitutional and other rights, and this method is simply a new procedure for bringing parties into court and permitting parties to come into court.

Mr. STOBBS. That is all there is to the proposition. It is made to prevent litigation rather than to encourage it by granting an opportunity at the very outset, before any litigation, to ascertain and have established one's rights.

Mr. EVANS of California. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. EVANS of California. Will this remedy apply in cases where actions have already been filed concerning the same subject matter? For instance, we will say there is a bona fide suit pending. Could the parties then avail themselves of this proceeding?

Mr. STOBBS. The gentleman means if the suit is actually brought?

Mr. EVANS of California. Yes; where the suit is already brought can the same parties resort to this remedy meanwhile?

Mr. STOBBS. If I understand the gentleman correctly, he wants to know whether one can invoke the provisions of this statute after suit has been brought as well as before?

Mr. EVANS of California. Yes. The gentleman has already made it plain, that it can be invoked before.

Mr. STOBBS. If the gentleman brought an ordinary action to determine my responsibilities under a contract and in the ordinary course it went to a trial and to a determination of liability for damages, if any suffered, the question involved in that suit would be, at some time in the proceedings, the construction of a written contract.

Mr. EVANS of California. Yes.

Mr. STOBBS. I see no reason why it should not be possible to invoke the court to construe that contract at the outset, as well as in the actual trial of the case; but I am not clear about that.

Mr. SPROUL of Kansas. Why could not all those questions be tried out on demurrers to petitions and answers after the suit had begun, as questions of law. That is the only question that could be passed on by the court.

Mr. STOBBS. But a demurrer raises only questions of law on the facts as they appear on the pleadings. This is to allow you to go behind the pleadings and get at all of the real facts.

Mr. LAGUARDIA. Where an action at law is started and the two parties are at issue, either the contract has been breached, or one of the parties is at fault and has a duty to *perform*. Therefore any relief that may be sought pending trial is by way of motion. This is prior to the time that damages occur, or that the two parties are at issue.

Mr. STOBBS. This procedure is supposed to be invoked before suit is brought.

Mr. EVANS of California. As I understand this bill, it provides for a new and distinct forum for a preliminary declaratory judgment.

Mr. STOBBS. It provides for a new remedial action.

Mr. EVANS of California. It provides for a new action before the same forum?

Mr. STOBBS. Yes.

Mr. EVANS of California. Assuming an action has been filed, and that action is pending, now the parties face about and take another course and come in and say, "I will try this same subject in this way."

Mr. STOBBS. Oh, no. If they have invoked this procedure under the act and the court construes a contract, that becomes res adjudicata.

Mr. EVANS of California. I am not interested in whether the court has construed the contract. Suppose one party gets tired of the first action and is not satisfied.

Mr. STOBBS. I do not follow the gentleman's statement.

Mr. EVANS of California. Let us assume that an action has been filed between parties litigant.

Mr. STOBBS. And that an actual suit has been brought in court?

Mr. EVANS of California. Under the form now allowed. Suppose this act is passed, should the parties to that action decide that they will avail themselves of this proceeding, and if they should, what happens to the first action, or can they avail themselves of this proceeding when action is already pending under the old form?

Mr. DEMPSEY. May I answer the question?

Mr. STOBBS. I will yield to the gentleman from New York.

Mr. DEMPSEY. All your court could do is to discontinue your first action.

Mr. EVANS of California. I wondered if that is necessary. You always can dismiss the first action. Anyone can dismiss the action.

Mr. DEMPSEY. You can bring it either under new proceedings or under the old.

Mr. LAGUARDIA. Mr. Speaker, I have already spoken on this bill. I believe it is a piece of progressive legislation. We have a similar statute in New York. We have had it but a short time. I am certain that in the opinion of the bar and bench of our State it has worked out very satisfactory. Many of the provisions of our State law and the decisions since its enactment will, I believe, answer many inquiries which have been made concerning the bill under consideration. I will read it, as it is very short. Section 473 of the civil practice act provides:

> The Supreme Court shall have power in any action or proceeding to declare rights and other legal relations on request for such declaration whether or not further relief is or could be claimed, and such declaration shall have the force of a final judgment. Such provision shall be made by rules as may be necessary and proper to carry into effect the provisions of this section.

I will refer to the rules in just a minute.

Now, the question propounded to the gentleman from Virginia [Mr. MONTAGUE] whether or not a declaratory judgment can be obtained as to the constitutionality of the law? I will say that in New York it has been so decided. The question first came up in the case of the Board of Education of Rochester against Van Zandt, reported in 119 Misc. 195 N. Y., affirmed 204 App. Div. 856, 197 N. Y. S. 899 (1922).

Mr. MONTAGUE. The gentleman will recall that I answered in the affirmative.

Mr. LAGUARDIA. Yes. The rules to carry into effect the provision in New York State are short and simple. Rule 210 of the Rules and Practice makes the pleadings, practice, and procedure similar to "other actions" in the Supreme Court. In other words, the parties are brought into court by the service of a summons and petition or complaint, and the court acquires jurisdiction of parties to the action. The petition must necessarily contain sufficient facts to show an actual controversy, with a prayer for proper relief. In other words, rule 210 is assimilated to other actions in that court. Then, rule 211 covers the prayer for relief. Rule 212 provides that the jurisdiction of the court is discretionary. It will be clarified when I read the rule and the decisions thereunder. Rule 213 provides for a trial by jury to determine questions of fact.

Mr. NEWTON. Does the gentleman construe the New York statute to permit declaratory judgments only in cases of actual controversy?

Mr. LAGUARDIA. Yes.

Mr. CELLER. We have a provision in New York for the presentation of a brief statement of facts to determine the question in controversy.

Mr. LAGUARDIA. If the gentleman from Minnesota will give me his attention, I will say further that where an action has already accrued, for example, where an agent had been discharged by his employer and then sought a declaratory judgment to determine whether he was entitled to certain commissions, the court decided that he could commence an action in law and refused to entertain his petition for a declaratory judgment. I will cite the case later.

Mr. NEWTON. Of course, the Michigan statute, and I think one or two others, did not contain any condition of actual controversy, and they brought a moot question before the Michigan court.

Mr. LAGUARDIA. The New York statute and our bill here provide for actual controversy. The rule requiring the same form and procedure as an action in law makes it clear that the petition must recite facts to show that an actual controversy exists. The rules are so brief and the leading cases so illuminating on the many questions that have been raised that I will read them. I think they will be very useful to the House:

Section 473 of the New York civil practice act is as follows:

> Declaratory judgments: The supreme court shall have power in any action or proceeding to declare rights and other legal relations on request for such declaration whether or not further relief is or could be claimed, and such declaration shall have the force of a final judgment. Such provisions shall be made by rules as may be necessary and proper to carry into effect the provisions of this section.
>
> This section has no application to actions commenced before the civil practice act went into effect. Watts *v.* Barker (201 App. Div. 861; 193 N. Y. S. 59 (1922)).
>
> Validity: Where the demand of the plaintiff in an action on a trade acceptance unnecessarily included a demand for a declaratory judgment pursuant to this section, a determination of the validity of this section was unnecessary. Gerseta Corporation *v.* Gramatan National Bank of Bronxville (205 App. Div. 868; 198 N. Y. S. 385 (1923)).
>
> Matters determinable: Declaratory judgment entered respecting rental payable under lease of premises, part of which were taken in condemnation proceedings. United Cigar Stores Co. of America *v.* Norwood (124 Misc. 488; 208 N. Y. S. 420 (1925)).
>
> Judgment granted under this section for the relief of the vendee of premises under contract for their delivery in the condition existing on the date of the contract, or for a sum stated as liquidated damages in the event of nonperformance, where the buildings on said premises were destroyed by fire before delivery was accomplished. Brownell *v.* Board of Saratoga Springs (239 N. 369; 146 N. E. 630 (1925), reviewing 211 App. Div. 823; 206 N. Y. S. 887 (1924), mem. dec.).

In view of the adoption by the State of the principle of declaratory judgments, evidenced by this section and rules 210–214, Rules of Civil Practice, the supreme court is not precluded to determine an action in equity between rival claimants to an amount admittedly due from the State on a contract with one of the parties, notwithstanding the comptroller, who has refused payment until the controversy is determined, is not made a party to the action. Durant *v.* Whedon (201 App. Div. 196; 194 N. Y. S. 126 (1922)).

Where an actual controversy exists involving only a question of law, such as the provision of the State constitution, the court has power, in view of this section and rules 210–214, Rules of Civil Practice, to entertain and determine an application for declaratory judgment. Board of Education of City of Rochester *v.* Van Zandt (119 Misc. 124; 195 N. Y. S. 297 (1922), affirmed 204 App. Div. 856; 197 N. Y. S. 899 (1922), mem. dec.).

This is the case I referred to when the gentleman from Virginia [Mr. MONTAGUE] had the floor.

This section confers no jurisdiction upon the court to enter a declaratory judgment in an action to compel a nonresident testamentary trustee under a foreign will to execute a trust for the benefit of one not named in the will. Everhart *v.* Provident Life & Trust Co. of Philadelphia (118 Misc. 852; 195 N. Y. 388 (1922).

Declaratory judgment relating to franchise rights as between city and street-railway company modified and affirmed. Manhattan Bridge Three-Cent Line *v.* City of New York (204 App. Div. 89; 198 N. Y. S. 49 (1923), affirmed 236 N. Y. 559; 142 N. E. 283 (1923).

Under section 473 of the civil practice act, relating to declaratory judgments, the supreme court has power to entertain a controversy for the purpose of rendering a declaratory judgment with reference to the authority of other members of the sinking fund commission to transact business in the absence of the comptroller. Craig *v.* Commissioners of Sinking Fund of City of New York, 208 App. Div. 412; 203 N. Y. S. 236 (1924)).

For observation by the court that a declaratory judgment may be obtained as to rights and duties under a restrictive covenant, see Forstmann *v.* Joray Holding Co. (Inc.) (216 App. Div. 135; 215 N. Y. S. 65 (1926)). For case on appeal, see 244 New York 22, 154 N. E. 652 (1926).

Effect of submission: submission of controversy between lessor and lessee under this section held to waive a prior waiver of the lessor of a restrictive covenant in the lease. Schmidt *v.* Louis (122 Misc. 249; 203 N. Y. S. 515 (1924)).

Relief unenforceable: A complaint by a discharged agent of an insurance company seeking a declaratory judgment alleged that the plaintiff was entitled to a certain compensation and a percentage on renewals, which he would lose by reason of the defendant's breach of contract, but it appeared that the defendant had refused and could not be compelled to perform its part of the agreement. In these circumstances it was held that plaintiff's case as stated could be best worked out by him in an action for breach of the contract, and that he was not entitled to a declaratory judgment. His complaint was dismissed with leave to file an amended complaint asking different relief. Loesch *v.* Manhattan Life Insurance Co. (128 Misc. 232; 218 N. Y. S. 412 (1926)).

This is the case I had in mind when replying to an inquiry made by the gentleman from Minnesota [Mr. NEWTON].

Res judicata: It is doubtful whether the supreme court will enter declaratory judgment after a court of coordinate jurisdiction has already entered an order which is res judicata upon these parties, since the court may decline to pass declaratory judgment "for other reasons." Kings County Trust Co. *v.* Melville (127 Misc. 374; 216 N. Y. S. 278 (1926)).

Now, here are the rules of practice to carry out the provisions of section 374 of the New York civil practice act.

Rule 210. Practice assimilated: An action in the supreme court to obtain a declaratory judgment, pursuant to section 473 of the civil practice act, in matters of procedure shall follow the forms and practice prescribed in the civil practice act and rules for other actions in that court.

Ownership of claim against State: Under this title (rules 210–214) a suit in equity is proper to determine the ownership of a claim against the State and it is not important that the comptroller or any other State officer be made a party, since it will be presumed that the decree will be respected by State officers. Durant *v.* Whedon (201 App. Div. 196; 194 N. Y. S. 126 (1922)).

Rule 211. Prayer for relief: The prayer for relief in the complaint shall specify the precise rights and other legal relations of which a declaration is requested, and whether further or consequential relief is or could be claimed. If further relief be claimed in the action the nature and extent of such relief shall be stated.

Rule 212. Jurisdiction discretionary: "If in the opinion of the court the parties should be left to relief by existing forms of actions, or for other reasons, it may decline to pronounce a declaratory judgment, stating the grounds on which its discretion is so exercised."

Adjudication of ownership of claim against State: Neither the secretary of state nor the comptroller has been constituted by law a tribunal to adjudicate title to money due for publishing the session laws in a newspaper as between rival claimants. Durant *v.* Whedon (201 App. Div. 196; 194 N. Y. S. 126 (1922)).

Rule 213. Verdict of jury on facts: In order to settle questions of fact necessary to be determined before judgment can be rendered, the court may direct their submission to a jury. Such verdict may be taken by the court before which the action is pending for trial or hearing. The provisions of section 429 and 430 of the civil practice act apply to a verdict so rendered.

The short section in the civil practice act and these four rules constitute the declaratory judgment law of my State. In substance the bill before us is similar and will produce, I am sure, the same beneficial results.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAMSON. I want to inquire if this procedure is compulsory on the defendant?

Mr. LAGUARDIA. Yes. He must answer. The same as if he were served with a summons and complaint in a law or equity action brought in a court of competent jurisdiction.

Mr. WILLIAMSON. You bring him into court by this procedure, and the court will proceed to deliver a declaratory judgment, of the same force and effect of a final judgment?

Mr. LAGUARDIA. Exactly. Yes; that is according to the New York statute and the intent of the present bill.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for five minutes.

Mr. NEWTON. Mr. Speaker, this is a most important measure. When it was under consideration one week ago, while I favored the general principle of the bill, I did not feel that I could support it at that time because I had not had an opportunity to inquire into the laws and decisions of some of the States of the Union where they have a declaratory judgment law in effect. As to the text of the bill, there was doubt and uncertainty, not only among Members upon the floor, but even those who were upon the Committee on the Judiciary. Therefore, I then voted to recommit the bill so that more careful consideration could be given it before it was again brought up for consideration in the House.

During the present week I have had an opportunity to examine into the question somewhat, and I am now prepared to vote for this measure providing two or three suggested amendments are adopted.

In my examination I found that several of the States of the Union had adopted declaratory judgment legislation, including: New York, New Jersey, Connecticut, Michigan, Wisconsin, California, Kansas, Kentucky, Virginia, Pennsylvania, North Dakota, and several others. Several of those States passed a so-called uniform declaratory judgment law proposed by a committee of the American Bar Association.

We must all recognize that there is a difference, of course, between the authority of some of the courts of the States and the courts of the United States. It is quite possible that a declaratory judgment law might not work so well under the Federal courts as under some of the State courts, but, after reflecting upon the matter, it seems to me that it is worth while trying out something of the kind.

However, I am taking my position largely because there can be no question from the langauge of the bill before us that it applies only "in cases of actual controversy." I could not support it if it were not limited in this manner. A moment ago in the colloquy between the gentleman from New York [Mr. LAGUARDIA] and the gentleman from Virginia [Mr. MONTAGUE] something was said in reference to the New York State declaratory judgment law and the right of a litigant there to have the constitutionality of a law construed in a declaratory judgment proceeding. I have read the New York statute. It is not clear that it applies only to actual controversies. Under the Federal Constitution I am of the opinion that we would have no right whatever to pass any declaratory judgment legislation which was not confined to cases of actual controversy.

Mr. LAGUARDIA. In the case I cited there was an actual controversy, and the test was whether the law invoked was constitutional or not. In order to test the constitutionality of any statute there must be that situation and a controversy.

Mr. NEWTON. The gentleman has said that there was an actual controversy, and the New York court held that the act applied only to actual controversies.

Mr. STOBBS. Under the New York statute it is specifically provided that any person interested in any will, and so forth, or whose rights are affected by a statute, municipal ordinance,

or franchise, may have that question determined. In other words, it specifically provides there that a right under a statute or ordinance may be construed a declaratory judgment.

Mr. NEWTON. But the moment we get beyond the field of an actual controversy and get into any moot question then we are up against the Constitution of the United States, as that was construed in the Muskrat case. A statute including moot questions would be of no avail, as I understand the Constitution and the Supreme Court decisions.

Mr. DOWELL. But the gentleman from Massachusetts refers to the construction of a written instrument, while this language does not confine it to that character of controversies. It opens the field to any controversy. It may be a question of fact or it may be that any controversy may come in under this legislation.

Mr. NEWTON. That is true, but if there is an actual controversy, notwithstanding that there may be a constitutional queston involved, it seems to me that the court could then go ahead and proceed under this declaratory judgment law to determine such questions, including constitutional ones, which might be presented to it in the proceedings. It further appears to me that, in cases of actual controversy, we can safely confer this power, but we should keep in mind that the test is, Is there an actual controversy? Are there, in fact, adverse parties? So restricted, it seems that this legislation should pass. If it is not so restricted under the decision of the Supreme Court in the Muskrat case (219 U. S. 346), it would be futile to pass such legislation. The court in that case went on to say that from its earliest history it had consistently declined to exercise any powers other than those that were strictly judicial in their nature; that under the Constitution the exercise of judicial power is limited to cases and controversies, and that a case or controversy necessarily implies the assistance of present or possible adverse parties whose contentions are submitted to the court for adjudication; and specifically held, just as the court had repeatedly held before, that it possessed no veto power on legislation enacted by Congress excepting as it indirectly exercised a sort of veto power to declare an act of Congress unconstitutional when a case between opposing litigants was submited to it for adjudication.

Our distinguished colleague the gentleman from Oklahoma [Mr. HASTINGS] was of counsel in that important piece of litigation.

In its opinion the court quoted with approval an extract from an opinion by Mr. Justice Brewer in Chicago Railroad Co. *v.* Wellman (143 U. S. 339), wherein that distinguished jurist used the following language:

> Whenever, in pursuance of an honest and actual antagonistic assertion of rights by one individual against another, there is presented a question involving the validity of any act of any legislature, State or Federal, and the decision necessarily rests on the competency of the legislature to so enact, the court must, in the exercise of its solemn duties, determine whether the act be constitutional or not; but such an exercise of power is the ultimate and supreme function of courts. It is legitimate only in the last resort, and as a necessity in the determination of real, earnest, and vital controversy between individuals. It never was the thought that, by means of a friendly suit, a party beaten in the legislature could transfer to the courts an inquiry as to the constitutionality of the legislative act.

There can be no question, then, that our power to legislate is restricted to cases in actual controversy.

Mr. CELLER. The gentleman will agree, and I am sure most Members will, that as time goes on and as business affairs become more intricate and complex there should be a corresponding increase of remedies in the Federal courts. I am sure that if the Federal courts of New York should have this right of declaring a declaratory judgment, it would result in simplifying the procedure in the Federal courts and decrease to an appreciable degree the bulging dockets of the United States District Court for the Eastern District of New York as well as the Southern District of New York.

Mr. NEWTON. I hope so; but at the same time it does not appear that declaratory judgments in State courts have been used to any considerable extent.

Mr. CELLER. I will say that the reason why they have not been used in New York heretofore is that a good many lawyers did not know there is a new remedy. In New York we have heretofore had a provision whereby if you and I had a controversy we could go to the appellate division of the Supreme Court of New York and voluntarily lay our facts before the court and have them determined. That was used to a considerable degree; but now we have this additional remedy whereby one man can go into court, if we pass this statute, and coerce the other parties to go into court. I am sure that if we noise this about lawyers generally will make use of this remedy.

Mr. DYER. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker and gentlemen of the House, as one who has practiced under similar laws, let me sum up the situation with this perhaps facetious and yet highly illustrative example. There is an old conundrum as to how to tell a mushroom from a frogstool. They say eat it and if it kills you it is a frogstool and if it does not it is a mushroom. That is largely the situation of the law now. You must go and try it. But that is not the way it should be. You ought to be able to find out whether it is a mushroom or a frogstool before you eat it, and that is all in the world this declaratory judgment law is. Some court, whether it is a constitutional question or whatever kind of a question it is, is going to decide it after the risk is taken. Why not let the same court try the same question before it is taken? I do not care what the question is, some court is going to have to decide it after the risk is taken. This simply permits the same court and the same parties to decide it before the risk is taken, which is wise. If it does not work out for the interests of the legal profession, it at least works out for the interests of the people, as the gentleman from Virginia [Mr. MONTAGUE] stated.

You have the same court, the same jurisdiction, the same procedure, the same parties, and the same questions. Under the present law you take a step in the dark and then turn on the light to see if you stepped into a hole. Under the declaratory law you turn on the light and then take the step.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker and gentlemen, I never like to oppose a bill unanimously reported by a committee and especially by the Judiciary Committee. I have such high respect for the gentlemen of that committee that I hesitate to oppose this bill. I have such high respect for the gentleman from Virginia [Mr. MONTAGUE] who prepared the report and who has spoken for the bill, that I hesitate to oppose it; but I have some misgivings about it, and now is the time to express them. I am going to take the liberty of doing so briefly. One can not, of course, discuss this bill in 5 or 10 minutes. It is a very important measure in my humble judgment. It changes and revolutionizes the procedure in the courts of the United States.

Section 1 of Article III of the Constitution provides that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time establish.

Section 2 of Article III defines the jurisdiction of the United States courts and provides as follows:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Now, it will be noticed that the Constitution expressly limits the judicial power of the United States courts to "cases" and to "controversies" in the instances mentioned. I have not, of course, had the time to brief this question and inform myself, as I would like to be informed, of the construction placed by the United States courts upon the words "cases" and "controversies." I am sure that those terms have been repeatedly construed or interpreted by the courts. And my impression is that, in a general way, the terms "cases" and "controversies" mean circumstances in which a "cause of action" has actually arisen, or an offense has been actually committed. Or in other words, there must have been committed an actual violation of the United States laws or there must have arisen an actual "cause of action" in which a right recognized by the Constitution has been denied or withheld.

Applying the principle to the question that arises in connection with the validity of an act of Congress: The report of the committee states that the procedure proposed in this bill will be valuable in the determination of the validity of statutes. The uniform practice of the Supreme Court of the United States has been to refuse to pass upon the constitutionality of an act of Congress unless a right guaranteed by the Constitution has been denied. Parties can not bring to the United States courts a controversy involving the validity of an act of Congress unless it is alleged and shown that the act of

Congress complained of has resulted in depriving one of the parties of some right to which he is entitled under the Constitution. Recently the State of Massachusetts brought proceedings in the United States Supreme Court alleging the invalidity of the act of Congress known as the maternity and child welfare act. The court dismissed the proceedings and refused to pass upon the constitutionality of the act, because a case was not presented in which any personal rights had been denied.

The courts have often refused to pass upon the validity of acts of Congress merely because their validity was controverted. They have been careful to refrain from holding an act of Congress unconstitutional, except where parties came before the court asserting a right which is was claimed the act of Congress deprived them of.

My judgment is that we do not have the right under the Constitution to enlarge upon the jurisdiction of the United States courts to any extent. That we can not broaden the meaning of the words "cases" and "controversies" beyond the meaning which those words have been given by the Supreme Court in adjudicated cases; and that if this act will extend the jurisdiction of the United States courts to cases or controversies where no right has been denied, where no cause of action has actually arisen, where no offense has already been committed, then this act will be invalid.

There are some who think it is desirable to confer this jurisdiction upon the United States courts to settle disputed questions of law or fact arising out of contracts, or the validity of statutes, or from other causes, before a cause of action has actually arisen or before any rights asserted have been actually denied or refused, or before any offense has been actually committed and the penalty incurred. Personally, I do not agree with that proposition. I doubt the wisdom of conferring such jurisdiction upon the United States courts. I fear it will increase litigation. Controversies will be raised to test the validity of every act of Congress almost. I doubt the wisdom of assigning to the courts the duty to advise prospective litigants of their rights arising under contracts or statutes or otherwise—work that is now performed by members of the bar.

But, even if it were desirable, I have a serious doubt of the right of Congress to enlarge upon the jurisdiction of the courts beyond the limits now fixed by the Constitution as construed in the adjudicated cases. If this act is passed, in my judgment, the courts will either construe the word "controversies" to mean just what they have heretofore held the term to mean as used in the Constitution, which would have the effect to nullify the law, or they would hold the act unconstitutional as an attempt to give the United States courts extra-constitutional jurisdiction.

Mr. MONTAGUE. Will the gentleman yield for just one question?

Mr. DENISON. In just a moment.

Mr. MONTAGUE. What do you do with rights asserted?

Mr. DENISON. A right asserted is not a "controversy" within the meaning of the Constitution.

Mr. MONTAGUE. How do the United States courts then issue injunctions to maintain the assertion of rights?

Mr. STOBBS. Will the gentleman from Illinois yield?

Mr. DENISON. Yes; I yield to the gentleman from Massachusetts.

Mr. STOBBS. I call the gentleman's attention to the report of the American Bar Association in which they state that former Justice Hughes, who took part in the decision of the Muskrat case, which held there was a moot question and therefore the act was unconstitutional, as a member of the bar association after he resigned from the bench, stated that that decision was limited only to cases in which there was no actual controversy, and intimated that where there was an actual controversy, such as provided for in this bill, the Muskrat decision would not hold and the statute would be constitutional.

Mr. DENISON. Of course, any of us may be mistaken, and especially about a constitutional question, and I may be entirely wrong on this question. I hesitate to put my judgment up against the judgment of other men, like the members of the Judiciary Committee; I have not read the Muskrat case recently. But, in reply to the suggestion about the expression of an opinion by Judge Hughes after he left the bench, I might say that after Judge Hughes left the bench he came before the Committee on Interstate and Foreign Commerce and delivered a very able prepared opinion in which he advised the committee that section 15a of the transportation act was unconstitutional. But the Supreme Court has since then held otherwise. As to the question asked me by the gentleman from Virginia [Mr. MONTAGUE], I might say that, in the exercise of their equity jurisdiction, the courts do grant an injunction in some cases, not to maintain an assertion of rights, but to prevent irreparable injury where a violation of rights is threatened. But that is an entirely different question and even in such cases where irreparable injury is threatened, that fact alone amounts to a denial of a right.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

My DYER. I yield to the gentleman from Illinois five additional minutes.

Mr. DENISON. I wish I had the time to discuss at some length the power of the United States courts to pass upon the constitutionality of acts of Congress and to hold such act unconstitutional and void. The history of that doctrine is very interesting. I only wish to say at this time that the right of the courts to declare an act of Congress unconstitutional is in my opinion clearly given by the Constitution, and it is now a well-settled part of the jurisprudence of this country. It often brings the courts under severe criticism by able lawyers and by prominent members of another legislative body. There are some who claim that the Constitution gives the courts no such power; others claim that the courts have abused the power. I think that the Supreme Court of the United States has wisely held that an act of Congress will not be adjudicated by the court, its constitutionality will not be passed upon, except where cases are presented in which rights under the Constitution have been denied by the act. And I think it would be a mistake for Congress to try by this legislation to enlarge upon that jurisdiction of the courts and extend their jurisdiction to these so-called "controversies," actual or otherwise, where no right has been actually denied or where jeopardy has not actually occurred by reason of an actual violation of the statute whose validity is questioned.

There is a great deal of dissatisfaction with the power of the United States courts under the jurisdiction they now have. There will be more in my judgment if we enlarge the jurisdiction by this proposed legislation. So-called actual controversies will be raised about almost every act we pass here. The courts will have additional work to do.

I do not, of course, know what the powers of the State legislatures are under their constitutions to confer such jurisdiction upon State courts and give them power to enter declaratory judgments; but I do have doubt as to the power of Congress to confer such jurisdiction upon the United States courts, and I have very serious doubt of the wisdom of doing so, even if we can do it. [Applause.]

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, I desire to only to direct consideration to the point raised by the gentleman from Illinois [Mr. DENISON] who has just addressed the House.

Clearly the proceeding under this proposed legislation if it should ripen into law would be in a "case" within the meaning of the provisions of the Constitution, quoted by the gentleman [Mr. DENISON] from Illinois. The plaintiff would be there by a method and a procedure provided by law; the defendant would be there by a summons, and the issue would be joined, with reference to a substantial matter in actual controversy. The matter would be litigated and the judgment rendered, and the issues decided would become res judicata.

Clearly there is no attempt here—and it would be futile if there was—to expand the constitutional powers of the courts. If this bill becomes a law the powers of the court would not be broadened of course. If this bill becomes a law the courts would have no jurisdiction of persons or things over which they would not now have jurisdiction in an ordinary action.

The only thing this bill proposes is that the court within its constitutional jurisdiction may decide the matter in controversy prior to the time when the actual damage would have taken place; and then only in cases where if the damage had taken place the court would have jurisdiction.

Mr. ABERNETHY. Will the gentleman yield for a question?

Mr. SUMNERS of Texas. I will.

Mr. ABERNETHY. Is the gentleman from Texas in favor of this legislation?

Mr. SUMNERS of Texas. I am.

Mr. ABERNETHY. Does the gentleman think it would reduce litigation in courts?

Mr. SUMNERS of Texas. The tendency would be to reduce litigation and reduce the liability of honest men to suffer loss and damage because of difference of opinion as to their respective rights. Let me give the gentleman this illustration: Suppose a man has a contract with another to build a house and there is an honest difference of opinion as to the material which the contract provided for. This bill, if it ripens into law, would make it possible for these two men to have that difference of opinion adjudicated before the house is built.

Mr. ABERNETHY. This bill does not take away the right to demand a jury trial?

Mr. SUMNERS of Texas. The bill does not deprive anybody of his constitutional powers.

Mr. DENISON. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. DENISON. The gentleman recalls that we passed a child labor law prohibiting the transportation in interstate commerce of the products of any mine, factory, or mill in which children under certain ages were employed. Assuming that a man had a son under the age prohibited by the act, whom he wanted to let work in a factory, but he does not want to go ahead and put that boy to work for fear there might be a criminal prosecution. Under this bill, if it should become a law, before the parent put his boy to work, he could go into a United States court and ask the court for an adjudication of the validity of the child labor act, in order to determine whether he could safely ignore it. Is that not true?

Mr. SUMNERS of Texas. If this bill were a law and a man should ask me whether or not he could go into court under those circumstances, I would give it as my opinion the court would hold his a moot question, and would not grant him a decision.

Mr. DENISON. Suppose the man wants a construction of the child labor act in order to know whether the boy under 14 years of age can be employed in the factory?

Mr. SUMNERS of Texas. In my judgment, neither in its purpose or in its provisions, would this bill give or attempt to give jurisdiction in such a circumstance.

Mr. DYER. Mr. Speaker, I ask for a vote on the amendment.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. DYER. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 5, strike out the word "requests" and insert the word "request."

The amendment was agreed to.

Mr. DYER. Mr. Speaker, I offer the following additional amendment.

The Clerk read as follows:

Page 2, line 22, strike out lines 22 and 23 and insert in lieu thereof the following:

"(4) The Supreme Court may adopt rules and regulations for carrying out the provisions of this section."

Mr. BRAND of Georgia. Subparagraph (3) on page 2 of the bill provides for submitting questions of fact to a jury, as follows:

When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatory.

Did the committee take into consideration the advisability of providing that the parties to the pending action and witnesses might appear in person and testify, or did the committee think it was not necessary to make such provision?

Mr. DYER. The committee gave consideration to that, but we did not believe it was necessary to do that.

Mr. BRAND of Georgia. This is new character of legislation. It is new at least so far as my State is concerned. It is a question whether you would have the right under existing law. Under existing law parties to any action or case pending have the right, of course, to appear in person and testify. Should you not make provision for this right in this new class of cases?

Mr. DYER. They can do that; but this is only to provide an additional way of furnishing testimony by interrogatory.

Mr. McSWAIN. Mr. Speaker, if the gentleman will yield, it follows as a matter of course that the parties to a controversy involving facts will have to have testimony of witnesses, and the court would settle on the manner of bringing the witnesses into court without express authority of this statute.

Mr. BRAND of Georgia. In reply to what the gentleman from North Carolina says, I respectfully submit you are creating here an entirely new form of litigation. There is no demand for it, so far as my State is concerned, or in any of the courts that I have ever heard of in the South. Being new legislation of this kind, would it not be advisable to give the judge express authority to have these witnesses appear in person and testify before a jury?

Mr. MONTAGUE. I think, Mr. Speaker, if the gentleman from Georgia [Mr. BRAND] will permit, that as soon as you submit a question of fact to the jury, the judge will have every authority to determine that fact in the lawful manner. The judge will simply ask the jury to determine the question of fact. In the procedure that we now have and in any procedure relating to all matters of fact, evidence will have to be submitted, and the usual method of jury trial will be adhered to, which necessarily requires the presentation of evidence, oral and written.

Mr. BRAND of Georgia. By witnesses as well as by parties?

Mr. MONTAGUE. Of course, by both.

Mr. BRAND of Georgia. That is the law at present.

Mr. MONTAGUE. I do not think that we can set a law aside unless we do it positively and affirmatively, and it may not be constitutional to do this, if desirable.

Mr. DYER. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DYER. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

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.

ADDRESS OF HON. WILLIAM TYLER PAGE

Mr. KINCHELOE. Mr. Speaker, last night—Tuesday, January 24, 1928—a very able address was delivered by the Clerk of the House, Mr. William Tyler Page, before the Kentucky Society, on the character and services of Senators and Representatives in the United States Congress from the State of Kentucky during the last 46 years. I ask unanimous consent to extend my remarks in the RECORD by printing that address.

The SPEAKER. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, under leave to-day granted me I herewith insert an eloquent and historical address delivered by Hon. William Tyler Page, Clerk of the House of Representatives, before the Kentucky Society at Washington, D. C., on January 24, 1928, commenting on the character and services of Senators and Members of Congress of Kentucky during his long services in various positions in the House of Representatives. It is instructive, entertaining, and worth the time of anyone to read.

Mr. Page's speech is as follows:

KENTUCKY IN THE CONGRESS DURING NEARLY A HALF CENTURY

On December 19 last I completed 46 years service in the House of Representatives as an employee and an officer.

During that time I knew more or less intimately the 106 Representatives and Senators sent to Congress by the State of Kentucky. Practically the Kentucky delegation in both Houses was the same in its personnel in the Forty-seventh Congress when I was a page boy at the Clerk's desk, as it had been in the two Congresses previously. Therefore it may be said that my contact with them extended over a period of a half century.

My earliest recollections are of John G. Carlisle, Senator Beck, Joe Blackburn, and Oscar Turner. This was before Carlisle became Speaker. Analyzing my thoughts of these four men I find that for different reasons I remember them particularly apart from the rest. In Carlisle's case it was his classic features; he might have been a Roman Senator; and he was kind to me. Beck was easily one of the most outstanding figures in a Senate of big men, and I recall distinctly the genuine sorrow which prevailed when he died. His body laid in state in the Senate marble room, the only such instance I have ever known, and his funeral, at which I was present, was largely attended.

Beck was popular and able. He was so human; everybody liked him. Hardly less prominent, popular, and able was Joseph Clay Stiles Blackburn, affectionately called "Joe" Blackburn. He and Beck were cronies. Blackburn was a magnificent orator. His manner was charming. He was democratic in all his ways. He appealed strongly to my boyish imagination, and I am not ashamed to say I loved him. Now, Oscar Turner was different, vastly different from the other three men. He was industrious but not so prominent. I suppose I remember him so distinctly because he was seldom out of his seat.

Each man had a desk in the House in those days, at which he did business, but they had no secretaries. Those were the early days of free seeds. Oscar Turner would sit at his desk day in and day out writing letters and addressing seed packages. On each side of him would be two large waste-paper baskets, one full of seeds, the other empty. The latter, when filled with addressed packages, would be carried off to the mail by a page and be quickly filled on its return. And so the process went on. In after years Oscar Turner's son came to Congress from Kentucky for one term.

Of the 106 Kentuckians in Congress during my time, 92 of them were born in Kentucky. They were wise in selecting their birthplace. I mention this fact because I know of another prominent State which

in 50 years did not send a native of that State to Congress; but it was not as old as Kentucky in statehood, which may account for it.

Nine other States and one foreign country furnished Kentucky's other Representatives. Senator Beck was born in Scotland. Each of the States of Ohio, Louisiana, Alabama, Pennsylvania, Iowa, Indiana, and Rhode Island furnished one, and North Carolina, Virginia, and Tennessee each furnished two.

Of course, it is natural to suppose that Congress, being a lawmaking body, should be composed chiefly of lawyers, men who by profession and practice know how to make law. It is not surprising, therefore, that of the 106 Representatives from Kentucky I have known 91 of them were lawyers. Lord Macaulay once said: "Just as a physician understands medicine better than an ordinary man, just as a shoemaker makes shoes better than an ordinary man, so a person whose life is passed in transacting affairs of state becomes a better statesman than an ordinary man." Kentucky seems to have subscribed to this principle by sending a preponderance of lawyers to make laws. Of the other 15, not lawyers, 6 were farmers, 2 manufacturers, 3 physicians, 1 editor, 1 financier, 1 business man, and 1 private secretary.

In a half century Kentucky sent 16 men to the United States Senate, 8 of whom, one-half, had previous service in the House of Representatives. They were Williams, Beck, Blackburn, Carlisle, Lindsay, Deboe, McCreary, Paynter, Bradley, Beckham, James, Martin, Stanley, Ernst, and the present Senators, SACKETT and BARKLEY, the latter whose brilliant service in the House has made him a potential favorite son for the Presidency. Senator Martin's service was of brief duration—one short session, following the death of Senator James—until the mantle fell on Beckham. I met Senator Martin, a courtly gentleman, during his short-lived service, and he impressed me as embodying the fine traditions of Kentucky.

Three of my predecessors as Clerk of the House were Kentuckians; my friend, South Trimble, and George M. Adams, and Thomas Dougherty. Tom Pettit, of Owensboro, a fine reading clerk; and Nat Crutchfield, of Louisville, journal clerk and parliamentarian, were my good friends.

During my boyhood days around the House there were many veterans of the Civil War, and there were grim reminders of that unhappy strife in empty sleeves, wooden legs, and crutches. Kentucky's quota of such veterans on both sides furnished a striking illustration of her position as a border State. Of brigadier generals, colonels, and majors, there was a large crop, prominent among them being Senator Williams, who was a colonel; Frank Wolford, a general; and William J. Stone, bearing mute evidence with one leg, a colonel.

I have mentioned that I was a page boy at the Clerk's desk in the House. This was a point of vantage in one respect, but of disadvantage upon a certain memorable occasion when Mr. Carlisle was Speaker.

The carpenter had made a little hectagonal seat, which fitted into the Speaker's rostrum, which brought the top of my tousled head within a few inches of where the Speaker rapped his gavel.

Mr. Carlisle kept splendid order in the House without much pounding of the gavel, but now and then the House would become turbulent and run over him, so to speak. On one such occasion Speaker Carlisle, having exhausted his own great stock of patience, rapped his gavel with unusual force and severity and called for order in his loudest tones. Now, it so happened that on his desk was a handsome silver inkstand—which I think is still in use—containing two glass wells full of ink. The Speaker could hardly be heard above the din on the floor, and in the excitement the gavel with a mighty whack missed its accustomed spot and landed on the end of that fine inkstand, turning it completely over and emptying both wells of their black fluid all over me. I was dressed in a suit of the old-fashioned seersucker of white and blue stripes. When that ink struck me I looked more like a zebra than a boy. The ink matted my hair, ran down my face, and all over my clothes. The House roared with laughter as I made a hurried exit to the nearest washstand; but the tension was broken, and the House soon was restored to order and good humor. Later in the day I met Speaker Carlisle in the lobby. He took me by the hand and said, "My boy, I am very sorry that thing happened," and as he withdrew his hand he left a $10 bill in mine. I thanked him and said, "Mr. Speaker, you may do that every day if you want to." The seersucker suit only cost $2.50 plus my mother's work on it, and it was washable.

John G. Carlisle was one of the fairest Speakers the House ever had. Both sides recognized his fairness and ability; only his own party associates thought he sometimes went out of his way to be fair. He was presented with a magnificent silver service by the Republicans. It is thought by some that Carlisle was the best parliamentarian among Speakers prior to his time, not even excepting Jefferson. His decisions, embodying sound parliamentary principles, still live in the practice of the House. As a Senator and as Secretary of the Treasury he was a fine type of statesman. But for his efforts to maintain the gold reserve in the Treasury there might have been a dreadful financial panic during the days of the free-silver agitation.

One day nearly 37 years ago, while sitting in one of the rooms now occupied by the Committee on Appropriations, I heard a pistol shot ring out, and, among others, ran in the direction from which it came and found William P. Taulbee lying at the foot of the steps near the House restaurant mortally wounded. He was taken to Providence Hospital, where he died. Taulbee had just completed two terms in the House from Kentucky. The man who shot him was acquitted on the ground of self-defense. Senators Beck and Blackburn were of his counsel, and I think Phil Thompson was, too.

During the Speakership of Carlisle there was a Kentuckian, a Republican, named John D. White. His political enemies referred to him facetiously as "Johnnie Jump-up." He was on his feet constantly. White was a legislative thorn in the side of the Speaker. He was personally offensive and would constantly harrass Mr. Carlisle, who was always courtly toward him. The House would grow very impatient with White, but to no avail.

Col. William C. P. Breckinridge, with his snow-white hair and beard and ruddy complexion would have been picturesque in any assembly. He was not a constructive statesman, as were some other Kentuckians, being of the oratorical type. He was truly silver-tongued and would often charm the House by the words that tripped lightly from his lips. His friendly repartee with the scholarly John D. Long, of Massachusetts, in which each vied with the other in throwing verbal bouquets at their respective States of Kentucky and Massachusetts, was a classic.

When it came to the retort courteous, Breckenridge had few equals. Jehu Baker, of Illinois, a diamond in the rough and a blunt hammer-and-tongs speaker, essayed a colloquy with Breckenridge, who handled Baker as a cat would toy with a mouse. When Baker saw he was no match for Breckenridge in the latter's use of polite language he exclaimed impatiently, to the delight of the House, "Oh, the language of the gentleman from Kentucky is fit only for a lady's boudoir."

Jim McKenzie, who was afterwards minister to Peru, was one of the witty and humorous Members of the House. As a boy I listened with rapt attention to his speech on the tariff, which fairly bristled with quips and shafts aimed at his Republican colleagues. I doubt not that it was that speech that caused Cleveland later on to draft McKenzie for the Diplomatic Service.

Speaking of the Diplomatic Service reminds me that Albert S. Willis, whom I knew very well, was sent by Cleveland to Hawaii, where he died while holding the position of the first American minister to the islands. When in the House, Mr. Willis became the first chairman of the Committee on Rivers and Harbors, and those were "pork-barrel" days. He was a much belabored gentleman. Asher Caruth, a very delightful man, from Louisville as was Willis, was a prominent and able House Member and forceful speaker.

I must not forget to mention Proctor Knott, who became your governor after leaving Congress. No better lawyer, public speaker, or genial gentleman ever graced the Halls of Congress. It seems to me he typified the best traditions of Kentucky. As a lawyer there were few better. His reports as chairman of the Judiciary Committee are quoted to-day. As a witness in a Federal court recently I had occasion to quote one of them, which established a practice in the House which still obtains.

Who can think of Proctor Knott without thinking of the noble steed which bore his name, winner of many contests of the turf? And of Tom Ochiltree, the red-headed Congressman from Texas, whose name is also immortalized in turf history. In those days the old Ivy City race track flourished. It was just outside the city limits, on the Baltimore & Ohio Railroad, and near Baltimore was the Pimlico track, famous for races between Parole, Ten Broeck, Proctor Knott, Tom Ochiltree, and other famous horses. When these tracks had meets it was customary for Congress to adjourn early or else a quorum of each House could be found only at Ivy City or Pimlico.

And there you were sure to see Proctor Knott himself, Joe Blackburn, Jim Beck, Phil Thompson, and many Kentucky colonels.

And in the evening these gallant sons of Kentucky might be found around the National and Metropolitan Hotels, in Washington, or at Barnum's old hotel in Baltimore, where the jockeys hung out. Any other custom at such a time would have been regarded as sacrilege. To those who might criticize, I have only to say, "O tempora, O mores."

My friends, Kentucky has furnished so many great men, so many interesting characters, so much intellect and statesmanship in the nearly half century it has been my privilege to have come in contact with them on the hill that I might go on indefinitely and recall incidents and things concerning them. But, as they say in the House, "Here the gavel fell," and, like some men there when their time expires, I will continue just long enough to mention by name Governor McCreery, dignified and erudite; Paynter, handsome and able; Dr. Godfrey Hunter, physician and stormy petrel; Judge Evans; Col. Arthur Berry; Ollie James, the intrepid giant; Colonel Bradley; the fiery Stanley; and Lindsay and Deboe; and Sherley, the skillful parliamentarian and all-around debator and able lawyer; and the present able delegation, including the daughter of a former House Member from North Carolina, herself a splendid type of womanhood, of wife, and of mother, and a credit to the sturdy mountaineer constituency which sent her here. To-day she delivered her maiden speech in the House, where she and her Kentucky colleagues had a field day.

Kentucky, great among American Commonwealths, thou hast given bountifully of thy best and finest sons in the Nation's service in the Halls of Congress. My life has been enriched by personal contact with them, and I am grateful.

REFUNDING OF CERTAIN LEGACY TAXES

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 7224) to extend the time for the refunding of certain legacy taxes, erroneously collected, which I send to the desk.

The Clerk read the title of the bill.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. WHITE], the author of the bill, may proceed for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Maine. Mr. Speaker, my interest in this legislation was excited during the last Congress by learning that my immediate predecessor from my district, Mr. McGillicuddy, whom many of you remember, had made a report to the House on legislation involving one of the phases of this subject. My conviction that the legislation is just became fixed by reading the hearings held during the last Congress before the Committee on the Judiciary. I think in my 10 years of service in this House there has been no case where it has seemed to me the rights of citizens have been so buffeted about, where citizens have been so made the victims of circumstances, of dubious legislation, of illegal decisions by an executive department of the Government, and by delayed court decisions as those now asking relief at your hands.

The legislation is technical in the extreme. An explanation of it requires a somewhat detailed statement.

War with Spain was declared in April, 1898. The Spanish War revenue act, so called, became a law on June 13, 1898. The twenty-ninth section of this revenue act imposed certain taxes on legacies and on distributive shares. Reductions in these war taxes were made by an act approved March 2, 1901, but it was not until April 12, 1902, that these taxes were generally repealed, the repeal to take effect July 1, 1902. Following this repealing act there was passed what is known as the refunding act of June 27, 1902. This act in its third section provided that in all cases where an executor, administrator, or trustee had paid or should hereafter pay any tax upon any legacy or distributive share of personal property under the terms of the 1898 tax act the Secretary of the Treasury was authorized to refund so much of said tax as was collected on contingent beneficial interests which were not vested in possession or enjoyment prior to July 1, 1902. This section 3 then went on to prohibit the assessment thereafter of any tax under the 1898 act upon any contingent beneficial interest which had not become absolutely vested in possession or enjoyment prior to July 1, 1902.

Shortly after this refunding act was passed various Treasury decisions appeared bearing upon the questions which give rise to this legislation. In a decision dated July 15, 1902, the Treasury held that when the decedent died prior to July 1, 1902, and the distributive shares or legacies absolutely bequeathed were not distributed on or before the date named on account of the time required by State laws to settle estates or on account of litigation, such legacies and distributive shares were subject to tax. A later decision by the department stated that the tax attached to the vested interest in personal property passing under the will of any person who died prior to July 1, 1902, and since June 13, 1898, though the actual possession of that interest by the trustees or beneficiaries was postponed to July 1, 1902, or later, and again in October, 1903, the commissioner held that all such interests vested prior to July 1, 1902, were taxable, although not vested in actual possession or enjoyment prior to that date.

These rulings were manifestly in disregard of the refunding act. They applied only to technical contingent interests which can arise only under a will, while the refunding act itself applied in terms to cases of intestacy as well as to those arising under wills. The rulings of the Treasury, therefore, as to a substantial body of cases rendered the refunding act and the plain purpose and intent of the Congress utterly null and void.

The intention of Congress as expressed in this act was thus overriden by the Treasury. And until 1915 those who might have believed themselves entitled to a refund of taxes under the terms of the act faced specific decisions of the Treasury authorities, denying the possibilities of relief.

In 1912 Congress passed "An act extending the time for the repayment of certain war-revenue taxes erroneously collected." This act provided that claims must be presented for the refunding of such erroneously collected taxes on or before the 1st day of January, 1914. It was a matter of doubt whether this act reached the class of cases in which we are now concerned.

This was the situation which confronted these claimants from the passage of the original legislation up to 1915. In 1915 the Supreme Court of the United States, in the two decisions referred to in this bill, completely reversed the Treasury decisions, already alluded to, and which had stood through the years as a bar to these claimants. The court in these two decisions, in substance, held that this 1902 refunding act dealt with legacies and distributive shares upon the same plane, treating them both as contingent interests until they became absolutely vested in possession or enjoyment, and it directed that the taxes collected upon contingent interests not so vested prior to July 1, 1902, should be refunded, and it forbade any further enforcement of the tax as respects interests remaining contingent up to that date. This, it will be seen, completely overrode the decisions of the Treasury Department made in 1902 and 1903, and before referred to by me. It would have entitled these claimants to prosecute their claims for refund had it not been for the legislation of 1912 fixing January 1, 1914, as the limit of time upon all claims. The claimants found themselves in the unfortunate position of having claims legally accruing to them in 1902, but denied by Treasury decisions, and finally established by decisions of the Supreme Court of the United States in 1915, outlawed by the act of Congress in 1912. In other words, their original legal rights arising under the 1902 legislation were not affirmed by the Supreme Court until after the claims had been outlawed by the 1912 legislation. It is important also to note that it was not until 1919 that it became definitely fixed by a decision of the Supreme Court, rendered that year, that this act of 1912, limiting the time for filing claims to January 1, 1914, applied to this particular class of claim.

Following the decision of the Supreme Court in 1915, the claims, or most of them here dealt with, were presented to the Treasury. It was then believed the act of 1912 did not apply to them, but that their validity was established by this 1915 Supreme Court decision. It was not until 1919 that the act of 1912 was held definitely to apply.

Since 1919, when it was held finally that the claims were outlawed, these claimants have been diligent in seeking redress. They constitute only about 5 per cent in number of the entire body of claims submitted. Their claims aggregate not to exceed, so it is estimated, $100,000. Legislation recognizing the justice of their contention has been before the Congress on several occasions. I think three bills have passed the Senate and at least two of the committees of the House have favorably reported upon the legislation. No original right is created. The legislation aims only to reestablish the rights which Congress conferred by its refunding act of 1902, rights denied these claimants by a narrow and unwarranted construction of the law by the Treasury Department through all the years to 1915. No reason resting in good conscience can be advanced against the pending proposal to afford a long-delayed opportunity to present these claims for adjudication under a correct understanding of the law.

Mr. LAGUARDIA rose.

Mr. RAYBURN. Mr. Speaker, will the gentleman from New York yield for a moment?

Mr. LAGUARDIA. Certainly.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that my colleague [Mr. HUDSPETH] be allowed to revise the remarks he made yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair thinks that in the interest of orderly procedure the bill should be read, and then gentlemen can be recognized under the five-minute rule. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That claims for the refunding of any legacy taxes erroneously or illegally assessed or collected under the provisions of section 29 of the act of Congress approved June 13, 1898 (37 Stat. L. p. 240), may be presented to the Commissioner of Internal Revenue not later than six months after the passage of this act; and the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law but without regard to any statute of limitations, such claims as may have been presented

heretofore and not allowed and such claims as may be presented within the period above named, where and when and only when it be found and determined that such taxes were collected upon the erroneous interpretation of the law passed upon and condemned by the United States Supreme Court in decisions rendered in the case of United States against Jones, administrator, and in the case of McCoach, collector, against Pratt, both reported in the Two hundred and thirty-sixth United States Reports.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

With a committee amendment, as follows:

Page 2, line 11, after the word "Reports," insert a colon and the following: "*Provided*, That no interest shall be allowed on any of these claims."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the entire paragraph. I regret exceedingly that I can not go along on this bill with the rest of my committee. I believe I am the only dissenting vote on this committee.

This matter now is 13 years old, extending beyond the time the statute of limitations fixed by the Congress of the United States expired. It refers to the act of 1898. As I understand the situation, the parties seeking relief by this bill were in actual litigation at the time Congress fixed the two-year period of limitation in which claims could be filed for refund of taxes paid under the original act.

Mr. WHITE of Maine. Some were and some were not. Some were awaiting the decision of the Supreme Court, which then established their right.

Mr. LAGUARDIA. There was no law preventing these people from discontinuing the action then pending and making their claim for refund.

Mr. DYER. There was a Treasury decision to the effect that they would not consider these claims.

Mr. CHRISTOPHERSON. And therefore they did not know what their status was until the decision of the Supreme Court.

Mr. LAGUARDIA. The gentleman entirely overlooks the fact that in 1912 Congress passed an act which was held to apply to all claims for refund under the act of June 2, 1902. That was the very purpose of the act of 1912.

Mr. CHRISTOPHERSON. The Supreme Court decision determining their rights in the matter was not rendered until 1915, a year after the time for filing their claims had elapsed.

Mr. LAGUARDIA. But the parties in litigation, if they had asserted their rights under the act of 1912, would have been entitled to a refund.

Mr. WHITE of Maine. But it was the construction of everyone at that time that that act should not apply. That question was litigated, and it was not until 1919 that there was any affirmative decision that the act of 1915 covered these cases. It was perfectly obvious that it was never intended to.

Mr. LAGUARDIA. The Congress passed the act of 1912. You had two years' time to file your claims and get a refund of any claims under the act of 1902.

Why did not these people discontinue their action and make their claims? Oh, no; they continued in the court, and when, in 1915, they were beaten, then they came and played the baby act, and now, 13 years afterwards, we are asked to pass a new act which will result in tearing down the statute of limitations fixed by Congress, so that these applications may be filed.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. WHITE of Maine. The gentleman said they were beaten by the 1915 act. That is where he is in error, because it was the 1915 act which established the soundness of their contentions. They were not beaten.

Mr. CHRISTOPHERSON. The gentleman means the suit in the Supreme Court in 1915?

Mr. WHITE of Maine. Yes; I should have said decisions instead of act.

Mr. LAGUARDIA. I stand corrected on that; but in 1912 Congress gave to all these taxpayers the right to file their claims and obtain refunds, and I can not understand what more Congress could have given to them.

Mr. CHRISTOPHERSON. But then the question comes in that the Internal Revenue Department had absolutely ruled that they would not consider these cases.

Mr. LAGUARDIA. But they considered 95 per cent of them, and 95 per cent were paid.

Mr. CHRISTOPHERSON. But some of them did not file their claims until they were apprised of their rights by the Supreme Court decision.

Mr. LAGUARDIA. But these claimants were entitled to the same rights that the others had. It is just a question of policy. The act of 1912 grew out of the war of 1898, and imagine what is going to happen if 30 years from now we throw open the doors and permit taxpayers who paid taxes since 1917 to come in and obtain refunds.

Mr. BOX. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BOX. Is it not true that these claims, or a part of them, have been before the House Claims Committee?

Mr. LAGUARDIA. Yes; and there was a favorable report.

Mr. BOX. But the committee was divided, if its report was favorable.

Mr. LAGUARDIA. I did not know that.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. BOX. In connection with what the gentleman says about claims coming in hereafter, let me say that there have been claims, before the Claims Committee, during the recent Congress, and probably there are some now, growing out of taxes levied during the Civil War. There ought to be a time when people having these claims should present them within a reasonable time.

Mr. LAGUARDIA. I agree with the gentleman on that.

Mr. WHITE of Maine. With the general proposition advanced by the gentleman I am in quite complete accord; but when citizens have been jeopardized by erroneous and illegal rulings of the Treasury Department, the Government of the United States, and the Congress of the United States, ought to be the last to take advantage of such a situation.

Mr. LAGUARDIA. Does not the gentleman from Maine put it too strongly?

Mr. WHITE of Maine. No; I do not think so.

Mr. BOX. However, a citizen is charged with a reasonable knowledge of the law and is required to act upon the law as it is.

Mr. LAGUARDIA. As I said, I think the gentleman from Maine states it too strongly.

Mr. WHITE of Maine. No; I really endeavored to restrain myself in explaining the situation.

Mr. LAGUARDIA. I think the gentleman is overemphasizing the situation.

The Clerk read as follows:

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. I did not withdraw my amendment. Did the Speaker put it to a vote?

The SPEAKER. The Chair thought the gentleman's amendment was a pro forma amendment.

Mr. LAGUARDIA. No; it was not a pro forma amendment.

The SPEAKER. Does the gentleman withdraw his amendment?

Mr. LAGUARDIA. No.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Beginning on page 1, line 3, strike out section 1.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. CHINDBLOM. Mr. Speaker, the second paragraph of the bill has been read.

The SPEAKER. The reading of the bill has been completed.

Mr. CHINDBLOM. We are proceeding in the House as in Committee of the Whole, and I think some debate may be had on the second section.

The SPEAKER. The Chair recognizes the gentleman from Illinois for five minutes.

Mr. CHINDBLOM. Mr. Speaker, ordinarily I would oppose this bill. The Committee on Ways and Means, of which I have the honor to be a member, has applications and requests

before it all the time for the waiving of the statute of limitations. In passing, I will say that this bill should have gone to the Committee on Ways and Means. It is a revenue bill beyond any question, as it relates to the collection of taxes. Congress waived the statute of limitations in behalf of these claimants in 1912, when it gave an opportunity——

Mr. WHITE of Maine (interposing). There was no statute of limitations in the original act, so the 1912 act was not the waiving of a statute of limitation.

Mr. DYER. The gentleman is right about that.

Mr. CHINDBLOM. What was the effect of the act of 1912?

Mr. WHITE of Maine. The effect of that act was to write a statute of limitations. It was not to waive a statute, but it was to create a statute of limitations.

Mr. CHINDBLOM. If we had not opened the doors by previous legislation on this subject so that approximately 95 per cent of this class of claimants have already been able to secure payment, I would now be opposing this bill, but I am differentiating it from other like legislation for that reason. The Congress itself opened the doors under which the balance of these claims have been paid, and I think we may well, therefore, place the remaining claims upon a somewhat different ground than the large number of claims which are constantly coming before us in which we are importuned to waive or set aside the statute of limitation.

By the act of June 27, 1902, Congress specifically authorized the refund of certain taxes collected under the Spanish War revenue act of June 13, 1898, on contingent beneficial interests in estates of decedents which would not become vested in possession or enjoyment before July 1, 1902. Thereafter the Congress, by the act of June 27, 1912, further authorized refunds of this character to be paid up to, but not beyond, January 1, 1914. In the meantime, the Treasury Department by internal revenue decisions limited the effect of the remedial legislation to an extent and in a manner that was disapproved by the United States Supreme Court in 1915. It is to relieve claimants from the loss of rights under that action of the Treasury Department that the legislation now before us is proposed. I think this case is easily distinguished from many other cases where we are importuned to waive statutes of limitations.

The SPEAKER. 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.

On motion of Mr. DYER a motion to reconsider the vote by which the bill was passed was laid on the table.

BOARD OF VISITORS TO THE NAVAL ACADEMY

The SPEAKER. The Chair announces the appointment of the following members of the Board of Visitors to the Naval Academy: Mr. GEORGE P. DARROW, Pennsylvania; Mrs. FLORENCE P. KAHN, California; Mr. GEORGE R. STOBBS, Massachusetts; Mr. HATTON W. SUMNERS, Texas; and Mr. PARKER CORNING, New York.

AMENDMENT OF SECTION 1025 OF THE REVISED STATUTES OF THE UNITED STATES

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 9785) to amend section 1025 of the Revised Statutes of the United States.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1025 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 1025. No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected, by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant, or by reason of the attendance before the grand jury of one or more clerks or stenographers employed to assist the district attorney or other counsel for the Government in a clerical capacity, who shall, in that connection, be deemed to be persons acting for and on behalf of the United States in an official capacity and function."

With the following committee amendments:

Page 2, line 1, after the word "jury" insert the words "during the taking of testimony."

Page 2, line 2, after the word "employed" insert the words "in a clerical capacity."

Page 2, line 3, strike out the words "in a clerical capacity."

The committee amendments were agreed to.

Mr. DYER. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

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

On motion of Mr. DYER, a motion to reconsider the vote by which the bill was passed was laid on the table.

CORRECTING THE ACCOUNT BETWEEN THE STATE OF NEW YORK AND THE UNITED STATES

Mr. DYER. Mr. Speaker, I call up the joint resolution (H. J. Res. 59) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906.

The Clerk read the title of the bill.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas the act of Congress approved February 24, 1905 (33 Stat. L. 777), provided for the adjustment of certain claims of the States of New York, Pennsylvania, and Delaware; and

Whereas an adjustment was made by the accounting officers of the Treasury Department of the account of the State of New York, and the amount found due said State was reported to Congress for an appropriation and appropriated for in the deficiency appropriation act of February 27, 1906 (34 Stat. L. 29); and

Whereas the Comptroller General of the United States, in response to Senate Resolution No. 378, reported to the Senate on February 16, 1923 (see S. Doc. No. 304, 67th Cong., 4th sess.), that the State of New York had failed to receive the correct application of the rule of settlement prescribed by the act of February 24, 1905, in the manner applied to the accounts of the States of Pennsylvania and Delaware, cobeneficiaries under the act of February 24, 1905; and

Whereas the Comptroller General of the United States, upon an application by the State of New York for a review and a correction of the error made in the adjustment of said account, has held that he is without authority to revise and correct a settlement of an account where, subsequent to an award by the accounting officers, Congress appropriates the amount found due in payment of such award: Therefore be it

Resolved, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen and adjust the claim of the State of New York.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SWEET] may have 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SWEET. Mr. Speaker, this bill is verbatim with one that passed the House last year. The bill as it passed here was amended in the Senate to include the State of North Carolina, but before the bill was returned to the House in its amended form the Senator concluded he desired to withdraw his amendment. On account of the filibuster then in progress in the Senate he failed to get recognition, and on the eve of adjournment of Congress by an agreement the bill was returned to the House in its amended form, the amendments nonconcurred in, conferees appointed, and by the conference committee the amendment was stricken out, returned to the House in its original form, and repassed both in the House and in the Senate, signed by the clerk, and just prior to the hour of 12 o'clock, with the clerk of the Senate, we were on our way to the President's chamber when the bell struck, and we were just behind the wire.

So the bill is reintroduced this year, as I have stated, in the identical form of the bill of last year, and I ask that it may have your favorable consideration. If there are any questions that anyone desires to ask as to the provisions of the measure, I would be pleased to attempt to answer them.

Mr. HOCH. Will the gentleman yield?

Mr. SWEET. I yield.

Mr. HOCH. Not upon the merits of the bill, because I have not made any inquiries about that, but upon the wording of this resolution, may I suggest that it sets out a number of whereases which under the better practice go out before a resolution is passed, and then it provides:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen and adjust the claim of the State of New York.

This is all that would be left of the resolution. What claim of New York? Certainly, in the operative part of this resolu-

tion there should be language which would identify what you are trying to do here.

Mr. SWEET. The provision referred to by the gentleman was debated on the floor of the House last year. It was explained by the chairman of the Judiciary Committee that the phraseology of the bill was considered and passed upon by the committee as meeting all the requirements.

Mr. HOCH. Does the gentleman think it meets the requirements?

Mr. SWEET. I think so.

Mr. HOCH. The resolution says:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen and adjust the claim of the State of New York.

In my view that does not mean anything at all.

Mr. SWEET. The claim of the State of New York is one growing out of the War of 1812, and its adjustment was authorized by the act of February 24, 1905, at which time the States of New York, Pennsylvania, and Delaware were in the same situation.

Mr. HOCH. The gentleman is referring to the claim set out in the whereases, but the legislation does not identify any particular claim. It simply says "shall reopen and adjust the claim of the State of New York."

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. CHINDBLOM. Members will recall that I made this point a year ago, and we had some discussion about it then. I think the point of the gentleman from Kansas is well taken, but if the resolution is passed with the whereases the meaning will be clear.

Mr. HOCH. But, even in that case, it would not be specific. You ought, at least, to say "said claim," but you merely say "the claim." From a legal standpoint and from the standpoint of the proper drafting of a measure it is not sufficient.

Mr. CHRISTOPHERSON. The resolution refers to the preceding part.

Mr. HOCH. Does the gentleman think that if we strike out the whereases the operative part of the resolution is sufficient?

Mr. CHRISTOPHERSON. I do not think the whereases should be stricken out.

Mr. HOCH. The gentleman knows that the legislative intent must be clearly expressed in the resolution, and the operative language in this resolution means nothing.

Mr. CHRISTOPHERSON. The entire resolution is clear.

Mr. HOCH. If the Judiciary Committee thinks that is a satisfactory way of drafting a resolution I am greatly surprised.

Mr. DYER. I think the objection of the gentleman from Kansas would be met, as I understand him, by substituting the word "said" for the word "the" in the final line of the bill. In other words that makes it certain that the claim intended is the claim described in the recital preceding the enacting clause.

Mr. HOCH. I think that would improve it, and yet I still say that the operative language in a resolution ought to carry the legislative intent and not depend on the whereases.

Mr. DEMPSEY. If the gentleman will yield, why not insert "the above described claim"?

Mr. HOCH. It is not good legislative practice to include the whereases.

Mr. SWEET. I would say that this claim is absolutely identified, because it is the only claim that New York has pertaining to the War of 1812.

Mr. DYER. I will say to the gentleman that it is quite correct that whereases are not the best way to present matters to the attention of the House in a bill, but in this case the gentleman from New York who prepared the bill states the facts, so that the resolution which is all that the House is concerned about is at the bottom, in five lines of the bill. That is all we are called upon to pass on, and there is a simple statement of what it is all about. I quite agree with the gentleman from Kansas that the whereases are not good form.

Mr. CHINDBLOM. The title to the resolution is:

Joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906.

That is a complete statement and a sufficient reference to the legislation in question to identify the claim. On the general subject of the propriety of including the whereases in legislation I agree with the gentleman from Kansas [Mr. HOCH].

Mr. DOWELL. Why can not this language be put into the body of the resolution?

Mr. CHINDBLOM. It would be better.

Mr. DOWELL. Why not adopt that in the body of the resolution?

Mr. SWEET. It is possible that the language suggested by the gentleman would have been an improvement on the phraseology of the bill, but it was considered at the time the bill was drawn that the claim was sufficiently identified and therefore the measure was drafted as it is.

Mr. DOWELL. Why does not the gentleman offer an amendment so that we may pass a resolution that will be identical with the title?

Mr. DYER. I suggest that in line 5 on the second page after the word "the" we put in the word "said."

Mr. DOWELL. Oh, I think that would not fix it at all, because this should be construed from the body of the resolution itself.

Mr. DYER. I shall offer an amendment to correct that.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield?

Mr. SWEET. Yes.

Mr. ARENTZ. I am in sympathy with the gentleman from New York who is asking Congress to reopen this case before the Comptroller General so that New York may collect a just debt incurred during the War of 1812, but I say to this House that Nevada has been trying to collect a similar debt since 1865 which was incurred in keeping open transcontinental lines, both pony express and mail routes, and it was for that purpose that the money was expended by the State of Nevada—a very poor State, compared with the great State of New York. I hope the gentleman from New York will be sympathetic to my cause when I bring it before the House for consideration.

Mr. SWEET. Mr. Speaker, I think the gentleman is quite in error as to the similarity of the two cases. This is not an effort to adjust in its original form a claim of the State of New York, but this is an authorization for a reopening to correct an error.

Mr. ARENTZ. The Nevada case is on all fours in that respect. The Comptroller General does not see fit at the present time to make a decision which is just and equitable, possibly not on legal grounds, but on moral grounds, for the payment of a just debt.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. ENGLAND], may now proceed for 10 minutes and address the House out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. ENGLAND. Mr. Speaker and gentlemen of the House, a short time prior to our entrance in the World War the Government started the construction of the naval ordnance plant at South Charleston, W. Va., for the purpose of manufacturing armor plate.

It was contended by the Government, so I am advised, that armor plate could be manufactured much cheaper than it could be purchased in the open market. During the war period construction work was rushed with greater rapidity in order to secure an early completion. At the close of the war the plant was incomplete; however, the work was continued with considerable activity until approximately three years after the signing of the armistice, at which time further construction was wholly abandoned.

I understand that the proposed purpose of this plant was to manufacture heavy armor plate, to be used in the construction of large war vessels; that no armor plate of this character is now being used by the Government, and under our treaties with other nations, can not be used inasmuch as we are prohibited under the provisions thereof from building any more large war vessels at this time, and that this condition is likely to continue indefinitely.

This plant is located in one of the greatest industrial sections in the world; the people there purchased the land at a cost of several hundred thousands of dollars and donated same to the Government with the belief and understanding that they were procuring a great manufacturing establishment which would add much to the prosperity of the Great Kanawha Valley. Their belief, hopes, and expectations in this respect failed to materialize. This plant is being maintained at a large expense to the taxpeyers, who might under the present policy be justified in criticizing the management thereof as economically unsound. It occurs to me that if this plant is not to be completed and operated for the purpose for which it was constructed, it should be sold or leased to some manufacturing concern, so that a fair return might be realized on the invest-

ment. If leased, and the Government at some future time might desire to resume and operate said plant, the matter of returning possession and all matters relating to the use of same could be taken care of by proper stipulations in the lease.

I introduced House Joint Resolution 160, asking that the Secretary of the Navy be required to furnish Congress the following information relative to said plant:

First. The actual cost of the plant.

Second. The annual cost of maintenance, including number of officers and men employed.

Third. The amount and cost of armor plate purchased annually by the Government, and whether or not same can be purchased in open market cheaper than manufactured at said plant.

Fourth. The advisability of opening and operating said plant within the near future, or the selling or leasing thereof to some manufacturing concern so that a fair return may be realized on the investment.

Fifth. Any other information that would tend to shed light on the operation, sale, or leasing of said plant.

I failed, however, to incorporate in this resolution inquiries pertaining to the projectile plant located at South Charleston, which plant was constructed in conjunction with said naval ordnance plant; it is my purpose to have an amendment offered to this resolution so as to include the projectile plant in the resolution.

I do not want to be understood by the introduction of this resolution or by these brief remarks as criticizing the administration. I have unbounded faith in the honesty, integrity, ability, fidelity to official duty, and administrative wisdom of President Calvin Coolidge and his entire official family.

So far as I know, the Secretary of the Navy has never been asked to furnish the information called for in this resolution, which I believe the people are entitled to know. I feel that he will have no hesitancy in furnishing Congress with the same. These plants were not created as a war measure, but provided for before our entry into the World War. I am advised that the cost of the construction of said plants amounted to approximately $70,000,000. I doubt if it could be argued with much force that it would be a good policy to retain said plants as an emergency in the event of future hostilities between this and any other country, in view of the rapid development of aviation. I feel that our greatest activities should be in the development of aeronautics, and I venture the prediction that within the next decade commercial aviation will be developed far beyond our most sanguine expectations.

If the great naval building program recommended by the Secretary of the Navy is given sanction by Congress, and the retention of this plant is necessary for manufacture of armor plate to be used in the construction of these vessels, then this would be a satisfactory solution of the problem. I am informed, however, that the heavy armor plate which would be manufactured at this plant would not be used in the construction of the smaller vessels recommended in said Navy building program.

In my judgment these plants will never be a governmental war necessity; they are not being used in times of peace, and it would seem that the best business policy would be to either resume their operation or make some disposition of same. [Applause.]

Mr. DYER. Mr. Speaker, I offer the following amendment to the resolution, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DYER: Page 2, line 5, after the words "New York," insert a comma and the following: "Growing out of an error in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DYER. Mr. Speaker, I ask unanimous consent to strike out the whereases.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

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.

SERVICE OF ALBERT CARL GRUBE

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein some letters which I have received from the Navy Department in connection with the services of Mr. Grube, who has done some work in connection with the salvage of the *S-51* and the *S-4*.

The SPEAKER. Is there objection?

There was no objection.

Mr. JACOBSTEIN. Mr. Speaker, it has been our privilege often on the floor of this House to honor fellow citizens who have rendered exceptional service to the country in time of war. Without lessening in any way our tribute to these men, it is well that we recognize also such services in time of peace, when the need is often as great and the courage and self-sacrifice demanded as outstanding. Such an occasion was furnished by the recent disaster on the submarine *S-4* and the earlier one on the *S-51*. The work of salvaging was fraught with unspeakable hardship and danger and called for utter self-forgetfulness and courage on the part of those whose duty held them there and those others who volunteered their services.

Among these volunteers was a young man who is a resident of my congressional district, to whom I wish to call your attention especially to-day, as one who rendered heroic and patriotic service in this emergency. Although a private citizen at the time, he responded without a moment's hesitation to the special call of the Navy and was sworn in for this especially dangerous piece of work.

Albert Carl Grube was born in Pittsford, N. Y., a few miles from Rochester. On his father's side he was of German descent and on his mother's side of Irish descent. His grandfather was a soldier in the Civil War, serving throughout the entire war and being captured and confined in Libby Prison for nine months. After a common-school education, Albert C. Grube joined the Navy in March, 1924, having served a minority cruise. He was a diver on the U. S. S. *S-51* and rendered conspicuous service at the time of the disaster on that ship, which called forth a citation from his commanding officer. When he heard that the *S-4* had been sunk, in his own words, he "sent a message to Commander Ellsberg offering my services as diver." Before an answer had been received, the Navy had sent out an appeal for the services he so willingly offered, and he was immediately ordered to Portsmouth to take up his duties in the perilous work of raising the submarine.

When I learned of this unusual patriotic service I communicated with the Secretary of the Navy and received from him, and also from Mr. Grube's immediate commanding officers, communications setting forth the official record of Mr. Grube's services in connection with the salvaging of the *S-51* and the *S-4*. These communications I hold in my hand and will insert in the CONGRESSIONAL RECORD.

This record will be read, I am sure, with great interest, and I trust will be a source of inspiration to the youth of America.

From: The Secretary of the Navy.
To: Grube, Albert C., S1c., 233-84-00, U. S. N.
Via: Commanding officer, U. S. S. *Falcon*.
Subject: Commendation.

1. The officer in charge salvage operations U. S. S. *S-51* has brought to the attention of the department the valuable services rendered by you in connection with salvage operations on the U. S. S. *S-51*.

2. While you had had no previous experience in deep-sea diving, after completing a training course at the navy yard, New York, you were employed, when operations were resumed, as a diver on the U. S. S. *S-51*, and proved yourself equal to any of the deep-sea men who had been diving for 10 years or more. Your commanding officer reports that you were the youngest diver employed, being only 19 years of age, but regardless of this fact you displayed courage and skill at all times. On one occasion when it was necessary to send a diver inside the *S-51* through the engine room to enter the central operating compartment and clear a hose—none of the men who were acquainted with the inside of the boat were available on this occasion, nor was the U. S. S. *S-50*, which was always used as a model for rehearsals present on this day—you, after being given a description of what to expect inside the boat, entered through the engine-room hatch, went forward through water so black that it was impossible to see to the central operating compartment door, passed through it and cleared the hose inside. You came out and returned to the surface, having accomplished the whole job in the brief space of about five minutes.

3. It is a pleasure to the department to receive such reports, and in further recognition of your services in connection with the salvaging of the U. S. S. *S-51*, your commanding officer has been directed to advance you to the rating of torpedoman, third class.

CURTIS D. WILBUR.

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, D. C.

MY DEAR CONGRESSMAN JACOBSTEIN: In reference to your telephonic conversation with the bureau in regard to the naval service of Albert Carl Grube, ex-torpedoman, third class, United States Navy, the records of the bureau show that he enlisted March 31, 1924, as apprentice seaman at the Navy recruiting station, Buffalo, N. Y., for minority until May 5, 1927. He gave date and place of birth as May 5, 1906, at Pittsford, N. Y., and next of kin, mother, Mrs. Elizabeth Drummond, 42 Grover Street, Rochester, N. Y. He was transferred to the Naval Training Station, Newport, R. I. Rating changed June 1, 1924, to seaman, second class. Transferred June 23, 1924, to the U. S. S. *Raleigh*. On July 29, 1925, he was transferred to the Naval Torpedo School, Newport, R. I., for a course of instruction. Transferred December 23, 1925, to the U. S. S. *Falcon* for training in deep-water diving during the winter maneuvers, and for further duty in connection with the salvaging of the *S–51*. Transferred March 8, 1926, to the U. S. S. *Camden* for further transfer to the receiving ship at New York. Received at the receiving ship at New York March 19, 1926. Transferred April 23, 1926, to the U. S. S. *Falcon*. Rating changed June 6, 1926, to seaman, first class. He was commended on July 13, 1926, by his commanding officer and the officer in charge of the salvaging operations of the U. S. S. *S–51* for excellent services performed as diver. He was engaged in diving during the period of spring operations April 26, 1926, to July 7, 1926. On August 6, 1926, he was advanced to the rating of torpedoman, third class, in recognition of services as deep-sea diver. He was honorably discharged May 4, 1927, as torpedoman, third class, from the U. S. S. *Falcon* on account of expiration of enlistment.

Grube offered his services in connection with the salvaging of the U. S. S. *S–4* and was enrolled in the Naval Reserve as torpedoman, third class, and issued orders to proceed to Provincetown, Mass., by the commandant of the third naval district at New York, N. Y.

The bureau has wired Lieut. Stanley A. Jones, officer in charge, Navy recruiting station at Buffalo, N. Y., for a copy of his commendation, and upon its receipt will be forwarded to you.

Inclosed herewith are letters of commendation to Grube from the Secretary of the Navy, commanding office of the U. S. S. *Falcon*, and Capt. E. J. King, United States Navy, who was officer in charge salvage operations U. S. S. *S–51*.

Yours very truly, R. H. LEIGH.

U. S. S. "FALCON,"
NAVY YARD, NEW YORK, N. Y.,
July 13, 1926.

From: The Commanding Officer.
To: The officer in charge salvage operations, U. S. S. *S–51*.
Subject: Grube, Albert Carl, S. 1c., 233–84–00.

1. The commanding officer desires to call attention to the valuable services of Albert C. Grube, seaman first-class, in connection with the salvage operations on the *S–51*. Grube was the youngest diver employed, being only 19 years of age. Without previous diving experience he was given a training course in diving at the navy yard, New York, last winter, after which he was employed when operations were resumed in April, as a diver on the *S–51*. While his previous deep-sea experience was nothing, Grube very shortly showed himself the equal of any of the deep-sea men who had been diving for 10 years or more. His courage, as well as his skill, were well exemplified. On one occasion, when it was necessary to send a diver inside the *S–51* through the engine room to enter the central operating compartment and clear a hose (none of the men who were acquainted with the inside of the boat were available on this occasion, nor was the U. S. S. *S–51*, which was always used as the model for rehearsals, present on this day), Grube, after being given a description of what to expect inside the boat, entered through the engine-room hatch, went forward through water so black that it was impossible to see to the central operating compartment door, passed through it and cleared the hose inside. He came out and returned to the surface, having accomplished the whole job in the brief space of about five minutes.

2. Grube's other work was of a character comparable with this, and it is recommended that, as a partial reward for his services as a diver on this job, he be promoted to the rating of torpedoman, third class, for which rating it is felt he is well qualified, as he was a member of the seaman gunners' class at Newport, when he was taken away for training as a diver.

(Signed) HENRY HARTLEY.

SUBMARINE BASE, NEW LONDON, CONN.,
(U. S. S. "CHEWINK"),
July 15, 1926.

No. L11–1(B)

(First indorsement)

From: Officer in charge, salvage operations, *S–51*.
To: Commandant, Third Naval District.
Subject: Grube, Albert Carl, 233–84–00, Sea.1c. USN.

1. The above report and recommendation of the commanding officer, U. S. S. *Falcon*, regarding Albert C. Grube, seaman first class, United States Navy, have been seen and strongly concurred in by the salvage officer, Lieut. Commander Edward Ellsberg, (CC) United States Navy, who has direct personal knowledge of Grube's work.

2. The report and recommendation in the above case of Grube are heartily approved. The work of the younger divers like Grube demonstrates that the Navy has a new generation of capable divers growing up to take the places of the older divers of whom so many are passing into the Fleet Reserve.

E. J. KING, *Captain, United States Navy.*

THE CIVIL-SERVICE EXAMINATION FOR PROHIBITION AGENTS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of civil-service examinations.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, the wholesale flunking by the prohibition force of the examinations offered by the Civil Service Commission has struck confusion in the "dry" ranks. The poor showing made by the prohibition snoopers is indicative of their ignorance. More than three-fourths of them taking the tests failed dismally. Small wonder that prohibition enforcement has been a stench in the nostrils of good citizenry. Ignorance is the handmaiden of other crimes. That is why they retain gunmen and crooks in the service.

Senator BROOKHART's bill to retain or congeal in the service these crass, stolid, and venal agents is unthinkable. At last civil service will let in the light and bring some intelligent men into the work.

Heywood Broun, in the Morning World, says:

> The prohibition agents who flunked their examinations ought to be reinstated. In this matter I line up with the drys. Plenty of good people flunk. Examinations should not be overemphasized. And perhaps the civil-service officials took the snoopers at a disadvantage when they came to write their papers. Maybe they placed them on the honor system.

However, if there is to be another examination, I suggest the following questions:

What is the best way to satisfy an itching palm?
How many times may you "shake down" a bootlegger?
What kind of a bird is a stool pigeon?
How ridiculous is the fourth amendment?
Is "sacredness of the home" as extinct as the dodo?
What is cheating cheaters?
Should local police be permitted to interfere with your game of graft?
Are "Tom and Jerry" good fellows?
Is an oyster cocktail lawful?
Is a "punch" permitted?
Is "sherry cobbler" a shoemaker?
Is "rummy" a good game?
May one sing "Drink to me only with thine eyes"?
Is cotton gin as good as Gordon gin?
Should a prohibition agent whine when a hijacker double crosses him?
Can you buy a nightcap in the 5 and 10?
Is the silver flask a "badge of society"?
How much may one take for "thy stomach's sake"?
Why does money talk in a "speak-easy"?
May one have a "stick" in a golf bag?
How near is "near beer"?

CONCERNING ACTIONS FOR PERSONAL INJURY AGAINST UNITED STATES IN NATIONAL PARKS, ETC.

Mr. DYER. Mr. Speaker, I call up the bill S. 1798, concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States, which I send to the desk.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That in the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, within the exterior boundaries of any State, such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be.

The SPEAKER pro tempore (Mr. SNELL). The question is on the third reading of the Senate bill.

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.

WRITS OF ERROR

Mr. DYER. Mr. Speaker, I call up the bill S. 1801, in reference to writs of error.

The Clerk read the bill, as follows:

Be it enacted, etc., That the writ of error in cases, civil and criminal, is abolished. All relief which heretofore could be obtained by writ of error shall hereafter be obtainable by appeal.

SEC. 2. That in all cases where an appeal may be taken as of right it shall be taken by serving upon the adverse party or his attorney of record, and by filing in the office of the clerk with whom the order appealed from is entered, a written notice to the effect that the appellant appeals from the judgment or order or from a specified part thereof. No petition of appeal or allowance of an appeal shall be required: *Provided, however,* That the review of judgments of State courts of last resort shall be petitioned for and allowed in the same form as now provided by law for writs of error to such courts.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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.

TIME OF HOLDING COURT IN EL DORADO DIVISION, ARKANSAS

Mr. DYER. Mr. Speaker, I call up the bill H. R. 9142, to amend section 71 of the Judicial Code, as amended, by changing time of holding court at El Dorado and Harrison, Ark.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 71 of the Judicial Code, as amended, be amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern district of Arkansas.

"(b) The western district shall include four divisions, constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the first Mondays in April and October.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court."

SEC. 2. This act does not repeal or amend the remainder of section 71 of the Judicial Code as it applies to the eastern district of Arkansas.

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 by which the bill was passed was laid on the table.

Mr. DYER. Mr. Speaker, the Committee on the Judiciary does not have any further bills to call up.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 9022. An act to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.

SUBMARINE SALVAGE PROCEDURE OF COMMANDER ELLSBERG

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein recommendations made by Commander Ellsberg relative to the raising of the *S–51*.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by inserting therein recommendations made by Commander Ellsberg relative to the raising of the *S–51*. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, I submit recommendations of Commander Edward Ellsberg, forwarded to the Navy Department by Admiral Plunkett October 5, 1925. These recommendations are the result of Commander Ellsberg's salvage operations. (See Navy Department Technical Bulletin No. 2–27.)

These recommendations have never been made public. No reference has been made to them in the many hearings and reports on both the *S–51* and *S–4*. In fact, I am informed that the Navy Department, when called to produce them soon after the *S–4* catastrophe, said it had no record of them. They probably had been pigeonholed.

Apparently, no action had been taken upon Ellsberg's report and recommendations. Neither Admiral Hughes nor Secretary Wilbur said one word about these Ellsberg recommendations for salvaging the next sunken submarine and the saving of lives of men in the ship, although at Provincetown both were given copies.

These conclusions and suggestions are highly important, and since the Navy Department has failed to publish them, I take the opportunity to do so.

Although Ellsberg's suggestions were disregarded, he, nevertheless, volunteered to reenter the Navy from private life for rescue and salvage work on the *S–4*.

I particularly call attention to his uncanny prophecy in recommendation 21 and his suggestion for avoiding criticism of the Navy. Note that Admiral Plunkett sensed, also, 21's importance:

(First indorsement)

NAVY YARD, NEW YORK, *October 5, 1926.*

From: The commandant.
To: The Chief of the Bureau of Construction and Repair.
Subject: Standard method of salvaging submarines.

1. Particular attention is invited to paragraph 21, especially the last sentence.

2. The recommendations are approved as being in light of our experience and therefore worthy of most serious consideration and, if not adopted, that something equally constructive be adopted in order that paragraph 28 of the recommendations may be at all times ready for service.

C. P. PLUNKEET.

NAVY YARD, NEW YORK

SS162/L11–1(N–1) FWS 9/25

From: The salvage officer, U. S. S. *S–51.*
To: The Chief of the Bureau of Construction and Repair.
Via: The Commandant, Navy Yard, New York, N. Y.
Subject: Standard method of salvaging submarines.

1. Based on personal experience in salvaging the *S–51,* and on consideration of other salvage work on submarines (particularly the *S–5,* which salvage job resulted in failure), it is believed possible to adopt a standard method of salvaging submarines which will be available in all waters in which divers can work and which will produce quick results.

2. For this purpose two things are required—properly designed pontoons and properly fitted submarine boats.

3. As regards the pontoons, the salvage officer has previously set forth the requirements of a proper design (commandant's letter SS162/L11–1(N–1), August 31, 1926) and the Bureau of Construction and Repair has authorized the necessary work on six pontoons. For completing the equipment minor additions must be provided on the submarine themselves.

4. The problem is in two parts—rescue work and salvage work.

5. Any submarine which sinks, whether due to collision or loss of control by the crew, may have part of the crew alive inside for some days as on the *S–5* and the *O–5.* The presence of life in the boat is bound to be accompanied by the presence of some buoyant compartments. In this case, if one end of the boat can be quickly raised, life can be saved; when that is done the salvage problem requires only the lifting of the other end. Here to get a quick lift on one end, it is not necessary to provide so great a lift as when the boat is completely flooded.

6. If the boat is completely flooded, much more buoyancy is required, but as compared to the rescue problem there is less need for haste.

7. Promptly to raise a sunken submarine boat from the open sea (which is the worst case) the use of proper pontoons and properly equipped submarines are necessary. Pontoons offer the best lifting method as the strain on each lifting cable is limited to the pull of half a pontoon; the use of surface vessels or barges with lines to the submarine is dangerous in the sea where the motion of the surface ship will result in overloading certain of the lifting lines as the surface vessel pitches and rolls—this will part the lines one at a time and in succession.

8. Early submarines had lifting eyes at each end, which eyes were eliminated as submarines grew beyond a certain size. It would appear that this point was reached when submarines grew beyond 200 tons dead weight as at this weight, two large cranes could just about lift the boat, and pads and eyes to stand 100 tons lift each would be about the limit that could be provided. Above 200 tons lifting eyes would take too much weight and in addition, two large derricks (the most that could normally work) would be unable to lift the boat.

9. With the use of pontoons as a lifting method, eyes can once more be provided on all submarines without excessive weight per boat or unduly heavy fittings. Considering pontoons of the size used on *S-51*, the maximum load per eye (and per hawse pipe in pontoon) is 40 tons. A steel eye to take this lift safely with the necessary pad for riveting to the shell will weigh about 200 pounds. It can easily be secured to the shell of existing submarines, whether single or double hull, in way of any frame or bulkhead without additional stiffening inside the boat.

10. A series of such eyes should be riveted to the shell at the maximum beam on each side, or slightly above it, spaced about 16 feet between each pair of eyes (the same as the distance between hawse pipes on the pontoons), a pair of steel eyes for each 40 feet of length of boat (the length of a pontoon, 32 feet plus 8 feet for pontoon clearance).

11. The lifting eyes, as provided above, would always be immediately accessible to divers. A submarine on sinking will always lay over on one bilge or the other, giving her a heavy list, but no case is known of a boat being rolled completely on her side when first located. Regardless of the heel, the lifting eyes on both sides would be clear of the bottom, clear of all superstructure obstructions, and ready for use. A couple of rungs should be riveted to the shell in way of each eye to give the diver something to stand on while working.

12. The salvage procedure would be as follows:

(a) The sunken submarine being located, the pontoons are brought to the scene by towing. They can be lightered to near-by sheltered water and there put overboard by a derrick.

(b) A diver goes down and secures a light guide line to the first eye or a rung near it. A length of 2½-inch chain about 40 feet long, with a special shackle to suit the eye and a lanyard about 3 feet above the shackle, is lowered on the guide line to the diver, who secures the lanyard to a rung when the chain reaches him, and the slack chain is then lowered to the bottom, where the chain is no longer affected by the heave of the salvage ship. The diver has only a few links and the shackle to handle in shackling to the eye, and it is possible to so design the eye and the shackle as to make the job practically automatic. (A design to make the shackling wholly automatic is possible, and such a device is used by the Japanese on their salvage ship, but it is believed that automatic functioning is improbable in practice, as the submarine will always have a list, which will make automatic engaging a matter of chance; furthermore, in practical cases there is the heave of the salvage ship which prevents keeping the guide line taut and vertical and further complicates automatic engagement.) With a properly designed rig, however, a diver can quickly engage a chain, and then move on to the next one.

(c) All chains may be secured first, or pontoons may be lowered as each pair of chains are secured.

(d) With a pair of chains in place, the ends of the chains are held up by wire lines to the surface. On these two lines, as guides, a pontoon is lowered by the standard method, as used on the *S-51;* if weather is good, the pontoon is held in its position above the submarine while the divers insert the locking bars through the chains showing above the pontoon hawse pipes. The pontoon is then blown down enough to give it positive buoyancy; the lowering lines to the pontoons and the wire lines to the chains are let go. That pontoon is then in position and all ready for lifting operations.

(e) If the weather is not good enough for divers to work on the suspended pontoon, the pontoon is lowered all the way to the bottom, where the divers put the locking bars in the chains and cast loose all the lines. The pontoon can be easily lifted into position by giving it positive buoyancy in both ends. As each end is independently anchored to the submarine, the pontoon is bound to finish floating horizontally exactly in position; the extreme difficulty in leveling off pontoons on the *S-51* is wholly avoided; on the *S-51*, when one end of a pontoon floated up (they always rose one end first) it dragged the slack chain through from under the boat, and getting a pair of pontoons to float horizontally and both at the same height was troublesome, long drawn out, and to some degree dangerous.

13. With the method above, securing the pontoons is simple and quick; with the pontoons redesigned as recommended, lowering pontoons becomes safe and speedy.

14. Using the old pontoons and chains under the submarine, the *Falcon* was able to lower and secure a pair of pontoons in eight hours. With proper pontoons and the submarine fitted with lifting eyes for chains, this time can be much improved. Given the diving crew that a salvage ship should have aboard at all times, the salvage ship could certainly secure three pairs of pontoons in the first 24 hours after arrival. If life and buoyancy exist in that half of the boat, it can be raised with such an external lift (480 tons).

15. There is wholly eliminated the need for the longest drawn out and most trying diving operation—that of washing tunnels under the imbedded submarine in order to pass cradle chains under her. The danger and difficulty of this operation in deep water can not be overestimated.

16. As a salvage method where life does not exist and the boat is completely flooded (and also probably damaged), lifting with pontoons solely is the quickest and the cheapest method. Sealing up the undamaged part of the boat is dangerous to the divers, slow in execution, and uncertain in result. The work necessary will be far beyond what is reasonably anticipated.

17. The problem with pontoons becomes solely a question of providing the necessary pontoons and enough eyes for attaching them.

18. With any S boat or earlier submarine, a pair of pontoons for each 40 feet of length will provide 160 tons of lift for each 40-foot section, 960 tons for the whole boat, and is adequate for the job. The six pairs of pontoons can be put on in from 2 to 3 days, and the lift made. As practically all our submarines come in this category, complete salvage insurance requires only the fittings on the boats and a few more pontoons.

19. For larger boats, such as the V class, two solutions are possible. Larger pontoons might be built, which also means heavier fittings and more difficulty in handling pontoons; or the 80-ton pontoons could be secured four abreast in certain portions of the length, still using a separate pair of eyes for each pontoon. The eyes for the inboard pontoons could be attached closer to the fore and aft center line. In this case the outboard pontoon should be secured first and left on the bottom while the inboard pontoon was being lowered, secured, and made buoyant enough to float. After that the outboard pontoon should be floated up. The chains to both pontoons would take something of an angle, but it would come within working limits. This method has the advantage of using the same size pontoons for all boats.

20. It is strongly recommended that all submarine boats in commission be fitted immediately with lifting eyes and that a complete set of pontoons (12 80-ton pontoons) sufficient to lift any S class or earlier boat be assembled at an Atlantic port and at a Pacific port.

21. The exact date of sinking of the next submarine can not, of course, be foretold, but, based on past performances, it can be expected within the next three years. It is desirable that when it occurs there be available such means for quick salvage that no possible criticism can be made of the Navy on the ground of unpreparedness.

22. While this report deals with material only, the problems of a properly trained salvage ship and a sufficient number of trained deep-sea divers must not be forgotten.

23. Aside from the straight salvage problem with pontoons, certain changes in the internal fittings of submarines are necessary for the greater safety of the crew, in case of an accident, and for the easier salvage of the ship if in any individual case it is found necessary to seal up an undamaged compartment.

24. The most important requirement along this line is to fit all hatches and ventilation valves with such locking gear (accessible to a diver) as will make these hatches and valves capable of tightness against an internal excess pressure of at least 30 pounds. The locking gear must not give way at pressures up to the test pressure of the boat, but moderate leakage at excess pressures greater than 30 pounds will not be dangerous while the boat is rising. The locking gear on the *S-51* valves and hatches was so weak that bad leakage started at an excess internal pressure of only 2 to 4 pounds, causing extreme difficulty in sealing up.

25. All hatches and all doors should be of such size that a diver can pass through without endangering his life. Conditions in this respect were bad on the *S-51*. It is noted that on the *V-1* and the *V-2*, conditions are even worse as regards access through hatches and interior doors, and the salvage work on these V boats, if divers must work inside, will be hazardous in the extreme.

26. While the crew of the *S-4* had a brief interval in which they succeeded in closing some valves in the engineroom, they were unable to close and dog any of the swinging doors. It is believed that if these doors had been of the long-arm type, all doors in the undamaged part of the ship would have been closed and perhaps half of the crew saved, as the stern would have remained buoyant and the men therein could have lived for some time, certainly long enough for a stern lift with proper equipment.

27. Submarine boats are now of sufficient size and subdivision to warrant the installation of a long-arm door system, in new boats at any rate.

28. In conclusion, it is urged that the necessary steps be taken to provide and keep in readiness the material and the divers who are required for deep-sea salvage work; that all existing submarines be fitted with lifting eyes; and that in future submarine designs the features mentioned above as essential for safety and salvage be incorporated in the design.

EDWARD ELLSBERG.

HON. WILLIAM T. COSGRAVE—RECESS

Mr. TILSON. Mr. Speaker, I wish to announce to the House that we are honored to-day by having in the Capitol the Hon. William T. Cosgrave, President of the Executive Council of the Irish Free State. We hope to have him come on the floor and meet the Members of the House. In order that this may be done, I ask unanimous consent that the House stand in recess, subject to the call of the Chair.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that for the reason stated the House shall stand in recess, subject to the call of the Chair. Is there objection?

There was no objection.

The SPEAKER pro tempore. The House stands recessed, subject to the call of the Chair.

Thereupon (at 2 o'clock and 50 minutes p. m.) the House stood in recess.

DURING THE RECESS

At 3 o'clock p. m. the Speaker returned to the rostrum.

The SPEAKER. The Chair requests the gentleman from Connecticut [Mr. TILSON], the gentleman from Illinois [Mr. MADDEN], the gentleman from Pennsylvania [Mr. PORTER,] the gentleman from Tennessee [Mr. GARRETT], the gentleman from Texas [Mr. GARNER], and the gentleman from Maryland [Mr. LINTHICUM] to act as a committee to escort into the House Chamber the President of the Executive Council of the Irish Free State.

At 3 o'clock and 4 minutes p. m., preceded by the Sergeant at Arms and Doorkeeper of the House, Hon. William T. Cosgrave, President of the Executive Council of the Irish Free State, was escorted into the House Chamber by the committee appointed for that purpose, and was presented to the Speaker by Mr. TILSON.

The SPEAKER. Gentlewomen and gentlemen, it is my pleasure and distinguished honor to present to you America's right welcome guest, the President of the Executive Council of the Irish Free State. [Applause.] The President will be delighted to meet all the Members of the House.

Mr. Cosgrave then took a position in front of the Speaker's rostrum, and the Members of the House were individually presented to him by Mr. TILSON.

At 3 o'clock and 20 minutes p. m., Mr. Cosgrave and his escort retired, amid the applause of the Members of the House.

AFTER THE RECESS

The recess having expired, the House was called to order by the Speaker.

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will read.

The Clerk read as follows:

Mr. Speaker, as the first head of an independent Irish Government to visit the United States of America, it is my great privilege to convey to the people of America, through their elected Representatives, a message of gratitude and good will from the people of Ireland. Benjamin Franklin, in 1771, told the Irish people, through the members of the Parliament of the Kingdom of Ireland, that America's weight would be thrown into their scale in order that Irish and American liberty might be achieved. His promise has been nobly fulfilled. American ideas of liberty and democracy have permeated the minds of men everywhere. Tyrannies and alien governments have disappeared under their influence. Ireland's freedom has been obtained not merely by American advocacy of noble principles, but by the intense, devoted, and constant support of the American people for the application of these principles to the Irish nation.

I come to thank the American people for the part they have played in the achievement of our liberty and I bear to them through their elected representatives a message of good will and brotherly affection from the Irish people. May God make this great Nation prosper and may He watch over and perpetuate the bonds of blood and friendship which unite our two peoples.

WILLIAM T. COSGRAVE.

JANUARY 25, 1928.

[Applause.]

LEAVE OF ABSENCE

Mr. STEGALL, by unanimous consent (at the request of Mr. ALMON), was granted indefinite leave of absence, on account of the serious illness of his son.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Thursday, January 26, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 26, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

District of Columbia appropriation bill.

Agriculture Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

A meeting to hear a delegation from the State of Ohio discuss prospective legislation to help with the eradication of the corn borer.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m)

A meeting to discuss the naval building program.

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 383, 358, 5518, 7343, and 8832). To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON THE DISTRICT OF COLUMBIA, SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions (H. R. 7951).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To authorize the creation of organized rural communities to demonstrate methods of reclamation and benefits of planned rural development (H. R. 8221).

COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE NO. 1

(10 a. m.)

To amend the first paragraph of section 24 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary" (H. R. 6679).

Conferring on the United States district courts jurisdiction to hear and determine the issues between operators of sailing vessels and the United States Government in all cases wherein loss or damages are claimed as a proximate result of the promulgation, adoption, or enforcement of certain orders by the United States Shipping Board (H. R. 7372).

To punish the unlawful transmission in interstate commerce or through the mails of gambling machines and fraudulent devices (H. R. 387).

COMMITTEE ON FLOOD CONTROL

(10 a. m., 2 p. m., and 8 p. m.—caucus room)

A meeting to discuss proposals to control the flood waters of the Mississippi River.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

320. A letter from the President of the Chesapeake & Potomac Telephone Co., transmitting annual report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1927; to the Committee on the District of Columbia.

321. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1929, for the water boundary, United States and Mexico, amounting to $65,000 (H. Doc. 149); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 359. A bill authorizing the presentation of the iron gates in West Executive Avenue between the grounds of the State,

War, and Navy Building and the White House to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park; with amendment (Rept. No. 388). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGLAS of Arizona: Committee on the Public Lands. H. R. 5783. A bill to grant extensions of time of oil and gas permits; with amendment (Rept. No. 389). Referred to the Committee of the Whole House on the state of the Union.

Mr. CURRY: Committee on the Territories. H. R. 8284. A bill to authorize the payment of amounts appropriated by the Legislature of Alaska on account of additional duties imposed upon Territorial officers; without amendment (Rept. No. 390). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 5569. A bill relative to the dam across the Kansas (Kaw) River at Lawrence, in Douglas County, Kans.; with amendment (Rept. No. 391). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 5727. A bill granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.; with amendment (Rept. No. 392). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 7199. A bill granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River; with amendment (Rept. No. 393). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 7371. A bill granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Heyburn, Idaho; with amendment (Rept. No. 394). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 7375. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.; with amendment (Rept. No. 395). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 7902. A bill granting the consent of Congress to the State highway department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.; with amendment (Rept. No. 396). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 7909. A bill to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota; with amendment (Rept. No. 397). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 7914. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.; with amendment (Rept. No. 398). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 7915. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.; with amendment (Rept. No. 399). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 7925. A bill authorizing the maintenance of a bridge over the Monongahela River between the borough of Glassport and the city of Clairton, in the State of Pennsylvania; with amendment (Rept. No. 400). Referred to the House Calendar.

Mr. BECK of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 7948. A bill to extend the times for commencing and completing the construction of a bridge across the Delaware River; with amendment (Rept. No. 401). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8530. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Cedar Bluff in Cherokee County, Ala.; with amendment (Rept. No. 402). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8531. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.; with amendment (Rept. No. 403). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8740. A bill granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet in Cook County, State of Illinois; with amendment (Rept. No. 404). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 8743. A bill extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway; with amendment (Rept. No. 405). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8818. A bill granting the consent of Congress to the Louisiana Highway Commission, its successors, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Moncla, La.; with amendment (Rept. No. 406). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8896. A bill granting the consent of Congress to the State of Alabama to construct, maintain, and operate a bridge across the Conecuh River; with amendment (Rept. No. 407). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8899. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River at or near Epes, Ala.; with amendment (Rept. No. 408). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8900. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.; with amendment (Rept. No. 409). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 5818. A bill granting the consent of Congress to J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.; with amendment (Rept. No. 410). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 8837. A bill granting the consent of Congress to the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 411). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 8726. A bill granting the consent of Congress to Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 412). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 449. A bill granting the consent of Congress to the Louisiana Highway Commission, its successors and assigns, to construct, maintain, and operate a bridge across the Atchafalaya River; with amendment (Rept. No. 413). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 5501. A bill granting the consent of Congress to the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 414). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 472. A bill granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 415). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 437. A bill granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 416). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 66. A bill granting the consent of Congress to

B. L. Hendrix, G. C. Trammel, and C. S. Miller, their successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 417). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 121. A bill granting the consent of Congress to the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 418). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 5502. A bill granting the consent of Congress to the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 419). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 5679. A bill granting the consent of Congress to the Iowa-Nebraska Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 420). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 5721. A bill granting the consent of Congress to E. M. Elliott & Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 421). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 5803. A bill granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing; with amendment (Rept. No. 422). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 6073. A bill granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.; with amendment (Rept. No. 423). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 6476. A bill granting the consent of Congress to Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at Wabasha, Minn.; with amendment (Rept. No. 424). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 6487. A bill granting the consent of Congress to the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at Baton Rouge, La.; with amendment (Rept. No. 425). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 6639. A bill granting the consent of Congress to The Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 426). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 6973. A bill granting the consent of Congress to E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill; with amendment (Rept. No. 427). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7032. A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River; with amendment (Rept. No. 428). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7033. A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River; with amendment (Rept. No. 429). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7034. A bill granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River; with amendment (Rept. No. 430). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7035. A bill granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River; with amendment (Rept. No. 431). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7036. A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River; with amendment (Rept. No. 432). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7183. A bill granting the consent of Congress to C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 433). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7184. A bill granting the consent of Congress to J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 434). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 7916. A bill granting the consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 435). Referred to the House Calendar.

Mr. DENISON: Committee on Intersate and Foreign Commerce. H. R. 7921. A bill granting the consent of Congress to A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 436). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 8106. A bill granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 437). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 8107. A bill granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 438). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 8227. A bill granting the consent of Congress to the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River from Bainbridge Street, in the city of Sunbury, Pa.; with amendment (Rept. No. 439). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8741. A bill granting the consent of Congress to the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.; with amendment (Rept. No. 440). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 238. A bill to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army; without amendment (Rept. No. 441). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 7013. A bill authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillow cases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928; with amendment (Rept. No. 442). Referred to the House Calendar.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 8309. A bill to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department, approved February 24, 1923; without amendment (Rept. No. 443). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOUSTON of Hawaii: Committee on the Public Lands. H. R. 332. A bill validating homestead entry of Englehard Sperstad for certain public land in Alaska; without amendment

(Rept. No. 385). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. H. R. 924. A bill for the relief of Joe D. Donisi; with amendment (Rept. No. 386). Referred to the Committee of the Whole House.

Mr. COLTON: Committee on the Public Lands. S. 1856. An act for the relief of the Gunnison-Mayfield Land & Grazing Co.; without amendment (Rept. No. 387). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. H. J. Res. 118. A joint resolution authorizing the Secretary of War to award a duplicate congressional medal of honor for the widow of Lieut. Col. William J. Sperry; without amendment (Rept. No. 444). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. S. 1795. An act for the relief of Fannie M. Hollingsworth; without amendment (Rept. No. 445). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 2174. A bill for the relief of Edward Gibbs; without amendment (Rept. No. 446). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9807) granting an increase of pension to Rebecca Ellen Fowler, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WELLER: A bill (H. R. 10019) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 10020) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. MORROW: A bill (H. R. 10021) providing for the establishment of an agricultural experiment station in the shallow-water area in Lea County, N. Mex., for the purpose of conducting experimental and demonstration work with crops, horticultural and garden products grown through irrigation by means of pumping; to the Committee on Agriculture.

By Mr. COLE of Iowa: A bill (H. R. 10022) to provide for the regulation of the use of certain sugars; to the Committee on Agriculture.

By Mr. CONNERY: A bill (H. R. 10023) to amend an act entitled "An act to provide revenue, to regulate commerce in foreign countries, and to encourage the industries in the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. HOUSTON of Hawaii: A bill (H. R. 10024) to authorize the Secretary of the Treasury to relocate and erect a quarantine landing at Honolulu, Territory of Hawaii; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 10025) to extend the time for completing the construction of a bridge across the Monongahela River at or near McKeesport, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Illinois: A bill (H. R. 10026) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Savanna, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAGON: A bill (H. R. 10027) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States; to the Committee on World War Veterans' Legislation.

By Mr. MORIN: A bill (H. R. 10028) to safeguard national defense; to authorize, in aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms, and for other purposes; to the Committee on Military Affairs.

By Mr. LEA: Joint resolution (H. J. Res. 181) proposing an amendment to the Constitution of the United States providing for election of President and Vice President; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WATSON: Joint resolution (H. J. Res. 182) authorizing and requesting the Postmaster General to design and issue a special postage stamp in honor of the one hundred and fiftieth anniversary of the encampment of Washington's Army at Valley Forge, Pa.; to the Committee on the Post Office and Post Roads.

By Mr. BURTON: Joint resolution (H. J. Res. 183) to prohibit the exportation of arms, munitions, or implements of war to belligerent nations; to the Committee on Foreign Affairs.

By Mr. SINCLAIR: Resolution (H. Res. 102) authorizing the Committee on Ways and Means to frame a bill looking to a proper revision of the tariff schedules in the interests of agriculture and industry; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. WYANT: Memorial of the Legislature of the State of South Carolina, urging Congress to enact legislation for the retirement of disabled emergency Army officers; to the Committee on Military Affairs.

By Mr. PARK: Memorial of the Legislature of the State of South Carolina urging Congress to enact legislation for the retirement of disabled emergency Army officers; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 10029) granting an increase of pension to Catharine Groff; to the Committee on Invalid Pensions.

By Mr. BERGER: A bill (H. R. 10030) for the relief of Leo Muller; to the Committee on Claims.

By Mr. BLACK of New York: A bill (H. R. 10031) for the relief of Martin-Walsh (Inc.); to the Committee on Ways and Means.

By Mr. BLACK of Texas: A bill (H. R. 10032) granting a pension to Joseph D. Oliphant; to the Committee on Pensions.

By Mr. BOHN: A bill (H. R. 10033) granting a pension to Ross C. Ramsay; to the Committee on Invalid Pensions.

By Mr. BOYLAN: A bill (H. R. 10034) for the relief of Capt. Alexander C. Doyle; to the Committee on Military Affairs.

By Mr. CHINDBLOM: A bill (H. R. 10035) granting an increase of pension to Fanny F. Bryant; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 10036) to correct the military record of William Stright; to the Committee on Military Affairs.

Also, a bill (H. R. 10037) granting a pension to Martha J. Salida; to the Committee on Invalid Pensions.

By Mr. COLTON: A bill (H. R. 10038) for the relief of Wilford W. Caldwell; to the Committee on the Public Lands.

By Mr. CONNERY: A bill (H. R. 10039) granting a pension to Louisa M. Sutherland; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 10040) granting an increase of pension to Harriet R. Yule; to the Committee on Invalid Pensions.

By Mr. ENGLAND: A bill (H. R. 10041) granting a pension to Alice B. Cook; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 10042) to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

By Mr. GARBER: A bill (H. R. 10043) granting an increase of pension to Melissa J. Sprague; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 10044) granting a pension to Phoebe H. Snow; to the Committee on Pensions.

Also, a bill (H. R. 10045) for the relief of Robert S. Ament; to the Committee on Claims.

By Mr. JOHNSON of Illinois: A bill (H. R. 10046) granting an increase of pension to Lovicy A. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10047) granting an increase of pension to Dorothy Ott; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 10048) granting a pension to Mary Murray; to the Committee on Pensions.

Also, a bill (H. R. 10049) granting a pension to Henry D. Pfeil; to the Committee on Pensions.

By Mr. LAMPERT: A bill (H. R. 10050) granting an increase of pension to Oscar G. Rottman; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10051) granting an increase of pension to Burnham Gibson; to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 10052) granting an increase of pension to Jessie Sparrow; to the Committee on Pensions.

By Mr. McKEOWN: A bill (H. R. 10053) granting a pension to Mary E. Price; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 10054) granting an increase of pension to Rachel Jane Oyster; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 10055) granting an increase of pension to Mary E. Guliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10056) granting an increase of pension to Sarah F. Vibbert; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 10057) providing for the examination and survey of Nolin River, in Kentucky; to the Committee on Rivers and Harbors.

By Mr. NELSON of Missouri: A bill (H. R. 10058) granting a pension to Mary E. Streit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10059) granting a pension to George C. Barnes; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 10060) granting an increase of pension to Nancy Collett; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10061) granting an increase of pension to Isabelle Reno; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10062) granting an increase of pension to Caroline Wilbarger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10063) granting an increase of pension to Susan Wilson McCracken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10064) granting an increase of pension to Elizabeth W. Harris; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 10065) granting a pension to Jessie Baker Pearson; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 10066) granting an increase of pension to Esther M. Huffman; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 10067) for the relief of Marion Banta; to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10068) granting an increase of pension to Mary A. Dial; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2480. By Mr. BLACK of Texas: Petition of certain citizens of Jefferson, Avinger, Mount Pleasant, Naples, and Marietta, Tex.; against House bill 78; to the Committee on the District of Columbia.

2481. By Mr. BOHN: Petition opposing House bill 78, by citizens of Onaway, Mich.; to the Committee on the District of Columbia.

2482. By Mr. CARTER: Petition of William F. Scannell Chapter, No. 6, Disabled American Veterans, of Liberty, N. Y., urging that legislation pertaining to the disabled veterans of the World War be acted upon promptly; to the Committee on World War Veterans' Legislation.

2483. By Mr. CHALMERS: Telegram opposing the passage of the recommended 5 and 20 year naval building program; to the Committee on Naval Affairs.

2484. By Mr. COCHRAN of Pennsylvania: Petition signed by 61 residents of Warren, Pa., protesting against the passage of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2485. Also, petition by residents of Tidioute, Pa., favoring the passage of legislation for the further relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

2486. Also, petition by numerous residents of Venango County, Pa., favoring the passage of legislation for the further relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

2487. Also, petition signed by 21 residents of Warren, Pa., protesting against the passage of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2488. By Mr. CRAIL: Petition of Two-Thirty-Three Club, of Los Angeles, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2489. Also, petition of W. P. Powers and Alex Mitchell, of Los Angeles County, Calif., for the relief of the disabled emergency Army officers of the World War, known as the Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

2490. Also, petition of Federation of State Societies, indorsing the Boulder Canyon Dam project and the all-American canal; to the Committee on Irrigation and Reclamation.

2491. Also, petition of San Rafeal Hills Chapter, Daughters of the American Revolution, indorsing Joint Resolution **11**; to the Committee on the Judiciary.

2492. Also, petition of approximately 150 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2493. By Mr. CROWTHER: Petition of residents of Schenectady, N. Y., against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2494. By Mr. CURRY: Petitions of citizens of third California district against House bill 78; to the Committee on the District of Columbia.

2495. By Mr. DALLINGER: Petitions of certain Massachusetts citizens, opposing the passage of House bill 78, or any bill enforcing the observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2496. Also, petitions of certain citizens of Massachusetts, favoring the enactment of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2497. By Mr. DAVENPORT: Petition of Mrs. Pearl Davis and other citizens of Herkimer County, protesting against House bill 78; to the Committee on the District of Columbia.

2498. By Mr. DOWELL: Petition of residents of Madison County, Iowa, opposing House bill 78; to the Committee on the District of Columbia.

2499. By Mr. EVANS of Montana: Petition of W. W. Palmer and other residents of Bozeman, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2500. Also, resolution of the American Institute of Mining and Metallurgical Engineers, for larger appropriations for Bureau of Mines and Geological Survey; to the Committee on Mines and Mining.

2501. By Mr. GALLIVAN: Petition of Dorchester Post, No. 498, Veterans of Foreign Wars, Frank M. Macomber, commander elect, 1084 Dorchester Avenue, Dorchester, Mass., urging the development of the Navy of the United States so that it shall be second to none; to the Committee on Naval Affairs.

2502. By Mr. HOOPER: Petition of R. U. Garrett and 131 other residents of Calhoun County, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

2503. By Mr. GOODWIN: Petition of Bert V. Kile and 17 other residents of Bruno, Minn., in opposition to the provisions of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2504. Also, petition of Alfred W. Bloomgren and 34 other residents of Sturgeon Lake, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2505. Also, petition of G. H. Blodgett and 107 other residents of Waverly, Buffalo, Montrose, and Howard Lake, Minn., in opposition to the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2506. Also, petition of Bina Mattson and 78 other residents of Grandy, Stanchfield, and Cambridge, Minn., protesting against the enactment into law of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2507. Also, petition of W. G. Micheal and 57 other residents of Montrose and Waverly, Minn., voicing their protest against Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2508. Also, petition by Rosa E. Wysner and 44 other residents of Minneapolis, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2509. Also, petition of Mrs. S. W. Westerlund and 12 other residents of Braham, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2510. Also, petition of J. O. Bridgeman and 11 other residents of Minneapolis, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2511. By Mr. HOOPER: Petition of Mrs. Sarah Julia Leffingwell and 42 other residents of Albion, Mich., protesting against the enactment of compulsory Sunday observance legis-

lation for the District of Columbia; to the Committee on the District of Columbia.

2512. By Mr. HUDDLESTON: Petition of G. Rotholz, Eli Shortridge, and numerous other citizens of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

2513. Also, petition of M. A. Hines, G. Brittain, and numerous other residents of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

2514. By Mr. HICKEY: Petition of Daniel Kershner and other citizens of Marshall County, Ind., urging the early passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2515. By Mr. KVALE: Petition of the Rev. P. J. O'Connor, Renville, Minn., for the beekeepers of Renville County, protesting against enactment into law of the corn-sugar bill; to the Committee on Interstate and Foreign Commerce.

2516. By Mr. LEA: Petitions of 110 residents of Humboldt County, Calif., favoring immediate passage of legislation for relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2517. By Mr. McREYNOLDS: Petitions from the citizens of Chattanooga and Hamilton County, Tenn., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2518. By Mr. MORIN: Petition of Local Union, No. 95, of the International Union of Steam and Operating Engineers of Pittsburgh, Pa., urging the passage of the Dale-Lehlbach bill, so as to permit optional retirement after 30 years' service with an annuity of $1,200 per year; to the Committee on the Civil Service.

2519. By Mr. O'CONNELL: Petition of the Los Angeles Chamber of Commerce, favoring legislation with reference to the Boulder Canyon development; to the Committee on Irrigation and Reclamation.

2520. By Mr. PARKS: Petition of officers of the Arkansas Real Estate Association, of Little Rock, Ark., indorsing to create the Ouachita National Park, in Polk and Montgomery Counties, in the State of Arkansas; to the Committee on the Public Lands.

2521. Also, petition of Arkansas State Federation of Labor, El Dorado, Ark., urging Federal control of floods; to the Committee on Flood Control.

2522. By Mr. PRALL: Petition received from A. J. Addicks, Eltingville, Staten Island, N. Y., protesting against the compulsory Sunday observance law; to the Committee on the District of Columbia.

2523. By Mr. SANDERS of New York: Petition of 12 citizens of Genesee, Orleans, and Monroe Counties, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2524. By Mr. SELVIG: Petition of Mr. B. A. Hanson and 52 adult residents of Greenbush, Minn., and vicinity, protesting against the passage of House bill 78, or any other bills providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2525. Also, petition of Mr. C. R. Wilson and 53 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2526. Also, petition of Mrs. E. L. McCrillis and 13 residents of Barnesville, Minn., and vicinity, protesting against the passage of House bill 78, or of any other bills providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2527. Also, petition of Mr. John P. Asp and 43 adult residents of eastern Pennington County, Minn., protesting against the passage of House bill 78, or of any other bills providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2528. Also, petition of Mr. Roy Briggs and 40 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation; to the Committee on the District of Columbia.

2529. Also, petition of Mr. Aaron E. Pierson and 13 other residents of Gatzke, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2530. Also, petition of Mr. Olof Lindemoen and 20 adult residents of Gatzke, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2531. Also, petition of Mr. W. W. Prichard, jr., and 229 other residents of Thief River Falls, Minn., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2532. Also, petition of Rev. Jacob Skadsheim and 27 residents of Becker County, Minn., protesting against the passage of House bill 78, or of any other bills providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2533. Also, petition of Emma Johnson and 28 residents of Roseau County, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2534. Also, petition of Mr. A. J. Sherman and 30 residents of Detroit Lakes, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2535. Also, petition of Mr. Leon Anderson and 43 residents of Detroit Lakes, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2536. Also, petition of Mr. Elling Williamson and 69 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2537. Also, petition of Mr. W. H. Johnson and 70 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2538. Also, petition of Mr. H. A. Hall and 50 adult residents of Middle River, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2539. Also, petition of Henry Denboer and four adult citizens of Detroit Lakes, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2540. Also, petition of John S. Lovold, of Detroit Lakes, Minn., and 19 other adult citizens, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2541. Also, petition of L. Helms and 26 adult citizens of Detroit Lakes, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2542. Also, petition of George S. Heiberg and 45 adult citizens of Pelican Rapids, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2543. Also, petition of George Carlson and 30 adult residents of Karlstad, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2544. Also, petition of George Peter Larson and 54 adult residents of Warroad, Minn., and vicinity, protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2545. Also, petition of Herman Dale and 17 other residents of Lockhart, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2546. Also, petition of Mrs. Ida Budd and 54 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2547. Also, petition of E. G. Westdin and 40 adult residents of Gatzke, Minn., protesting against the passage of House bill 78, or of any other national religious legislation; to the Committee on the District of Columbia.

2548. By Mr. SINCLAIR: Petition of 66 residents of Palermo, N. Dak., and vicinity, protesting against the national-origins provision as a basis for immigration and urging that the 1890 census continue to be used for this purpose; to the Committee on Immigration and Naturalization.

2549. Also, petition of 35 residents of Selfridge, N. Dak., urging increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2550. Also, petition of the Indians of Sioux County, N. Dak., against legislation to authorize the expenditure of funds for the relief and care of North Dakota Indians by State rather than by national agencies; to the Committee on Indian Affairs.

2551. By Mr. STEELE: Petition of 91 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation for compulsory Sunday observance, more especially the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

2552. By Mr. WARE: Petition of citizens of Bellevue and Dayton, Campbell County, Ky., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2553. By Mr. WYANT: Resolution of Branch 1139, National Association of Letter Carriers, favoring the passage of House bill 25 and Senate bill 1727; to the Committee on the Civil Service.

2554. Also, resolution of Rad Dobromil Cis. 108, C. S. P. S., Mount Pleasant, Pa., against all bills requiring the annual registration of all aliens in this country, with deportation as penalty for noncompliance; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, *January 26, 1928*

(*Legislative day of Wednesday, January 25, 1928*)

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

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Ferris	McLean	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Fletcher	McNary	Smith
Bingham	Frazier	Mayfield	Smoot
Black	George	Metcalf	Steck
Blaine	Glass	Moses	Steiwer
Blease	Gould	Neely	Stephens
Borah	Greene	Norbeck	Swanson
Bratton	Hale	Norris	Thomas
Brookhart	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Bruce	Hawes	Overman	Tyson
Capper	Hayden	Phipps	Wagner
Caraway	Heflin	Pine	Walsh, Mass.
Copeland	Howell	Ransdell	Walsh, Mont.
Couzens	Johnson	Reed, Mo.	Warren
Curtis	Jones	Reed, Pa.	Waterman
Cutting	Kendrick	Robinson, Ind.	Watson
Dale	Keyes	Sackett	Wheeler
Deneen	King	Schall	Willis
Dill	La Follette	Sheppard	
Edge	McKellar	Shipstead	

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills:

S. 1798. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; and

S. 1801. An act in reference to writs of error.

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

H. R. 5623. An act to amend the Judicial Code by adding a new section, to be No. 274D;

H. R. 7224. An act to extend the time for the refunding of certain legacy taxes erroneously collected;

H. R. 9024. An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation;

H. R. 9142. An act to amend section 71 of the Judicial Code, as amended, by changing time of holding court at El Dorado and Harrison, Ark.;

H. R. 9785. An act to amend section 1025 of the Revised Statutes of the United States; and

H. J. Res. 59. Joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906.

DEATH OF ADMIRAL VICTOR BLUE

Mr. SMITH. Mr. President, a few days ago Admiral Victor Blue, one of the most gallant officers of our country, died. He was born in North Carolina, but when he was 3 years of age his parents moved to Marion, S. C. The history of his public career has been one of honor and credit to our State, and nothing that I could say would be more appropriate than an editorial which appeared in the State, a newspaper published in Columbia, S. C. I ask that the editorial may be printed in the RECORD at this point.

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

The editorial is as follows:

[From the Columbia (S. C.) State, January 24, 1928]

VICTOR BLUE, KNIGHT OF THE SEAS

Never a more gallant fighter ever rode into battle or drove his craft into the midst of sea fray, or bared his breast to terrors that fly by night or beset the jungle paths of life than Victor Blue. He faced, in his career of battle and daring, every shape of terror and of death. And he faced all as if it were but part of the morning pageantry or deepening twilights. He was entirely unafraid.

It was not that he was brave, merely. Most soldiers are brave—merely. That is a portion of their day's work, a routine of duty. Victor Blue drew in such daring and gallantry as lightly as his breath. He did not seem to be aware, the spirit in his breast did not flame, until he was called upon by instinct or exigency or the cry of need and suffering to pass beyond these bounds of military courage, and be the knight errant, the champion of a lost cause or one in frightful jeopardy.

When Nelson signaled for his brave seamen to advance at Trafalgar he threw to the breeze the famous call: "England expects every man to do his duty." And that was not necessary, beyond the mere routine of sounding the trumpet flare for the onset. We wisely and highly reward heroes for doing deeds that are outside of and beyond the line of course and duty.

It was always in this region of daring that Victor Blue lived and fought. It is certain that it was in this region of rare heroism and fortitude and calm that Victor Blue died. We don't think of him as captain, commander, admiral, but as Victor Blue, fighter.

All that his spirit needed was to know or to feel "the power of the night, the press of the storm, the post of the foe." And there fell before his advancing soul all barriers of alarm and frustration. He seemed to feel or to be saying softly to himself, "I was ever a fighter, so one fight more—the best and the last."

When the American fleet, moving in one of its missions without stain and for the redemption of a stricken people, arrived before Santiago de Cuba it was not known definitely whether or not the brave Admiral Cervera was inside the well-sheltered harbor with his small but powerfully equipped and swift squadron. If he lay there, his thunders leashed, we could securely disembark the land forces that were to march on Santiago and break the backbone of the Spanish occupation. If he and his little fleet were still outside, and free to strike, it would be unsafe to act until the Caribbean could be cleared of the terrible swift cruisers. It was therefore essential to know.

Victor Blue volunteered to get this essential fact. He had himself put ashore in the darkness of night and the jungle. He then squirmed his way through the jungles, in and out of the enemy's lines, fetching a compass about the city our guns covered, spied Cervera's fleet at anchor in the quiet bay, and brought to the waiting admirals and generals the tidings upon which depended the final victory by sea and land, the prompt liberation of Cuba. It was a brilliant, as well as a desperately courageous act.

But it was typical of Victor Blue, merely one of a many such brilliants. His own country, slow to recognize and still slower to reward great merit—it withheld its recognition of the brave captain that carried "the message to Garcia" for twenty-odd years—a generation of heroes could have passed into the silent land, and the nations of gallant men throughout the earth hastened to shower decorations and honors upon Victor Blue. For gallantry beyond the line of and limit of duty wherever duty summoned him, in Asiatic waters, and amid the mines and volcanoes of the North Sea, "for extraordinary heroism" * * * "for exceptionally meritorious service."

It is said that only the inspiriting sea as the fierce South has the power to confer this rare and extravagant sort of heroism. Very likely it is the old spirit of the vikings and the sea conquerors whom the Roman poet declared must have had their hearts bound in triple brass.

How we may honor fitly such a heart of vibrant steel and burning gold! It is impossible. We are dumb in its presence, even in the presence of its death.

It is pleasing to feel that Victor Blue, after the fitful fever of his restless spirit fell so swiftly and contentedly upon sleep. Like the splendid soul that Browning burns his incense before in "Prospice," Victor Blue would have hated "that death bandaged his eyes, and forebode and bade him creep past."

> No! Let me taste the whole of it, fare like my peers,
> The heroes of old,
> Bear the brunt, in a minute pay glad life's arrears.

Victor Blue died as he lived and fought, with a courage equal to meet every thrust of fate, to confront every terror that rides the winds of death—superior to and lord of the inexorable hour.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the American Negro Protective Association, at Chicago, Ill., favoring the appointment by the Governor of Illinois