No. 51 of the United States Chamber of Commerce; to the Committee on Flood Control.

4766. Also, petition of Powel Crosley, jr., protesting against proposal offered by the Merchant Marine and Fisheries Commitee, to require equal allotment of broadcasting power and licenses; to the Committee on the Merchant Marine and Fisheries.

4767. Also, petition of V. Bernard Siems, on behalf of the engineering profession, urging support of House bill 11026, providing for the coordination of the public health activities of the Government; to the Committee on Interstate and Foreign Commerce.

4768. Also, petition of E. N. Nockels, secretary and general manager Chicago Federation of Labor, and radio station WCFL, protesting against the amendment of paragraph 2, section 9, of the radio act of 1927, proposing to allocate frequencies in accordance with the established radio zones; to the Committee on the Merchant Marine and Fisheries.

4769. By Mr. LINTHICUM: Petition of Mrs. M. E. Cullinan, president Women's Auxiliary to the Railway Mail Association of Baltimore, indorsing House bill 25 and Senate bill 1727; to the Committee on the Civil Service.

4770. Also, memorial from Baltimore Federation of Churches, Baltimore, Md., and signed by many Baltimore residents, registering opposition to naval increase as proposed by present legislation; to the Committee on Naval Affairs.

4771. Also, petition of Christopher J. J. Witteman, United States custom guard, Baltimore, indorsing House bill 10644; to the Committee on Ways and Means.

4772. By Mr. MEAD: Petition or memorial of Hamburg Chamber of Commerce, regarding the Griest postal rate bill; to the Committee on the Post Office and Post Roads.

4773. By Mr. MILLER: Petition of citizens of Seattle, Wash., protesting passage of House bill 78; to the Committee on the District of Columbia.

4774. By Mr. NELSON of Maine: Petition of sundry residents of Waldo County, Me., against the proposed Lankford Sunday bill; to the Committee on the District of Columbia.

4775. By Mr. NEWTON: Petition of Mrs. Axel Larson, of Minneapolis, and others, against compulsory Sunday observance bill; to the Committee on the District of Columbia.

4776. By Mr. O'CONNELL: Petition of the Fritzsche Bros. (Inc.), of New York City, favoring the passage of the parcel post bill (H. R. 9195); to the Committee on Ways and Means.

4777. By Mr. OLIVER of New York: Petition of Bronx County Civil Service Employees Association (Inc.), protesting against efforts to relax, alter, amend, or repeal the civil service requirements in regard to employees of the Prohibition Bureau; to the Committee on the Civil Service.

4778. By Mr. RAMSEYER: Petition of residents of Oskaloosa, Iowa, protesting against the passage of the Lankford bill (H. R. 78), or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4779. By Mr. ROBINSON of Iowa: Petition from Rev. John Gammons, D. D., pastor of the Methodist Episcopal Church at Earlville, Iowa, which petition was voted unanimously by his congregation, against the large increase in our Navy; to the Committee on Naval Affairs.

4780. By Mrs. ROGERS: Petition of Ralph Wright, Henry J. Bridges, and other citizens of Hudson, Mass., against the enactment of House bill 78, to secure Sunday as a day of rest, etc.; to the Committee on the District of Columbia.

4781. Also, petition of H. S. Sanborn, of 37 Walnut Street, Natick, Mass., against House bill 78, requiring compulsory Sunday observance; to the Committee on the District of Columbia.

4782. By Mr. SANDERS of Texas: Petition of several citizens of Kaufman County, Tex., in behalf of the Hudspeth bill, to prevent gambling in cotton futures and to make it unlawful for any person, corporation, or association of persons to sell any contract for future delivery of any cotton within the United States, unless such seller is actually the legitimate owner of the cotton so contracted for future delivery at the time said sale or contract is made; to the Committee on Agriculture.

4783. By Mr. SUMMERS of Washington: Petition signed by M. Franks and 121 others, of the State of Washington, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4784. Also, petition signed by Mr. A. E. Wesseler and 19 others, of the State of Washington, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4785. By Mr. SWICK: Petition of J. C. Glass and 18 other residents of New Castle, Lawrence County, Pa., protesting the passage of the Lankford bill, or any other measure proposing compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

4786. By Mr. TAYLOR of Colorado: Petitions from citizens of Cortez, Colo., protesting against the passage of the Lankford bill, or any other legislation to enforce compulsory Sunday observance; to the Committee on the District of Columbia.

4787. By Mr. THOMPSON: Petition of 16 citizens of Delta, Ohio, protesting against the passage of House bill 78, the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

4788. By Mr. WASON: Petition of W. W. Eastman and 173 other residents of Hill, N. H., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4789. By Mr. WELLER: Petition of citizens of the State of New York, in favor of House bill 6518; to the Committee on the Civil Service.

4790. By Mr. WELSH of Pennsylvania: Petition bearing 563 signatures of citizens of Philadelphia, Pa., opposed to House bill 78, known as Lankford Sunday observance bill; to the Committee on the District of Columbia.

SENATE

FRIDAY, *March 2, 1928*

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

Most merciful God, who art of purer eyes than to behold iniquity, and hast promised forgiveness to all who confess and forsake their sins, we bow before Thee in an humble sense of our own unworthiness, acknowledging our manifold transgressions of Thy righteous laws. Reform whatever is amiss in the temper and disposition of our souls, that no unholy thoughts, unlawful designs, or inordinate desires may rest there. Purge our hearts from envy, hatred, and malice, that we may never suffer the sun to go down upon our wrath, but may always go to our rest in peace, charity, and good will, with a conscience void of offense toward Thee and toward men. Grant this, we beseech Thee, for the sake of Him who is our Master and our Savior, Jesus Christ, Thy Son, our Lord. Amen.

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

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 8227) authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa., and it was thereupon signed by the Vice President.

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

Mr. ROBINSON of Arkansas. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by illness in his family.

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

LANDS FOR LIGHTHOUSE PURPOSES

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a

draft of proposed legislation "to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes," which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

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

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

Mr. SHEPPARD presented a resolution adopted by the St. Louis Catholic Society, of Castroville, Tex., protesting against the treatment of Catholics in Mexico and urging our Government to use its good offices so as to promptly bring about a peaceful solution of the situation, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of San Antonio, Tex., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FRAZIER presented the petition of Viola Hezel Wishek and 30 other citizens of Ashley, N. Dak., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

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

Mr. CURTIS presented resolutions adopted by the Order of United Commercial Travelers of America, at Salina, Kans., favoring the adoption of measures for the further and better control of radio broadcasting, which were referred to the Committee on Interstate Commerce.

Mr. WALSH of Massachusetts presented 20 letters in the nature of petitions from sundry citizens of Marblehead, Mass., praying for the passage of the so-called Brookhart bill (S. 1667), relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. COPELAND presented a resolution adopted by the American Cider Vinegar Manufacturers' Association at Rochester, N. Y., protesting against the passage of legislation which would permit the use of dextrose or levulose in the manufacture of prepared foods without declaration upon the labels, which was referred to the Committee on Manufactures.

He also presented a resolution adopted by the county committee of the New York County organization of the American Legion, favoring the passage of pending legislation "to send the Gold Star Mothers on a pilgrimage to the graves in France," which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from the Buffalo (N. Y.) Radio Trades Association, signed by Elmer C. Metzger, president, remonstrating against amendment of existing radio legislation, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the board of directors of the Social Hygiene Society of the District of Columbia, favoring the passage of the bill (H. R. 6664) to establish the woman's bureau of the Metropolitan police department of the District of Columbia, etc., which was referred to the Committee on the District of Columbia.

Mr. JONES presented a memorial of members of the East Sixty-fourth Street Methodist Episcopal Church, of Tacoma, Wash., remonstrating against adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by the city commissioners of Bremerton, Wash., favoring the passage of the so-called Dale-Lehlbach bill, relative to the retirement of civil-service employees, which was referred to the Committee on Civil Service.

He also presented a memorial numerously signed by sundry citizens of Yakima and vicinity, in the State of Washington, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of members of the Federated Teachers of the public schools of Tacoma, and of sundry citizens of Tacoma, Seattle, and Wenatchee, all in the State of Washington, praying for the passage of legislation creating a Federal department of education, which were referred to the Committee on Education and Labor.

Mr. McLEAN presented a letter in the nature of a petition from the Manufacturers Association of Connecticut (Inc.), of Hartford, Conn., favoring the passage of the so-called Brown forestry bill, authorizing an appropriation of $75,000 for three years to be used in the study of paper-mill wastes, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Hartford (Conn.) Chapter, Reserve Officers Association of the United States, favoring the adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented papers in the nature of memorials from the congregation of Immanuel Congregational Church and the Young Woman's Christian Association, both of Hartford; Grange No. 91, Patrons of Husbandry, of Seymour; and Everyman's Bible Class, of the Wethersfield Congregational Church, of Wethersfield, all in the State of Connecticut, remonstrating against the adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented petitions of Williams Post, No. 55, Grand Army of the Republic; H. C. Latham Camp, No. 19, Sons of Union Veterans of the Civil War; Relief Corps Volunteers, No. 12; and Phoebe Rathbun Tent, No. 3, Daughters of Union Veterans of the Civil War, all of Mystic, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented memorials of Uncas Council, No. 25, Order United American Mechanics, and the Bridgeport Savings and Loan Association, both of Bridgeport, Conn., remonstrating against the passage of Senate bill 1752, to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

INJUNCTIONS BY COURTS

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Judiciary Committee a telegram from the Knoxville Central Labor Union in reference to injunctions.

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

KNOXVILLE, TENN., *March 2, 1928.*

Hon. K. D. McKELLAR,

Senate Office Building, Washington, D. C.:

Following resolutions passed at mass meeting, unanimous:

"Whereas there is pending in Congress the Shipstead anti-injunction bill; and

"Whereas this bill is directed to prevent the use of the injunction in restraint of liberty and to abolish government by injunction: Therefore be it

"*Resolved*, We, the representatives of the organized labor movement of Knoxville and vicinity, do indorse the Shipstead anti-injunction bill and call on our Senators from this State and Representative in Congress from this district to support this bill by their voice and vote.

"Whereas the American Federation of Labor is making efforts to secure legislation that will enable the States to obtain relief from convict-labor competition;

"Whereas many industries as well as free labor are suffering from the use of this unfair competition of the inmates of penal and reformatory institutions;

"Whereas there is pending in Congress the Cooper-Hawes bill, which will abolish this unfair competition and subject all convict-made goods sent into a State to the laws of such State, and thereby protect the free manufactures and free labor: Therefore be it

"*Resolved*, That the representatives of organized labor in Knoxville and district in mass meeting do indorse the Cooper-Hawes bill and call on our Senators from this State and Representative in Congress from this district to support this bill by their voice and vote."

KNOXVILLE CENTRAL LABOR UNION,
SAM C. GODFREY, *President.*

ADMINISTRATION OF VETERANS' BUREAU

Mr. ROBINSON of Arkansas. Mr. President, I ask leave to have printed in the RECORD at this point in connection with my remarks a letter which I have received from John G. Pipkin, commander of the American Legion, Department of Arkansas, Some time ago, pursuant to the custom which prevails here, there was printed in the RECORD at my request Concurrent Resolution No. 11, adopted by the General Assembly of the State of Arkansas, reflecting on certain features of the administration of the Veterans' Bureau. The letter from Commander Pipkin has relation to the subject matter of that resolution, and I ask that the letter be given the same publicity that was

given the resolution, and that therefore it be printed in the RECORD at this point.

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

THE AMERICAN LEGION, DEPARTMENT OF ARKANSAS,
Little Rock, Ark., February 19, 1928.

Hon. JOE T. ROBINSON,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Some time ago Watson B. Miller, chairman of the American Legion legislative committee in Washington, D. C., wrote me relative to the merits and history of House Concurrent Resolution 11, which you had recently introduced in the Senate. No doubt this resolution was simply handled by you as a matter of routine, you presuming that it was a part of the regular Legion legislative program or the bona fide wish of the Arkansas Legislature. I believe a review of the facts will reveal that it represents neither of the above.

The Department of Arkansas did not sponsor this Resolution 11 last year, nor did they know that any such resolution had been introduced. The United States Veterans' Bureau did not know of any such either. The resolution did not authorize its circularization, but the secretary finally sent you one upon the insistent urging of its author, Mr. Walter M. Purvis, a local lawyer.

Regardless of the above, I would be in favor of the resolution if I thought it was necessary or justified in the premises. But in this case I feel sure that there are no reasons for any such resolution ever being introduced. The Veterans' Bureau have regularly constituted examining boards to pass on mental and other cases. They have reviewing boards. And, besides, we have the civil courts, where writs of habeas corpus can be availed of if necessary. No one wants to put a sane man in the hospital out at Fort Roots. However, the majority of men out there claim that there is nothing the matter with them, which is readily understood by all of us.

Mr. Purvis, some time back, was interested in getting a man out of hospital No. 78 who was being held as an insane man. He had killed two men in the Army. Upon being released via the habeas corpus route he proceeded to attempt to kill another man, but fortunately his aim was bad. He now is in the State Hospital for Nervous Diseases. So this is the only case that any of us know about which could serve as the basis for the Resolution No. 11.

Since there will likely arise some suspicion against the local Veterans' Bureau, which will be entirely unjust, if this Resolution 11 goes through and gets publicity, I am suggesting and recommending that you withdraw same from the Senate files. I feel that any such proposed legislation should come through national channels, for it is not local in its application. The American Legion and the Arkansas Service Bureau are here to help ex-service men in all matters, and no such complaints as indicated in the Resolution 11 ever came to our attention.

In closing, I wish to express to you the great appreciation that the American Legion, Department of Arkansas, feels toward you, for you have always been ready to serve us both in and out of the Halls of Congress.

With best wishes and regards, I am,

Sincerely yours, JOHN G. PIPKIN,
Commander American Legion, Department of Arkansas.

RADIO CONTROL BILL

Mr. WALSH of Massachusetts. Mr. President, for several days I have received telegrams and letters from sundry citizens of Massachusetts protesting against that section of the new radio control bill pending before the House providing for equal wave lengths and equal power in each of the five radio zones. I ask that these letters and telegrams be treated as petitions and be referred to the Committee on Interstate Commerce.

The PRESIDING OFFICER (Mr. WILLIS in the chair). That reference will be made.

Mr. WALSH of Massachusetts. I also present a letter typical of complaints made to me, and ask to have it printed in the RECORD, together with a letter from a Federal radio commissioner.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

WESTWOOD, MASS., *February 27, 1928.*

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: In this evening's Boston Traveler there appears an article to the effect that there is now before Congress a radio bill which, if enacted into law, will cripple the broadcasting stations and systems of this section of the country by reducing the powers of the stations so that many of them will only be heard about 1 mile away. I inclose the clipping so that you may understand what the article is about.

I wish to say that if this new radio bill is to have any such provisions as stated in the clipping I wish to go on record as most emphatically protesting against the enactment of this bill, and I hope that you will see your way clear to use your powers to defeat this bill as far as it lies in your ability to do so.

It seems to me that the public investment in radio sets is now too great to have bills passed that will make this vast investment useless by making it impossible to hear anything on them.

I might say that instead of doing this there should be some effort made to lessen the heterodyning of stations every time there happens to be a night favorable for distance reception by reducing the number of radio stations as fast as this legally becomes possible. The remaining stations should be made to keep up a certain standard of excellence in the quality of their transmission and their program. If some of these stations had to furnish a definite quality of program they would soon quit, and that would leave so much more room for real musical programs.

While writing, I might say that I wish to go on record as being opposed to any tax on radios or broadcasting, as I believe that our present admirable broadcasting systems can continue to carry on without the support of the Government, and the revenues of the Government seem ample to properly control the broadcasters from attempting a monopoly of the thing, if properly exercised powers are used with discretion and common sense.

Very sincerely yours for better broadcasting,

RICHARD ROGERS.

FEDERAL RADIO COMMISSION,
Washington, D. C., March 1, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: Answering your letter of February 29, concerning the telegram reading as follows:

"We protest against cancellation of licenses of Massachusetts radio stations. Will you please help?"

I know of no cancellation of licenses of Massachusetts radio stations by the commission. There is, however, now pending before the House of Representatives the amended bill reported favorably by its Committee on Merchant Marine and Fisheries, which would provide for equalizing the radio power and stations in the five radio zones. Under this rearrangement, a rough calculation shows that Massachusetts would have its present power of 19,000 watts cut to 3,750 watts, and its 18 stations cut to 8 stations, in order to put New England on the same basis as certain States in the South which have very few radio stations and very few radio listeners. This clause will have the effect of destroying stations in Massachusetts and throughout the North, East, and West—stations which are serving the South in the absence of their own stations. As you are aware, the commission can not order stations to be built unless applications are made. There have been few applications from the South, since, as you realize, radio stations are costly. To erect a 5,000-watt station costs about $150,000, and an equal sum is required for its operation each year.

It is my hope that the clause referred to, and which your correspondent evidently has in mind, will not be passed by the House, and certainly I trust that it will be held up by the deliberate good judgment of the Senate.

Very truly yours,

O. H. CALDWELL, *Commissioner.*

Mr. McKELLAR. Mr. President, in that connection I want to say that I have received a large number of letters and telegrams from my part of the country, protesting most vigorously against the unequal division of radio wave lengths, and asking that the bill which is passed grant equal privileges and rights to the various parts of the country.

Mr. WALSH of Massachusetts. I think the Senator will find that the letter from the radio commissioner will give him information that he does not now possess.

Mr. McKELLAR. I hope it will. I have a letter from the commissioner which does not give me that hope.

REPORTS OF COMMITTEES

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, reported it without amendment and submitted a report (No. 448) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 51) requesting the Secretary of Agriculture to report to the Senate at the beginning of the second regular session of the Seventieth Congress his views as to whether the insurance of the farmer by the Federal Government against droughts, floods, and storms would be consistent with sound governmental and economic policy, reported it with an amendment and submitted a report (No. 449) thereon.

He also, from the same committee, to which was referred the bill (S. 1731) to provide for the more complete development of vocational education in the several States, reported it with amendments and submitted a report (No. 451) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 7008) to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes, reported it without amendment and submitted a report (No. 450) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 9484) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River, at or near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala., reported it with amendments and submitted a report (No. 457) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8899) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Tombigbee River at or near Epes, Ala. (Rept. No. 458);

A bill (H. R. 8900) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala. (Rept. No. 459);

A bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Garland, Ark. (Rept. No. 460);

A bill (H. R. 9019) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark. (Rept. No. 461);

A bill (H. R. 9063) to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala. (Rept. No. 462);

A bill (H. R. 9204) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark. (Rept. No. 463); and

A bill (H. R. 9339) granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at Warren, Trumbull County, Ohio (Rept. No. 464).

COL. CHARLES A. LINDBERGH

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 10715) to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That Col. Charles A. Lindbergh, United States Army Air Corps Reserve, is hereby authorized and permitted to accept decorations, medals, certificates, or gifts which have been heretofore or may hereafter be tendered him in recognition of services, exploits, or achievements, by the government of any foreign state with which the Government of the United States was at the time of such tender and acceptance on friendly terms; and the consent of Congress required therefor by clause 8 of section 9 of Article I of the Constitution is hereby expressly granted.

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

Mr. JONES. Mr. President, I did not object to the consideration of the bill which has just been passed, but I regret its passage. I hope that Colonel Lindbergh will respectfully decline to accept any decorations under it. It would detract from what he has done and from what he has shown himself to be. He needs no decoration. He is loved and admired by more people than any man in the world's history, not so much because of his wonderful exploit but because of what he is and the genuine man he shows himself to be.

AGRICULTURAL RELIEF

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Robin Hood, appearing in the Cooperative Marketing Journal for January, 1928, relative to cooperative marketing.

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

THE "CO-OP BUSTERS"

(By Robin Hood)

The fight against the cooperatives, unprincipled and bitter, old as the oldest association, has suddenly taken on a new aspect. Instead of the sly tactics which have characterized most of the efforts to stem the steadily rising tide of farmers' cooperatives, dealer interests have now combined for an open national welfare calculated to destroy the legal foundations of the movement. Talking in terms of a million-dollar budget, and with plans to influence Congress and the Supreme Court, a new organization has been formed to plan and direct the battle. It is known as the Federated Agricultural Trades of America, has established headquarters in Chicago, and claims to represent dealers interested in the following commodities: Grain, cheese, vegetables, eggs, butter, fruit, tobacco, sugar, potatoes, livestock, cotton, wool, flour, ice cream, milk, and poultry.

But this is getting ahead of the story. Let us start at the Palmer House, in Chicago, November 30.

It was a conference of 200 middlemen with sore fingers. They were crying because the economic development of the Nation had forced farmers to push open the door of cooperative marketing, and the door had slammed their fingers as it swung back.

Presiding was a man from Salt Lake City, W. F. Jensen. He owns a string of creameries in the far West. Somebody said this chief of the "co-op busters" called his plants the Mutual Creameries. Ironical! His is an upstanding case of sore fingers, for the Challenge Cream and Butter Association, farmers' cooperative, has entered his territory and is serving farmers so well that Mr. Jensen declares in his official address: "We must * * * protect the billions of dollars of invested capital which we represent."

There were a multitude of sore fingers among the rest of the creamery representatives. In fact, the American Association of Creamery Butter Manufacturers sponsored the meeting. A man from the Land O' Lakes region, who omitted to give his name, solemnly pointed out that the cooperatives were destroying private business—the "very root of modern civilization." The anæmic-appearing Wisconsin man sitting beside me leaned my way and whispered: "He's sure right. He's lost thousands in the last couple of years, and I haven't had a good month since that damn Land O' Lakes outfit started in my town." All of which is a splendid testimonial for the Land O' Lakes Creameries (Inc.), which is apparently rendering a service that the farmer thinks is more satisfactory than that of the man who was speaking. All told, the speeches by butter manufacturers proved hundreds of private creameries are being left high and dry by the transfer of farmers' patronage to cooperative creameries.

Another sore finger appeared when a man introduced as L. B. Kilbourne, of Minneapolis and Chicago, arose. The obliging gentleman on my right informed me that Mr. Kilbourne was a big produce man, owner of the largest cold-storage plant in Chicago. Kilbourne agreed that American business and the American Nation would rapidly go to the bow-wows unless something was done about the co-ops. He buys poultry products in the territory where the Lake Region Cooperative Egg and Poultry Association is enjoying a thriving business.

Mr. Kilbourne said cooperatives were all right as long as small groups remained small, but when they got together into large groups they were obnoxious to private business.

Then there appeared one Charles Droste, introduced as one of 12 representatives of the New York Mercantile Exchange—a dozen plaintiff cases of sore fingers. Said Charlie was given a great ovation for declaring, "These cooperatives are not an economic movement, but are a political and agitators' movement. We must save the farmer from himself by telling him all the truth, so he'll know what this is all about."

WEIRD CHARGES MADE AGAINST COOPERATIVES

A native son, named Bell, gained the floor. Possessed of all the appurtenances of an orator, except a stump to stand on, this Californian assured us that there was no place in the world so pleasant to live in as Long Beach. It was to be gathered that he had made enough handling farm products for Iowa farmers to be able to devote real attention to the evils of cooperation.

"The cooperatives are the result of professional agitators and weak sisters," he assuaged the burned fingers. "Weak sister farmers have allowed professional agitators to make them believe they are not getting a square deal." With a brilliant flight of oratory, he made a nonstop trip clear across the Atlantic and landed hard upon poor unsuspecting Denmark. That little country is morally dead, he said, and proved it—to his satisfaction—by pointing out that Denmark stayed out of the World War! And why? "The patriotic life of Denmark is dead, because of its socialistic cooperative notions of agricultural trade!"

Before the meeting ended we had been told that cooperation is also communism, bolshevism, fascism, and, capping the climax, dictatorship. The middleman system alone is democratic! It was exceedingly unfortunate that professors of political science were not present;

a new crop of textbooks would doubtless have been inspired. Then, too, a political scientist might have been able to explain away the incongruity of cooperation being both a form of communism and a form of dictatorship, to say nothing of the democracy of middlemen.

DEALERS IN LIVESTOCK AND GRAIN MOST VEHEMENT

But there were other sore fingers in attendance. The livestock exchanges were well represented and paid their compliments to the various Producers and Farmers' Union terminal cooperative commissions. "Fight this great growing menace!" pleaded a Mr. Laverly, from Omaha, who had seen his business gradually slipping away to the cooperatives during the past 10 years. A livestock exchange official, whose name was lost in a rumble of applause, was called upon to expose a bureaucratic monster within the United States Department of Agriculture—the Bureau of Agricultural Economics in general and the division of cooperative marketing in particular.

His pet peeve was the fact that the bureau had usurped certain holy functions of the livestock exchange, specifically the distribution of statistical information regarding prices and movements of livestock. He was distinctly agitated because "the Government is wasting millions of dollars trying to duplicate information with which the livestock exchanges have been serving farmers for generations." He omitted to say that Congress instructed the bureau to disseminate this statistical information because Congressmen had discovered the livestock exchanges' information to be not always altruistically reliable. Doubtless, this was an unintentional and inadvertent omission, but it is not as easy to understand his omission to say that Congress enacted the packer and stockyards control legislation because its investigators discovered many ways in which the farmers' accounts were plundered at the livestock terminals.

If the livestock dealers had sore fingers, the grain dealers had sore thumbs. A dignified prosperous-looking Babbitt was called to the platform and was introduced as Charles Quinn, secretary of the National Grain Dealers Association. He pointed out that cooperative associations were taking business away from private agencies, including country and terminal elevators, thus leaving the owners of millions of dollars' worth of physical property stranded high and dry with facilities either empty or far short of capacity. This amounted to confiscation. But this was not the worst of the story, according to this altruistic secretary, for farmers were being bumfuzzled by agitators to embark upon a plan of marketing "which we as business men know can not succeed." For these two reasons he said, "You men must abandon your business, if necessary, to give the attention to these things demanded as the result of these cooperatives and the enabling activities of bureaucrats in Washington."

COOPERATION CALLED MOST DANGEROUS THEORY OF LIFETIME

One of the speakers was worried about taxes. Apparently he had been working on some tax returns and couldn't find satisfactory ways to evade high income taxes on his profits. He encouraged the assembly to believe that the cooperatives were exempt from taxes, omitting to say that cooperatives pay thousands upon thousands of real estate and indirect taxes yearly. He tried to create a stir over the fact that cooperatives pay no income taxes, losing sight of the fact that cooperatives are nonprofit organizations and therefore can not have incomes. Perhaps the speaker knew this, but, if so, he didn't choose to tell. Some one might have shown him that he wouldn't be required to pay any income tax either if he followed the example of the cooperatives and paid back all his profits to the farmers.

Another victim of sore fingers, an officer of a grain exchange, was given the floor. If we heard correctly, his name was Patterson, but the meeting was so well warmed up by this time that every speaker was applauded before and after talking, and one who acted merely as a spectator in a back seat couldn't hear names clearly. This self-styled friend of the grain farmer began on the defensive with the bromide of 50 years of good standing: "The grain exchanges are as near perfect as it is possible to make them." Then a second bromidic salt: "Cooperation is radical and socialistic. It is the most dangerous theory ever brought to this country during my lifetime. The cooperatives have seized Washington because heretofore you haven't had the guts to fight them. They are attempting by bureaucratic government to petrify private business and economic law."

DEALERS EXPRESS PREFERENCES FOR PRESIDENT OF UNITED STATES

It was an oration that shook the walls, and the 200 cases of sore fingers applauded until there were 200 cases of sore hands. It was a glorious speech. The lid was off. Everyone of the 200 was ready to prove that he had the "guts" to fight for the inalienable right to extract a toll from the farmer's products and for the inalienable right of the deluded farmer to have protection from the activities of professional organizers and salaried bureaucrats.

Of course, there were a few discordant notes. One man gained the floor, presumably to tell why cooperatives should be dissolved, but instead made an eloquent speech nominating Herbert Hoover for President of the United States. For a time the 200 forgot their business and convened a political convention. Al Smith was nominated for the Democrats; and then Reed and even Ritchie. Seemingly nobody in the group wanted as out-and-out co-op friend as Lowden. Finally, Calvin Coolidge was renominated and the 200 delegates returned to the pressing business of ministering to sore fingers.

Another somewhat discordant note was sounded by F. M. Hudson, manager of the Los Angeles produce exchange. He wanted it thoroughly understood that he personally was strong for the program of busting co-ops but that some rather prominent members of his exchange were cooperatives and, therefore, as an official, he was compelled to remain silent. This, of course, proved a good testimonial for all of southern California's cooperatives.

FARMERS TELL THEM THEY'RE FAR BEHIND THE TIMES

Among the organizations officially represented was the Illinois Manufacturers Association, which had delegated Charles A. Ewing as its spokesman—a very serious blunder on the part of the ring leaders of the Palmer House circus and perhaps a choice bit of humor displayed by the Illinois manufacturers, for Mr. Ewing is a director of the Chicago Livestock Producers Association. Well, when Mr. Ewing was invited to speak he told tales out of school.

"We farmers have lost more in this past five years than all the money invested in your businesses," he told the assembly. "Farmers have been getting such a small part of the ultimate value of their products that they have been compelled to go after a part of the distributive profits. The development of agriculture from the primitive to the commercial stage has brought about changed conditions. The trouble is that private business in the marketing end has not kept up with the changes, and alert men from the marketing system itself have gone with the cooperatives and helped develop them—and in doing so left the rest of you fellows behind. It is not the work of agitators nor the assistance of Government bureaucrats that pushed your old methods of business out, but it is the efficiency of the cooperative system itself."

It was a bitter pill for some of the 200 to swallow, but the program was too well staged and the plans too thoroughly mapped out in advance for such remarks to prove much of a deterrent. Nevertheless, Mr. Ewing did spoil any hopes for good publicity the co-op busters may have had, for the Chicago Tribune next day briefly reported the meeting under the headline: "Story of lost farm billions wins aid of business men."

CHAIRMAN JENSEN STATES PURPOSE OF DEALERS

The shrewdest speech of the meeting was made by the chairman, W. F. Jensen, who, it was generally understood, would get ample compensation as long as the new organization carries on its crusade of co-op busting. He presented a written speech crammed with artful combinations of words, skillful innuendo, and ingenious inferences. His speech deserves more attention than the rest for the simple reason that he tried to camouflage his program of co-op busting with a screen of propriety and righteousness, as evidenced by his statement of purpose in the following paragraphs:

"The purpose of this conference, as stated in the call, is not to make a fight on agricultural cooperation. We are not opposed to agricultural cooperation kept within legal and constitutional limits, and which is a genuine attempt made by farmers to better themselves.

"We believe, however, that this issue and all cooperative farmer development should stand on its own feet in order to be and constitute a sound and meritorious effort in our economic life.

"We are opposed to the cooperative issue and this new development if it requires artificial stimulation or Government subsidies, which must be carried in part or as a whole by the taxpayers in other lines, or by competitive business. We believe such a program is entirely foreign to our American traditions and unworthy of adoption.

"Agricultural cooperation, expressed in a genuine attempt of producers to assemble and market their own products, or to improve their condition, is the right and privilege which they possess as citizens of our great Republic and under our Constitution, and if they succeed and by reason of their success eliminate and perhaps destroy some established enterprise there is nothing to be said by our side.

"However, this expression for a change, or the farmer's desire in any community resulting in actually substituting cooperative marketing for individual enterprise, should not be the result of propaganda and the strenuous urge going out from our Department of Agriculture in such a continuous stream, or by reason of work done by the multitude of public servants employed for that purpose. And those laws which show class favoritism should be repealed or declared unconstitutional.

CHARGE THAT COOPERATION IS NOT FARMERS' SELF-EXPRESSION

"It is not right that our Federal and State Governments, aided by legislation as they have been, should render special service in order to build competitive business, partially, if not wholly tax exempt, or to aid and develop any form of business which has the effect of depriving anyone of his property and other constitutional rights.

"It is unfortunate that any part of business should become involved in politics, but that is the situation confronting us now. We can not underestimate the formidable forces back of the cooperative marketing of agricultural products, which forces have become a menace to invested capital and the established way of handling farm products.

"The present issue, which is backed so strongly by our Government, is decidedly different from the cooperative development we have had

with us for many years. The issue now is that of cooperative marketing—not in a small way, but on a national scale, and in the big terminal markets—for the purpose of establishing producer control of value, it may be said, without regard to the principle of supply and demand.

"It would seem that under the guise of farm relief this plan, which has strong support, might lead to the use of public funds and that the outcome is questionable and might lead to great disaster.

"The cooperative-marketing development can not be said to be a genuine producer demand. Only here and there is that true. It is a political question, sponsored by politicians and professional organizers, both influencing the administration as an offset to the unrest among our farmers and producers, due to their inability to meet the world's competition in the marketing of surplus products."

ASSUMING 2,000,000 FARMERS HAVE BEEN HOODWINKED

The danger of such arguments as Mr. Jensen makes in the above paragraphs lies in the pure ingenuity for distortion of facts. The careless thinker might easily pass over Jensen's false premise, and, assuming it, think he had stated a justifiable case for those middlemen whose businesses had suffered. The fact of the matter, however, is that when Jensen assumes that the cooperative movement is not the farmers' self-expression but is the work of propagandists and professional organizers, he is laying down a brazen premise that insults the intelligence of every man who has observed the movement. The inference that more than 2,000,000 American farmers can be hoodwinked and kept hoodwinked for many years by professional propagandists and organizers is too preposterous for much discussion. Yet Jensen's whole argument is more or less based on this notion that agricultural cooperation is not the result of the desires of the producers themselves.

Of course cooperatives have received encouragement from official Government agencies; the same is true of the cooperatives in every nation on the face of the earth. But nearly 2,000,000 farmers were cooperative members before the Federal Government ever established a division to deal with the movement. Moreover, the aid and encouragement is of a very proper kind. Government agencies in this country do not organize cooperatives, but they do tell how not to organize. The effort of the Division of Cooperative Marketing is directed toward the dissemination of information that will insure the cooperative movement of developing along sound lines and not unsound lines. Mr. Jensen therefore gives the lie to his own words when he opposes the work of this particular division, as he did at another point in his speech.

The real motive of Mr. Jensen's ache doubtless lies in the paragraph above, where he said: "The issue now is that of cooperative marketing—not in a small way, but on a national scale."

OBJECTION ONLY TO LARGE-SCALE COOPERATIVES

As long as little cooperatives remained little they had no sales outlets except through private dealer agencies in the terminals and central markets. Organized as locals, the cooperatives were just a very convenient agency to assemble farm products for the big dealers, and the big dealers welcomed them. As long as cooperatives remained locals they only suffered the opposition of local dealers, but now that the associations are regional and national they conflict with the business of regional and national dealers. The larger cooperatives grow, the larger are the dealers affected, of course. Until a few years ago only the little fellows fought cooperatives, but now the bigger ones are coming into the fray. Jensen's position is just as much as to say: "A little cooperative is a good thing, but a big cooperative is not." The fallacy of the view is self-evident.

A large portion of the speech was devoted to Denmark. The following extract illustrates the speaker's adroit effort to make capital out of nothing:

"There is no question that Denmark has reached a high state in its agricultural development, and can teach a good many lessons in farming. Cooperation started in Denmark about 40 years ago and since then most of the Danish farmers, not all, have associated themselves in many enterprises. They have cooperative creameries, egg-packing and meat-packing plants, feed stores, merchandise stores, and many other branches, including banks, insurance societies, etc. The result of the farmer's entrance into business in Denmark was, of course, the almost complete elimination of commercial life as carried on by individuals, especially in the small towns and villages throughout Denmark.

"Whether the Danish farmer is receiving more for his product by reason of cooperation than he would otherwise receive, I can not say. He is, of course, governed by the world's market; but he has improved the quality of his product and he has established a high standard of efficiency in his dairy herds and other livestock."

WHAT WAS IT THAT BUILT DANISH AGRICULTURE?

Needless to say, Jensen did not choose to point out the moral of each paragraph. The first evident fact is that the cooperative marketing system in Denmark was so much more efficient and satisfactory to the producers than the private agencies handling farm products, that the dealer interests were unable to withstand the competition. A better evidence of the soundness of the cooperative system would be hard to find.

In the second paragraph Jensen attributes Danish agricultural success to standardization and improvement in the quality of products. Absolutely true! The greatest benefit in cooperation is that cooperatives standardize their products, educate farmers to produce higher-quality products, pay them in accordance with grade, and provide a genuine money motive for producing high-quality products instead of grades calculated merely to "get by." Illustrating this point further, wheat growers knew little or nothing of the desirability or profit in producing high-protein content wheat until the cooperatives began to recognize this real criterion of milling value. Similarly, cotton growers generally knew practically nothing of the grade and staple values of various varieties until the cotton pools started operations. Grading of livestock for the direct benefit of the producer is relatively new, brought on by the cooperative movement. And so on, through the list of commodities down to the outstanding cases of the fruit and vegetable groups, it is possible to show that standardization is one of the foremost purposes of cooperation. In fact, there is an old saying in the literature of the movement: "Organize, standardize, and merchandise." Mr. Jensen made a damaging admission when he credited Danish success to standardization, because by so doing he credited it to cooperation.

JENSEN SAYS HE IS INSPIRED BY PATRIOTISM

Another paragraph of the speech deserving special attention is the following scintillating passage:

"In conclusion, let me say that I believe we must prepare ourselves to encounter these new ideas and suggested changes in our business life. * * * We must do this, not merely for selfish reasons, in order to protect the billions of dollars of invested capital and upwards of a million workers which we represent, but for patriotic reasons, in order to avoid a great national disaster."

Inasmuch as Mr. Jensen and other dealers with sore fingers are the only ones in this wide and great Republic who fear that disaster will befall the Nation unless the cooperatives are "busted," we are confident that patriotism hardly explains the crying and bawling of those in attendance at Mr Jensen's sore-finger party. The true explanation rests in the fact that Mr. Jensen and the others have a few dollars invested in private businesses that are unable to render a service to farmers comparable with the service of the cooperatives, and, as a consequence, are succumbing to an inevitable tide of changing economic conditions.

The immediate plan of the Federated Agricultural Trades is to send a lobby to Congress and to employ attorneys who will contest the validity of the Capper-Volstead Act, and will endeavor to set aside the cooperative marketing act of 1926, which established the division of cooperative marketing. Besides doling out a mass of propaganda that will be laughed at, we see little that the "co-op busting" Federated Agricultural Trades of America can do. Neither is there anything for the cooperatives to do except to keep a weather eye on the lookout and wait the passing of this little blow.

The resolutions tell little of what is to come. The original draft presented in the call for the meeting was deleted of much of its venom, and when the resolutions committee returned with its long-delayed report the following resolutions were adopted without discussion:

TAME RESOLUTIONS ADOPTED BY DEALERS

"1. Preamble. Believing that the welfare of America is inseparable from the welfare of its agriculture; that the unsettled agricultural condition is at the present time creating a disturbance in general business and is tending to create bureaucratic control—un-American in principle—in place of individual initiative and activity, and being desirous of equalizing the benefits that should accrue to all lines of legitimate business; and

"2. Whereas the Agricultural Trades of America represent several million dollars of invested capital, and the activities of more than a million American citizens, who have made their investments and contributed their share toward the social, agricultural, industrial, and commercial life of America, based upon the traditions of the past and on the rights of individuals as set forth in the Constitution of the United States and in harmony with the inventions and methods of modern times; and

"3. Whereas while we recognize the right which producers have to associate themselves together for the purpose of marketing the products of their own labor, we are opposed—as class legislation—to the Capper-Volstead Act, which has permitted producer associations to deal in nonmember production, thereby becoming traders and having immunity from our trust and tax laws; and

"4. Whereas we are opposed to the work being done by the Department of Agriculture through the Bureau of Cooperative Marketing, the Bureau of Agricultural Economics, the many county agents throughout the United States, and other Federal and State agencies, so far as it threatens to destroy existing marketing agencies and established enterprises of the agricultural trades: Be it

"5. *Resolved,* That we suggest a closer working arrangement between the agricultural producers and the agricultural trades, in order that questions of national importance may thus be solved more satisfactorily and with greater dispatch, and that in their adjustment government shall not be permitted to exceed its just and constitutional limits in extending to any organization financial, bureaucratic, or legislative aid not extended to others: Be it further

"6. *Resolved*, That a permanent nonprofit-making organization be formed, to be known as the Federated Agricultural Trades of America, and that the Chair be authorized to appoint, at its discretion, a committee of 15 consisting of himself and 14 others, within two weeks' time to apply for the necessary charter, prepare a constitution and by-laws, set up a schedule of dues, solicit members, and do such other things as may be necessary to perfect a permanent organization."

FLOOD CONTROL

Mr. CARAWAY. Mr. President, in view of the fact that the report to accompany the bill for flood relief is, I understand, prepared and ready for publication, I want to take a moment of the time of the Senate to read a little memorandum which I have touching flood control. First, I want to say that we people who are vitally concerned feel that the House bill more nearly meets our needs than the bill reported by the Senate Committee on Commerce. I want to read something of the efforts to ascertain what the facts were and what the remedies required were as put forth by the Committee on Flood Control in the House:

The Flood Control Committee met first on November 7, 1927, and was in session for 63 days. Six volumes of testimony were taken, consisting of 5,000 pages and more than three and one-half million words. More than 300 people appeared before the committee, some of whom represented the following important nationally known organizations:

United States Chamber of Commerce.
American Legion.
American Federation of Labor.
American Farm Bureau Federation.
Three former presidents of American Society of Engineers.
Forty Senators and Representatives.
Governors of States.
State officials.
Mayors of large cities.
State engineers.
Levee district engineers.
American Bankers' Association.
Investment Bankers' Association.
Chicago flood-control conference.

Three advisory engineering committees, one from the American Society of Engineers, one from the University Engineers, and one from the railroad engineers of the Mississippi Valley.

Army engineers and Mississippi River Commission engineers.

One hundred and fifty resolutions adopted by civic and fraternal organizations were presented to the committee.

The committee received more than 300 manuscripts containing flood-control plans.

The committee received more than 5,000 letters and telegrams from all over the United States.

Representative REID, chairman of the Flood Control Committee of the House of Representatives, made two trips to the flooded area, one for a duration of 10 days during the flood, and one after the flood, at which time he remained more than three weeks. On these trips he had with him a secretary and took notes. He traveled many hundreds of miles by airplane, train, and boat.

John F. Stevens, president of the American Society of Civil Engineers during 1927, and the man who Colonel Goethals said was responsible for the success of the Panama Canal project more than any other one man in America, testified before the Reid Flood Control Committee. His testimony is contained in 16 pages of the hearings before the Committee on Flood Control.

Representative E. E. COX, of Georgia, a member of the Flood Control Committee, stated that Representative FRANK REID, in his opinion, had a more complete knowledge of the flood-control situation than any man in America.

Mr. President, I wish briefly to call the attention of the Senate to a few additional facts and circumstances.

The greater damage from the flood of 1927 that came to Arkansas was caused by the overflow of tributaries of the Mississippi River, rather than from the waters of the Mississippi itself. The floods in the tributaries, however, were greatly added to and aggravated by the floods in the Mississippi River. There can be no protection from floods in that State, however, unless the tributaries receive consideration and protection be extended up their courses.

I wish to call the attention of the Senate to these conditions. I shall take each tributary of the Mississippi in my State separately. By "tributary" I mean only those which are navigable streams under the control exclusively of the Government. At this time, however, I shall speak only of the Arkansas.

This river rises in central Colorado and is 1,500 miles in length, flowing through Colorado, Kansas, Oklahoma, and Arkansas, and emptying into the Mississippi River below the south central line of that State.

One of its tributaries is the South Canadian, which rises in Colorado and flows through New Mexico, Texas, and Oklahoma, and empties into the Arkansas near Muskogee in Oklahoma. Another is the Cimarron, which rises in southern Colorado and flows through Kansas and Oklahoma. A third is the Grand or Neosho River, which rises in Kansas and flows through Oklahoma and empties into the Arkansas near Muskogee in Oklahoma. There are also other tributaries that flow through one or more States.

The estimated damage done in the State of Oklahoma by floods in the year of 1927 from the Arkansas River was more than $20,000,000. But the greater damage caused by floods in the Arkansas River was along its valley from Fort Smith, Ark., to its mouth.

The Jadwin plan for flood control provides for a high levee protection on the Arkansas River from its mouth to Pine Bluff. Prior to this the Mississippi River Commission has assisted in erecting and maintaining levees on this river from its mouth to the Lincoln and Jefferson County lines. Therefore, the only additional protection under the Jadwin plan is by heightening and strengthening the levees from the Mississippi up the Jefferson and Lincoln County lines and by a new levee from that line up to Pine Bluff.

Inasmuch as it is observable and will be made plain from the figures herewith quoted that a very substantial part of the damage done was above Pine Bluff it becomes apparent that the Jadwin plan offers no protection for the very large area which suffered very severely from the recent flood and will suffer from future floods.

In the territory wholly excluded from the Jadwin plan is possibly the most thickly populated section of the State. It is dotted with cities and towns ranging in population from a thousand up to almost 100,000.

Approximately 2,000,000 cubic feet per second of water passed down the Mississippi River at Natchez during the flood.

The extreme low-water gauge of the Arkansas River at Little Rock is 1,100 cubic feet per second. Its bank-full capacity at Little Rock is 200,000 cubic feet per second. During the recent flood 815,000 cubic feet per second of water passed Little Rock, or better than seven hundred times more than its low-water flow. On the same date, April 21, 1927, there passed Clarendon on the White River, a tributary of the Arkansas, 425,000 cubic feet of water per second. The combined flow of the Arkansas and this tributary was more than 1,200,000 cubic feet per second of water, or 60 per cent of the volume passing Natchez on that date.

Some of the damages suffered in the counties mentioned are set out herein.

Along the valley of the upper Arkansas River are the counties of Crawford, Yell, Pope, Conway, Faulkner, Pulaski, Jefferson, and Lonoke. In these counties private levee districts have constructed levees and in the construction of which the Government furnished no aid. Most of the waters that come down this river comes from Colorado, Kansas, New Mexico, Missouri, and Oklahoma. It therefore seems that this tributary is entitled to the same thoughtful consideration and relief to which the parent stream, the Mississippi River, is. It is evident that the problem is not of local origin and can not be controlled by local levees, and not to make it a part of the general plan for flood protection for the lower Mississippi would be both unwise and unjust.

I have before me statistics showing the damages wrought by this flood in the Arkansas Valley. I shall not take the time of the Senate to read them, but ask leave to print them in the RECORD.

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

The matter referred to is as follows:

SEBASTIAN COUNTY, ARK.

(Prepared by County Farm Agent C. H. Alspaugh and Walter H. McConnell, secretary of the Fort Smith Chamber of Commerce)

Damage to real estate	$75,000
Damage to buildings and contents	10,000
Crop loss	100,000
Damage to roads	50,000
Industrial loss	100,000
Total	335,000

CRAWFORD COUNTY, ARK.

(Prepared by a committee of business men from Mulberry, Alma, and Van Buren under direction of J. O. Porter and A. V. Henderson)

Damage to real estate	$850,000
Damage by crop loss	1,500,000
Damage to houses, barns, and contents	$150,000
Damage to roads, bridges, etc	100,000
Damage to levees	150,000
Total	2,750,000

FRANKLIN COUNTY, ARK.

(Prepared by J. Steve Turner and John R. Davidson)

Damage to real estate	$750,000
Damage by crop loss	250,000
Damage to buildings and contents	25,000
Total	1,025,000

LOGAN COUNTY, ARK.

(Prepared by Doctor Higdon and other citizens of Logan County)

Damage to real estate	$170,000
Damage by crop loss	173,245
Total	343,245

JOHNSON COUNTY, ARK.

(Prepared by Lee Cazort, Guy Cazort, W. R. Hunt, W. W. Thompson, F. A. Blackburn, W. M. Bynum, and C. M. Tuggle, the county agent)

Damage to real estate	$1,150,000
Damage by crop loss	770,000
Damage to buildings and contents	100,000
Damage to highways and railroads	42,560
Damage to coal mines	80,000
Total	2,142,560

POPE COUNTY, ARK.

(Prepared by County Judge Quince Hill, Oscar Wilson, E. W. Hogan, Earl Darr, E. A. Williams, et al.)

Damage to real estate	$3,187,500
Damage by crop loss	581,000
Damage to buildings and contents	22,000
Damage to highways	10,000
Total	3,800,500

YELL COUNTY, ARK.

(Prepared by W. E. McClure, mayor of Dardanelle; T. E. Wilson, former county judge; Joe D. Gault, former county sheriff, et al.)

Damage to real estate	$1,200,000
Damage by crop loss	2,500,000
Damage to buildings and contents	100,000
Damage to levees and roads	70,000
Total	3,870,000

CONWAY COUNTY, ARK.

(Prepared by E. E. Mitchell, A. M. Fiser, J. S. Moose, Robert Stallings, Garland Dowdle, and Tom Davis)

Damage to real estate	$2,120,000
Damage by crop loss	500,000
Property damage	480,000
Levees	100,000
Roads and bridges	250,000
Total	3,450,000

FAULKNER COUNTY, ARK.

(Prepared by A. M. Ledbetter, examiner of real estate values for the Federal land bank, and H. D. Russell, mayor of Conway)

Damage to real estate, crop loss, buildings and contents, levees and roads	$1,070,102

PULASKI COUNTY, ARK.

(Prepared by County Agent J. W. Sargent and County Judge C. P. Newton)

Damage to real estate, crop loss, buildings and contents, livestock, and drainage canals	$2,627,000

JEFFERSON COUNTY, ARK.

(Prepared by Charles E. Taylor, former mayor of Little Rock and now secretary-manager of Pine Bluff Chamber of Commerce, and J. H. Means, president of the Pine Bluff Chamber of Commerce)

Damage to real estate, buildings and contents, crop losses, and levee losses	$4,500,000

LONOKE COUNTY, ARK.

(Prepared by the Mississippi River Flood Control Association)

The item upon which this item is based varies from other counties but is by above source given as $261,150.

PERRY COUNTY, ARK.

(Prepared by the Mississippi River Flood Control Association)

Damage to real estate, buildings and contents, crop losses, etc	$31,975
This makes a grand total of damages suffered from items above listed	26,206,532

Mr. CARAWAY. Mr. President, more than 12,000 people were driven from their homes in this area, 30 per cent of whom never returned because their houses and everything they possessed were either totally destroyed or so seriously damaged that they were utterly discouraged. Seventy lives were lost in the counties mentioned. All of this property was destroyed and all of these lives were lost in a section for which the Jadwin plan makes no provision whatever. There can be no successful restoration of this vast territory, the most thickly populated of the State, unless the bill reported to the Senate shall be amended.

The levees along the Mississippi River in Arkansas held except three minor breaks north of the Arkansas River. The water, therefore, which went into Jefferson, Lincoln, Desha, Drew, and Chicot Counties was Arkansas River water which came through two breaks between Pine Bluff and the mouth of the Arkansas River. The Pendleton break was the more destructive.

The damage suffered in Arkansas was almost a third greater than that incurred in the State of Mississippi, as a result of this flood.

It becomes, therefore, imperative that if the State is to receive protection from a recurrence of floods the Arkansas River must be included in the plan; and, in addition to the Arkansas River, the White, the Red, the Ouachita, and other navigable tributaries of the Mississippi which will be mentioned at another time and which are of equal importance and must receive consideration.

But particularly referring again to the Arkansas. The levees have been so destroyed that a bank full rise now spreads its waters over thousands of acres of fertile lands.

The Nation recognizes this as an obligation everywhere accepted save here in Washington. It would seem that it is just as much a duty to protect the country from the ravages of floods as from the incursion of hostile armies.

I merely wanted to call attention to these facts at this time, Mr. President, and from time to time I shall call attention to the necessity of protecting other tributaries in the State. I am hopeful that the Senate will see the wisdom of extending the flood control to the tributaries, because there is the seat of the greatest trouble.

Take the break at Pendleton Bend, on the Arkansas River, during the recent flood. It swept away practically every vestige of buildings, fences, everything that man had put upon the land, in an area 10 miles wide and 21 miles long. All of the water that went into the southeast part of the State of Arkansas came from that break, much as the water that went into the State of Louisiana came from that break, and yet the flood control bill, if it be enacted into law in its present form, will leave that situation untouched.

Mr. ROBINSON of Arkansas. Mr. President, in connection with the subject matter of flood control as it relates to the tributaries of the Mississippi River, I desire to offer an amendment, which I ask to have printed and lie on the table. I also ask that it may be printed in the RECORD.

The amendment intended to be proposed by Mr. ROBINSON of Arkansas to the bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, ordered to lie on the table and to be printed, is as follows:

SEC. 2. The Secretary of War, through the Corps of Engineers, United States Army, is hereby authorized and directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods. The investigations will include:

The Red River and tributaries.
The White River and tributaries.
The Arkansas River and tributaries.
The Ohio River and tributaries.
The Missouri River and tributaries.
The Illinois River and tributaries.

SEC. (b) The sum of $5,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers or for the preparation of the flood-control projects authorized in paragraph (a) of this section.

Hereafter all works for the improvement of navigation and for controlling floods of the Mississippi River, its tributaries and outlets, including surveys and investigations in connection therewith, shall be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers in accordance with such plans, projects, and specifications as may be approved by the Chief of Engineers, or as may be expressly authorized by Congress.

Mr. ROBINSON of Arkansas. Mr. President, the Committee on Commerce was good enough to insert in the bill a provision that has relation to this subject, which is section 8. There is an appropriation of $5,000,000 provided for "as an emergency fund, to be allotted by the Secretary of War on the recommendation of the Chief of Engineers in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River below Cairo threatened or destroyed by flood."

Experience gained during the flood of 1927 shows the imperative necessity for a provision of this character. In addition to this provision, however, I think a further provision should be incorporated in the bill directing the Secretary of War at the earliest practicable date to prepare and submit to Congress flood-control projects for tributaries of the Mississippi River. That is the purpose of the amendment which I have proposed.

AFFAIRS IN NICARAGUA

Mr. DILL. Mr. President, the Associated Press dispatch this morning tells us that five more American marines have been killed in Nicaragua in the process of preparing the people of that country for an election there. One of the killed and one of the wounded were boys from my State. I wish to read some portions of that dispatch in order that it may be in the RECORD and that the American people in the future who wish to learn how we prepare for elections in foreign countries may be informed.

MANAGUA, NICARAGUA, March 1.—While American marines were massing in northern Nicaragua to-day, in pursuit of the Sandino rebels, eight of their comrades, wounded from ambush Monday, were under treatment in the town of Condega.

The five men killed by machine-gun rifle fire that met the marine detachment near Daraili Monday were buried near the place they fell.

The Senator from Alabama [Mr. HEFLIN] a day or two ago submitted a resolution making provision for bringing back to the United States the bodies of the dead marines. I suggest to him that he amend his resolution to include those who have died since his resolution was offered. It may be found necessary if we do not do that to prepare a bill to enable the gold-star mothers of the Nicaraguan war to visit Nicaragua in order that they may see where their sons have died and been buried.

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

Mr. DILL. I yield.

Mr. MAYFIELD. Can the Senator advise us what disposition has been made of the resolution introduced early in the session of the Senate by the Senator from Alabama?

Mr. DILL. I presume it sleeps the sleep that has no awakening in the Foreign Relations Committee, where all such resolutions have died up to this time.

Mr. BORAH. Mr. President——

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

Mr. DILL. I do.

Mr. BORAH. I desire to say to the Senator that, while the resolutions referred to have not been reported, the committee has taken, I think, all the evidence that there is to be had with reference to the military operations in Nicaragua. That evidence is now in the hands of the Public Printer and will be available to the Senate and to the public perhaps within the next 48 hours.

My opinion is, Mr. President, that we have all the facts in those hearings. Admiral Latimer testified before the committee, as did General Lejeune and General Clark; and while we have not gone into the question of concessions or the financial operations of American nationals in Nicaragua, we have, in my opinion, fully exhausted the facts with reference to what took place there from a military standpoint; and those facts, as I have said, will be available to the Senate, in my opinion, in the next 48 hours.

Mr. DILL. Mr. President, may I ask the Senator before he takes his seat whether the committee has voted on any of the resolutions as to whether or not they will be reported to the Senate?

Mr. BORAH. No; the committee has not done so. I will remind the Senator of the fact that when the resolutions were first submitted we were approaching the Habana conference. The supposition was that these matters would have a hearing at Habana, where the governments of Central America, including Nicaragua and other governments, would be heard. It was thought wise upon the part of all parties, including some of the advocates of the resolutions, that the consideration of those matters should not be urged during the pendency of the conference at Habana. For that reason consideration was postponed. I will say to the Senator, however, that the committee has had this subject before it, has discussed the subject, and has interchanged views in regard to it from time to time since the resolutions were submitted. We have considered the matter at some three or four meetings of the committee.

Mr. DILL. I may say to the Senator that the newspaper reports were to the effect that the chairman of the Foreign Relations Committee had said he was satisfied with the reports and information given his committee, and that no reports or resolutions were necessary.

Mr. BORAH. In so far as the newspaper reports indicated that the chairman went further than to say that he was satisfied as to the military operations, they were in error. What I did say, and what I now say, was that in my opinion the committee has exhausted the subject so far as the military operations in Nicaragua are concerned, or so far as the doings of our Navy in Nicaragua are concerned, and I do not know of any further facts to gather upon that subject; but, as I said and I now say, we did not undertake to go into the question of concessions. The committee will take up those matters later, and I trust will act upon these resolutions in some form.

Mr. DILL. Can the Senator give us any idea when the committee will take up and vote on these resolutions?

Mr. BORAH. No; I am unable to say when it will be done, but let me say this to the Senator: I do not know of any information we can gather by hearings that we have not already got.

Mr. DILL. I am not asking for hearings; I am asking for some report of the resolution that will give the Senate an opportunity to vote on the question of whether we are going to continue to have our marines carrying on war in Nicaragua.

Mr. BORAH. There is no resolution before the committee that will determine that question, in my opinion.

Mr. DILL. There are resolutions there that if voted upon and passed by the Senate would direct the President to withdraw the marines.

Mr. BORAH. Mr. President, I do not wish to discuss that question now; but I do not know of any authority upon the part of Congress to direct the President to withdraw the marines.

Mr. DILL. I think we might well pass the resolution and see whether it will have any effect on the President. It at least would show the country where the Congress stands.

Mr. BORAH. So far as I am individually concerned, I have no desire to pass a resolution, if I feel we have no authority to act, to see what effect it will have on the President.

Mr. DILL. The Senator must remember that other Senators might differ with him in their desires, and other Senators would like to vote on such a proposition, and differ with him as to the authority.

Mr. BORAH. The Senator from Idaho was only expressing his individual view; that is all.

Mr. BRUCE. Mr. President——

Mr. DILL. We have passed other resolutions when Senators opposed to them doubted our authority to do so, but we have found that they had very desirable effects. I remember several occasions in the last two or three years when we have passed such resolutions; and I hope the Foreign Relations Committee will not take the attitude that the Senate can not vote on these questions simply because the Senator from Idaho himself thinks it is not a proper vote to cast.

Mr. BORAH. No; neither will it likely take action because the Senator from Washington thinks it proper.

Mr. CARAWAY. Mr. President——

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

Mr. CARAWAY. Does the Senator recall that we passed a resolution asking that the army of occupation in Germany be withdrawn?

Mr. DILL. I do not myself recall that fact.

Mr. CARAWAY. Yes; we did.

Mr. DILL. But that was the army of occupation, not the Army that was fighting.

Mr. CARAWAY. We merely requested the President to do it.

Mr. DILL. But the condition was very different there, because the Congress had declared war and sent the Army to Germany. Congress has never passed on the question of whether or not the marines should go down to Nicaragua.

Mr. CARAWAY. The Senator misunderstands me. I was referring to the question of whether the Senate should pass a resolution asking the President to do something that lay within his power. The Senate did pass such a resolution in regard to the army of occupation in Germany.

Mr. DILL. Oh, the suggestion that the Senate is without authority to do these things is the suggestion of those who do not want to meet the issue. It is always the suggestion that is raised when they do not want to face this issue. We have repeatedly voted on resolutions which Senators said the Senate had no authority to pass, such as the Denby resolution and the third-term resolution.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me to ask him a question?

Mr. DILL. Yes; I yield to the Senator from California.

Mr. SHORTRIDGE. Does the Senator wish to have the marines now or immediately withdrawn from Nicaragua?

Mr. DILL. Yes; I want them withdrawn.

Mr. SHORTRIDGE. Does the Senator wish to leave American citizens, their lives and their property, at the mercy of a bandit, Sandino?

Mr. DILL. I may say to the Senate that there is no proof that the lives of American citizens are in danger; and we are not in the business of protecting the property of American citizens all over the world by having marines stationed there for the purpose of enabling our citizens to make profits by such action.

Mr. SHORTRIDGE. Permit me, then, to observe—and I may take the time later to give the details—that there was an American citizen in Nicaragua, a very prominent citizen and a very patriotic citizen, who had his property stolen and his life threatened, and was obliged to flee from the country because of this same bandit, Sandino. I wish to commend to the Senator from Washington the reading, and may I say the careful reading, of an article which appears in this week's issue of the magazine called Liberty; and if the Senator during the day or this evening, in the quiet of his study, will read that article, I express the belief that his views will be very materially modified. I commend that article to the Senator from Washington.

Mr. DILL. Let me say to the Senator that I read that article this morning before I came to the Capitol, and it was one of the reasons why I was induced to stand on the floor and make the speech I am making.

Mr. SHORTRIDGE. Then the Senator is a type of American with which I am not in sympathy, and he disappoints me greatly.

Mr. DILL. I do not care particularly about that. I do not want the sympathy of any American who would have men who are enlisted in the armed forces of the United States, to protect this country and its flag, used to protect the property of men who have made investments in a foreign land on which they are attempting to profiteer at the expense of the people of that country. [Manifestations of applause in the galleries.]

Mr. SHORTRIDGE. I want to say to the Senator from Washington that Charles Butters, of California, who went to Nicaragua lawfully, was in the peaceful possession of property lawfully acquired; that his property was stolen from him; that he was threatened with death and was obliged to flee from the country. As for me, I want the United States of America to protect such a citizen wherever he may be, whether it be in Nicaragua or in any other country on this earth.

Mr. DILL. The Senator is now arguing about the reason why the marines were sent in. A moment ago he challenged me because I was objecting to the marines being kept there; and I made the statement that the lives of Americans are not in danger, and that it is not the business of this Government to keep its troops in every part of the earth because American people may have been in danger at some time or other in the history of that country, and to enable those people to make profits on their foreign investments.

Mr. SHORTRIDGE. I wish the spirit of Andrew Jackson were a little more visible in the Senate. No American would then be robbed of his property or have his life threatened in any country or on any sea without Uncle Sam going to his defense.

Mr. DILL. I do not remember whether Andrew Jackson sent armed troops all over the earth to do all the things the Senator suggests.

Mr. SHORTRIDGE. Well, I do.

Mr. EDGE. Mr. President, the Senator suggests that he wants the marines immediately withdrawn from Nicaragua. Does the Senator believe that this country should repudiate a solemn contract entered into with the leaders and representatives of both political parties in Nicaragua and recall the marines after agreeing with these accredited representatives that we would use our best offices to try to see that they should have a fair election?

Mr. DILL. I am not going to enter into any argument with the Senator about that other than to say that that agreement was made with one band of men who could not keep control down there without the use of the armed forces of this country, and with the leaders of the other band, whom they bought off by paying them for their ammunition and their guns, and others whom they forced to sign the agreement. I do not consider it a legal contract in any sense; and I would have the marines bring out those Americans who might be in danger and let the people of Nicaragua run their own Government.

Mr. LA FOLLETTE. Mr. President——

Mr. EDGE. In other words, the Senator would repudiate a solemn contract made on behalf of the President of the United States with the representatives of both political parties, withdraw the marines, and encourage a renewal of the bloodshed that was happening up to the time the armistice was signed?

Mr. DILL. It will not be American blood shed, and that is what I am objecting to. I am objecting to the spending of American lives to buy profits for men who have made investments in Nicaragua.

Mr. LA FOLLETTE. Mr. President——

Mr. EDGE. Certainly the present understanding with Nicaragua has nothing whatever to do with concessions and nothing whatever to do with investments. It is a plain, clear, thoroughly understandable proposition that we will offer our best offices to try to bring about the one thing that everyone, as far as I have been able to find out, hopes can be brought about—a fair expression of opinion of the Nicaraguan people as to who shall be President of that Republic. If we withdraw our marines to-day, we leave that country with a chaotic condition; we repudiate our own obligations; we put ourselves in an absolutely indefensible position before the world.

Mr. DILL. Let me say to the Senator it is never too late to do right.

Mr. SMOOT. Mr. President, I ask for the regular order of business.

The VICE PRESIDENT. The introduction of bills and joint resolutions is in order.

Mr. DILL. Mr. President, I started to read an article, and I think I might be permitted to finish that article. It affects boys killed in Nicaragua who come from my State.

Mr. BORAH. I ask unanimous consent that the Senator be permitted to read the article.

Mr. SMOOT. All I want to do is to carry out the unanimous-consent agreement which was made yesterday.

Mr. BRUCE. Mr. President——

Mr. DILL. I do not yield.

Mr. BRUCE. I am not asking the Senator to yield. The Senator from Idaho is asking unanimous consent that the Senator from Washington be permitted to proceed, and I think the Senator will feel just a little ashamed of himself when I say that I rose for the purpose of seconding the motion of the Senator from Idaho that the Senator from Washington be allowed to proceed.

Mr. DILL. I thank the Senator.

Mr. SMOOT. I have no objection to that, providing the Senator just reads the article, and then we can take up morning business. We have a unanimous-consent agreement that we would take up the calendar this morning; and I do not want to have the whole two hours spent on a question that is not before the Senate.

The VICE PRESIDENT. Without objection, the Senator from Washington will read the article.

Mr. DILL. I appreciate the courtesy, and if I had not been interrupted I would have finished long ago.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator to permit me just one question?

Mr. DILL. I can not yield to the Senator.

Mr. SHORTRIDGE. The Senator declines to yield?

Mr. DILL. I can not yield, because permission was granted that I might read the article, and if I do yield I will get into an argument with the Senator.

The eight wounded, one of them in a serious condition, were transported to Condega, having been given emergency treatment en route by a medical officer who joined the pack train yesterday. The men will be held at Condega until they can be moved either to Esteli or Ocotal, marine bases, 30 miles away.

WILL BE MOVED TO CAPITAL

As soon as their condition permits they will be transported by airplane to Managua. Condega has no landing field, but Ocotal and Esteli have.

As soon as word of the encounter was received three detachments of marines were sent from points in the vicinity. Capt. William K. MacNulty, of the Eleventh Regiment, who was on another mission with 85 men, also joined forces with Lieut. Edward F. O'Day, leader of the ambushed patrol.

Three marines were killed in the action and two died from their wounds. Those slain were Pvts. John C. Pump, Council Bluffs, Iowa; George E. Robbins, San Antonio, Tex.; and Albert Schlauch, Jamestown, N. Dak.

TWO DEAD FROM WOUNDS

Those who died from their wounds were Corpl. Cicero D. Austin, Crockett, Tex., and Pvt. Curtis J. Mott, Trenton, Wash.

Pvt. Lem C. Davis, Nixon, Tex., was seriously wounded, being shot in the left shoulder.

Those slightly wounded were Sergt. Wilbourn C. Christian, Northport, Ala., shot in hip; Sergt. Charles Hisham, Longmire, Wash., shot in thigh; Pvt. Lewis E. Ballard, Troy, N. Y., shot in foot; Pvt. Raymond B. Carter, Payson, Utah, shot in leg; Pvt. Peter C. Crum, Omaha, Nebr., shot in foot; Pvt. Linton C. Maynard, Ranger, Tex., shot in elbow; and Pvt. Clarence E. Phelps, Portland, Colo., injuries not stated.

FIRST WORD IN FIVE WEEKS

SAN ANTONIO, TEX., March 1.—A newspaper dispatch saying that George E. Robbins had been killed with four other marines in the Nicaragua ambush was the first word his mother, Mrs. Agnes Robbins, of this city, had received of her son in five weeks, she said to-day. Robbins enlisted here October 12. Three sisters and a brother live in Houston, Tex.

COUNCIL BLUFFS, IOWA, March 1.—John C. Pump, Council Bluffs, killed in action in Nicaragua, enlisted in the Marine Corps last October.

The last word his parents, Mr. and Mrs. Emil A. Pump, had from him was a letter from San Diego, Calif., dated January 7, in which he said his company was embarking for Nicaragua.

Pump was graduated from high school at Denison, Iowa, and studied law for two years at Creighton University, Omaha.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. REED of Pennsylvania:

A bill (S. 3458) to create the reserve division of the War Department, and for other purposes; and

A bill (S. 3459) to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War; to the Committee on Military Affairs.

By Mr. SACKETT:

A bill (S. 3460) granting a pension to Harriett Morgan (with accompanying papers); and

A bill (S. 3461) granting a pension to James F. Taylor (with accompanying papers); to the Committee on Pensions.

A bill (S. 3462) granting the consent of Congress to the Maysville Ohio River Bridge Co., and its successors and assigns, to construct a bridge across the Ohio River at or near Maysville, Ky.; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 3463) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. WHEELER:

A bill (S. 3464) granting a pension to Rudolph Lange; to the Committee on Pensions.

A bill (S. 3465) for the relief of Charles Parshall, Fort Peck Indian allottee of the Fort Peck Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 3466) to amend the naval record of Edwin Rodman; to the Committee on Naval Affairs.

By Mr. WAGNER:

A bill (S. 3467) for the relief of Thomas Vincent Corey; to the Committee on Naval Affairs.

By Mr. NYE (by request):

A bill (S. 3468) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CURTIS:

A bill (S. 3469) authorizing the payment of war-risk insurance to Alice M. Smith and E. R. Smith (with accompanying papers); to the Committee on Finance.

A bill (S. 3470) granting a pension to Mary M. Baldwin (with accompanying papers);

A bill (S. 3471) granting an increase of pension to Lou Milburn (with accompanying papers);

A bill (S. 3472) granting an increase of pension to Martha A. McLin (with accompanying papers);

A bill (S. 3473) granting an increase of pension to Jennie McClaury (with accompanying papers);

A bill (S. 3474) granting an increase of pension to Emma L. Kennedy (with accompanying papers);

A bill (S. 3475) granting an increase of pension to Sarah S. Ewing (with accompanying papers);

A bill (S. 3476) granting an increase of pension to Annie Earnest (with accompanying papers);

A bill (S. 3477) granting an increase of pension to Maggie J. Miller (with accompanying papers); and

A bill (S. 3478) granting an increase of pension to Sarah Shuck (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3479) to carry out the findings of the Court of Claims in the cases of labor performed in excess of 8 hours per day at certain navy yards; and

A bill (S. 3480) for the allowance of certain claims for extra labor above the legal day of 8 hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

By Mr. DENEEN:

A bill (S. 3481) granting an increase of pension to Thomas E. Roberts; to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3482) granting a pension to Nellie Hayman (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3483) for the relief of the heirs of W. H. May, deceased; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 106) to amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the International Exposition to be held in Seville, Spain; to the Committee on Foreign Relations.

COTTON PRICES

Mr. SMITH. Mr. President, I desire to give notice that on Wednesday next the hearings on Senate Resolution 142 will begin in the Agricultural Committee room in the Senate Office Building.

Mr. McKELLAR. Will the Senator state the subject of the resolution?

Mr. SMITH. It is the resolution for an investigation of the cotton market. I shall be glad to have the press give as great publicity as possible to this announcement, so that any interested parties who desire to give testimony may govern themselves according to this notice.

NATIONAL ORIGINS DECEPTION

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the St. Paul Pioneer Press under date of February 29, 1928, under the heading "National-Origins Deception."

The VICE PRESIDENT. Is there objection?

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

NATIONAL-ORIGINS DECEPTION

Accompanied by a fanfare of trumpets to disguise its deception, what purports to be a revision of immigration quotas is put before the Senate. The new figures are calculated to pave the way for the revolution in restrictive immigration under the alluring title of "national origins," which is to go into effect next July but against which a swelling protest is rising.

The change was postponed by Congress once before, because of the preposterous results in immigration control that it would introduce.

The new juggling turns out to be hardly better than the old. It would have the same result of shutting down on north European immigration which has proved most valuable in building of the country. It would slam the door in the face of desirable immigrants from Scandinavian and Germanic countries and increase only British. America certainly never intended anything like that when it took up the policy of restricting immigration four years ago.

The proposed new quota figures are put forward in such a way as to create an impression that Nordic allotments are to be increased over their present numbers. If this is done deliberately, it is deceptive and fraudulent. The fact is that if the so-called national-origins system is permitted to go into effect next July the quotas of Sweden will be reduced from the 9,561 of present schedules to 3,399; of Norway from 6,453 to 2,403; of Germany from 51,227 to 24,908; of the Irish Free State from 28,567 to 17,427.

By a sly joker, which has been generally overlooked, the advocates of closing America's doors as completely as possible to new blood will contrive to reduce total immigration by about 30 per cent. The present quota of Great Britain and North Ireland is 34,007. But actual immigration from those countries is only about 24,000 a year. They do not nearly use up the existing quota, yet it is proposed to almost double Great Britain's present allotment, making it 66,000, or nearly three times as many as seek to come in.

The national-origins system would supposedly admit 150,000 immigrants a year from all Old-World countries. But by the allotment of 40,000 more to Great Britain than that country can use, the actual immigration allowed would be cut down close to 110,000 a year. This is a crafty method of juggling figures to raise the bars against even the most desirable races. It is fanaticism, 100 per cent Americanism, and insidious bigotry carried to the extreme.

In 1924, when the present immigration law was passed, the so-called national-origins plan of regulating newcomers was adopted. A total of 150,000 immigrants a year was fixed as the maximum. These would be divided among countries of the world, not including North and South America, in the same proportion which persons tracing their origin to that particular country and already in the United States bore to the total American population in 1920.

But lack of official records made the task of tracing nationalities back to the beginning of American Government so difficult that the national-origins clause was postponed and the present quota system temporarily substituted.

A committee of three Cabinet members was designated meantime to work out the new allotments. That committee made its first report last year, submitting certain estimates of new quotas from each country, but adding the extraordinary statement that due to the haphazard methods necessarily employed in arriving at the figures it would refuse to assume responsibility for its own work. Thereupon, operation of the national origins clause was again postponed until June 30, 1928, and the same Cabinet committee has now submitted another report, with revised figures.

It is this second guesswork compilation that is proclaimed in Washington dispatches as giving increased immigration quotas to so-called Nordic races. In reality it is merely a comparison between last year's disowned schedules and this year's renewed attempt at figure juggling without accurate data on which to base the allotments. The new figures are not a comparison with quotas now in use. The much-heralded increases for northern races are in reality harshly restrictive decreases for those very races who have built up Minnesota and the Northwest. Sweden, Norway, Germany, Ireland, all are radically reduced in numbers of their people who may come into America. Only the British, who are well content at home and in their colonies, have the door of opportunity opened wider for them, a door which they do not care to enter.

Congress will do a good day's work if it throws the national origins clause out of the window.

CALF-LEATHER INDUSTRY

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous day, Senate Resolution 163, submitted by the Senator from New York [Mr. COPELAND].

Mr. COPELAND. Mr. President, yesterday the Senator from Utah [Mr. SMOOT] asked that the resolution go over for a day.

Mr. SMOOT. I will say to the Senator that I have not yet received the information asked for, but if the Senator wants to have the resolution passed, I shall not object this morning. I think the information is already in the hands of the Tariff Commission, and it will take only a short time to report it.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was read and agreed to, as follows:

Resolved, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign calf leather in the United States since January 1, 1925, and the rates of wages paid calf tannery workers in the United States and competing countries.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were subsequently signed by the President pro tempore:

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 7201. An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary, against the United States, and for the ultimate return of all property held by the Alien Property Custodian;

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.;

H. R. 9136. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.;

H. R. 10635. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes;

S. J. Res. 88. Joint resolution authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers;

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; and

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton.

THE CALENDAR

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate will proceed to the consideration of unobjected bills on the calendar, beginning with Calendar No. 317.

The bill (H. R. 7030) to amend section 5 of the act of March 2, 1895, was announced as the first bill on the calendar, beginning at the point reached on the last call.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of this bill, particularly in view of the fact that no report appears to accompany it. In the absence of the chairman of the Committee on Post Offices and Post Roads, who reported the bill, I think it should go over.

The PRESIDING OFFICER (Mr. FESS in the chair). The bill will go over.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. When we ceased working upon the calendar the last time, the Senate was considering Order of Business 316, the bill (S. 3194) to establish the Bear River migratory-bird refuge.

The PRESIDING OFFICER. The unanimous-consent agreement entered into yesterday was that the Senate should begin the consideration of unobjected bills on the calendar, starting with Order of Business 317. The bill to which the Senator from Utah refers was objected to when reached on the last call, the Chair is informed.

The bill (S. 1666) to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation of foreign mails at fixed rates per pound or per mile, and for other purposes, was announced as next in order.

Mr. NYE. There should be an explanation of the bill.

Mr. KING. I should like to have an explanation of the bill. It seems to be a very important measure. I would like to know what is involved, and to what extent it departs from existing law.

Mr. PHIPPS. I ask that it may go over, without prejudice, and we can return to it later.

The PRESIDING OFFICER. The bill will go over without prejudice.

RURAL POST ROADS

The bill (S. 2327) 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, was announced as next in order.

Mr. McKELLAR. Mr. President, I have no objection to this bill, but I want to offer an amendment, which I will ask the clerk to read.

Mr. DILL. I object to the bill being taken up at this time.

Mr. ROBINSON of Arkansas. Let the amendment be reported.

Mr. McKELLAR. I hope the Senator will not object to the amendment being reported.

Mr. DILL. I withhold my objection.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 2, after line 17, add the following:

SEC. 3. That for the purpose of carrying out the provisions of 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, and all acts amendatory thereof and supplementary thereto, there is hereby authorized and directed to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended in the improvement of rural post roads over which rural carriers travel in serving the rural routes other than those now included in the Federal-aid road system: The sum of $50,000,000 for the fiscal year ending June 30, 1929; the sum of $75,000,000 for the fiscal year ending June 30, 1930; and the sum of $100,000,000 for the fiscal year ending June 30, 1931.

SEC. 4. For carrying out the provisions of this act the Secretary of Agriculture shall apportion to each of the States according to the mileage of rural routes, provided that the States appropriate a like amount. The money shall be apportioned to each rural route in the United States in proportion to its mileage, but none of this appropriation shall be spent in the construction or maintenance of roads built by Federal aid heretofore and known as the Federal road system. The expenditure

of this money shall be by the highway departments of the various States in cooperation with the Bureau of Public Roads, United States Department of Agriculture, and the Post Office Department of the United States.

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

Mr. BAYARD. I object.

The PRESIDING OFFICER. The bill goes over, under objection.

DOUBLE PENSIONS IN SUBMARINE CASUALTIES

Mr. STECK. Mr. President, I was necessarily absent when the calendar was called the last time, and I ask unanimous consent to go back to calendar No. 315, Senate bill 2998, granting double pension in all cases where an officer or an enlisted man of the Navy or Marine Corps dies or is disabled as a result of a submarine accident. It is a bill to which I am sure there will be no objection, and one in which I am very much interested.

Mr. SMOOT. If the Senator will wait, we may get through with the calendar, and if we have time, there will be no objection to considering the bill he has in charge.

Mr. ROBINSON of Arkansas. The Senator from Iowa has stated that he thinks there will be no objection to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Just a moment. I would like to see what the bill is.

Mr. STECK. It is a bill to grant double pensions to dependents of those killed in submarine accidents.

Mr. SMOOT. Is there a favorable report?

Mr. STECK. There is a favorable report from the Committee on Pensions, a unanimous report, I understand.

Mr. JONES. Mr. President, I want to ask the Senator whether there is any question about the bill applying to the dependents. There is nothing said about the widows or the minors, and no reference to any law which controls the granting of a pension to dependents.

Mr. STECK. It says "the amount of pensions allowable shall be double that authorized to be paid under the present law."

Mr. JONES. I can not tell from a reading of the bill whether that applies to dependents, to widows and minor children, or not.

Mr. STECK. It does. It applies to the dependents of officers or enlisted killed, or to the disabled officers or enlisted men themselves.

Mr. JONES. What language is there in the bill which warrants that construction?

Mr. STECK. It says "the amount of pension allowable."

Mr. JONES. The amount of pension allowable to whom—the disabled man?

Mr. STECK. The amount of pension allowable in case the claim is made by the dependents where the man was killed.

Mr. SMOOT. Under what law? There must be some provision of law.

Mr. STECK. There is existing law which provides for pensions.

Mr. SMOOT. There are three or four pension laws applying to dependents.

Mr. ROBINSON of Arkansas. Mr. President, I think the report answers that question, under the third paragraph, where it says:

> Under acts of July 14, 1862, and March 19, 1886, the rates of pension provided for widows and dependents are $12 per month for widows of enlisted men, $15, $17, $20, $25, and $30 per month to widows of officers according to rank, with $2 per month additional for each minor child under 16 years of age.

The provision in the bill plainly is intended to double the allowances referred to in that paragraph.

Mr. SMOOT. The bill ought to refer to those acts.

Mr. ROBINSON of Arkansas. It does not need to refer to them. It says, "The rates allowed"; and the rates allowed are those which are embraced and mentioned in the paragraph I have read.

Mr. JONES. But that is a reference in the report, and it is not in the language of the bill.

Mr. ROBINSON of Arkansas. That is equivalent to saying the rates allowed are authorized by law. The language is perfectly clear to my mind as a matter of legal construction. I find no difficulty in construing it, and the department evidently found no difficulty.

Mr. JONES. I ask the Senator whether the department expressed any view with reference to the construction they give this language?

Mr. STECK. The wording of the bill was submitted to the solicitor for the department and it meets with his approval.

Mr. JONES. What does he say will be the effect of the language?

Mr. STECK. Just exactly as is contained in the report, that it will double the existing pensions as provided in the laws which are mentioned in the report and which have been referred to by the Senator from Arkansas.

Mr. JONES. I am satisfied that that is the intention of the bill, and I am in favor of it; but I doubt very seriously, when it comes to a final construction, whether that will be the construction.

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

Mr. STECK. I yield.

Mr. COPELAND. I do not know why we should waste words over it. It is perfectly clear that if, under the present laws, a man is entitled to a pension, instead of having the pension which is named in the law at present, it will be doubled. It is perfectly clear.

Mr. STECK. That is the wording of the bill, as I understand it.

The PRESIDING OFFICER. Is there objection to returning to Calendar No. 315?

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

Mr. FLETCHER. The language of the bill is "the amount of pension," and in the report the reference is to the rate of pension. Is there any difference in the meaning there, or should the word be "rate" instead of "amount"?

Mr. STECK. I think that is purely a difference in words. I think the wording of the bill is sufficient and is correct. It was not drawn by me personally, I may say. It met the approval of the department.

Mr. KING. Mr. President, I would like to ask the Senator from Iowa what effect, in his opinion, this legislation will have upon future legislation. For instance, persons have written me suggesting that the relatives and dependents of those who are killed upon the battle field should receive double the pensions of relatives of those who died in the service but not in battle. Others have insisted that aviation is a dangerous pursuit, and that the dependents of those who are killed in falling from airplanes or as the result of aeronautical accidents should receive double pensions. I was wondering what the end will be. Every employment is considered to be dangerous, and application will be made that additional pensions shall be paid.

Mr. STECK. Such a law is already in existence with reference to flyers. They are entitled to double pension, and also some extra pay, as the Senator probably knows. The idea behind the bill was that this service is, like flying, extra hazardous, and an attempt was made in the bill, which meets the approval of the department, to limit it to injuries or deaths which occur by reason of the extra hazard of the service.

At this time there are only two casualties to which this measure would apply; that is, with reference to the sinking of the submarine *S–4* and the submarine *S–51*.

Mr. TYDINGS. Mr. President, I would like to say for the information of the Senate—it may not be generally known—that officers and enlisted men on submarines can not get life insurance, because the life-insurance companies refuse to insure men who are assuming that risk, whereas in all other branches of the Navy they can get insurance, except in aviation.

Under the present law there is no extra pay for those engaged in service on submarines, and therefore it is unfair to expect a man who is, of course, like any other sailor or officer in the Navy, to go out and assume a risk, to put him up against that extra risk, and give him nothing in the way of insurance which every other naval officer or enlisted man can get. The purpose of the bill is to take the place of insurance which the men could get if they were assigned to a battleship or to a destroyer.

Mr. WALSH of Massachusetts. As I understand the bill, it provides that the same pension law shall apply to officers and enlisted men of the Navy who are injured as the result of a marine accident that is now applicable to officers and enlisted men in the Army in the case of injury or accident.

Mr. STECK. Yes.

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

Mr. STECK. I yield.

Mr. BLAINE. If a bill of this character is passed it would appear to me that the basis for compensation rests upon the hazardous occupation in which the officers and enlisted men are engaged when they go upon a submarine. Therefore, for the same reason, why should it not apply to those engaged in the Air Service?

Mr. STECK. There is already a law applicable to those engaged in the Air Service. They are already covered by similar legislation.

Mr. BLAINE. Then why should it not also be extended to the marines who are in Nicaragua, a most hazardous occupation, called down to Nicaragua without an expression of policy on the part of Congress, which alone has the power to declare war? These marines are sent into a strange territory and a strange climate against the terrible so-called bandit Sandino, about whom the Senator from California [Mr. SHORTRIDGE] has told us, and proof of the hazards of that occupation was presented by the distinguished Senator from Washington [Mr. DILL] this morning. Another 5 men have been added to the casuality list, and perhaps before the sun goes down we shall have another 5 or 10 added to the list. The Nicaraguan situation involves a hazard quite as serious as the submarine hazard. I think the mothers, the wives, and the children of the men who have been killed in Nicaragua are entitled to consideration by Congress under the circumstances.

Mr. TYDINGS. Mr. President, if the Senator from Iowa will yield——

Mr. STECK. Certainly.

Mr. TYDINGS. I said to the Senate just a moment ago, and I do not think the Senator from Wisconsin heard me, that men engaged in submarine duty can not get life insurance because the life-insurance companies will not write such insurance. There is no man in Nicaragua who can not get life insurance because he is in the Marine Corps. This bill is to take care of the dependents, because those dependents were deprived of a right of protection which every other officer and enlisted man in the Army and Navy and Marine Corps can obtain.

Mr. BLAINE. Does the Senator contend that any life-insurance company is soliciting the writing of policies on the lives of the men who have been sent to Nicaragua under an order given by the President?

Mr. REED of Pennsylvania. Mr. President, the United States Government itself sent those men there, and not the President.

Mr. STECK. I must refuse to yield further for the discussion of a subject which is not pertinent to the bill under consideration.

Mr. BLAINE. I would like to ask the Senator another question.

Mr. STECK. I yield for any question pertinent to the bill.

Mr. BLAINE. I understand the Government insurance plan applies to officers and enlisted men in the submarine service.

Mr. STECK. I do not believe the Senator, and I disagree as to the purpose of the bill. I hope the Senator will not obstruct the passage of the bill by bringing up other matters at this time.

Mr. BLAINE. Mr. President, I think in all seriousness the bill ought to go over until proper amendments, as I view it, can be offered.

The PRESIDING OFFICER. Under objection, the bill goes over.

RURAL POST ROADS

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, was announced as next in order.

Mr. BRUCE. Let the bill go over.

Mr. ODDIE. Mr. President, will the Senator from Maryland allow me to make a very brief statement to the effect that a bill in much the same form as this passed the Sentae last year.

The PRESIDING OFFICER. Does the Senator from Maryland withdraw his objection?

Mr. ODDIE. Will the Senator from Maryland allow me to make a brief explanation?

Mr. BRUCE. It is a bill of too much importance to be passed in this way. It imposes too great burdens upon the States to be passed without careful consideration, which can not be given under the five-minute rule.

Mr. ODDIE. Practically the same bill passed the Senate last year. It has been approved by the American Association of State Highway Officials. It provides for the improvement in the allocation of the funds for Federal-aid road building in the public-land States. It does not provide for any more money for any State. It eliminates certain provisions in the law that were found to be unnecessary and impractical. I wish the Senator would withdraw his objection.

Mr. BRUCE. This road system bears with particular severity on the State of Maryland, and I wish to have an opportunity to examine the bill. I have not had an opportunity to read it and look into its effect, and I wish to have the opportunity to do so.

Mr. ODDIE. This is not the regular annual Federal aid appropriation bill. That was called previously this morning and went over under objection.

Mr. BRUCE. Then I am under misapprehension. However, I shall be glad to state that later on I may withdraw my objection, but for the present I object.

The PRESIDING OFFICER. Under objection the bill goes over.

OIL AND GAS PERMITS

The bill (H. R. 5783) to grant extensions of time of oil and gas permits was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I withhold any objection pending the outcome of the question on the Senate committee amendments. Should the Senate committee amendments be rejected, I shall have no objection to the passage of the bill. In fact, I think it should be passed.

Mr. SMOOT. Mr. President, I will assure the Senator that I shall ask that the Senate committee amendments be rejected, and the bill passed just as it came from the House.

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

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 Public Lands and Surveys with amendments, on page 2, in line 1, after the word "years," to insert the words "or for such additional period or periods he may deem reasonable or necessary for the full exploration of the land described in the permit"; and on page 2, after line 15, to insert the words "or for such additional period or periods as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in the permit," so as to make the bill read:

Be it enacted, etc., That any oil or gas prospecting permit issued under the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, or extended under the act entitled "An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes," approved January 11, 1922, or as further extended under the act of April 5, 1926, may be extended by the Secretary of the Interior for an additional period of two years, or for such additional period or periods as he may deem reasonable or necessary for the full exploration of the land described in the permit, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to begin drilling operations or to drill wells of the depth and within the time required by existing law, or has drilled wells of the depth and within the time required by existing law, and has failed to discover oil or gas, and desires to prosecute further exploration.

SEC. 2. Upon application to the Secretary of the Interor, and subject to valid intervening rights and to the provisions of section 1 of this act, any permit which has already expired because of lack of authority under existing law to make further extensions, may be extended for a period of two years from the date of the passage of this act, or for such additional period or periods as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in the permit.

Mr. SMOOT. I ask that the Senate committee amendments be disagreed to.

The amendments were rejected.

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

Mr. SMOOT. Mr. President, there is on the calendar a similar bill (S. 1155) to grant extensions of time under oil and gas permits. I ask that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

COMPENSATION OF REGISTERS OF LOCAL LAND OFFICES

The bill (S. 766) to fix the compensation of registers of local land offices, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I would like to have some one familiar with the bill state what change it makes in existing law.

Mr. WARREN. Mr. President, originally, over 100 years ago, the salary was fixed at $500 a year, with compensation from fees of the office up to, but not exceeding, $3,000 a year. That was before the register had likewise become the receiver. Now the duties of register and receiver are all performed by the register of the land office, and yet that same old law, more than 100 years old, governs his compensation. The bill now before the Senate would increase the salary to $1,000 a year and the limit of compensation from the fees is increased to $3,600.

Mr. ROBINSON of Arkansas. Mr. President, what would be the total increased cost incurred in the administration of the Land Office?

Mr. WARREN. It would be $600 for the register. I wish the Senator to understand that the Interior Department has already abolished one of the two offices.

Mr. ROBINSON of Arkansas. But that is not done by the bill now before us. That was done as a measure of economy some years ago. It is now proposed to increase the salaries of the officers who remain, so as to permit them to receive greater compensation than they are now receiving. It becomes a question in my mind whether any final economy results. We abolish one of the offices and combine the duties of the register and the receiver in one officer for the simple reason that in many of the land districts, at least, the duties are not so great as they formerly were. Now, it is proposed to increase the salaries of all receivers. I must object to the present consideration of the bill.

The PRESIDING OFFICER. The bill goes over.

AVIATION FIELD AT PARCO, WYO.

The bill (S. 2858) to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 4, after the word "lease," to insert the words "subject to valid existing rights"; and on page 2, line 2, after the word "land," to insert the following proviso: "*Provided further*, That there shall be reserved to the United States all gas, oil, coal, and other mineral deposits found in the land, and the right to prospect for, mine, and remove the same: *And provided further*," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to lease, subject to valid existing rights, to the incorporated town of Parco, Wyo., the south half of section 12, township 21 north, range 86 west of the sixth principal meridian, for the establishment and maintenance of a public aviation field: *Provided*, That said lease shall be for a period of 20 years, and shall be subject to renewal for a like period, on condition that the town officials pay to the United States Government a rental of $1 per annum for the use of said land: *Provided further*, That there shall be reserved to the United States all gas, oil, coal, and other mineral deposits found in the land, and the right to prospect for, mine, and remove the same: *And provided further*, That the mayor and council of Parco shall, in a manner satisfactory to the Secretary of the Interior, agree to assume the expense of clearing and maintaining the aviation field, and shall also agree that Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency, or in event it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said field for military purposes.

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.

REGULATION OF COTTON-FUTURE EXCHANGES

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, I am forced to object to the present consideration of the bill.

The PRESIDING OFFICER. The bill will go over.

Mr. COPELAND. I do this without prejudice at all toward the bill, but because numerous protests have come to me from my city regarding it. I do not know the merits of their contentions, but it is only right that I should inquire into the matter before I consent to the consideration of the bill.

Mr. MAYFIELD. Mr. President, I will say that the bill does for cottonseed-oil products the same as the Smith-Lever Act did for grain and the same as the Capper-Tincher Act did for grain. It simply places the exchanges dealing in cottonseed-oil products under the supervision of the Secretary of Agriculture. The bill has the indorsement of the Secretary of Agriculture. It is reported unanimously by the Committee on Agriculture and Forestry of the Senate and is supported by all Senators from the cotton-growing States, including the Senators from Louisiana. It simply places these exchanges under the supervision of the Secretary of Agriculture.

Mr. COPELAND. Let me say to the Senator from Texas that I assume he is entirely correct; and I hope I shall be able to withdraw my objection later, but in view of the protests, I must object at this time.

Mr. MAYFIELD. I shall not insist on the Senator withdrawing his objection now, and I shall be glad to discuss the matter with him in person.

The PRESIDING OFFICER. Under objection the bill goes over.

BILL PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE and others. Over.

Mr. DALE. Mr. President, I hope the Senator from South Carolina will not object to the consideration of the bill.

The PRESIDING OFFICER. Is the objection withdrawn? The bill goes over.

AMENDMENT OF HAWAIIAN HOMES COMMISSION ACT

The bill (H. R. 6989) to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 204 of the Hawaiian Homes Commission act, 1920, is hereby amended to read as follows:

"SEC. 204. Upon the passage of this act all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the commission, to be used and disposed of in accordance with the provisions of this title, except that:

"(1) In case any available land is under lease by the Territory of Hawaii, by virtue of section 73 of the Hawaiian organic act, at the time of the passage of this act, such land shall not assume the status of Hawaiian home lands until the lease expires or the Commissioner of Public Lands withdraws the lands from the operation of the lease. If the land is covered by a lease containing a withdrawal clause, as provided in subdivision (d) of section 73 of the Hawaiian organic act, the Commissioner of Public Lands shall withdraw such lands from the operation of the lease whenever the commission, with the approval of the Secretary of the Interior, gives notice to him that the commission is of the opinion that the lands are required by it for the purposes of this title; and such withdrawal shall be held to be for a public purpose within the meaning of that term as used in subdivision (d) of section 73 of the Hawaiian organic act;

"(2) Any available land, including land selected by the commission out of a larger area, as provided by this act, as may not be immediately needed for the purposes of this act, may be returned to the Commissioner of Public Lands and may be leased by him as provided in subdivision (d) of section 73 of the Hawaiian organic act; any lease of Hawaiian home lands hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the Commissioner of Public Lands, for the purposes of this title, upon the commission giving five years' notice of such withdrawal;

"(3) The commission shall not lease, use, nor dispose of more than 20,000 acres of the area of Hawaiian home lands, for settlement by native Hawaiians, in any calendar five-year period."

SEC. 2. Section 213 of the Hawaiian Homes Commission act, 1920, as amended by act of February 3, 1923, is hereby further amended to read as follows:

"SEC. 213. There is hereby established in the treasury of the Territory a revolving fund to be known as the Hawaiian home loan fund. The entire receipts derived from any leasing of the 'available lands' defined in section 203, these receipts including proportionate shares of the receipts from the lands of Humuula Mauka, Piihonua, and Kaohe Hakuu, of which lands portions are yet to be selected and 30 per cent of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law, or from water licenses, shall be covered into the fund until the amount of moneys paid therein from those three sources alone shall equal $2,000,000. In addition to these moneys and the moneys covered into the revolving fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 215, there shall be covered into the revolving fund all other moneys received by the commission from any source whatsoever."

Mr. JONES. Mr. President, may we have just a brief explanation as to what changes the bill proposes to make?

Mr. WILLIS. Mr. President, the Senator from Arizona [Mr. HAYDEN] reported the bill. There is a unanimous report from our committee, but if the Senator from Arizona will do so I shall be glad to have him explain it.

Mr. HAYDEN. The original Hawaiian homes act was passed as an experiment in an effort to induce the native Hawaiian people to go back to the land, become farmers, and build homes for themselves. That experiment has been conducted for five years and has been a complete success. There have been over 3,000 acres reclaimed and made available to them out of the

public lands in Hawaii. The purpose of the bill is to extend the act so it will apply to all the islands and make the benefits available to all the people of the Hawaiian race.

Mr. WILLIS. Will not the Senator also call attention to the fact that the revolving fund provided for in the bill comes not at all out of any Federal appropriation but entirely out of the Territorial funds?

Mr. HAYDEN. All of the money provided for in the bill is appropriated by the Hawaiian Legislature. The bill is framed in accordance with a memorial of the Hawaiian Legislature. It has been very carefully considered by the Hawaiian Homes Commission and the Interior Department and should be passed.

Mr. SMOOT. I have no objection to the passage of the measure, but I simply wish to say that if similar legislation had been enacted about 10 years ago the natives of the Hawaiian Islands would have been much better off than they are to-day.

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

Mr. WHEELER. I object.

The PRESIDING OFFICER. Being objected to, the bill goes over.

WILLIAM A. LIGHT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1691) for the relief of William A. Light. It proposes to pay in full settlement against the Government $1,524.89 to William A. Light, of Valentine, Ariz., as compensation for injuries sustained on September 26, 1916, in the discharge of his official duties as superintendent of the United States Indian school agency at Mescalero, N. Mex.

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

AGRICULTURAL DAY

The joint resolution (S. J. Res. 61) to provide for an agricultural day was considered as in Committee of the Whole.

Mr. KING. Mr. President, I should like an explanation of what the joint resolution proposes.

Mr. CAPPER. Mr. President, a similar joint resolution passed in the closing days of the last session of the Senate but failed to receive consideration in the other House. It had its origin with the National Grange. It merely proposes to designate the first Thursday in October of each year as a day when attention will be called to the outstanding importance of agriculture as an industry.

Mr. ROBINSON of Arkansas. Does the measure propose to create another legal holiday?

Mr. CAPPER. The joint resolution expressly states that it will not create another legal holiday.

Mr. ROBINSON of Arkansas. I observe that the language of the joint resolution provides for the appropriate observance throughout the United States of the first Thursday in October of each year as Agricultural Day. How is that observance to be secured?

Mr. CAPPER. The joint resolution provides that it shall be done by the President by proclamation or otherwise, directed to the governors of the several States of the United States, so that a simple letter written by the President to the governors calling attention to this Agricultural Day is all that will be required. Representatives of every national farm organization in the country appeared before the Committee on Agriculture and Forestry in favor of the measure. It also had the unanimous support of that committee in its favor.

The PRESIDING OFFICER. Is there objection to consideration of the joint resolution?

Mr. SMOOT. Mr. President, I shall have no objection to the passage of the joint resolution if it does not provide that there shall be another legal holiday, and I see that it expressly provides that it shall not be so considered. I trust that we are not going to have any more legal holidays in the United States.

Mr. CAPPER. The Committee on Agriculture and Forestry was of the same opinion as that expressed by the senior Senator from Utah.

Mr. KING. Mr. President, I shall not object to the consideration of the joint resolution, but I wish to offer an amendment to it. I think, as the joint resolution will be interpreted, if it shall become a law, the final result will be a legal holiday for all employees of the Government on Agricultural Day, and, of course, the purpose is to have a legal holiday in the States. On page 1 I move to strike out, in lines 7, 8, and 9 of the joint resolution, the following words:

and it is the sense of the Congress that such holiday should be appropriately observed throughout the United States.

I do not think it is the business of Congress to tell the States what they should do in regard to holidays. That is for the States to determine for themselves. Congress is not a vast overlord to tell the States when, in its opinion, they should establish holidays. I believe it would be an affront to the States to do so. I therefore think the words I have read should go out of the joint resolution; and if the Senator from Kansas [Mr. CAPPER] is correct, that it is not intended that Agricultural Day shall be made a legal holiday, let us indicate that a little more clearly by eliminating the language to which I have referred.

The PRESIDING OFFICER. The amendment proposed by the junior Senator from Utah will be stated.

The CHIEF CLERK. On page 1, line 7, after the words "Agricultural Day," it is proposed to strike out the comma and the words "and it is the sense of the Congress that such day should be appropriately observed throughout the United States," so as to make the joint resolution read:

Resolved, etc., That in order to encourage consideration of the basic relationship of farming and agriculture to the well-being of the people of the Nation, it is hereby declared that the first Thursday in October of each year is designated as Agricultural Day. The President is requested to communicate this declaration, by proclamation or otherwise, to the governors of the several States of the United States and to request them to take such action as they may deem advisable in order to bring about observance of such day. This resolution shall not be construed as establishing a legal public holiday.

Mr. MCNARY. Mr. President, supplementing the remarks made by the author of the joint resolution, the junior Senator from Kansas [Mr. CAPPER], I desire to say that when this measure came before the Senate Committee on Agriculture and Forestry all of the major farm organizations were represented. They asked that this day of observance be created, not as a legal holiday but by some act of Congress so that the States, speaking through their governors, might have their attention called to it. Personally, I see no objection to the elimination of the words as suggested by the Senator from Utah [Mr. KING]. That amendment would leave the substance of the joint resolution, namely, that some reference should be made to a holiday such as might be designated by the governors of the States by proper proclamation; and, if it be agreeable to the author of the bill, as chairman of the committee from which the resolution was reported, I shall have no objection to the elimination of that language.

Mr. CAPPER. I have no objection to the amendment suggested by the Senator from Utah.

The PRESIDING OFFICER. Does the Senator from Kansas accept the amendment?

Mr. CAPPER. I do.

Mr. SHORTRIDGE. Mr. President, in order to allay the fears of the Senator from Utah [Mr. KING], I desire to suggest that the last sentence of the joint resolution read:

This resolution shall not be construed as establishing a legal public holiday.

Mr. CAPPER. That is correct. The Senator from Utah [Mr. KING] now understands that.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

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

DESCHUTES PROJECT IN OREGON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1186) to provide for the construction of the Deschutes project in Oregon, and for other purposes, which had been reported from the Committee on Irrigation and Reclamation with amendments.

The first amendment was, on page 1, section 1, line 7, after the word "construct," to strike out the words "at Benham Falls, on the Deschutes River, in the State of Oregon, a storage reservoir and incidental works sufficient in size and the necessary canals and conduits for the delivery of water from said reservoir and said river to irrigate the lands requiring irrigation, and which he may find to be feasible for irrigation on the following units of the Deschutes project in the State of Oregon, namely: The north unit, east unit, Powell Buttes irrigation district, west unit, south unit, and Tumalo irrigation district," and in lieu thereof to insert "reservoir, or reservoirs, and incidental works of sufficient capacity to store, and canals, conduits, and other works of sufficient capacity to deliver such

water as may be necessary for the reclamation, through irrigation, of any unit, units, or parts of units, described, considered, or referred to in the 1914 Deschutes project report (prepared by the Interior Department in cooperation with the State of Oregon), which he may find to be feasible," so as to make the section read:

That in accordance with the provisions of the act of June 17, 1902 (32 Stat. L. 388), known as the reclamation law, and acts amendatory thereof or supplementary thereto, the Secretary of the Interior is hereby authorized and empowered to construct a reservoir, or reservoirs, and incidental works of sufficient capacity to store, and canals, conduits, and other works of sufficient capacity to deliver such water as may be necessary for the reclamation, through irrigation, of any unit, units, or parts of units, described, considered, or referred to in the 1914 Deschutes project report (prepared by the Interior Department in cooperation with the State of Oregon), which he may find to be feasible.

Mr. SMOOT. Mr. President, I have not had time to read the bill through or to read the report, but I wish to ask the Senator who introduced the bill if this project falls within the class of regular reclamation projects?

Mr. McNARY. Yes. I will say to the Senator that this bill does not ask for an appropriation of money. It refers to a project which must be built, if ever, in the usual way under the reclamation act of 1902, namely, in accordance with estimates submitted by the Secretary of the Interior and also in accordance with estimates made by the Director of the Budget and submitted by the President to Congress, and acted upon favorably by the appropriate committees of Congress. It does not in any way change the law. There is an amendment in the bill which the committee had inserted which directs the Secretary of the Interior to submit estimates of probable cost for the purpose of determining whether, in the opinion of those interested in the project and the Congress, it is a feasible one. It does not in any way commit Congress to the construction of this project. It is in the nature of an inquiry, of securing further data. The committee after considering the bill reported unanimously in favor of its adoption. It requires no money, I repeat, and does not affect the status of the project at all; but it does ask for an estimate of the amount of money necessary for the construction of the project.

Mr. SMOOT. I notice that the bill provides:

there is hereby authorized to be appropriated from any money in the reclamation fund such amounts as may be necessary to carry out the purposes of this act, to be appropriated from time to time upon estimates made by the Secretary of the Interior.

That money will come out of the reclamation fund, will it not?

Mr. McNARY. Certainly, if the project is found to be feasible following the estimates and if in the future the Secretary shall report it favorably for the consideration of Congress.

Mr. SMOOT. Then the only money that will be expended in case the report shall be adverse will be for examinations and surveys?

Mr. McNARY. I will say to the Senator that a complete examination has been made. I merely want the Secretary to submit to Congress an estimate of the cost of the project. It will require no new survey and no expenditure of money, in my opinion, whatsoever.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. McNARY. I shall be glad to yield.

Mr. KING. I notice that the title of the bill reads:

To provide for the construction of the Deschutes project in Oregon, and for other purposes.

Does not the Senator agree that it might be better and obviate any supposed commitment to amend the title so that it would read something like this?—

To secure data with respect to the feasibility of constructing the Deschutes project, Oregon.

Mr. McNARY. Mr. President, the title is in the usual form in which similar bills have been passed. I would not desire to have it changed, because it does not commit the Government until the estimates are submitted, if it shall be found feasible by the Secretary of the Interior, and estimated for by the Director of the Budget, and approved by Congress. So I would prefer to leave the title as it is.

Mr. KING. The Senator states that the titles of similar bills which have provided for the securing of such data have been in the same form?

Mr. McNARY. Yes. Last year the Senator from Wyoming [Mr. KENDRICK] introduced such a bill, which was passed in connection with a Wyoming irrigation project, and the Senator from Texas [Mr. SHEPPARD] and other Senators, as I now recall, also had similar bills passed.

Mr. KING. Then the department construes measures of this kind as not committing the Government at all to the construction of the projects?

Mr. McNARY. Not at all.

Mr. SMOOT. I will inquire of the Senator if he thinks section 3 of the bill is necessary? It reads:

SEC. 3. That to enable the Secretary of the Interior to continue surveys and investigations, to negotiate the necessary contracts for the repayment of the cost of said project, or the units thereof, and for the purpose of constructing said storage reservoir, incidental works, canals, conduits, and appurtenant structures, there is hereby authorized to be appropriated from any moneys in the reclamation fund such amounts as may be necessary to carry out the purposes of this act, to be appropriated from time to time upon estimates made by the Secretary of the Interior.

Mr. McNARY. That provision is necessary in order to obtain the data.

Mr. SMOOT. Is an appropriation for that purpose authorized?

Mr. McNARY. Not at all. The survey has already been made. I want the Interior Department merely to submit to Congress an estimate. For a survey, this bill is not required, because the act of 1902 and the amendatory acts permit the Secretary of the Interior to make the surveys; so whatever construction may be placed on it, I am not asking for anything that is not now existing law.

Mr. SMOOT. I am perfectly aware of that and, therefore, I thought that the language to which I have referred was unnecessary for that reason.

Mr. McNARY. If it is unnecessary, it is harmless, in any event.

Mr. SMOOT. All the other projects have been constructed under existing law.

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

The amendment was agreed to.

The next amendment of the Committee on Irrigation and Reclamation was, on page 3, after line 12, to insert:

The Secretary of the Interior is hereby directed to submit to Congress, in accordance with section 16 of the act of August 13, 1914 (38 Stat. 686), estimates of the amount of money necessary to be expended for the construction of any unit or units or parts of units referred to in section 1 of this act, which he may find to be feasible.

The amendment was 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.

G. W. GILKISON

The bill (H. R. 5380) to correct the military record of G. W. Gilkison was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

JOSEPH M. BLACK

The bill (H. R. 9151) for the relief of Joseph M. Black was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

FORT M'HENRY, MD.

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 204) to authorize an additional appropriation for Fort McHenry, Md.

The bill was read, as follows:

Be it enacted, etc., That the sum of $81,678 is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for further carrying out the provisions of the act approved March 3, 1925, chapter 425 (Public, No. 543), entitled "An act to repeal and reenact chapter 100, 1914 (Public, No. 108), to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes," approved March 3, 1925 (43 Stat. L. 1109).

Mr. JONES. Mr. President, let us have a brief explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, the bill authorizes an appropriation to complete the restoration of Fort McHenry, Md., which is historically important because it was the site of the attack that inspired the writing of The Star-Spangled Banner. In the last Congress a bill was introduced carrying $192,000 for this purpose, but after further study by the War Department it was found that that was needlessly large and the department has recommended an appropriation of only $81,678, as carried by the bill.

Mr. JONES. This bill merely provides for the preservation of Fort McHenry as a national park?

Mr. REED of Pennsylvania. That is all.

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

PENSIONS FOR AVIATION DUTY

The bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read "Army, Navy, and Marine Corps," was announced as next in order.

Mr. KING. Let that bill go over.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of the purposes and effect of the bill.

Mr. KING. I have asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE W. BOYER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2657) for the relief of George W. Boyer, which was read, as follows:

Be it enacted, etc., That the claim of George W. Boyer, of Pine Grove, Pa., owner of the barge *Pine Grove,* against the United States of America for damages alleged to have been caused by collision on December 7, 1925, between said barge and the highway bridge at Coinjock, N. C., while said bridge was owned and operated by the United States, may be litigated and determined in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such courts, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States of America in favor of said George W. Boyer, or against said George W. Boyer in favor of the United States of America, ascertained upon the principles and measures of liability applicable in like cases in admiralty between private persons or corporations, with the same right of appeal: *Provided,* That notice of any suit brought by George W. Boyer by virtue hereof shall be given to the Attorney General of the United States in the manner provided by any order entered by the District Court of the United States for the Eastern District of Virginia, at Norfolk, in said cause, and it shall be the duty of the Attorney General of the United States to cause the United States attorney for the eastern district of Virginia at Norfolk to appear on behalf of the United States and protect and defend its interests: *Provided further,* That the proceeding hereby authorized shall be begun within four months from the date of the passage of this act.

Mr. JONES. Let us have a brief explanation of that bill.

Mr. SWANSON. Mr. President, this bill is in the usual form and provides that there shall be referred to the proper district court of the United States a claim for damages arising because of a collision of the barge *Pine Grove* with the highway bridge at Coinjock, N. C. Instead of paying for the damages outright by act of Congress, it is proposed to allow the claimant to sue in the district court of the United States where the Government of the United States may defend itself. As I have said, it is in the usual form, and I think the bill should be passed.

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

RURAL POST ROADS

Mr. ODDIE. I ask unanimous consent that the Senate recur to Order of Business No. 320, being 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.

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

Mr. PITTMAN. Mr. President, I have examined the bill very carefully, as I did the bill which was before the Senate during the last Congress, and I wish to join with the Senator from Nevada in urging its passage.

Mr. ROBINSON of Arkansas. May I ask if the amendments which have been reported to the bill were contained in the bill which was before the Senate during the last Congress?

Mr. PITTMAN. There were some of the amendments in the bill which passed last year. But other amendments have been added, in order to accomplish the same objects which were provided for in that bill. However, since the passage of the bill the road bureau has stated that without the amendments proposed the bill would not accomplish the purpose desired and contemplated.

Mr. SMOOT. Was a report made on the bill?

Mr. ODDIE. There is a favorable report from the department including a suggestion for the clarification of the wording in part of the bill used last year, and I have made the change suggested by the department.

Mr. SMOOT. There is no report in my calendar.

Mr. ODDIE. I have the report from the department right here.

Mr. SMOOT. It is a favorable report, is it?

Mr. ODDIE. There was one amendment offered by the Senator from Washington [Mr. JONES], which appears on page 5, lines 1 to 10. I have accepted that amendment and have had it incorporated in the bill. That was not covered in the department's report; but everything else in the bill was reported upon favorably by the department.

Mr. ROBINSON of Arkansas. Mr. President, what is the effect of that amendment?

Mr. ODDIE. It qualifies the provision in section 4 for protecting highway road markers, which prevents objectionable advertising signs on the main Federal-aid highways. The amendment is as follows:

Provided, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations, heretofore engaged in sign-posting work under the direction of such highway departments, to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department.

Mr. ROBINSON of Arkansas. I think that is a good amendment.

Mr. SHORTRIDGE. That was acceptable, was it? That meets the objections——

Mr. ODDIE. That meets the objection heretofore made by important road organizations in the State of California and other Western States.

Mr. BLAINE. Mr. President, I should like to inquire the purpose of attaching a penalty with respect to this provision by the Government of the United States. It seems to me that that is a question of police regulation for the respective States, and this provision simply means that there will be double jeopardy. Are not the States competent to regulate the use of highways within the respective States?

Mr. ODDIE. They are to a certain extent, Mr. President; but much of this work is done with Federal aid, and I will say to the Senator from Wisconsin that the American Association of State Highway Officials has indorsed this provision in regard to the penalties for defacing the road markers.

Mr. BLAINE. Yes; but those officials have no authority to impose upon the people of a State the possibility of a double jeopardy, and to surrender the police jurisdiction of the respective States over these matters. I think all of that part which refers to penalties respecting a purely local police regulation should be stricken out.

I am not opposed to the bill. I am just opposed to imposing upon the States this kind of legislation. I think the States are capable of regulating these matters themselves.

Mr. SMOOT. Mr. President, many of these are interstate roads, and without the penalty the provision would be ineffective. If you take out the penalty, you might just as well reject the amendment.

For instance, in my State the road goes right through the State of Utah into Nevada. You go from Salt Lake City out to the boundary line of Utah within a couple of hours or three hours, with a good automobile, and then you are in the State of Nevada.

Mr. BLAINE. Mr. President, let me call attention to the fact that this penalty attaches to that which the highway department of a State does. If the highway department does not do it, the penalty does not attach. Why have it attach, when the State has jurisdiction to do what the bill proposes that the State may do? Why attach a penalty? Why not leave that to the State?

Mr. ODDIE. Mr. President, this work is financed partly by the Federal Government under the Federal-aid system.

Mr. SMOOT. Largely.

Mr. BLAINE. Is it not a very small portion?

Mr. ODDIE. It is 50 per cent in most States, and in the so-called public-land States the contribution of the Federal Government is increased in proportion to the acreage of public lands in those States.

Mr. BLAINE. In my own State we expend perhaps twenty or twenty-five times as much as the Federal Government contributes. Why have this additional penalty? Why have the possibility of double punishment? Why take away from the States their proper jurisdiction to pass laws with reference to their police powers? I think it is an indirect violation of the ninth amendment and the tenth amendment, and it is going to lead to this, if the Senator will yield just for the suggestion: The time is very close at hand when it will be proposed that the Federal Government take over the policing of all highways in part constructed by Federal funds, and we will find our States deprived of their ordinary police powers with respect to these matters.

I think the States can be trusted to carry out their police powers, and I am opposed to any provision with respect to matters of this kind when the States themselves are vitally interested, and when the duty rests upon them, and when they will discharge that duty.

I must object to the bill in the present situation, unless the Senator will strike out the penal provision imposing the possibility of double jeopardy.

Mr. ODDIE. Mr. President, one reason for the necessity for this provision is this:

There are places in the desert country where losing one's way on the roads means death. I personally have been in that country for many years, and I know that several times I have come very close to death by reason of the lack of highway signs; and there are people who willfully destroy those signs.

Mr. BLAINE. Permit me to suggest that I am not objecting to the provision with respect to placing the signs; but why not let your State protect your citizens? Is it going to fail in its duty? I think not.

Mr. ODDIE. No, Mr. President; but my State and the highway departments of all the States have asked that this provision be put in the bill.

Mr. BLAINE. I do not think the highway department ever thought of the question of the penalty.

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

Mr. ODDIE. Will the Senator waive his objection and let the bill go through in this way and let it go to conference, so that the matter can be adjusted there? If not, I will ask that the matter go over for five minutes, so that I can discuss the matter with the Senator from Wisconsin.

The PRESIDING OFFICER. The bill will be passed over without prejudice. The clerk will state the next bill on the calendar.

PAUL D. CARLISLE

The bill (S. 3201) for the relief of Paul D. Carlisle was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the stoppage placed against the pay of Paul D. Carlisle, a major on the retired list of the United States Army, in the sum of $341.28, by reason of the absence with leave not in a full-pay status, be, and the same hereby is, removed, and in case the sum, or any part thereof, has been already deducted from his pay the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Paul D. Carlisle the sum of $341.28, or such lesser sum, equal in amount to the sum so deducted.

Mr. JONES. Mr. President, I should like to have an explanation of that bill.

Mr. SHEPPARD. Mr. President, the War Department advised this officer that he was entitled to leave of absence for something like three and a half months. He took that leave of absence. After that he was retired. Before he was retired they checked up his pay, and in checking up his leave records they decided that he was not entitled to the three and a half months, but was entitled to only 2 months and 11 days, and therefore they docked his pay for that amount. The War Department says the error should be cured by this bill; that the officer was not to blame for taking the excess leave.

Mr. SMOOT. He must have known how much leave he had.

Mr. SHEPPARD. He took the word of the department.

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

W. H. KAUFMAN

The bill (S. 2061) for the relief of W. H. Kaufman was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "$50" and insert "$25," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to W. H. Kaufman, out of any money in the Treasury not otherwise appropriated, the sum of $25, in full satisfaction of all claims against the United States for damage to his crops caused by the landing of a United States Forest Service airplane engaged in forest-fire patrol.

The amendment was agreed to.

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

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

OLD DOMINION LAND CO.

The bill (S. 2926) for the relief of the Old Dominion Land Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to certify for payment to the Old Dominion Land Co., from any money in the Treasury not otherwise appropriated, the sum of $3,314.40, on account of destruction by the United States of two buildings formerly located on premises leased from the claimant in connection with Camp Hill and Camp Stuart, Va.

Mr. JONES. Mr. President, may we have an explanation of that bill?

Mr. HOWELL. Mr. President, this is a case where two buildings on property leased for cantonment purposes were destroyed or removed. The Comptroller General has held that there was an implied contract against waste on this property, and that the removal of the buildings was not authorized under the lease. Therefore, after investigation, it has been determined that the value of these buildings was as stated in the bill; and, while the Secretary of War does not directly recommend the payment of this bill, it was forwarded by the War Department to the Claims Committee with the request that the bill for the reimbursement of this company be reduced.

Mr. JONES. Is there any question as to the value of the buildings?

Mr. HOWELL. The Comptroller General went into the matter and determined that this was the amount due, and that if the claim was to be allowed this was not excessive.

Mr. JONES. Has this property been turned back to the original possessors?

Mr. HOWELL. That is my understanding—that the property has been turned back, and the matter closed.

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

The amendment was agreed to.

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

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

CHIPPEWA INDIANS OF MINNESOTA

The bill (S. 2342) providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 2, after the words "distribution of," to strike out "$100" and to insert "$25"; in line 3, after the word "each," to insert "of the"; and in the same line, after the word "enrolled," to strike out "member of the tribe" and insert "Chippewa Indians of Minnesota," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889 (25 Stat. L. 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to make therefrom a per capita payment or distribution of $25 to each of the enrolled Chippewa Indians of Minnesota, under such rules and regulations as the said Secretary may prescribe: *Provided*, That before any payment is made hereunder the Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this act and accept same: *Provided further*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties.

Mr. SMOOT. Mr. President, I was going to ask the Senator from Minnesota [Mr. SHIPSTEAD] whether there was not a provision in the last Interior Department appropriation bill authorizing an annual per capita payment to these Indians.

Mr. REED of Pennsylvania. Mr. President, the bill is objected to by the Secretary of the Interior, who says there is no necessity for the payment, and it is objected to by the Budget Bureau; and I therefore ask that it go over.

Mr. JONES. Mr. President, let me suggest to the Senator that a representative of the Indian Bureau was present before the committee, I remember—I happened to be present when this matter was heard—and he thought it would be well to make this $25 payment. He thought it was quite desirable under the conditions there. The bill as originally presented was objected to, I think, by the department and also by the Budget; but as amended by the committee the amount is cut down to $25, which the representative of the department who was present before the committee thought was a proper thing to do.

Mr. REED of Pennsylvania. I understand that these Indians have about $4,500,000 in their fund to their credit. It is not likely to be increased much. It will take about $400,000, pretty nearly 10 per cent of it, to pay each Indian $25. The Secretary of the Interior, in reporting on the bill, says that it ought to be held for times when their crops are short, to tide them over emergencies; that in the last season their crops were not short, and that there is no occasion for paying them anything.

I see the Senator from North Dakota [Mr. FRAZIER] here now, and I will ask him for an explanation of the bill.

Mr. FRAZIER. Mr. President, both the Senators from Minnesota were very much in favor of a small allotment to these Indians.

It seems that these particular Indians depend a great deal on the wild-rice crop upon the lakes in Minnesota in their territory. A great deal of wild rice grows there, and they depend largely upon the wild rice for their food in the winter. They also sell to the stores a good deal of the wild rice that they gather there. I had a letter from one of the storekeepers in that locality, and he said that on account of the short wild-rice crop they could not buy it at the stores, that the Indians did not have enough to live on, and he was very strongly in favor of their getting at least a small per capita payment. All who have expressed themselves on the matter think there should be a small per capita payment, and we thought $25 was about right.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will yield, I notice that there is printed in the report a petition, signed apparently by a great many Indians, setting forth substantially the facts stated by the Senator from North Dakota. They say:

> Our gardens were killed by frost, the wild-rice crop of last fall was very poor, and our people are suffering from hunger and cold.

That petition is signed by a large number of Indians. It looks to me, if that showing is made, as if they ought to be permitted to have at least a small amount of their own money.

Mr. BRATTON. Mr. President, will the Senator from North Dakota yield?

Mr. FRAZIER. I yield.

Mr. BRATTON. That statement was made by one of the Senators from Minnesota before the committee in the presence of the Commissioner of the Bureau of Indian Affairs, and, as I recall, was not controverted by him in any way.

Mr. FRAZIER. It was not.

Mr. BRATTON. I take it that that statement stands undisputed.

Mr. SMOOT. Mr. President, I ask whether in the Interior Department appropriation bill a payment was not provided for on behalf of these Chippewa Indians.

Mr. FRAZIER. I think not.

Mr. SMOOT. The Senator will remember that there were three or four, and I do not remember whether there was one for this purpose or not. That is the reason only I asked the question. If there was, of course, there would be no necessity for this legislation.

Mr. FRAZIER. It is my understanding that there was not.

Mr. REED of Pennsylvania. I withdraw the objection.

Mr. FLETCHER. Mr. President, I notice in the petition that they say that they ought to have $50 per capita, and that anything else would be inadequate; but if they are satisfied with $25, I suppose we should have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

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 providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States."

RURAL POST ROADS

Mr. ODDIE. Mr. President, I ask unanimous consent to return to Calendar 320, Senate bill 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.

I have discussed this matter with the Senator from Wisconsin, and to correct what I think should have been corrected after studying the matter——

The PRESIDING OFFICER. Is there objection?

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 Post Offices and Post Roads with amendments, on page 3, in line 14, after the word "Agriculture," to strike out down to and including the word "State," on line 1, page 4, and to insert "upon request from the State highway department of such State, may increase the share payable by the United States to any percentage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but the average Federal pro rata allotted to all Federal-aid projects in any such State during any fiscal year shall not exceed the pro rata authorized in such State under the provisions of this act"; and on page 4, line 25, to strike out after the word "Agriculture" the words "and any person, firm," and insert "*Provided*, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations, heretofore engaged in sign-posting work under the direction of such highway departments, to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department," so as to make the bill read:

Be it enacted, etc., That paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 19, 1922 (42 Stat. L. 660), prescribing limitations on the payments of Federal funds per mile which the Secretary may make, is hereby amended by adding at the end thereof a further proviso, as follows:

"*And provided further*, That the Secretary of Agriculture may make payments in excess of the above limitations per mile in the case of any project involving construction in mountainous, swampy, or flood lands, on which the average cost per mile for the grading and drainage structures other than bridges of more than 20 feet clear span will exceed $10,000 per mile; and also in the case of any project which, by reason of density of population or character and volume of traffic, the State highway department and the Secretary of Agriculture may determine should be improved with a surface of greater width than 18 feet. In no event shall the payments of Federal funds on any project under this proviso exceed 50 per cent of the cost of the project, except as such payments are authorized to be increased in the public-land States."

SEC. 2. That the paragraph of section 6 of the Federal highway act, approved November 9, 1921, which reads as follows: "Not more than 60 per cent of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per cent of the Federal aid apportioned to such State upon the primary or interstate highways in such State," is hereby repealed.

SEC. 3. That section 11 of the Federal highway act, approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by adding at the end of the second paragraph thereof the following:

"*And provided further*, That in the case of any State containing unappropriated public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per cent of the total area of all lands in the State in which the population, as shown by the latest available Federal census, does not exceed 10 per square mile of area, the Secretary of Agriculture, upon request from the State highway department of such State, may increase the share payable by the United States to any per-

centage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but the average Federal pro rata allotted to all Federal-aid projects in any such State during any fiscal year shall not exceed the pro rata authorized in such State under the provisions of this act.

SEC. 4. That hereafter the shield or other insignia of the United States as shown on the seal of the United States, or any simulation thereof shall not be used as a highway marker, directional sign, or advertising medium on or along any road or highway in the United States, which is a part of or may become a part of the primary or interstate or secondary or intercounty highway system as designated in accordance with the Federal highway act of November 9, 1921, except where heretofore or hereafter so used by the highway departments of the several States acting cooperatively through their organization, known as the American Association of State Highway Officials, and with the United States Department of Agriculture: *Provided*, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations heretofore engaged in sign-posting work under the direction of such highway departments to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department; and any person, firm, organization, corporation, or association who shall use or shall simulate and use such shield or other insignia of the United States as a highway marker, directional sign, or advertising medium for or along such highways, or who shall destroy, mutilate, deface, tear down, or remove any such highway marker or directional sign heretofore or hereafter erected by the highway department of any State on said system of highways, shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not to exceed $100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

The amendments were agreed to.

Mr. ODDIE. Mr. President, I ask that the bill be further amended by striking out the word "such," on line 12, page 5, and inserting the word "any."

The amendment was agreed to.

Mr. ODDIE. I move to amend, on line 15, page 5, by striking out the word "such," and on lines 16 and 17 by striking out the words "highway department of any State" and inserting in lieu thereof the words "the Bureau of Public Roads, at the expense of the Federal Government."

The purpose of this amendment is to make the penalty apply only to signs erected by the Federal Government and at the expense of the Federal Government.

The amendment was agreed to.

Mr. BRUCE. Mr. President, may I ask the Senator from Nevada whether that is the bill about which we arrived at an understanding a moment ago?

Mr. ODDIE. It is the same bill.

Mr. REED of Pennsylvania. Mr. President, I send to the desk the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 5, after line 21, add a new section, as follows:

SEC. 5. In every case in which, in the judgment of the Secretary of Agriculture, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

Mr. ODDIE. Mr. President, I ask the Senator from Pennsylvania if he will not withhold the amendment until the regular Federal aid highway bill comes up?

Mr. REED of Pennsylvania. Mr. President, I propose to offer the amendment to that, too. The Senator will notice that it does not compel the specification of shade trees in any case. It is only in those cases in which, in the judgment of the Secretary of Agriculture, it is practicable and desirable that shade trees should be planted. Then he shall specify them, as he would the other details of the road.

I do not mean to make any lengthy remarks upon the subject. Two years ago the Senate adopted the same amendment without apparent objection from any source. I was compelled to take a train in the middle of the afternoon, and just after I had left the Senate a motion was made to reconsider and strike out the amendment. It was done without debate, and I think without the Senate knowing what was going on.

All of us realize the necessity in this country of protecting our roads, if we can, by the use of shade trees, where it will not injure a road or be to the disadvantage of the public.

Mr. ODDIE. Mr. President, I accept the amendment.

Mr. BLAINE. Mr. President, I hope this amendment will not be inserted in the bill. Just as I suggested a few moments ago, the time is not far distant when the Federal Government is going to reach out its hands and attempt to assume complete jurisdiction over highways to which they contribute very little money in comparison with what the States contribute.

In some sections it is a positive injury to a highway to have shade trees along the highway, and we are endeavoring to cut them out and clear the roadsides, so that the highway might have its proper drainage and the proper sun and the proper air in the springtime and in seasons of great rainfall and in the wintertime, because of the snow that fills in the cuts and the grades, and is held in them for months many, many feet deep. Here is a proposal to turn over to an individual in the city of Washington, far away from those localities, the power to compel the planting of shade trees along those highways.

I think this is yielding a duty and a right that belongs to the respective States of this Nation, and for that reason I hope the amendment will not be adopted. I think this is a bill which, in view of the circumstances that have arisen this morning, really ought to go over for very deliberate consideration. Therefore I am persuaded to object.

The PRESIDING OFFICER. The bill will go over.

Mr. MOSES obtained the floor.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. MOSES. I yield.

Mr. ODDIE. I will ask the Senator from Pennsylvania if, in the face of this objection, he will not consent to withdraw the amendment?

Mr. REED of Pennsylvania. No; Mr. President, certainly it is high time that in the United States we should begin to give some thought to the beauty of our countryside.

Mr. FLETCHER. Regular order!

Mr. MOSES. Under the regular order, I am recognized. I ask unanimous consent to return to Calendar No. 318.

Mr. FLETCHER. I object. If the Senator will allow the next bill on the calendar to be passed, to which there can be no objection, I will make no objection to his request.

Mr. MOSES. Does the Senator mean Calendar No. 341?

Mr. FLETCHER. Calendar No. 341. I want to have that bill disposed of.

JOE W. WILLIAMS

The PRESIDING OFFICER. The clerk will report Calendar No. 341.

The CHIEF CLERK. Senate bill 484, a bill for the relief of Joe W. Williams.

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

Mr. HEFLIN. Mr. President, it is almost 2 o'clock, and as there are a great many bills which have not been reached, I suggest to the Senator from Kansas that we go ahead with the calendar after 2 o'clock.

Mr. CURTIS. Mr. President——

Mr. MOSES. I still have the floor, and I yield to the Senator from Kansas.

Mr. CURTIS. It was my intention to ask at 2 o'clock that the unfinished business be temporarily laid aside and that we proceed to the consideration of unobjected bills on the calendar. I do hope, if that consent shall be given, that Senators will confine themselves to short debate, to the five minutes allowed under the rule, and that they will not continue to ask us to go back and take up bills that have been passed over. In this way we can devote all the afternoon to the consideration of measures to which there is objection, and I hope that we may complete the calendar.

Mr. ODDIE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. ODDIE. I will ask what is before the Senate now?

Mr. MOSES. The Senator from New Hampshire is before the Senate.

Mr. ODDIE. What bill?

The PRESIDING OFFICER. Senate bill 484, for the relief of Joe W. Williams.

Mr. ODDIE. I will ask that that go over until I have an opportunity to study it.

Mr. FLETCHER. Mr. President, may I say to the Senator that it is a bill which affects simply the question of adjusting some confusion in the title of lands in Alabama and Florida.

Everybody is in favor it; the department is in favor of it, and it merely enables the quieting of the title.

Mr. ODDIE. Under those circumstances, I withdraw my objection.

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 the Secretary of the Interior be, and he is hereby, authorized and directed to convey by patent to Joe W. Williams, of Chipley, Fla., the west half of the west half of section 19, township 7 north, range 12 west, Houston County, Ala., upon payment by the said Joe W. Williams to the United States of the sum of $1.25 per acre, at any time within 90 days after the enactment of this act: *Provided*, That upon default on the part of said Williams in making such payment within said period, all rights hereby conferred shall lapse.

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

TRANSPORTATION OF MAILS BY AIR TO FOREIGN COUNTRIES

Mr. MOSES. Mr. President, I renew my request for unanimous consent to return to Calendar No. 318, Senate bill 1666, to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation of foreign mails at fixed rates per pound or per mile, and for other purposes.

Accepting the rebuke of the Senator from Kansas about returning to bills on the calendar, I will say that I was engaged in a subcommittee with a hearing and could not be here when the calendar was called earlier in the day.

Mr. CURTIS. Mr. President, the so-called rebuke was not intended as a rebuke. It was a warning simply that if we are to get through with the calendar we should not go back to bills to which objection has been made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. MOSES. Mr. President, I report back favorably from the Committee on Post Offices and Post Roads the bill (H. R. 7213) to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile, and for other purposes.

This bill is identical with Senate bill 1666 and has been passed upon by the Committee on Post Offices and Post Roads. It applies simply to an authorization of the Postmaster General to make contracts for the carrying of air mail into foreign countries. He already has the authority to make contracts for the transportation of mail as between the States, but none as to the transportation of mail into foreign countries by air. There is a development of air mail routes into Latin America particularly, which it is desired to make use of by reason of this legislation. The bills are exactly the same in terms, almost exactly the same in language, and I would like, if unanimous consent is granted to return to the consideration of this bill, to substitute the House bill for the Senate bill, and to ask for its passage.

Mr. KING. I would like to ask the Senator if there is any necessity for this legislation at the present time.

Mr. MOSES. This legislation covers no increase in appropriation whatever. It simply gives the Postmaster General the authority to make contracts under the existing appropriation for air mail transportation, so that there may be air mail transportation between this country and Latin America. There is not a cent involved in it; it is merely a matter of discretion and judgment on the part of the Postmaster General, and it is essential only in so far as it is generally regarded as essential to bring about the development of air mail transportation.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

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

Mr. ROBINSON of Arkansas. Referring to the proviso on page 2, that "in the award and interpretation of the contracts herein authorized, the decision of the Attorney General shall be final, and not subject to review by any officer or tribunal of the United States, except by the President and the Federal courts," is that a change in existing law or a new law?

Mr. MOSES. No; it is not a change in the existing law. It is a fact that exists with respect to all contracts which are made by the Post Office Department for transportation of mails, whether by rail, by bus, by water, or in any other way whatever.

Mr. KING. What is the necessity of the limitation?

Mr. MOSES. I will say to the Senator from Utah that it is in order to obviate the constant recourse which used to be had by contractors for carrying the mails when they would find themselves frequently in a situation where, by reason of physical conditions, they found it more expensive to carry the mails than they had anticipated when they made their bid and accepted the contract, and they kept coming here repeatedly to Congress for relief by legislation. It is in order to do away with all that, and to make whatever contract is entered into final and conclusive.

Mr. ROBINSON of Arkansas. Congress can not estop itself from further legislation on the subject. This would not prevent the Congress itself, either now or at another session, from repealing this provision or enacting any other it wanted to.

Mr. MOSES. That is true; but it will provide to the Senator from Arkansas, in his capacity as a member of the Committee on Post Offices and Post Roads, with ample justification for refusing to consider such pleas as are brought to us.

The PRESIDING OFFICER. Is there objection to substituting House bill 7213 for Senate bill 1666?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 7213, which was read, as follows:

Be it enacted, etc., That when, in his judgment, the public interest will be promoted thereby, the Postmaster General is authorized to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided*, That the rate to be paid for such service shall not in any case exceed $2 per mile: *And provided further*, That in the award and interpretation of the contracts herein authorized, the decision of the Postmaster General shall be final, and not subject to review by any officer or tribunal of the United States, except by the President and the Federal courts.

SEC. 2. The Postmaster General shall make and issue such rules and regulations as may be necessary to carry out the provisions of this act.

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

The PRESIDING OFFICER. The Senate bill will be indefinitely postponed.

ORDER OF BUSINESS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 46.

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of unobjected bills on the calendar until the calendar is completed, with the exception that I understand the Senator from New York [Mr. COPELAND] desires to present his resolution, which will take just a few moments.

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

Mr. KING. I suppose the Senator means when the call of the calendar is completed we are not to return to the beginning?

Mr. CURTIS. That is my idea. I will state that if the call of the calendar is completed this afternoon, it is my intention to ask that when the Senate adjourns to-day it shall adjourn to meet at noon Monday next.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none. The unfinished business is temporarily laid aside. The clerk will state the next bill on the calendar.

RURAL POST ROADS

Mr. ODDIE. Mr. President, I ask unanimous consent to return again to Calendar 320, 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.

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

Mr. LA FOLLETTE. I will withdraw my objection for the present.

Mr. ROBINSON of Arkansas. I think we should proceed with the calendar.

Mr. ODDIE. I think the last objection has been settled, and that we can get through with the consideration of the measure in a few minutes.

Mr. LA FOLLETTE. I reserve the right to object.

The PRESIDING OFFICER. That is equivalent to objection.

Mr. LA FOLLETTE. Very well; I withhold my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ODDIE. The last amendment to the bill is proposed by the Senator from Pennsylvania. I have just consulted with him and the Senator from Wisconsin about it, and we have decided that with this amendment the bill will be accepted. I therefore will offer the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 5, after line 21, insert the following new section:

SEC. 5. In every case in which, in the judgment of the Secretary of Agriculture and the highway department of the State in question, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

Mr. REED of Pennsylvania. I accept that modification of my amendment.

The amendment as modified was agreed to.

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

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

SALE OF LANDS NEAR GARDEN CITY, KANS.

The bill (S. 2545) to authorize the sale of certain lands near Garden City, Kans., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the State of Kansas be, and it is hereby, authorized to sell all or any part of the following-described land granted to said State under the provisions of the act of Congress approved June 22, 1916, to wit: Sections 25, 26, and 35 in township 24 south, and sections 1 and 2 in township 25 south, all in range 33 west of the sixth principal meridian, notwithstanding the restrictions contained in said act: *Provided*, That the proceeds of said sale shall be used to purchase land in sections 23 and 24 in township 24, range 33, and in sections 19 and 30 in township 24, range 32, all in Finney County, Kans., to be used as a State game preserve.

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

PUBLIC LANDS IN OKLAHOMA

The bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That all the provisions of section 2455, United States Revised Statutes, as amended, be, and they are hereby, extended to surveyed, unreserved, unappropriated nonmineral public lands in that part of the State of Oklahoma formerly comprised in Oklahoma Territory: *Provided*, That this act shall not apply to any such area where under existing law such lands are now subject to public or private sale: *Provided further*, That the proceeds of all sales hereunder shall be deposited in the Treasury of the United States to the credit of such fund or funds as may be provided by existing law for the disposition of such lands.

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

IMPERIAL COUNTY (CALIF.) HIGHWAY

The bill (H. R. 5686) granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized, subject to valid existing adverse rights, to grant to the county of Imperial, State of California, for use as a public highway all the right, title, and interest of the United States of America in and to all or any of the following-described property, situated in the county of Imperial, State of California, being 80 feet in width and lying 40 feet northerly and southerly of and parallel with the following-described center line:

Beginning at the common corner of sections 1, 2, 11, and 12 of township 17 south, range 16 east, San Bernardino base and meridian; thence easterly along the section line between sections 1 and 12 of township 17 south, range 16 east, and between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, and 1 and 12 of township 17 south, range 17 east, and along the southerly line of sections 6, 5, and 4 of township 17 south, range 18 east, San Bernardino base and meridian, to a point in the southerly line of the last-mentioned section 4, which point is 828.42 feet westerly of the southeast corner of said section; thence northeasterly around a circular curve having a radius of 2,000 feet concave to the northwest, a distance of 1,570.80 feet to a point; thence north 45 degrees east, 5,810.17 feet to a point; thence northeasterly around a circular curve having a radius of 2,000 feet concave to the southeast, a distance of 1,570.80 feet to a point in the northerly line of section 2, township 17 south, range 18 east, San Bernardino base and meridian, which point is 828.42 feet easterly of the northwest corner of the last-mentioned section 2; thence easterly along the northerly line of sections 1 and 2, township 17 south, range 18 east, San Bernardino base and meridian, to its intersection with the center line of the California State highway extending from Holtville, Calif., to Yuma, Ariz.: *Provided*, That the Secretary of the Interior be, and he hereby is, authorized, as a condition precedent to the granting of said parcels of land for the purposes herein specified, to prescribe such conditions, to impose such limitations and reservations, and to require such bonds or undertakings as he may deem necessary in order to protect valid existing rights in and to said lands, including reclamation and public water reserve purposes: *Provided further*, That the grant herein made shall not apply to the southwest quarter, section 1, township 17 south, range 16 east, San Bernardino meridian.

SEC. 2. That the land herein ceded shall revert back to the United States when same shall cease to be used as a public highway.

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

ZUNI INDIAN RESERVATION, N. MEX.

The bill (S. 1456) to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex., was considered as in Committee on the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment on page 1, line 10, after the word "practicable" to insert the following additional proviso: "*And provided further*, That the proper authorities of the State of New Mexico or the county of McKinley shall agree to maintain such road free of expense to the United States," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized an appropriation of $8,000, out of any money in the Treasury not otherwise appropriated, for the construction of that portion of the Gallup-St. Johns highway within the Zuni Indian Reservation, N. Mex., under the direction of the Secretary of the Interior and in conformity with such rules and regulations as he may prescribe: *Provided*, That Indian labor shall be employed so far as practicable: *And provided further*, That the proper authorities of the State of New Mexico or the county of McKinley shall agree to maintain such road free of expense to the United States.

The amendment was agreed to.

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

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

AMENDMENT OF FEDERAL RESERVE ACT

The bill (S. 1989) to amend the third paragraph of section 13 of the Federal reserve act was considered as in Committee of the Whole. The bill had been reported from the Committee on Banking and Currency with amendments, on page 2, line 1, to strike out the words "are drawn to finance" and to insert in lieu thereof the words "grow out of," and on page 2, line 3, after the word "marketable" to insert the words "agricultural and other," so as to make the bill read:

Be it enacted, etc., That the third paragraph of section 13 of the Federal reserve act be amended and reenacted to read as follows: "Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations and limitations to be prescribed by the Federal Reserve Board, any Federal reserve bank may discount or purchase bills of exchange payable at sight or on demand which grow out of the domestic shipment or the exportation of nonperishable, readily marketable agricultural and other staples and are secured by bills of lading or other shipping documents conveying or securing title to such staples: *Provided*, That all such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made with reasonable promptness after the arrival of such staples at their destination: *Provided further*, That no such bill shall in any event be held by or for the account of a Federal reserve bank for a period in excess of 90 days. In discounting such bills Federal reserve banks may compute the interest to be deducted on the basis of the estimated life of each bill and adjust the discount after payment of such bills to conform to the actual life thereof."

Mr. KING. Mr. President, I ask for an explanation of the bill.

Mr. SHEPPARD. Mr. President, the intermediate rural credits act amended the Federal reserve act so as to extend

the privilege of rediscount to drafts, with bills of lading attached, drawn to finance the shipment of agricultural products. The Federal reserve banks held in administering this law that the term "agricultural" referred only to raw agricultural products and, therefore, did not extend the privilege to finished agricultural products such as cottonseed oil, bran, flour, canned corn, and things of that kind. The Federal Reserve Board feels that if the privilege is extended to finished agricultural products it will be of great benefit to agriculture and to commerce as well, and will carry out the original intention of the first enactment.

Mr. ROBINSON of Arkansas. The Federal Reserve Board makes no objection?

Mr. SHEPPARD. The Federal Reserve Board recommends it.

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.

BILL INDEFINITELY POSTPONED

The bill (H. R. 972) for the relief of James C. Simmons, alias James C. Whitlock, was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

FRED R. NUGENT

The bill (H. R. 4536) for the relief of Fred R. Nugent was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Fred R. Nugent, who was a private in the Hospital Corps, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 7th day of April, 1899: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

PROTECTION OF FISH IN THE DISTRICT OF COLUMBIA

The bill (S. 2972) for the further protection of fish in the District of Columbia and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 2 of the act of May 17, 1898, entitled "An act for the protection of fish in the District of Columbia," etc, as amended by the act of March 3, 1901, entitled "An act to amend the acts for the protection of birds, game, and fish in the District of Columbia," be, and the same is hereby, further amended so as to read as follows:

"SEC. 2. That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the 1st day of January and the 29th day of May of each year, nor have in possession nor expose for sale any of said species between the dates aforesaid, nor catch or kill any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines, having a succession of hooks or devices."

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

BILL PASSED OVER

The bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming was announced as next in order.

Mr. KENDRICK. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

NELLIE KILDEE

The bill (S. 1755) for the relief of Nellie Kildee was considered as in Committee of the Whole.

Mr. NYE. Mr. President, an error has occurred in the printing of this bill, on page 1, line 9. I move to strike out the numerals "1901" and to insert in lieu thereof the numerals "1902."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, strike out "1901" and insert "1902," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for the east half of the southwest quarter, and the west half of the southeast quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, to Nellie Kildee, who settled and established residence thereon in 1902, when unsurveyed, upon which she put valuable improvements and fully complied with the homestead law prior to its withdrawal in 1906 for forestry purposes, and whose entry was canceled by the Department of the Interior and motion for the exercise of supervisory authority denied.

The amendment was agreed to.

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

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

LYN LUNDQUIST

The bill (S. 1756) for the relief of Lyn Lundquist was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patent for the west half of the northeast quarter and the east half of the northwest quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, to Lyn Lundquist, who settled and established residence thereon in 1902, when unsurveyed, upon which he put $3,000 worth of improvements and fully complied with the homestead law prior to its withdrawal in 1906 for forestry purposes, which claim was canceled March 26, 1914, and motion for the exercise of supervisory authority denied January 21, 1920.

Mr. JONES. Mr. President, I would like to have a brief explanation of the bill.

Mr. BORAH. Mr. President, the most I can say about the bill is that it has been here so long that the details have almost escaped me. It has passed the Senate three different times. It has never passed the House. It is a bill for the purpose of authorizing the Secretary of the Interior to issue patents to these people. The contention has been that they had not performed the work, but the committee on three different occasions found that they did.

Mr. JONES. I understand the committee found that they had complied with the homestead law?

Mr. BORAH. Yes.

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

REGISTRATION OF LOBBYISTS

The bill (S. 1095) to require registration of lobbyists, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "engage," to strike out "whether," and in the same line, after the word "pay," to strike out "or otherwise"; and on page 2, line 3, after the word "Senate," to strike out "or by any other means. Third. In this act the word 'person' shall include both male and female, and the singular shall include the plural," so as to make the section read:

That a lobbyist, within the meaning of this act, is one who shall engage, for pay, to attempt to influence legislation, or to prevent legislation, by the National Congress.

Second. Lobbying, as defined and understood in this act, shall consist of any effort to influence the action of Congress upon any matter coming before it, whether it be by distributing literature, appearing before committees of Congress, or interviewing or seeking to interview individual Members of either the House of Representatives or the Senate.

The amendment was agreed to.

Mr. BRUCE. Mr. President, I am in sympathy with the general object of this bill. I think it is a good thing to require persons who endeavor to influence legislation to register. We have in Maryland a registration statute which requires everyone who goes to Annapolis, in the attempt to influence legislation, as a matter of pecuniary employment, to register his name, address, and so on, in a book.

That statute has not proved, practically speaking, entirely effective; but it is such a statute, it seems to me, as any State should as a matter of sound policy enact. But when a bill of this sort is introduced it is very easy, it seems to me, for it to overstep the mark; that is to say, not properly to discriminate between persons who are bringing perfectly legitimate forms of persuasion to bear upon legislative action and persons whose relations to legislation are such that any influence they may

exert might very well be carefully watched. The bill does not draw any distinction between lobbyists for pay.

Mr. CARAWAY. That is only where lobbying is their sole occupation. That is what they are doing it for, not because they have an interest as citizens but because they are paid to do it. That is the only point.

Mr. BRUCE. That is right. I think that is a sound distinction, but I submit this case to the Senator: Here is some one who happens to be the secretary of an association which is interested in pushing something legislatively. He receives a salary. Is he also to register when it becomes his duty as such secretary to distribute some literature, for instance, in behalf of his association? It might be, of course, that that literature, so far from being opprobrious in any respect, might be of a character eminently to promote the public welfare. Indeed, it might well relate to the work of some philanthropic or eleemosynary body? It seems to me that the language "a lobbyist within the meaning of this act is one who shall engage for pay"——

Mr. CARAWAY. That is it. If he is not hired for that purpose, then he does not fall within the provisions of the bill. But if some one hires him to come here and he accepts money to influence legislation, then it is his duty to register so we may know who hired him.

Mr. BRUCE. That is true, but suppose the person who comes here is acting as secretary of an association and as a part return for his salary as such secretary, we will say, is charged with the duty of promoting some measure pending in Congress by the distribution of literature.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired. Does the Senator from Maryland object? We are under the five-minute rule.

Mr. BRUCE. I am sorry. It is a bill of the utmost importance. I am thoroughly in sympathy with it. What I was going to suggest was that it might well read "special pay."

Mr. CARAWAY. Mr. President, I will take the floor in my own behalf and I yield to the Senator from Maryland.

Mr. BRUCE. It seems to me the words "special pay" might answer the purpose, though that is not very apt language, I confess. Language ought to be employed that would discriminate between somebody who is paid especially for the purpose of coming down here and looking after legislation pending in Congress, and the secretary of some charitable association, for instance, who comes merely as an incident of his general duties.

Mr. CARAWAY. There is no question that he would have to accept employment for the purpose.

Mr. BRUCE. I do not think that the absence of such a distinction is quite proper, though I may be wrong.

Mr. ROBINSON of Arkansas. Mr. President, will my colleague yield?

Mr. CARAWAY. Certainly.

Mr. ROBINSON of Arkansas. I think it is a very grave question whether the amendment ought to be adopted without at least some further modification.

To illustrate what I mean, the bill would then apply only to persons who are directly employed to come here to influence legislation. The vast majority of lobbyists would be relieved from any responsibility to register under the provisions of the bill if the amendment now under consideration should be agreed to. Hundreds of men come here who are the paid representatives of corporations and of individuals interested in legislation. They are not specially employed for the purpose of lobbying against legislation, but while in the employ of the corporation or of the individual interested they are permitted or directed to come to Washington to oppose or to favor legislation. I doubt whether there are very many instances where lobbyists are specially employed to oppose or to favor certain measures. I think the bill as originally prepared by the junior Senator from Arkansas [Mr. CARAWAY] is far preferable to the bill as it will be after this amendment shall have been agreed to.

Mr. BRUCE. That was just the point I was endeavoring to make. As the bill originally read, before this amendment was suggested by the committee, it read "whether for pay or otherwise."

Mr. CARAWAY. The committee has recommended the words "or otherwise" be stricken out.

Mr. BRUCE. The words "or otherwise," it seems to me, certainly ought to be stricken out.

Mr. CARAWAY. I hope there will be no objection to the amendment as it is reported by the committee. I think it will meet the very purpose with which the Senator is in sympathy. The other amendment the Senator suggested to use the other day I should be happy to accept; that is, page 3, at the beginning of line 21, to strike out the word "and" and to insert the word "or."

Mr. BRUCE. And then to add, after the words "12 months," at the end of line 22, the words "or be both fined and imprisoned as aforesaid, in the discretion of the court."

Mr. CARAWAY. I would have no objection to that amendment.

Mr. BRUCE. I think the measure ought to be framed in that way so as to leave it in the discretion of the court either to impose a fine or imprisonment, or both.

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

Mr. BRUCE. Certainly.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. CARAWAY] has the floor.

Mr. CARAWAY. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I wish to suggest to the Senator from Maryland [Mr. BRUCE] that no effective lobby act can be expected unless provision is made to include under the provisions of the act all who receive yearly salaries and who appear in favor of or against legislation. In some of the States of the Union where lobby acts have been passed providing for registration of those only who receive special fees for appearing in favor of or against legislation the result has been that many lobbyists who received annual retainers and therefore did not have to make any report escaped the purposes of the act. It seems to me such acts should include all who either for yearly salaries or for special retainers appear in favor of or against legislation. I do not see how we can secure an effective act otherwise.

Mr. BRUCE. That may be; but in that event certainly a tremendously large registration book would be required. It would be like the Domesday Book. For instance, take the recent hearing on the electric light and power industry, where there were gathered at one time in the committee room 60 or 75 official representatives of the various electric light and power companies. They occupied pretty nearly all of the chairs in the room. Every one of them was probably in receipt of a salary from some electric light or power company. Is every one of them to register his name and address and then from month to month the amount of compensation that he received for his services here as a legislative agent?

Mr. CARAWAY. I think he would. I think that would come within the provisions of the proposed act.

Mr. WALSH of Massachusetts. I will say to the Senator from Maryland [Mr. BRUCE] that the Massachusetts law, after which this is modeled, has worked extremely well. The result has been to provide a very helpful agency in letting the public know who appeared for hire in favor and against legislation.

Mr. BRUCE. So far as I am concerned, I will say to the Senator from Massachusetts——

The PRESIDING OFFICER. The time of the Senator from Arkansas [Mr. CARAWAY] has expired.

Mr. BRUCE. I merely want to offer one amendment, Mr. President.

Mr. GEORGE obtained the floor.

Mr. BRUCE. Mr. President——

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

Mr. BRUCE. On page 3, line 21, I move to strike out the word "and" and to substitute the word "or"; and after the words "12 months," at the end of line 22, I move to add the words "or be both fined and imprisoned as aforesaid in the discretion of the court."

Mr. CARAWAY. I should have no objection to that amendment. I do not want to make it mandatory that the court shall imprison a defendant, but that he may fine or imprison in his discretion.

Mr. BRUCE. That is correct. I think the court should have the discretion to do either or both.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Maryland [Mr. BRUCE] will be stated.

The CHIEF CLERK. The first amendment is on page 3, line 21, to strike out the word "and" and to insert the word "or."

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

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Maryland will be stated.

The CHIEF CLERK. On page 3, at the end of line 22, it is proposed to insert the words "or be both fined and imprisoned as aforesaid in the discretion of the court."

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

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia desire to address himself to the amendment of the Senator from Maryland which has just been stated?

Mr. GEORGE. Mr. President, I wish to address a question to the Senator from Arkansas, because I have not had time to study the bill. Does the bill define as a lobbyist one who appears for himself because of his interest in legislation?

Mr. CARAWAY. No, sir; it would not abridge the right of petition. The first section says:

That a lobbyist within the meaning of this act is one who shall engage for pay—

It is the man who hires himself out to influence legislation, either to promote or defeat legislation, which the bill is aimed to reach. It does not undertake to curtail the right of petition, the right of people who feel interested in legislation to come here and make all the representations they want to make. They could do that without falling within the provisions of the bill.

Mr. GEORGE. The citizen himself who is affected by legislation and who appears in behalf of such legislation or in opposition to such legislation is not within the bill?

Mr. CARAWAY. Absolutely not.

Mr. GEORGE. Is the definition of lobbyist broad enough to include the representatives of newspapers?

Mr. CARAWAY. It would not, because their purpose and business is not that of lobbying. The bill affects those who come here for hire. The newspapers may make any representations and take any position they may wish and wage any kind of crusade they desire for or against legislation. The bill will not abridge the freedom of the press nor the freedom of speech nor the right of petition, and it is not intended to do so.

Mr. GEORGE. It would not include a case where a newspaper or publication received special compensation to champion or to oppose legislation?

Mr. CARAWAY. I think if a newspaper should hire itself out for that purpose it would be included under the bill.

Mr. GEORGE. It would cover such a case?

Mr. CARAWAY. Yes.

Mr. McKELLAR. As I understand, the bill applies only to those who lobby for pay.

Mr. CARAWAY. That is all that is provided for.

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

Mr. CARAWAY. The Senator from Georgia has the floor.

Mr. GEORGE. I merely wished to say in that connection that America's most distinguished humorist, Will Rogers, in the morning press seems to have placed himself in the class of lobbyist, as I think. He declares for the Madden bill, or the American Cyanamid Co.'s offer for Muscle Shoals. Notwithstanding the fact that he is a humorist, his statement is evidently influenced by the hope that he will receive "pay," since his statement deals neither with facts nor is confined to the truth.

Mr. SMOOT. Mr. President, I wish to ask the Senator if the bill as amended would require a person to register who may be appointed by a chamber of commerce for the purpose of coming to Washington in regard to a certain piece of legislation and who received no compensation other than his railroad expenses?

Mr. CARAWAY. The bill would not do that. Citizens could get together and pay the expense of a thousand people if they so desired to come here and make representations as to their rights or interest, and they would not fall within the provisions of the bill.

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

Mr. BLEASE. Mr. President, I have no objection to the passage of this bill, but I think a great deal more has been said about the lobby question than is justified by the facts. It may be possible that I have not sufficient influence in the Senate or even sufficient control of my own vote to have any so-called lobbyists approach me, but in my three years of service in the Senate up to this time there has not been a single man or woman as the representative of any corporate interest or any private interest who as a lobbyist has called on me or has attempted to control my vote in respect to any measure which has been before the Senate. I think the recent articles published in newspapers in reference to a great lobby being active in Washington in opposition to the resolution of the Senator from Montana [Mr. WALSH] are an insult to and an outrage upon every Member of this body. I saw no signs here of any great lobby; I saw no signs of any Senator being unduly influenced, and yet we have read slurs in some of the newspapers, even going so far as to give the names of individual Senators, and attempting to belittle the Senate as a body before the American people.

In my opinion, a bill or a resolution bringing before the bar of the Senate those who do that kind of writing and who spread that kind of talk and requiring them to show what Senator has been unduly influenced by some lobbyist or what Senator has changed his vote or his position on measures because of some reward or the hope of some reward, political or otherwise, would do more good and have a better effect in placing the Senate, individually and collectively, in a proper light before the American people, than a bill along the lines of the one now pending.

As I have said, I do not object to the bill, but I merely wanted to put myself on record as condemning, so far as I am concerned, this outrageous talk and writing that is continually going on about Senators being unduly influenced by somebody on the outside.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on the amendment offered by the Senator from Maryland.

Mr. KING. Mr. President, under the definition of a lobbyist it occurs to me that persons who speak to Senators when they are home or who write to them from their homes regarding legislation prospective or pending in Congress, if they are paid, would come under the denunciation of the proposed statute.

Mr. CARAWAY. Of course, if they hire out to influence legislation they would come within the provisions of the bill.

Mr. WALSH of Massachusetts. Why should they not? Why should we not know who they are?

Mr. KING. Mr. President, I wish to ask the Senator a further question. Take a case of this character. I recall when I was home last summer that persons who are interested in a grazing act in a section of the State employed one of their neighbors to come to Salt Lake City and confer with me and, I am inclined to think, to confer also with the senior Senator from Utah [Mr. SMOOT], as to certain legislation in regard to the public domain. Undoubtedly that person was paid for his services or for the journey, some 300 or 400 miles. He did not come to Washington; he did not contemplate doing so; but he wanted to get the views of Senators, or at least one Senator, as to the possibility of such legislation. Would he be amenable to the provisions of this proposed act?

Mr. CARAWAY. There might be a line of demarcation there about which I could not tell. Of course, the act speaks for itself. It has in contemplation only those who come to Washington to undertake to influence legislation. Under a hypothetical case, I do not know. I have a very strong opinion about it, but I do not want to make an expression of opinion.

Mr. KING. What would the Senator say regarding this matter: I have received probably a thousand pieces of literature from various parts of the Southern States in regard to flood control. Much of it undoubtedly has been paid for by individuals. Some of the literature has come from representatives of organizations, and those representatives undoubtedly were paid. Would such a person have to register, although he does not come here?

Mr. CARAWAY. Of course he is not going to register if he does not come here, because he could not register down there. There are any number of cases where there might be technical violations, as there are of every law on the statute books, that nobody ever expects to come within the provisions of the law, and nobody expects ever to try to enforce the law against them. It is the purpose of the measure to require publicity. That is the idea of the bill. For instance, we receive telephone messages——

Mr. KING. I want to ask one or two other questions, and my time is limited.

Mr. CARAWAY. I beg the Senator's pardon.

Mr. KING. I just want to get the Senator's view. Take another case: I have had perhaps 10 or 15 telegrams and letters from various game organizations and from wardens, some in favor of and some protesting against a certain bill which is pending in the Senate. Undoubtedly those wardens were paid. Undoubtedly some of the secretaries of the organizations for the protection of game, wild birds, and so forth, are paid. Would they come within the provisions of the statute?

Mr. CARAWAY. I do not think so; but——

Mr. KING. I confess that I am not able to determine the implications and the far-reaching effects of this measure.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I am trying to get the view of my friend from Arkansas, because I respect his view very much.

Mr. CARAWAY. I am trying to give it to the Senator.

My view of the matter is that, like any other law, this law will have to be enforced with common sense. I have not the remotest idea that any court would say that it would curtail the right of petition, representation, and direct appeal to Members of Congress. It only applies to that class of people who make a profession of influencing or who have for the time being the occupation for hire of influencing legislation.

Mr. KING. May I say to the Senator that I received this morning a letter from a gentleman who represents, I know, a number of persons who are interested in a certain bill, the Army retirement bill. He has, I am advised, been traveling around, receiving pay, and he has written me asking me to support the bill. Would he come within the terms of this bill?

Mr. CARAWAY. If he were to come here lobbying for the bill he would.

Mr. KING. He does not come here. He writes me.

Mr. CARAWAY. I do not think his writing the Senator a letter from out in Utah would be construed by any court on earth as bringing him within the provisions of the bill. That is my judgment about the matter.

Mr. KING. It seems to me that he would be within its provisions. It seems to me the bill would apply to any person who interviews or seeks to interview a Senator, whether he is here or whether he is at home or on a railroad train.

Mr. BRUCE. Or, if the Senator will allow me to interrupt him, who distributes literature.

Mr. KING. Or who distributes literature. I think such a person would come within the provisions of the bill. It is very dangerous, it seems to me. I think it would prevent chambers of commerce or others from distributing literature unless they registered. They would have to come here and register. The bill is very far-reaching in its effects.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. BRUCE. Mr. President, this bill is a matter of very great importance; and, of course, it would not be going through as rapidly as it is but for the fear on the part of Members of the Senate of being exposed to misconception and misconstruction and told that they passed this bill because they were afraid not to pass it. We are all in sympathy with the general purposes of the bill, apparently. Why should we not, however, perfect its provisions so as not to do needless injustice to anybody?

Mr. BORAH. Mr. President, this bill has had pretty thorough consideration in the committee. I do not think Senators are hesitating to oppose it simply for fear they might be thought to be siding with the lobbyists. It may be possible that the bill needs some further consideration, but my judgment is that the bill is effective for the purpose for which the author introduced it. If there is any criticism of the bill it is because already it has been liberalized, if I may say so, rather than made drastic. I think the bill ought to pass.

Mr. BRUCE. Mr. President, let me ask the Senator from Idaho if he feels satisfied that this bill discriminates clearly between legitimate propaganda and lobbying?

For instance, take our friends of the Anti-Saloon League. They had a paid agent here, Mr. Wheeler, and so did the Association Against the Prohibition Amendment, perhaps. Mr. Wheeler was paid by the year. He was paid to carry on perpetual lobbying, you may say, at the Capitol; and so there are charitable organizations, organizations in the United States, which have secretaries who are constantly mailing literature of every sort—most valuable literature, most useful literature—to Members of Congress. What I should like to know is, would it be possible for the counsel or the secretary of the Anti-Saloon League, or the counsel or the secretary of the Association Against the Prohibition Amendment, or the secretary of the League of Women Voters, or the secretary of any public-spirited association to send me as a Senator literature without incurring the penalties of this bill in case there had not been registration?

My cry is the cry of Goethe on his death bed, "Light! More light!" When any question is pending in this body, the first thing I do is to turn to every scrap of written material, pro or con, relating to the question; and I presume that this is the course pursued by every other Member of the Senate.

I do not want to be cut off from sources of light because it is believed that close by sources of light there are sources of darkness. This bill says that a lobbyist within the meaning of the bill is one who shall engage in certain activities for pay—for what sort of pay? For pay pro hac vice for the particular legislative purpose in hand, or pay as a secretary by the year for carrying on the general duties of secretary of an association?

There certainly is a valid distinction there that should be observed. We do not want unduly to restrict the right of disinterested individual men and women to come here and to enlighten us with regard to public questions.

Mr. CARAWAY. Nobody could put that construction on it.

Mr. BRUCE. I hope not. As I say, I am absolutely friendly to this bill if it is properly safeguarded.

Of course, I think that there is no little claptrap talked about lobbying. The other day the representatives of the electric light and power interests who gathered in the committee room of the Interstate Commerce Committee were all stigmatized as lobbyists. They had just as much right to be in that room as the members of the Interstate Commerce Committee themselves. They were American citizens, corporate officers, owners of property, charged with responsibilities only less great than the public responsibilities with which we are charged. Why did not they have as much right to their seats in that committee room as we have to our seats in this Chamber? If, however, one of them was prepared for a special compensation to ply a Member of this body with corrupt solicitations or influences of any sort, or even ordinary argumentative persuasion, he should be made to register, and, of course, should be punished if he violated the terms of his registration.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. BRUCE. I do ask the Senate, by unanimous consent, to allow this discussion to continue, without reference to myself, in order that the bill may be perfected.

Mr. CURTIS. Mr. President, unanimous consent was given to consider unobjected bills. The Senator realizes that if the bill is to be discussed at length we have morning hours when bills can be so discussed. If this bill is to take the two hours, I hope somebody will object to it so that we may go on with the calendar.

Mr. BRUCE. But I do not think we will find——

Mr. COUZENS. I object, then, if that is all there is to it.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

Mr. BRUCE. Mr. President, I will say nothing more about the bill. Let us put it through. Let us pass it right now. I will take my chances on it.

Mr. CARAWAY. I hope the Senator from Michigan will withdraw his objection in view of that statement.

Mr. COUZENS. I do not object if we are going to proceed according to the unanimous-consent understanding, but if we are going to debate the bill all afternoon I will object.

The PRESIDING OFFICER. Does the Senator from Michigan withdraw his objection?

Mr. COUZENS. I withdraw my objection.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland, which will be stated.

The CHIEF CLERK. On page 3, at the end of line 22, it is proposed to insert "or be both fined and imprisoned as aforesaid, in the discretion of the court."

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was, in section 2, page 2, line 18, after the word "incident," to strike out "to the carrying on of his calling as a lobbyist" and to insert "to his employment. The Clerk of the House of Representatives and the Secretary of the Senate shall within six days after any lobbyist shall have registered under the provisions of this act file with their respective bodies and have printed in the CONGRESSIONAL RECORD the information required by this act to be registered. And each month the Clerk of the House of Representatives and the Secretary of the Senate shall likewise file with their respective bodies and have printed in the CONGRESSIONAL RECORD a copy of the financial report required by section 3 hereof," so as to make the section read:

SEC. 2. Any person, before he shall enter into and engage in lobbying as defined in this act, shall register with the Clerk of the House of Representatives, and the Secretary of the Senate, and shall give to these officers his name, address, the person, association, or corporation by whom or by which he is employed, and in whose interest he appears as a lobbyist. He shall also disclose the interest he himself may have, or those whom he represents, in the proposed legislation, or for the defeat of legislation. He shall likewise state how much he has been paid, and is to receive, and by whom he is paid, or is to be paid, and how much he shall be allowed for expenses incident to his employment. The Clerk of the House of Representatives and the Secretary of the Senate shall within six days after any lobbyist shall have registered under the provisions of this act file with their respective bodies and have printed in the CONGRESSIONAL RECORD the information required by this act to be registered. And each month the Clerk of the House of Representatives and the Secretary of the Senate shall likewise file with their respective bodies and have printed in the CONGRESSIONAL RECORD a copy of the financial report required by section 3 hereof.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 14, after the word "oath," to insert "and he shall at the time he reg-

isters file a written authorization of his employment by the person by whom he is employed," so as to make sections 3, 4, 5, 6, and 7 read:

SEC. 3. At the end of each month he shall file with the Secretary of the Senate and the Clerk of the House of Representatives a report of moneys by him expended in carrying on his work as a lobbyist, to whom paid, and for what purpose, and give the names and date of any person or persons whom he has entertained as such lobbyist, and what the expense of this entertainment was.

SEC. 4. Reports required to be made shall be under oath, and he shall at the time he registers file a written authorization of his employment by the person by whom he is employed.

SEC. 5. Any person who may engage in lobbying without first complying with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $100 and not more than $1,000 and be imprisoned in a common jail for not less than 1 month nor more than 12 months.

SEC. 6. Any lobbyist who shall make a false affidavit, where an affidavit is required in the provisions of this act, shall be deemed guilty of perjury, and upon conviction shall be punished as provided by statute for such an offense.

SEC. 7. A new registration shall be necessary for each session of Congress.

The amendment was 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.

WAR-TIME RANK FOR RETIRED ARMY OFFICERS

The bill (S. 2258) to give war-time rank to certain officers on the retired list of the Army was announced as next in order.

Mr. KING. Let that go over.

Mr. TYSON. Mr. President, will the Senator from Utah withhold his objection in order that I may explain the purpose of the bill?

Mr. KING. I withhold the objection.

Mr. TYSON. Mr. President, this is a bill that passed the Senate in practically the same form last year, and went to the House. It is for the purpose of permitting the President of the United States to nominate, and by and with the advice and consent of the Senate to appoint, any commissioned officer of the Army who served in the Army of the United States during the World War, whose service during that war was creditable, and who has been or hereafter may be retired according to law, to a rank on the retired list at the highest rank held by him during the World War, provided that no increase of pay and allowances shall result from the provisions of this act.

Mr. President, there are a great many officers of the Army who are at this time very far advanced in age. Many of them had a higher rank during the war than they have in the Regular Army at this time; and they feel that they ought to be allowed to have the rank which they held during the World War. I hope the Senator from Utah will withdraw his objection, and that the Senate will pass the bill. The officers of the Army are very anxious to have the rank which they held during the World War in order that their posterity may feel that they were entitled to that rank, and were not demoted, as many of them were, as the Senate well knows, after they came back from the World War.

The bill does not apply to any particular rank, but applies to officers of all ranks of the Army who were in the World War and who held a higher rank during the World War, and it is within the discretion of the President. He is not required to nominate any of these men unless he desires to do so.

It seems to me, Mr. President, that the bill is a very worthy one, and one that the Senate ought to pass.

Mr. KING. Mr. President, if these officers are on the retired list, and receive this promotion and this higher rank, would it advance them to the same emoluments as persons in that class?

Mr. TYSON. Not at all. Not a single penny of pay would they get in any way for this increased rank due to retirement.

Mr. KING. I withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. REED of Pennsylvania. Mr. President, I hope the bill will pass, as it passed last year, but I want to suggest a grammatical change to the Senator—that in line 9, on page 1, he strike out the words "may be" and put in "shall have been," because, of course, it is the intention of the bill that this brevet rank shall not be given until the officer retires.

Mr. TYSON. I shall be glad to accept the amendment.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with amendments, on page 1, line 6, after the word "Army," to strike out "not above the grade of brigadier general"; on the same page, line 10, after the word "to," to strike out "an advanced grade" and insert "a rank"; and on page 2, line 1, before the word "held," to strike out "grade" and to insert "rank," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint any commissioned officer of the Army who served in the Army of the United States during the World War, whose service during that war was creditable, and who has been or hereafter may be retired according to law, to a rank on the retired list, at the highest rank held by him during the World War: *Provided*, That no increase of pay and allowances shall result from the provisions of this act.

The amendments were agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment, which will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "hereafter," it is proposed to strike out "may be" and insert "shall have been," so as to read:

Whose service during that war was creditable, and who has been or hereafter shall have been retired according to law.

The amendment was 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.

DOUBLE PENSIONS IN SUBMARINE CASUALTIES

Mr. TYDINGS. Mr. President, I ask unanimous consent that we recur to Senate bill 2998, granting double pension in all cases where an officer or enlisted man of the Navy or Marine Corps dies or is disabled as a result of a submarine accident. The Senator from Wisconsin, who objected this morning, has withdrawn his objection. I ask that the bill now be considered.

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

Mr. CURTIS. If it is not going to lead to debate, I shall not object. I shall feel obliged to object if it leads to debate.

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 in all cases where an officer or enlisted man of the Navy or Marine Corps, while employed in actual duty on a submarine, dies or is disabled by an injury incurred in line of duty by reason of the increased hazard of the service, the amount of pension allowed shall be double of that authorized to be paid should death or disability have occurred by reason of an injury received in line of duty not the result of a submarine accident.

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

BILL PASSED OVER

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

COLUMBIA BASIN RECLAMATION PROJECT

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. JONES. Mr. President, I know that the objection takes the bill over, but there is an amendment offered by the Senator from Idaho [Mr. BORAH] which meets the objection of the two Senators from that State, and I would like to have the amendment agreed to, and then the bill, of course, will go over.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Idaho proposes the following amendment: At the proper place insert a proviso to read as follows:

Provided, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho, or the residents or the people thereof, touching any matter or thing or property

or property interests relative to the construction of the Columbia Basin project.

Mr. KING. Mr. President, if it is understood that as a result of my consenting that this amendment shall be added to the bill it does not advance it to a better stage or my consent is not regarded as a waiver of objection to its consideration I shall not object.

The PRESIDING OFFICER. The Senator can object to the bill at any stage. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KING. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will go over, under objection.

JOSEPH F. RITCHERDSON

The bill (H. R. 519) for the relief of Joseph F. Ritcherdson was announced as next in order.

Mr. KING. Let that go over.

Mr. CURTIS. Mr. President, this soldier, Joseph F. Ritcherdson, would get no money benefit from this measure, because he already draws a pension. The object simply is to give him recognition by giving him a discharge. There is no question but that he served for two years in the Army. He already draws a pension under private act. The bill was reported favorably by the Committee on Military Affairs, and I hope there will be no objection.

Mr. KING. I would like to ask the Senator if the soldier was dishonorably discharged?

Mr. CURTIS. He had no discharge whatever; that is the trouble. The soldier enlisted as a musician and instead of serving as a musician he served as a private in the Army. He was a boy about 14 years old, who substituted for a musician, and served for two years in the Southland, going wherever the organization went. He draws a pension now for that service, but he does want a discharge, and I think he is entitled to it. He is 80 years of age now.

Mr. KING. This would not increase the pension?

Mr. CURTIS. It would not increase his pension at all.

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

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.

SURETY BONDS OF POSTAL EMPLOYEES

Mr. PHIPPS. Mr. President, this morning when Calendar No. 317, House bill 7030, was reached I allowed it to go over because I did not have at hand the report of the department on the bill. I ask unanimous consent to return to the consideration of the bill.

Mr. CURTIS. If no debate results, I have no objection.

Mr. KING. Let the Senator explain the bill. I have no objection to its consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7030) to amend section 5 of the act of March 2, 1895.

Mr. PHIPPS. The department advises as follows:

> Renewing bonds every four years means extra expense to the employees and more work for the department in recording the filing of the bonds. The proposed amendment, which is made in the interest of economy, reads as follows:
>
> "*Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees shall be a compliance with the requirement for the renewal of such bonds within the meaning of this act."

This is a matter, Mr. President, which might really have been passed upon by the department itself, but they did not feel that they had the authority. It does not make any change in the status of the bond whatever, but at the expiration of the four years the Government employee in the Postal Service having paid his annual premium, the bond continues on, the surety having already been approved by the postal authorities.

Mr. KING. Mr. President, a few weeks ago I received a number of letters from a surety company objecting to a bill; I do not know whether it is this bill or not, and I am inclined to think it is not. I have no objection to the passage of the bill, with the understanding that if, upon examining the files in my office, I discover that the objections were to this bill, the Senator will consent on Monday to a reconsideration of the vote by which the bill was passed, and that it be placed back on the calendar.

Mr. PHIPPS. I think that is a perfectly fair proposition. I think the Senator will find that the objections relate to a different matter entirely.

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

AMENDMENT OF HAWAIIAN HOMES COMMISSION ACT

Mr. WILLIS. Mr. President, a few moments ago, under the objection by the Senator from Montana [Mr. WHEELER], we passed over Calendar 326, House bill 6989, to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923. I have since conferred with the Senator, and he advises me that he has no objection now to the consideration of the bill. I therefore ask unanimous consent to return to the consideration of the blil.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIS. It is the Hawaiian homes act, which the Senator from Arizona [Mr. HAYDEN] explained.

Mr. LA FOLLETTE. I desire to ask the Senator to explain the bill.

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

Mr. LA FOLLETTE. Not if the Senator from Kansas will permit the Senator from Ohio to make an explanation of it.

Mr. CURTIS. If the explanation will last only about two minutes, I shall not object. I insist on going through this calendar this afternoon.

Mr. WILLIS. I think the Senator from Kansas is right, and I shall take only one minute.

The purpose of this Hawaiian homes act is to enable the native Hawaiian people to get back upon the land. That is the gist of it. A resolution was passed through the Hawaiian Legislature along this line.

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

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.

DIVISION OF SAFETY, DEPARTMENT OF LABOR

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety, was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. SHORTRIDGE. Mr. President, I hope the Senator will permit this bill to pass. It was introduced at the instance of the Secretary of Labor, and was quite fully considered by the Committee on Education and Labor. It has been reported by the committee without amendment, it has been twice considered by the committee, and twice reported favorably. It is companion to a bill pending in the House. I must assume that Senators by this time are more or less acquainted with the scope and purpose of the bill.

Mr. BAYARD. I know the purpose of the bill, I may say to the Senator, and that is the reason why I object to it.

Mr. SHORTRIDGE. I hope the Senator will permit me to add this. I hold in my hand a letter addressed to me by Mr. Stewart, the Commissioner of Labor Statistics, accompanied by a letter addressed to him by the bureau of labor and statistics of the State of Arkansas.

I do not wish to take up the time of the Senate if it will be unavailing, but I am now taking up this time, addressing myself immediately to the Senator from Delaware, to the end that he will between now and the next call of the calendar make a further examination, and a more effectual one, to the end that the bill may come up for full consideration by the Senate. I understand the Senator's position, but I hope to persuade him that it is a meritorious measure.

Mr. BAYARD. I am fully aware of the subject matter of the bill, and I am thoroughly opposed to it in principle. More than that, I contend, knowing the facts as I do know them, that there is no valid reason why this legislation should be passed. This is taken care of in nearly all the States, and there is no necessity for having it taken care of by a Federal bureau.

Mr. SHORTRIDGE. I suppose I must conclude that any appeal of mine would be unavailing.

Mr. BAYARD. We have the necessary machinery now in our State, and the other States have, and they can compare their notes back and forth. It is wholly unnecessary for the Federal Government to stick its nose into this matter.

Mr. SHORTRIDGE. I think I understand the position of the Senator from Delaware, and he need not repeat it.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

POULTRY DISEASES

The bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry, was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. COPELAND. Mr. President, the poultry industry is the fourth largest industry in America. The poultry industry amounts to a billion dollars a year, and I am sorry to say that certain diseases are decimating the flocks of poultry in this country, particularly in the Mississippi Valley. The purpose of this measure is to give sustaining legislation to permit the agricultural appropriation subcommittee, when it gets to it, to consider on its merits the justification for the expenditure of sums for meeting experimentation and for the study of these diseases, in order that they may be wiped out.

Mr. REED of Pennsylvania. Mr. President, will the Senator submit to a question?

Mr. COPELAND. Of course.

Mr. REED of Pennsylvania. I notice by the report that the department says it already has all the authority that this act gives.

Mr. COPELAND. The committee gave consideration to that, may I say to the Senator from Pennsylvania, and since then the committee itself decided that there was not ample authority, and that they need this sustaining legislation.

Mr. SMITH. Mr. President, I would like to state in behalf of this measure that there is not a matter of more urgent importance. There are certain features of it that it might not be well to discuss on the floor of the Senate, but the measure is very important and very essential to the preservation of the poultry industry in this country. I think the bill as reported from the committee, after having been thoroughly investigated, is one which well deserves passage at the hands of this body.

Mr. REED of Pennsylvania. Mr. President, I am strongly in favor of giving the department this authority and I believe that it ought to be done, and I believe the bill ought to pass, but surely the Senator will permit me to suggest that section 2 and section 4 are not in the form in which authorizations ought to be passed by Congress. If they are intended to be appropriations, then the bill ought to go to the Committee on Appropriations.

Mr. COPELAND. We must have the sustaining legislation, and I am perfectly willing that the question of appropriations be entirely omitted now and that the appropriations be merely authorized at this time.

Mr. REED of Pennsylvania. That is what I mean, that they ought to be expressed as authorizations instead of a direction to the Secretary of the Treasury to pay.

Mr. SMITH. I think perhaps, if the Senator from New York will allow me, if the bill were amended so as to make it an authorization rather than a direction, it would fulfill all that is necessary.

Mr. REED of Pennsylvania. That is exactly the point.

Mr. KING. Mr. President, I am unwilling to consent to an appropriation now of $30,000. That amount may not be necessary. The Agricultural appropriation bill, which will be before us within a few days, carries an enormous appropriation. I have no doubt some fund is provided in the bill which would be available for just such experimentation as is called for here.

Mr. SMITH. Mr. President, I think the Senator is in error, because of the particular features to which this bill pertains.

Mr. KING. I withhold the objection for a moment.

Mr. COPELAND. I want the Senator from Pennsylvania to suggest the language, because the only thought is to authorize this matter, so that it can be dealt with.

Mr. REED of Pennsylvania. Mr. President, in order to bring it to the attention of the Senate, I move to strike out section 2 and to substitute instead the following words:

That to carry out the provisions of section 1 of this act the sum of $30,000 is hereby authorized to be appropriated.

Mr. COPELAND. I am glad to accept that amendment.

Mr. KING. Mr. President, why does the Senator from Pennsylvania suggest so large a sum?

Mr. REED of Pennsylvania. Because that is the sum carried by the bill itself. I do not know anything about the amount that is needed. I take it from the bill as it is written.

Mr. JONES. Mr. President, I am going to object to the consideration of the bill at this time. There may be a provision in the agricultural appropriation bill which will cover this matter.

The PRESIDING OFFICER (Mr. FESS in the chair). Under objection, the bill will go over.

PEARL RIVER BRIDGE, LEAKE COUNTY, MISS.

The bill (S. 3118) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce, with an amendment, on page 1, line 6, after the word "point," to insert the words "suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the Pearl River Valley Lumber Co. is hereby authorized to construct a temporary railroad bridge connecting its timber holdings and its lands and timber across Pearl River at a point suitable to the interests of navigation in or near section 35, township 10 north, range 6 east, Leake County, Miss., 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 amendment was agreed to.

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

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

OHIO RIVER BRIDGE, GOLCONDA, ILL.

The bill (H. R. 7183) authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 23, at the beginning of the section, to insert the words "Sec. 4."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OHIO RIVER BRIDGE, MOUND CITY, ILL.

The bill (H. R. 66) authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 19, to strike out the name "Trummel" and insert the name "Trammel."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MISSISSIPPI RIVER BRIDGE, LANSING, IOWA

The bill (H. R. 5803) authorizing the Interstate Bridge Co. of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa, was considered as in Committee of the Whole.

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

MISSOURI RIVER BRIDGE, SOUTH DAKOTA AND NEBRASKA

The 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, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "Nebraska" to strike out the words "their successors and assigns"; on page 2, line 6, after the words "South Dakota" to strike out the words "their successors and assigns"; and on page 2, line 19, after the word "Nebraska" to strike out the words "their successors and assigns,"

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebraska."

PEARL RIVER BRIDGE, MADISON AND RANKIN COUNTIES, MISS.

The bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Pearl River Valley Lumber Co. is hereby authorized to construct a temporary railroad bridge connecting its timber holdings and its lands and timber across Pearl River at a point between or near sections 33 and 34, township 8 north, range 3 east, in Madison County, Miss., and sections 3 and 4, township 7 north, range 3 east, in Rankin County, Miss., and between Madison County and Rankin County, Miss., 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 bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ATCHAFALAYA BRIDGE, MORGAN CITY, LA.

The bill (H. R. 449) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La., was considered as in Committee of the Whole.

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

MISSISSIPPI RIVER BRIDGE, WABASHA, MINN.

The bill (H. R. 6476) authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn., was considered as in Committee of the Whole.

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

COLUMBIA RIVER BRIDGE, HOOD RIVER, OREG.

The bill (H. R. 7199) granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across the Columbia River near the city of Hood River, Oreg., was considered as in Committee of the Whole.

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

SNAKE RIVER BRIDGE, HEYBURN, IDAHO

The bill (H. R. 7371) to legalize a bridge across the Snake River near Heyburn, Idaho, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the free highway bridge now being constructed by the State of Idaho across the Snake River near Heyburn, Idaho, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced.

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

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

TENNESSEE RIVER BRIDGE, MARSHALL COUNTY, ALA.

The bill (H. R. 7375) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation at or near Guntersville on the Guntersville-Huntsville road in Marshall 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 bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. LOUIS RIVER BRIDGE, WISCONSIN AND MINNESOTA

The bill (H. R. 7909) 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 was considered as in Committee of the Whole.

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

TENNESSEE RIVER BRIDGE, MADISON AND MORGAN COUNTIES, ALA.

The bill (H. R. 7914) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road between Madison and Morgan Counties, Ala., was considered as in Committee of the Whole.

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

TENNESSEE RIVER BRIDGE, JACKSON COUNTY, ALA.

The bill (H. R. 7915) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala., was considered as in Committee of the Whole.

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

MONONGAHELA RIVER BRIDGE, PA.

The bill (H. R. 7925) granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania, was considered as in Committee of the Whole.

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

CLAIMS ARISING FROM SINKING OF VESSEL "NORMAN"

The bill (S. 851) to amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*," be and the same is hereby, amended so as to make sections 1, 2, and 3 read as follows:

"SECTION 1. That jurisdiction is hereby conferred upon the Federal District Court for the Western District of Tennessee to hear and determine in actions at law all claims, however arising, irrespective of the amount, for damages, whether liquidated or unliquidated, for personal injury, death, or loss or damage to property against the United States of America growing out of the sinking of the vessel known as the *Norman* on the Mississippi River on or about May 8, 1925, near Memphis, Tenn. Suits for damages sounding in tort are expressly allowed to be brought hereunder against the United States of America and when filed shall be triable upon the same principles and measures of liability as in like suits at law between private individuals or corporations: *Provided*, That the United States shall not set up either lack of authority or want of negligence on the part of its officers and agents in charge of said boat at the time of said accident: *Provided further*, That recovery under this act shall be the sole right of recovery for such claims under law of the United States, and that the total amount recovered in any case brought under the provisions of this act for personal injury or death shall not exceed the sum of $15,000. Should employees elect to sue hereunder their right of recovery shall be limited to the provisions of this act.

"SEC. 2. Any such claim may be instituted at any time within two years after the passage of this act notwithstanding the lapse of time or any statute of limitation. No statute for the limitation of the liability of the owner of any vessel shall be applicable to any such claim. Proceedings in any action under this act and appeals therefrom and payment of the judgment therein shall, except when inconsistent with the provisions of this act, be had as in the case of claims over which the court has jurisdiction in actions at law under the first paragraph of paragraph 20 of section 24 of the Judicial Code, as amended.

"SEC. 3. Service on the United States of America under any suit instituted under this act shall be had on the United States district attorney of the Western Division of the Western District of Tennessee, and the clerk of the United States district court of said district shall also send to the Attorney General of the United States a certified copy of the summons and declaration so filed. Said action shall be docketed and tried as any other suit at law pending in said court and tried by jury, or by stipulation of the parties a jury may be waived

as in other suits at law: *Provided, however,* That in all suits so filed under this act the claimants, in order to obtain a judgment against the United States of America, shall only be required to prove that they are the proper legal parties entitled to the recovery sought and the amount of damages suffered, if any, not exceeding $15,000."

Mr. JONES. Mr. President, this is quite an important bill. I should like to have some explanation of it.

Mr. McKELLAR. I shall be glad to comply with the request of the Senator from Washington. A bill of this kind was passed last year. It is for the purpose of determining the damages of various people who were drowned because of the sinking of the steamer *Norman* near Memphis several years ago.

Mr. JONES. I have no objection to the bill.

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

HORACE G. KNOWLES

The bill (S. 3325) for the relief of Horace G. Knowles was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,296.49 to Horace G. Knowles as salary for the period of March 30, 1909, to December 22, 1909, during which period he was commissioned as a minister of the United States to Nicaragua and was all that whole period under instructions to await orders of the State Department.

Mr. JONES. Mr. President, I would like to have the bill explained.

Mr. REED of Pennsylvania. Mr. President, I have been reading the report. Mr. Knowles was appointed commissioner to Nicaragua and was confirmed by the Senate. He was called home from Rumania, where he had been stationed, and was held here in Washington because the legation in Nicaragua was closed owing to the revolution. For some reason he was not permitted to be paid because of a ruling by the Treasury Department or the Comptroller General. The bill is to give him pay while he was waiting here under orders until it was possible for him to get to his post in Nicaragua.

Mr. KING. May I inquire of the Senator whether during the time he was here he was denied the compensation which he was receiving in Rumania?

Mr. REED of Pennsylvania. It seems that he was receiving a limited pay to which he was entitled under what is called the period of instruction that he was supposed to go through. His pay continued at that rate, but not at the full rate for a qualified minister.

Mr. McKELLAR. Is the amount now appropriated for the full rate or is it the full rate less the amount which has already been paid?

Mr. REED of Pennsylvania. This is the amount of the shortage.

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

BILL PASSED OVER

The bill (S. 3023) to revise the boundary of a portion of the Hawaiian National Park, on the island of Hawaii, in the Territory of Hawaii, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I would like to have an explanation of the bill.

Mr. NYE. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

LOTS IN ST. MARKS, FLA.

The bill (H. R. 9842) to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior may cause all public lands within the Government town site of St. Marks, situated in sections 2, 3, 10, and 11, township 4 south, range 1 east, Tallahassee meridian, Florida, established by the act of March 2, 1833 (4 Stat. 664), to be surveyed into lots, blocks, streets, and alleys as he may deem proper and when the survey is completed cause said lots to be appraised by three competent and disinterested persons appointed by him and report their proceedings to him for action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisal has been approved he shall cause the said lots to be sold at public sale to the highest bidder for cash at not less than the appraised value thereof, first having given 60 days' public notice of the time, place, and terms of the sale immediately prior thereto by publication in at least one newspaper having a general circulation in the vicinity of the land and in such other newspapers as he may deem advisable; and any lots remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale for cash at not less than the appraised value thereof: *Provided,* That the square embracing the lands now being used as a burying ground be set aside as a cemetery for the use of the town of St. Marks, Fla.: *Provided further,* That the municipality of St. Marks, Fla., shall have a right for 90 days subsequent to the filing of the plat of survey of said town site to select and receive patent to any two blocks desired for public park purposes, not exceeding 5⅞ acres in area.

Mr. JONES. Mr. President, I would like to have an explanation of the bill.

Mr. OVERMAN. In the absence of the Senator from Florida [Mr. FLETCHER], who had to leave the Chamber, I was requested to say that he hopes the bill will pass. It has been approved by the department and everyone interested. It has relation to about 5 acres of land in town lots in St. Marks, Fla.

Mr. JONES. I see that the bill provides for a proper appraisal, and so on, so that I think the interests of the Government are fully protected.

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

BILLS PASSED OVER

The bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range developments, and for other purposes, was announced as next in order.

Mr. KING. I suggest that the bill be passed over temporarily.

The PRESIDING OFFICER. The bill goes over temporarily.

The bill (H. R. 6684) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land, was announced as next in order.

Mr. JONES. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

APPROVAL OF ACT 25, SESSION LAWS OF 1927, HAWAII

The bill (H. R. 84) to approve Act 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That Act No. 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the District of Waimea, on the island and in the county of Kauai, Territory of Hawaii," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on March 26, 1927, is hereby approved: *Provided,* That the authority in section 15 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the organic act.

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

BILL PASSED OVER

The bill (H. R. 6194) for the relief of Frank Stinchcomb was announced as next in order.

Mr. KING. Let the bill be passed over.

The PRESIDING OFFICER. The bill goes over.

ADDITIONAL PAY FOR SUBMARINE PERSONNEL

The bill (S. 3131) to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That hereafter all officers of the Navy on duty on board a submarine of the Navy shall, while so serving, receive 25 per cent additional of the pay for their rank and service as now provided by law; and an enlisted man of the United States Navy assigned to duty aboard a submarine of the Navy, or to the duty of diving, shall, in lieu of the additional pay now authorized, receive pay, under such regulations as may be prescribed by the Secretary of the Navy, at the rate of not less than $5 per month, and not exceeding $30 per month, in addition to the pay and allowances of his rating and service: *Provided,* That divers employed in actual salvage operations in depths of over 90 feet shall, in addition to the foregoing, receive the sum of $5 per hour for each hour or fraction thereof so employed.

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

MARY M. JONES

The bill (H. R. 2524) for the relief of Mary M. Jones was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary M. Jones, out of any money in the Treasury of the United States not otherwise appropriated, in full settlement against the Government, the sum of $1,035, in compensation for damages caused and sustained to property in Linn County, Oreg., such loss being caused by fire set from burning material from an Army airplane on or about July 1, 1924, the said airplane being in fire-control service under the direction of the Forest Service.

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

PUBLIC HEALTH SERVICE ADVERTISING

The bill (S. 3294) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely, the claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to $2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919"; the claim of a Houston (Tex.) newspaper, $65.17, and the claim of a New York newspaper, $30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920," and "Maintenance, marine hospitals, 1921."

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

BILLS PASSED OVER

The bill (S. 1956) for the relief of Levi R. Whitted was announced as next in order.

Mr. KING. Mr. President, will the Senator from North Carolina give us a brief explanation of the bill?

Mr. OVERMAN. I ask that the bill may go over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I would like to have an explanation of the bill or else I must ask that it may go over.

Mr. CURTIS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MATTIE HALCOMB

The bill (S. 1434) for the relief of Mattie Halcomb was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, after line 2, to strike out all after the enacting clause, and to insert in lieu thereof:

Be it enacted, etc., That Mattie Halcomb, mother of Henry Grady Halcomb, late ship's cook, second class, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Henry Grady Halcomb was receiving at the date of his death: *Provided*, That the said Mattie Halcomb establishes to the satisfaction of the Secretary of the Navy the fact that she was actually dependent upon her son, the late Henry Grady Halcomb, at the time of his death.

SEC. 2. That the payment of the amount of money allowed and authorized to be paid to the said Mattie Halcomb is authorized to be made from the appropriation "Pay, subsistence, and transportation of naval personnel."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was 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 for the relief of Mattie Halcomb."

OUACHITA RIVER BRIDGE, HARRISONBURG, LA.

The bill (H. R. 5727) to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La., was considered as in Committee of the Whole.

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

WABASH RIVER BRIDGE, VINCENNES, IND.

The bill (S. 2965) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 3, after line 17, to insert the following:

SEC. 5. The act of Congress approved February 13, 1925, authorizing the States of Indiana and Illinois to construct a bridge over the Wabash River at Vincennes, Ind., is hereby repealed.

And on page 3, line 22, strike out the section number "5" and insert the numeral "6," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the State of Indiana, acting by and through the State highway commission, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Vincennes, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State of Indiana, acting by and through the State highway commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said State of Indiana, acting by and through the State highway commission, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize an amount not to exceed the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the completion thereof. After a sinking fund sufficient to pay an amount not to exceed the cost of constructing the bridge and its approaches shall have been so provided, such bridge shall thereafter be maintained and operate free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The act of Congress approved February 13, 1925, authorizing the States of Indiana and Illinois to construct a bridge over the Wabash River at Vincennes, Ind., is hereby repealed.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

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

MISSISSIPPI RIVER BRIDGE, CHESTER, ILL.

The bill (H. R. 6973) authorizing 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., was considered as in Committee of the Whole.

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

COOSA RIVER BRIDGE, CHEROKEE COUNTY, ALA.

The bill (H. R. 8530) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a bridge across the Coosa River near Cedar Bluff, in Cherokee County, Ala., was considered as in Committee of the Whole.

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

REREFERENCE OF BILL

Mr. WILLIS. Mr. President, a few moments ago Calendar No. 395, the bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska, was objected to by the Senator from Wisconsin [Mr. LA FOLLETTE]. My attention has been called to the fact that under the practice this bill, while reported from the Committee on Territories and Insular Possessions, really ought to have gone to the Committee on the Library, since it relates to a matter here in the Capitol. I ask, therefore, that the bill be taken from the calendar and referred to the Committee on the Library.

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

POULTRY DISEASES

Mr. JONES. Mr. President, a short while ago I objected to the immediate consideration of Order of Business No. 360, being Senate bill 2030, to provide for research into the causes of poultry diseases, and so forth. I objected to the consideration of the bill to which I refer because I thought that its subject matter would be cared for in the agricultural appropriation bill. I have since examined the latter bill hurriedly, and I am inclined to think that it probably does not give the authority which may be necessary; so I withdraw my objection to the consideration of the bill which I have named.

The PRESIDING OFFICER. Is there objection to returning to the consideration of the bill named by the Senator from Washington?

Mr. SACKETT. Mr. President, I hope the bill may be passed. Its passage is essential in the States which are engaged in shipping poultry.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to have the Bureau of Animal Industry institute research into the causes of influenza, infectious bronchitis, white diarrhea, and other diseases of poultry, also that he be authorized to conduct feeding experimentation with a view to increasing the physical welfare of poultry.

SEC. 2. That to carry out the provisions of section 1 the Secretary of the Treasury is authorized and directed to set aside the sum of $30,000, to be paid to the Secretary of Agriculture in the usual way.

SEC. 3. That the Secretary of Agriculture is hereby authorized to have the Bureau of Animal Industry arrange an educational program to present to farm agents and others who may be interested in the improvement of the health of poultry, ways of preventing disease, and to give to the public methods of practical poultry sanitation at the discretion of the Secretary.

SEC. 4. That to carry out the provisions of section 3 the Secretary of the Treasury is authorized and directed to set aside the sum of $20,000, to be paid to the Secretary of Agriculture in the usual way.

Mr. KING. Mr. President, I move to reduce the amount of the proposed appropriation from $30,000 to $20,000.

Mr. SMITH. Mr. President, I hope the Senator from Utah will not offer that amendment, because if the work contemplated in the bill is efficiently done it will be worth a hundred times the amount proposed to be appropriated. We had better have it done as thoroughly as may be rather than to restrict the bureau at the very initial period of the investigation.

Mr. KING. I had in mind the fact that the agricultural appropriation bill will soon be here.

Mr. SACKETT. Mr. President, the poultry industry is really the fourth largest agricultural industry in this country. It has never as yet had adequate protection, and it is proposed by this bill to make researches and studies which will result in the protection of shipments of poultry in interstate commerce.

Mr. KING. If the Agricultural Department should take some of its very large and, I think, extravagant appropriations for other purposes and apply a portion of them to this investigation it would perhaps be rendering a public service.

The PRESIDING OFFICER. Does the Senator from Utah offer the amendment which he has suggested?

Mr. KING. I withdraw the amendment.

Mr. REED of Pennsylvania. Mr. President, I move to strike out section 2 of the bill and to insert in lieu thereof the following words:

That in order to carry out the provisions of section 1 of this act the sum of $30,000 is authorized to be appropriated.

Mr. SMITH. Mr. President, I think that that amendment would, if adopted, put the bill in proper shape, because it would make the necessary authorization.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I move to strike out section 4 and to insert the following:

That in order to carry out the provisions of section 3 of this act the sum of $20,000 is authorized to be appropriated.

The amendment was 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.

ALABAMA, WISCONSIN, ILLINOIS, MINNESOTA, AND LOUISIANA BRIDGE BILLS

The following bridge bills were severally considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia Road in Escambia County, Ala.; and

H. R. 9064. An act granting the consent of Congress to the highway department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City, on the Pell City-Anniston Road between Calhoun and St. Clair Counties, Ala.

BILLS REPORTED FROM COMMITTEE ON MILITARY AFFAIRS

Mr. REED of Pennsylvania. Mr. President, I wish to state to the Senate why it is that about 25 bills reported from the Committee on Military Affairs and next on the calendar are found in one place. The War Department sent the committee about 40 suggested bills, some of which the committee did not approve and some of which we wished further to study, but after hearing the Secretary of War explain in detail these particular bills the committee was unanimous in voting to report them. Almost every member of the committee was present during the discussion. Each bill was taken up carefully and in detail. Many bills were not agreed to and were withheld, either permanently or for further explanation. Each of the bills that follow on the calendar I shall be glad to explain one by one as we get to them; but I simply wish the Senate to understand that these bills are here after full consideration by the Military Committee.

Mr. KING. May I ask the Senator from Pennsylvania whether they are for the purpose of giving higher grades or greater compensation to officers?

Mr. REED of Pennsylvania. I do not think there is a single case of that kind except one private bill to correct a clerical error in the length of the commissioned service of an officer.

Mr. KING. I notice in one bill that there is a provision for mileage apparently changing the cost of transportation.

Mr. REED of Pennsylvania. That is rather an economy than an additional allowance, as I will explain when we get to the bill.

TRANSFER OR LOAN OF AERONAUTICAL EQUIPMENT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized in his discretion to transfer or loan to museums or properly accredited schools, colleges, and universities, for exhibition or instructional purposes, any aircraft, aircraft parts, instruments, or engines that have become obsolete or impaired to the extent that repair would not be economical: *Provided*, That such aircraft, aircraft parts, or engines will not be used in actual flight: *Provided further*, That no expense shall be caused the United States Government by the delivery or return of said property.

Mr. REED of Pennsylvania. The bill which is now under consideration proposes to provide for the loan to colleges of obsolete aviation equipment on condition that it shall not be used in flying.

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

FRANK STINCHCOMB

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to return to Order of Business 389, being the bill (H. R. 6194) for the relief of Frank Stinchcomb. There is now no objection to the consideration of the bill, the Senator who objected when it was reached on the calendar having withdrawn his objection.

Mr. JONES. Mr. President, what is the object of the bill, I will ask the Senator from Massachusetts?

Mr. WALSH of Massachusetts. The bill relates to the computation of service of a lieutenant in the Navy, but it does not involve any expense.

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

Mr. JONES. Who asked that the bill go over?

Mr. WALSH of Massachusetts. The Senator from Utah [Mr. KING] asked that it go over, but he has withdrawn his objection. As I have explained, the bill involves no expenditure of money, but merely fixes the officer's status on the pay roll.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that an act for the relief of Frank Stinchcomb, approved June 6, 1924 (43 Stat. L. 1374), be amended by adding thereto the following: "*Provided*, That if appointed a lieutenant in the regular Navy he shall be entitled to count all service which he would have been entitled to count had he been appointed a lieutenant in the United States Navy under the act of June 4, 1920, for pay and all other purposes: *Provided*, That no back pay or allowances shall accrue to this officer by reason of the passage of this act."

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

TRANSPORTATION ALLOWANCE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1825) to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders, which was read, as follows:

Be it enacted, etc., That section 12 of the joint service pay act of June 10, 1922, as amended, be further amended by inserting between the first and second paragraphs the following:

"Individuals belonging to any of the services mentioned in the title of this act, including the National Guard and the reserves of such services, traveling under competent orders which entitle them to transportation or transportation and subsistence as distinguished from mileage, who, under regulations prescribed by the head of the department concerned, travel by privately owned conveyance shall be entitled, in lieu of transportation by the shortest usually traveled route now authorized by law to be furnished in kind, to a money allowance at the rate of 3 cents per mile for the same distance: *Provided*, That this provision shall not apply to any person entitled to traveling expenses under the 'subsistence expense act of 1926.'"

Mr. REED of Pennsylvania. Mr. President, at the present time the law entitles an officer who travels under orders in his own automobile to be paid his entire expense for gasoline and oil on the presentation of receipts therefor. Such bills average more than 3 cents a mile, but in order to save the bother to the officer concerned and the clerical work on the part of the Government it seems to be wise to establish a low rate per mile. This bill establishes an allowance of only 3 cents per mile, as against 7 cents per mile if the officer travels by train. It will result in an economy to the Government and the saving of clerical work.

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

GENERAL STAFF CORPS ELIGIBLE LIST

The bill (S. 1828) to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second paragraph of section 5 of the national defense act, as amended by the act approved June 4, 1920, and further amended by the act of September 22, 1922, be, and the same is hereby, amended to read as follows:

"After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list: *Provided*, That nothing herein shall operate to debar the name of any graduate of the Army War College, the Command and General Staff School, or the former General Staff College, General Staff School, Army Staff College, the Staff College, the School of the Line, the Army School of the Line, or the Infantry-Cavalry School from being added to the General Staff Corps eligible list if the manner of the performance of his duties and quality of his work is such as to indicate that he has since become well qualified for General Staff duty, and he is so recommended by a board of general officers: *And provided further*, That the name of any National Guard or reserve officer who has demonstrated by actual service with the War Department General Staff during a period of not less than six months, as hereinafter provided for, that he is qualified for General Staff duty, may, upon the recommendation of a board consisting of the general officers of the War Department General Staff, assistants to the Chief of Staff, be added to said eligible list at any time. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff officers under such regulations as the President may prescribe: *Provided*, That in order to insure intelligent cooperation between the General Staff and the several noncombatant branches, officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President, but not more than two officers from each such branch shall be detailed as members of the War Department General Staff."

Mr. REED of Pennsylvania. Mr. President, in explanation of that bill, let me say that at present there are a number of graduates of the Army War College, the Command and General Staff School, the former General Staff College, as it was called, the General Staff School, and the School of the Line who to-day are ineligible for appointment to the staff, although their service has been highly creditable. The new language which this bill adds to the existing law is found on page 2 between lines 9 and 19. The result will be to widen the field of choice for staff duty. At present the department thinks the field of choice is too much restricted.

Mr. ROBINSON of Arkansas. How is it restricted now, may I ask the Senator.

Mr. REED of Pennsylvania. It is restricted by the law which the Senator will find at the top and at the bottom of page 2, which provides:

After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list.

A large number of officers with high credit for past service had all the schooling that was available to them at the time of their study before the staff college was organized, and the department feels that, in fairness to those officers, they ought to be eligible for selection if they are considered desirable.

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

COLLECTION OF INDEBTEDNESS OF ENLISTED MEN

The bill (S. 1829) to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That under such regulations as the Secretary of War shall prescribe, when it has been administratively ascertained that an enlisted man of the Army is indebted to the United States or any of its instrumentalities, the amount of such indebtedness may be collected in monthly installments by deduction from his pay on current pay rolls: *Provided*, That the aggregate sum of such deductions for any month shall not exceed two-thirds of the soldier's rate of pay for that month: *And provided further*, That whenever any part of the pay of a soldier for a certain month shall have been legally forfeited by sentence of court-martial, or otherwise legally authorized to be withheld, then no deduction under this act shall be so applied as to reduce the actual pay received by the soldier for that month below one-third of his authorized rate of pay therefor: *And provided further*, That the Secretary of War, under such regulations as he shall prescribe, may cause to be remitted and canceled, upon honorable discharge of the enlisted man from the service, any such indebtedness incurred during the current enlistment and remaining unpaid at the time of discharge: *And provided further*, That nothing in this act shall be construed to prevent collections of such indebtedness on final statements from pay, in the proportions hereinbefore indicated, or from clothing allowance savings.

Mr. REED of Pennsylvania. Mr. President, the bill now under consideration seems to me to be highly desirable from the standpoint of the welfare of the enlisted men. At present if an enlisted man owes anything to the Government his entire pay is taken each month until the Government is reimbursed. This bill limits the amount of the deductions to two-thirds of his monthly pay. The Government in the end will get its money back, but the man in the meantime will have something on which to live. Great embarrassment is caused to some men whose full monthly pay is taken for two or three months in that way.

Mr. KING. How do they become indebted to the Government?

Mr. REED of Pennsylvania. The indebtedness may arise in various ways. The Senator will understand that allotments absorb part of the enlisted man's pay; his war-risk insurance takes another slice out of his month's pay; and if he is found guilty by court-martial of some minor infraction and sentenced to forfeit say one half of his pay, if the other half is taken up by allotments, the result is that he has nothing whatever coming to him at the end of the month.

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

Mr. REED of Pennsylvania. I yield.

Mr. TYDINGS. He might also lose a piece of his equipment, such as his rifle or other article, and would be obliged to make it good.

Mr. REED of Pennsylvania. Yes; but the commonest case is that of sentence by summary court. Of course, if he damages or loses Government property, he is held liable for that.

Mr. KING. Suppose he leaves the service before the Government has been paid?

Mr. REED of Pennsylvania. In that case the Government loses just as it loses now. If he is discharged with an honorable discharge any balance of indebtedness remaining unpaid is canceled. That, I understand, is the law to-day.

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

EXCHANGE OF DETERIORATED AND UNSERVICEABLE AMMUNITION

The bill (S. 1833) to amend the act approved June 1, 1926 (44 Stat. L. 680), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of June 1, 1926, authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes (44 Stat. L. 680), be, and the same is hereby, amended to read as follows:

"That the Secretary of War be, and he is hereby, authorized to exchange deteriorated and unserviceable ammunition and components thereof for ammunition or components thereof in condition for immediate use, or to sell the same and procure new ammunition or components thereof from the proceeds of such sales: *Provided*, That the proceeds of such sales also shall be available to defray either the whole or part of the expenses of the necessary breaking down of deteriorated and unserviceable ammunition, of preparing ammunition or components for sale, of selling, and of reconditioning and placing in storage ammunition or components to be retained, and he shall make statement of his action under this provision in his annual report."

Mr. McKELLAR. Will the Senator explain that bill?

Mr. REED of Pennsylvania. Yes. Under the present law the Secretary of War has authority to exchange deteriorated ammunition, but the authority extends only to an exchange of it. If he finds, for example, a charge for a .75 gun with its brass case and its shell has deteriorated so as to become completely useless, all the Secretary can do now is to make an arrangement to exchange that with somebody for a piece of good ammunition. In that way he is limited in respect to the number of people with whom he may deal. This bill would allow him to sell it as well as to barter it.

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

APPROPRIATIONS FOR ARMY CONTINGENCIES

The bill (S. 2387) to authorize appropriations for contingencies of the Army, was announced as next in order.

Mr. McKELLAR. Mr. President, I should like an explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, at the present time there is a military-contingent fund which may be used for necessary entertainment of distinguished guests or foreign officers who come to military posts. For example, a distinguished admiral of some other navy stops at Honolulu and is there entertained by the commander of the Hawaiian department. There is a small contingent fund on which he is permitted to draw for that entertaining. This bill does not provide any increase in the amount, but it widens the authority so as to allow for contemporaneous entertainment of American officers who may happen to be in the assemblage.

It is a trivial thing. It is explained in the report by the statement of the Secretary that at present many commanding officers in the Army are required to defray from their personal funds large amounts annually in the official entertainment of distinguished foreigners and high officials.

Mr. ROBINSON of Arkansas. What is the total amount expended for the purposes contemplated by the bill?

Mr. REED of Pennsylvania. I am not familiar with the amount that is now expended; but they make an estimate here that the passage of this bill will not cause an expenditure of more than $6,000 per annum.

Mr. ROBINSON of Arkansas. That is, it will not increase the amount by more than that?

Mr. REED of Pennsylvania. That is the estimate. If the Senator would like the bill to go over, I will get the exact figures.

Mr. ROBINSON of Arkansas. Oh, no; I do not ask that.

Mr. McKELLAR. I should rather have the Senator put in a provision, if he will, putting a certain limitation on it, because he can easily see that if extended too far it might cause adverse comment.

Mr. REED of Pennsylvania. I do see that, and I think I ought to have the figures to give the Senate before I ask that the bill be taken up; so I will ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

PAY OF NATIONAL GUARD OFFICERS AND ENLISTED MEN

The bill (S. 2537) to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second paragraph of section 110, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and effective as soon as practicable after July 1, 1928, all disbursements under the foregoing

provisions of this section shall be made for such three months' periods for the various units of the National Guard as shall be prescribed in regulations issued by the Secretary of War and on pay rolls prepared and authenticated in the manner prescribed in said regulations: *Provided*, That for the period necessary to put into operation the payment plan herein provided for, the Secretary of War is authorized to fix initial pay periods of less than three months for such number of units as he may deem necessary: *And provided further*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by, and chargeable to, such officer or enlisted man."

Mr. REED of Pennsylvania. This bill is made necessary by the fact that the present law provides for the paying of National Guard officers at the end of every three-month period, and a definite quarter is fixed at the end of which all officers have to be paid. What it is desired to do is to stagger those payments, so that fewer clerks can do the work by working steadily at it throughout the year.

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

INJURIES TO MEMBERS OF CIVILIAN COMPONENTS OF ARMY

The bill (S. 2948) to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 6 of the act approved March 4, 1923, entitled "An act to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to the National Guard and reserve officers and warrant officers, and for other purposes," as amended by an act approved June 3, 1924, be, and the same is hereby, amended to read as follows:

"SEC. 6. That officers, warrant officers, and enlisted men of the National Guard who suffer personal injury in line of duty while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the national defense act of June 3, 1916, as amended; members of the Officers' Reserve Corps and of the enlisted reserve corps of the Army who suffer personal injury in line of duty while on active duty under proper orders; and persons hereinbefore described who may now be undergoing hospital treatment at Government expense for injuries so sustained; shall, under such regulations as the President may prescribe, when hospital treatment is necessary for appropriate treatment of such injury, be entitled to hospital treatment, including medical treatment, at Government expense, until the disability resulting from such injury can not be materially improved by further hospital treatment, and, during the period of hospitalization, to the same pay and allowances whether in money or in kind that they were entitled to receive at the time such injury was suffered, and to transportation to their homes at Government expense when discharged from hospital. Officers, warrant officers, and enlisted men of the National Guard who suffer personal injury in line of duty when participating in aerial flights prescribed under the provisions of section 92 of said national defense act as amended shall, under regulations prescribed as aforesaid, be entitled to the same hospital treatment, including medical treatment, pay and allowances, and transportation to their homes, as if such injury had been suffered while in line of duty at encampments, maneuvers, or other exercises under the aforementioned section 94 of the national defense act; and members of the Officers' Reserve Corps and enlisted reserve corps of the Army injured in line of duty while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, but not on active duty, shall, under regulations prescribed as aforesaid, be entitled to the same hospital treatment, including medical treatment, pay and allowances, and transportation to their homes, as if such injury had been suffered while on active duty under proper orders. No person hospitalized under the foregoing provisions of this section on account of any personal injury suffered shall be entitled to receive, in connection with such injury, pay or allowance other than hospital treatment, including medical treatment and transportation, as herein provided, for more than six months; but for any remaining period of such hospitalization he shall be entitled to subsistence at Government expense: *Provided*, That the pay and allowances of members of the Officers' Reserve Corps and the enlisted reserve corps of the Army on active duty shall not be limited hereby. Members of the Reserve Officers' Training Corps and members of the civilian training corps who suffer personal injury in line of duty while at camps of instruction under the provisions of sections 47a and 47d of said national defense act as amended shall, under regulations prescribed as aforesaid, be entitled to hospital treatment, including medical treatment and transportation to their homes, as in the case of persons hereinbefore described, and to subsistence during hospitalization. If the death of any person mentioned herein occurs while he is undergoing the training or hospital treatment contemplated by this section, the United States shall, under regulations prescribed as aforesaid, pay for burial expenses and the return of the body to his home a sum not to exceed $100.

"The validation, under this section as heretofore standing, of certain expenditures previously made by the Government shall not be disturbed."

Mr. REED of Pennsylvania. Mr. President, the explanation of this bill is simple. It is merely to correct a quibble raised by some of the law officers of the department in regard to the words in the present law that provide for treating these boys who go to civilian camps in summer, or Reserve Officers' camps, or Officers' Reserve Corps summer training, and get hurt in the course of their training. The present law provides that they shall receive medical attention "until fit for transportation home." It is held, because of the use of those words, that the Government has no right to treat them after the moment at which they are physically able to travel without risk to their lives.

I think Congress never meant anything of that sort; but the Judge Advocate General has held that those words mean that all that the Army can give a boy who is hurt is merely such restoration as is necessary to fit him for transportation to his home; and, no matter how bad his condition when he gets home, the very fact that he went there is evidence that he was fit for transportation, and therefore treatment can not be furnished. This is merely to allow them to carry him on the end of his illness.

Mr. KING. This bill does not provide for indefinite care or for compensation during the period of illness brought about by the accident or any malady that may have resulted from the boy's service?

Mr. REED of Pennsylvania. No, Mr. President; it gives no compensation whatever—merely medical treatment by Army doctors—and I can not see that it will involve any considerable increase in cost to the Army. I know it was intended by Congress, when it passed the original law, that such treatment should be given.

Mr. SMITH. Mr. President, does not the Senator think that if it did involve considerable cost, if the injury was sustained during the service in training, it should be incurred?

Mr. REED of Pennsylvania. I think it should; and I think that is what Congress meant.

Mr. HEFLIN. Mr. President, that is the suggestion I intended to make. The Senator from South Carolina is right. If the boy is hurt in the line of duty and disabled, if he can not work, and he lies in a hospital or at home, why should not the Government have him treated and pay him for the time he has lost, too?

Mr. SMITH. Does the amendment cover that?

Mr. REED of Pennsylvania. It certainly will take care of his medical treatment. It does not provide for any pension.

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

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 2950) to amend the second paragraph of section 67, national defense act, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second paragraph of section 67, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for actual and necessary expenses incurred by officers of the Regular Army, and reserve officers holding commissions in the National Guard on active duty in the Militia Bureau or the War Department General Staff, while traveling in attending the annual conventions of the National Guard Association of the United States and The Adjutants General Association; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section

11 of the pay readjustment act of June 10, 1922, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law."

Mr. REED of Pennsylvania. Mr. President, the explanation of that bill is that it is simply to allow travel expense for those officers who attend National Guard conventions or conventions of adjutants general. It will involve practically no expenditure of money whatever, and will not result in an increase in appropriations.

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

ISSUE OF ARMS, ETC., FOR PROTECTION OF PUBLIC MONEY AND PROPERTY

The bill (S. 3058) to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the provision relating to issue by the Secretary of War of arms and ammunition for protection of public money and property, contained in the act of March 3, 1879 (20 Stat. L. 412), be, and the same is hereby, amended to read as follows:

"That upon the request of the head of any department or independent agency of the Government, the Secretary of War be, and he hereby is, authorized to issue arms, suitable accouterments for use therewith, and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department or independent agency designated by the head of such department or independent agency, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired: *Provided, however*, That hereafter the cost of all ammunition issued, the cost of replacing borrowed arms and accouterments which are lost or destroyed or are irreparable, the cost of repairing arms and accouterments returned to the War Department, and the cost to the War Department of making and receiving shipments under the authority of this act shall be covered by transfer of funds from the department or independent agency concerned to the credit of War Department funds."

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, the effect of the proviso which is added by this bill will be to relieve the War Department in the future of charges against its appropriations for stores which it issues to the Postmaster General and the Secretary of the Treasury. It is not estimated that there will be any increase in cost. The bill seems to have been omitted from my calendar, so that I can not speak by the book; but the purpose of the bill is to authorize transfers in appropriations from the departments that receive these arms of the War Department itself. It is a mere bookkeeping matter, and does not increase the cost to the Government.

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

RECOVERY OF BODIES OF OFFICERS, SOLDIERS, ETC.

The bill (H. R. 230) to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay the expenses incident to the recovery of bodies of officers, cadets, United States Military Academy, acting assistant surgeons, members of the Army Nurse Corps, warrant officers, enlisted men, and civilian employees, under such regulations as the Secretary of War may prescribe.

Mr. REED of Pennsylvania. Mr. President, at the present time the Government has authority and appropriations for the burial of bodies, for their transportation to their homes, and for all of the expense resulting from a drowning case, but it has not authority to pay anybody to try to recover the body if it is not found at the time of the accident. Once in a while it becomes necessary to drag a stream or a lake to try to recover a body; but the Comptroller General has ruled, I understand, that there is no money available for that purpose.

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

FORT MONMOUTH MILITARY RESERVATION, N. J.

The bill (H. R. 233) to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That The Secretary of War is hereby authorized and empowered to acquire a strip of land lying along the easterly side of the Red Bank-Eatontown Highway, bordering on and for use of Fort Monmouth Military Reservation, N. J., and there is hereby authorized to be appropriated for such purpose a sum not to exceed $1,000 out of any money in the Treasury not otherwise appropriated.

Mr. REED of Pennsylvania. That is a strip of land running along a vacated street-railway track.

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

SUBSISTENCE OF CANDIDATES ATTENDING TRAINING CAMPS

The bill (H. R. 234) to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 47d of the national defense act, as amended by the act approved June 4, 1920 (41 Stat. 779), be, and the same is, further amended by inserting between the words "mile" and "for" in the fourteenth line of said section 47d the following language to wit:

"Or, at the option of the Secretary of War, transportation in kind may be furnished, and in addition thereto candidates may be paid a subsistence allowance at the rate of 1 cent a mile within such limits as to territory as the Secretary of War may prescribe."

Mr. REED of Pennsylvania. Mr. President, at the present time the students going to these citizens' summer camps are paid the cost of their meals while traveling, provided they bring a receipt to show what they paid. It requires a lot of clerk hire, but in the end it costs more than an average of a cent a mile. This is to help everybody by establishing a flat rate.

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

TRAVEL EXPENSES FOR SURVEYS OF BATTLE FIELDS

The bill (H. R. 235) to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battle fields shall be paid from the appropriations made from time to time to meet the expenses for these purposes.

Mr. REED of Pennsylvania. This bill is due to a ruling of the Comptroller General that the travel of officers in going to a battle field could not be paid out of an appropriation to make a survey of the battle field after they got there.

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

INCLUSION OF ARMY NURSES IN LAW GRANTING SIX MONTHS' PAY TO BENEFICIARIES

The bill (H. R. 238) 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, was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, this simply extends the privilege to nurses regularly employed in the Army. It has been ruled that they were not enlisted persons.

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

DISPOSITION OF REMAINS OF MILITARY PERSONNEL AND CIVIL EMPLOYEES OF THE ARMY

The bill (H. R. 248) to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, this is general legislation which has been carried in the War Department appropriation bill for many years; and in the desire to shorten that bill we are putting it in general legislation.

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

LANDS IN PENNSYLVANIA

The bill (H. R. 5476) to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania was considered as in Committee of the Whole.

Mr. JONES. Mr. President, I should like to know why the bill specifies that this land shall be sold to the Pennsylvania Railroad Co.

Mr. REED of Pennsylvania. It is really an exchange. This is a tract of land used for a system of tracks in North Philadelphia at the depot now being used by the Shipping Board. The railway tracks in that neighborhood are being elevated, and the yards owned by the Government will soon cease to have any connection with any railway system because of the elevation. The railroad has offered to provide a tract of substantially the same acreage, and, they say, of equal value, and to take over this yard area from the Government.

The committee in the House of Representatives was somewhat skeptical as to the fate of the Government in these exchanges of land, and therefore it amended the bill in the House to require appraisals and to forbid a sale for less than the appraised value.

Mr. ROBINSON of Arkansas. There is no authority here for a transfer or exchange of lands. The authority is for the sale; but I presume the War Department already has authority to purchase the tract that it desires.

Mr. REED of Pennsylvania. I understand so.

Mr. ROBINSON of Arkansas. Manifestly, the only purchaser for the land probably would be the Pennsylvania Railroad Co.

Mr. REED of Pennsylvania. Yes; the only purchaser could be that company.

Mr. JONES. Does the Government need this land?

Mr. REED of Pennsylvania. It is part of the Shipping Board facilities there. The War Department has the title, I believe. It is charged to the War Department; but I understand that the only use for the land at present is the use to which the Shipping Board is putting it.

Mr. McKELLAR. Does the land border on the water, or not?

Mr. REED of Pennsylvania. It is not right at the water. I understand that the piers are not to be changed, but the purpose of this exchange is to enable them to get from the railroad company another area on which tracks can be constructed that will lead to these same piers.

Mr. ROBINSON of Arkansas. They do not require this particular tract any longer, according to the report, for military purposes.

Mr. REED of Pennsylvania. That is my understanding.

Mr. ROBINSON of Arkansas. That is what the Secretary of War states in his letter.

Mr. JONES. Does the Shipping Board require it?

Mr. McKELLAR. I was just going to ask, does the Shipping Board desire the property?

Mr. REED of Pennsylvania. I do not understand that the Shipping Board has made any objection to this bill, but I suggest that we allow the bill to go over.

Mr. JONES. I think it had better go over.

Mr. REED of Pennsylvania. I will get a report from them.

Mr. JONES. I hope the Senator will find out, too, if they actually exchange lands, why they need other lands.

The PRESIDING OFFICER. The bill will be passed over.

PURCHASE OF HORSES AND MULES

The bill (H. R. 7195) to provide for the purchase of horses and mules for the Military Establishment was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, the whole purpose of this bill is to use the appropriation for the purchase of mules, under the requirement that they shall be purchased in the open market. The present law does not make that requirement.

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

CIVILIAN CARETAKERS FOR NATIONAL GUARD

The bill (H. R. 242) to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 1, to strike out the comma after the word "lieutenant" and the words "and that," and to insert after the word "further," in line 2, the word "that," so as to make the bill read:

Be it enacted, etc., That the second proviso of section 90 of the national defense act, as amended by the act approved May 28, 1926 (44 Stat. 673–674), be, and the same is hereby, amended so as to read: "*Provided further*, That in each heavier-than-air squadron one caretaker may be a commissioned officer not above the grade of first lieutenant: *And provided further*, That in any organization whenever it shall be found impracticable to secure the necessary competent caretakers for the materials, animals, armament, or equipment thereof from the personnel of such organization, the organization commander may employ civilians for any or all except one of the caretakers authorized for the organization, and such civilians shall be entitled to such compensations as may be fixed by the Secretary of War."

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, the present law requires that a certain proportion of the caretakers shall be men enlisted in these military organizations. In some of the organizations it is found impossible to get men who can give all of their time to the care of the animals, and it is necessary to hire caretakers at a low rate of pay. The rate of pay is fixed by regulation, and an appropriation is made separately each year in the Army appropriation bill to pay these caretakers. This simply authorizes what many organizations now are doing out of their own pockets. It allows all of the caretakers, save one, to be engaged from civilians, instead of their being enlisted men.

Mr. KING. I notice that it requires that there shall be at least one officer of the grade of lieutenant, or above. Is that important?

Mr. REED of Pennsylvania. That is in the present law, and that is in connection with taking care of airplanes. The first proviso is in the present law. The second proviso relates to organizations employing animal-drawn equipment. The reason why the commissioned officer is required in heavier-than-air outfits is because there is so much fragile material belonging to the Government. It requires great care.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CAPT. GEORGE E. KRAUL

The bill (H. R. 3510) to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920, was considered as in Committee of the Whole.

The bill had been reported by the Committee on Military Affairs with an amendment, on page 1, line 3, after the word "That," to insert the words "in order to rectify an admitted error of the War Department in the computation of commissioned service," and a comma, so as to make the bill read:

Be it enacted, etc., That, in order to rectify an admitted error of the War Department in the computation of commissioned service, the President of the United States be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, George E. Kraul a captain of Infantry in the Regular Army of the United States, with rank from July 1, 1920: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of the Regular Army now authorized by law by reason of the passage of this act.

Mr. REED of Pennsylvania. Mr. President, I would like to say a word about this bill. The committee has definitely set its face against putting any man into the Army by private bill. This bill is an exception, as appears by the amendment, because of a clerical error of the clerk in The Adjutant General's office who calculated the length of this man's commissioned service for the purpose of determining his place on the promotion list. Captain Kraul is now in the Army. It does not add any officer, but simply puts Captain Kraul in his admittedly proper place on the list.

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

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CARLISLE BARRACKS RESERVATION

The bill (H. R. 5635) to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the

Carlisle Barracks Reservation was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, under a law we passed in 1924, the Secretary of War was authorized to sell certain land and use the proceeds from the sale for buying two other tracts. The proceeds were not enough to buy both tracts, and this changes the law simply to enable him to buy one, but no authorization is given to buy any other.

Mr. McKELLAR. Mr. President, I want to remark in passing that it seems to me that giving to the Secretary of War or to any other executive officer of the Government the right to sell property, and then with the proceeds buy other property, is a very bad practice. We should always cover the money into the Treasury, and make an appropriation for the purchase of the property we desire to buy.

Mr. REED of Pennsylvania. I agree with the Senator, and if the law did not already read that way, I would ask to have the sale and purchase separately authorized. I think that ought to be done.

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

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 1823) to amend section 2 of the act approved June 6, 1924 (43 Stat. L. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 5, after the word "arms," to insert a colon and the following proviso: "*Provided*, That not more than 5 per cent of the total commissioned strength of the Army shall be so excepted at any one time," and a semicolon.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, this is intended to amend the Manchu law. The Manchu law, as the Senate will remember, is that which is designed to prevent staff officers holding staff positions throughout their whole military career, out of touch with troops. The present law requires that every officer shall spend a certain part of each four years of service on duty with troops, so that every staff officer has a taste of field service. That is all right and the committee does not propose to change it, nor does the War Department ask us to do so; and it will be found on looking at this bill that it does not propose to change that practice with regard to general staff officers.

There are other officers, however, who are covered by the general wording of the law whose work is seriously interrupted. For example, in the Chemical Warfare Service there are a large number of technical experimenters at work. To take them away from their laboratories and send them out with troops interrupts their work, and it does the Government no good.

Mr. McKELLAR. Mr. President, would it not mean the teaching of other officers to perform those particular duties? It seems to me that the Manchu law has been of the greatest value to the Army. The Senator will not recall, perhaps, but some time before the late war there was a large accumulation of officers principally here in Washington. It almost became a scandal in the Army, and it brought about the passage of the Manchu law. I think we ought to conform to that law. I believe that officers of the Army should be required to serve with troops, certainly once in every four years. I doubt the wisdom of this bill and hope the Senator will let it go over, so that we may look into it.

Mr. REED of Pennsylvania. I will be very glad to let it go over, and we can discuss it more fully.

Mr. ROBINSON of Arkansas. Before it is passed over, Mr. President, let me ask if the changes in existing law as provided in this bill are confined to such persons in such technical service as is suggested by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. The bill would apply to all officers except those in the General Staff Corps. The exception is shown on page 1. I do not mean to press the bill now. I am going to ask that it go over, but let me give the Senator an illustration.

In France the head of the Graves Registration Service was an officer who had been in France for three years, who knew the ground thoroughly, who had learned to speak French fluently, who had all the problems at his finger tips, so that he could almost tell in what part of any cemetery any man was buried. He was taken away, brought back here to serve with troops as the result of the Manchu law, and we had to send an officer to take his place, who, in the nature of things, would not have any of that information. It seriously impeded the work, and cost the Government money. That is the theory of the department in asking for the legislation.

Mr. McKELLAR. But, instead of having one officer who could do that particular work, when there was a change made, at the end of the third year, we would have another officer who could do the work. It cuts both ways, and taking it by and large, I am constrained to believe that it is of immense value to the Army to have its officers serve with troops at least every four years.

Mr. REED of Pennsylvania. I agree with the Senator about the value of the Manchu law in general. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

WITHHOLDING OF PAY OR ALLOWANCES IN THE MILITARY SERVICE

The bill (S. 1830) to authorize the Secretary of War to withhold pay or allowances of any person in the military service to cover indebtedness due the United States or its military agencies or instrumentalities was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments. The first amendment was, on page 1, line 4, to strike out "him" and insert "them."

The amendment was agreed to.

Mr. JONES. Mr. President, may I ask the Senator if the word "respectively" should not come after the word "them"? It does not mean that these regulations shall be made jointly by the Secretaries of War and Navy?

Mr. REED of Pennsylvania. I think that amendment would be appropriate.

Mr. JONES. I suggest that amendment.

Mr. REED of Pennsylvania. This bill is made necessary by a recent decision of the courts, which changed the practice of a hundred years in both the Army and the Navy. Always before if an officer were indebted to the Government, the amount of his indebtedness was deducted from his pay. Now, for the first time in a century, it has been held that the law gives us no right to do that.

Mr. ROBINSON of Arkansas. Does the Senator mean that that is a ruling of the Comptroller?

Mr. REED of Pennsylvania. No; a decision of the courts.

Mr. McKELLAR. Of the Supreme Court?

Mr. REED of Pennsylvania. Yes; of the United States Supreme Court.

Mr. JONES. I offer an amendment. I move after the word "them" to insert the word "respectively."

Mr. McKELLAR. Where?

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 4, after the committee amendment, insert the word "respectively," so that it will read "by them respectively."

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Does that mean that each secretary may prescribe rules, independent of the rules prescribed by the other?

Mr. JONES. I think so. They deal with their own departments.

Mr. REED of Pennsylvania. Each would prescribe the regulations for his own department.

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

The CHIEF CLERK. On page 1, after the word "War," insert the words "or the Secretary of the Navy"; on the same page, line 7, after the word "military," insert the words "or naval"; on page 2, line 3, after the word "Army," insert the words "or Navy"; and on line 7, after the word "War," insert the words "or the Secretary of the Navy."

The amendments were agreed to.

Mr. JONES. Mr. President, I want to ask the Senator this question: We passed a bill a short time ago dealing with indebtedness of members of the Army. Does not this modify that?

Mr. REED of Pennsylvania. That dealt with the indebtedness of enlisted men. This relates to officers.

Mr. JONES. This says "any person in the military service." It seems to me this covers privates as well as officers.

Mr. REED of Pennsylvania. The two would be considered together. I suppose the reason why the word "persons" is put in is for the purpose of covering warrant officers, nurses, and other persons of that character. The use of the word "officer" would not be quite broad enough. The other measure covers enlisted men.

Mr. JONES. This bill would not be considered as modifying the other measure to that extent? This may become a law after the other becomes a law.

Mr. REED of Pennsylvania. Yes; that would be true, because the other, as I recall it, is a House bill. I suggest that we let this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SECRET MILITARY MATERIAL

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use was announced as next in order.

Mr. McKELLAR. Mr. President, will not the Senator explain the bill?

Mr. REED of Pennsylvania. In the first place, the committee was unwilling to give that authority to the Secretary of War or to the Secretary of the Navy. We believed that if it was to be given to anyone, it ought to be given to the President himself. Therefore the amendments which the Senator sees in the bill.

There are a number of military secrets in all armies that have to be exposed if the goods which they cover are bought on specifications and by open bidding. To give a good illustration, the eyepieces of the German gas masks in the last war were made of some material, or in some such way, that they would not get dim from the moisture of one's breath. Nobody during the war could learn how those were made. If the United States makes an invention like that, in order to get the articles manufactured and to purchase them from the lowest bidder it has to advertise its specifications, and the moment it does so, the military value of the invention is gone.

There are not many things of that sort, a few of the fire-control instruments, perhaps, and some of the Signal Corps apparatus, and a few tricks they have in aviation, not many; but it is desirable that we shall keep them secret if we can. The discretion ought to be in the President; not in any subordinate officer.

Mr. LA FOLLETTE. Mr. President, I ask that the bill may go over.

Mr. McKELLAR. Before it goes over, may I call the attention of the Senator from Pennsylvania to the fact that the language used in the bill is very broad, being "any material, apparatus, or equipment for military or naval use." That would include everything, and I was wondering if some limitation could not be made. I merely make the suggestion. I hope the Senator will consider it when the bill comes up again.

Mr. ROBINSON of Arkansas. May I suggest to the Senator in the same connection that the language he has quoted is modified by that which follows, "or equipment for military or naval use which is of such a nature that the interests of the public service would be injured by publicly divulging information concerning them," and so forth.

Mr. McKELLAR. Yes; that is true, but still it is very broad.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The bill goes over, under objection.

BILL PASSED OVER

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over. Some Senators wish to consider it further.

The PRESIDING OFFICER. The bill will be passed over.

WAR DEPARTMENT MEDALS AND BADGES

The bill (H. R. 8309) 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, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, may we have an explanation of the reason for the bill?

Mr. REED of Pennsylvania. The only need for it is to make it an offense to wear the distinguished flying cross, a decoration which has been authorized since the passage of the original act of 1923. The flying cross was not included in that act because it did not then exist. This bill modifies it only to insert those words, but the bill as it passed the House put the soldier's medal ahead of the flying cross. The amendment made in our committee merely reverses the order in which the words occur.

Mr. ROBINSON of Arkansas. Does not the Senator think the language should be "any person who knowingly offends against the provisions of this section"?

Mr. REED of Pennsylvania. I had not paid attention to that because it is the old law. I agree with the Senator that the word "knowingly" might well be inserted.

Mr. ROBINSON of Arkansas. It seems to me under that provision a gallant young flyer who permitted his sweetheart to wear his medal might suffer the painful embarrassment of having her fined $250.

Mr. REED of Pennsylvania. Whereas the fine ought to be paid by him?

Mr. ROBINSON of Arkansas. Whereas there ought not to be any fine at all in such a case.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 10, to strike out the words "soldier's medal," and on page 2, line 1, after the word "cross" to insert the words "soldier's medal."

The amendments were agreed to.

Mr. REED of Pennsylvania. I move to amend by inserting on page 2, line 11, after the word "who," the word "knowingly."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 11, after the word "who," insert the word "knowingly," so as to make the bill read:

Be it enacted, etc., That the 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 (sec. 1425, title 10, U. S. Code), be amended so as to read as follows:

"That hereafter the wearing, manufacturing, or sale of the Congressional Medal of Honor, distinguished-service cross, distinguished-service medal, distinguished-flying cross, soldier's medal, or any other decoration or medal which has been, or may be, authorized by Congress for the military forces of the United States, or any of the service medals or badges which have been, or may hereafter be, awarded by the War Department, or the ribbon, button, or rosette of any of the said medals, badges, or decorations, of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

"Any person who knowingly offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or by both such fine and imprisonment."

The amendment was agreed to.

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

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

The bill was read the third time and passed.

CONSTRUCTION AT WEST POINT

The bill (H. R. 9202) to authorize construction at the United States Military Academy, West Point, N. Y., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 3, after the word "authorized," to strike out the words "the razing of the old cadet mess hall at the United States Military Academy, West Point, N. Y., and," and in line 6, after the word "barracks," to insert the words "at the United States Military Academy, West Point, N. Y.," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized the construction of a new cadet barracks at the United States Military Academy, West Point, N. Y., at a total cost of not to exceed $825,000: *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized, when appropriated.

The amendments were agreed to.

Mr. KING. Mr. President, I recall that a few years ago we made very liberal appropriations for West Point and it was stated then, as I recall, that ample provision had been made for the institution for many years. Why is it that so large an appropriation is now required?

Mr. REED of Pennsylvania. Because of the increase in the number of officers in the Army and a consequent increase in the number of cadets at the academy. Congress has recently authorized a further increase to take care of the sons of soldiers of the World War who were killed. The Congress has already authorized the razing of the old mess hall and has appropriated $135,000 for the purpose. That building is to be replaced by the new cadet barracks and the appropriation of $135,000 authorized the preparation of the plans for the new barracks. We were unwilling to go further than that in the appropriation bill this year. It was not necessary to appropriate the balance of the money. That is why in the appropriation bill, as in the housing bill which we passed, we declined to include the cost of building the new barracks.

Mr. JONES. Mr. President, can the Senator tell me how many cadets the proposed new barracks will care for?

Mr. REED of Pennsylvania. I can read that from the report, if the Senator please:

The present barracks facilities provide for the accommodation of 875 cadets. As a result cadets are living three in a room designed for two. The crowded conditions interfere with studies and are unhealthy and uncomfortable. To adequately care for 1,200 cadets, another barracks to accommodate 325 cadets (or 163 rooms, the equivalent of a little more than 10 of the present divisions) is required as soon as possible.

Mr. JONES. Is it expected to increase the membership at West Point to 1,200?

Mr. REED of Pennsylvania. The membership of West Point is now authorized at 1,200.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

ANNIVERSARY OF DISCOVERY OF HAWAIIAN ISLANDS

The bill (H. R. 81) to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii, there shall be coined in the mints of the United States silver 50-cent pieces to the number of 10,000, such 50-cent pieces to be of a standard troy weight, composition, diameter, and design as shall be fixed by the director of the mint and approved by the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment of their face value.

SEC. 2. The coins herein authorized shall be issued only upon the request of the Cook Sesquicentennial Commission of Hawaii and in such numbers and at such times as they shall request upon payment by such commission to the United States of the par value of such coins.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparation of this coinage.

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

REIMBURSEMENT TO STATE OF NEVADA

The joint resolution (S. J. Res. 41) directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Judiciary with an amendment to strike out all after the resolving clause and insert:

That the Comptroller General of the United States is authorized and directed to reopen, restate, and resettle the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement and resettlement (1) to assume the balance due the State of Nevada on January 1, 1900, as being correctly stated in the account set forth in the reports of the Secretary of the Treasury printed in House Document No. 322 and Senate Document No. 441, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the Governor and the Comptroller of the State of Nevada as actually paid by said State from January 1, 1900, to the date of the approval of this joint resolution, in the principal sums so advanced and expended; and (3) after deducting the amounts repaid by the United States to the State of Nevada since January 1, 1900, to certify to Congress for an appropriation the balance found due the State of Nevada.

Mr. PITTMAN. Mr. President, I wish to say that the joint resolution provides that the Comptroller General shall readjust the account between the State of Nevada and the United States for expenditures made by that State during the Civil War in the raising of ample troops to keep open the Overland Trail during that war. The request was made in 1861 under the act of 1861. Nevada at that time called for volunteers under the Territorial act, and enlisted 1,180 men. She spent a total sum of $109,000 in that matter. She has only been paid the sum of $22,000 since that time. The Territory borrowed the money to raise the troops and had to pay interest on it. The Territorial act authorizing the enlistment and pay of such volunteers was approved by Congress. When the State came into the Union in 1864 under the enabling act it had to assume the debts of the Territory. It assumed this debt and issued its bonds in payment of it.

The bonds have never been paid off and are still drawing interest, although legislation affecting the matter has passed the Senate five separate times, but was not acted upon in the House.

The situation is that the matter was adjusted up to 1890. In 1890 a similar measure was passed calling upon the Comptroller General to adjust the account. The final statement of his adjustment was as follows:

Total paid by the State for which no reimbursement has been made, $462,441.97.

We want the adjustment brought up to date from that time.

Mr. ODDIE. Mr. President, I hope the joint resolution will pass. It is exceedingly just. The Judiciary Committee have approved it unanimously and it should be followed by a measure at a later time making the necessary appropriation.

Mr. JONES. Mr. President, I want to ask the Senator from Nevada if the language "certified to Congress for an appropriation of the balance found due to the State of Nevada" is sufficient authorization for an appropriation?

Mr. PITTMAN. It is not, although it anticipates an appropriation. That is the reason why the joint resolution went to the Committee on the Judiciary. It was first taken up by a subcommittee of which the Senator from Colorado [Mr. WATERMAN] was chairman, and then went to the full committee and received a unanimous report.

Mr. JONES. I wonder if the Senator from Nevada would have any objection to making it read, "certify to Congress the balance found due the State of Nevada, and appropriation for the same is hereby authorized"?

Mr. PITTMAN. I do not ask that that language be inserted at this time, for I am satisfied Congress will appropriate the money to settle the account as adjusted in accordance with this resolution, and this is the regular form.

Mr. JONES. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on the Judiciary.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

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

Mr. PITTMAN subsequently said: Mr. President, I ask unanimous consent that in connection with the passage of Senate Joint Resolution 41, following its passage there be printed in the RECORD the report of the committee, which is very short, and statements before the Judiciary Committee, by Mr. Frank Norcross and Mr. Charles J. Kappler in reference to the matter, which I hand to the clerk.

There being no objection, the report and statements were ordered to be printed in the RECORD, as follows:

[S. Rept. No. 433, 70th Cong., 1st sess.]

REIMBURSEMENT OF NEVADA

Mr. WATERMAN, from the Committee on the Judiciary, submitted the following report, to accompany Senate Joint Resolution 41:

The Committee on the Judiciary, to which was referred the resolution (S. J. Res. 41) directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States, reports the same favorably to the Senate and recommends that the resolution do pass with the following amendment:

Strike out all of that part of the resolution after the resolving clause and insert in lieu thereof the following:

"That the Comptroller General of the United States is authorized and directed to reopen, restate, and resettle the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement and resettlement (1) to assume the balance due the State of Nevada on January 1, 1900, as being correctly stated in the account set forth in the reports of the Secretary of the Treasury printed in House Document No. 322 and Senate Document No. 441, Fifty-sixth Con-

gress, first session: (2) to add to such balance the interest certified by the Governor and the comptroller of the State of Nevada as actually paid by said State from January 1, 1900, to the date of the approval of this joint resolution, on the principal sums so advanced and expended; and (3) after deducting the amounts repaid by the United States to the State of Nevada since January 1, 1900, to certify to Congress for an appropriation the balance found due the State of Nevada."

The joint resolution has for its ultimate purpose the reimbursement of the State of Nevada for moneys actually advanced and expended on account of debts and obligations contracted by the Territory of Nevada at the request of the United States and assumed by the State at the time of its admission into the Union, in raising, equipping, and compensating soldiers called into the service of the United States during the years 1863 to 1865, inclusive, for the purpose of guarding and keeping open the Overland mail and emigrant route to the Pacific coast.

FACTS OF THE CASE AS DISCLOSED BY VARIOUS OFFICIAL REPORTS

In pursuance of the act of Congress of March 3, 1899 (30 Stat. 1206), referred to in the joint resolution, the Secretary of the Treasury was directed—

"to investigate and report to Congress * * * the amount furnished by said State of Nevada or by the Territory of Nevada and assumed by said State * * * with such interest on the same as said State has actually paid, together with what amounts have been heretofore paid by the United States."

The Secretary of the Treasury, on January 19, 1900, in compliance with said act, transmitted "a statement of the case made by the Auditor of the War Department" of date January 18, 1900, from which it appears that with interest paid by the State to December 31, 1899, there remained "the sum of $462,441.97 for which the State has not been reimbursed." (H. Doc. 322, 56th Cong., 1st sess.) In a subsequent report under the same act of Congress the Secretary corrected the balance due theretofore given, showing the sum of $439,222.72 due the State instead of $462,441.97. (S. Doc. 441, 56th Cong., 1st sess.) The State has never been reimbursed in this amount, or any material portion thereof, but whatever sums have been paid will, after including interest paid by Nevada to date, be deducted by the Comptroller General in adjusting and settling the account under Senate Joint Resolution 41, with the statement of the Secretary of the Treasury of January 19, 1900, as modified June 4, 1900, forming the basis of calculation.

The Senate in the Fiftieth, Fifty-first, Fifty-third, Fifty-fifth, and Fifty-sixth Congresses passed measures for the reimbursement of Nevada for such expenditures, and it would seem is committed by vote and by sentiment to the payment of the same. Committees of the House have invariably reported favorably. (Hearings, p. 30.)

The Territory of Nevada was created by act of Congress March 2, 1861 (12 Stat. 210), embracing a very large portion of what was then known as the Great American Desert, in which had been discovered extremely valuable gold and silver mines and across which the Overland mail and emigrant route extended for nearly 500 miles.

The exigency of the situation then existing is illustrated by the following excerpt from one of numerous calls made upon the Territory by the commanding general of the Pacific to furnish troops in an emergency:

[Hearings, pp. 17, 18, and S. Rept. No. 1286, 50th Cong., 1st sess.]

The Indian disturbances along the line of the Overland mail route, east of Carson City, Nevada Territory, threaten the entire suspension of our mail facilities as well as preventing any portion of the vast immigration approaching from the East reaching Nevada. * * * My force immediately available on that line is small. It is impossible for us at this moment to purchase horses and equipment. Each man would have to furnish his own. * * * Even one company will be accepted.

G. WRIGHT,
Brigadier General, United States Army, Commanding.

The Territorial legislature adopted "An act to encourage enlistments and give bounties and extra pay to our volunteer soldiers," approved February 20, 1864. It was under this act that most of the enlistments going to make up the regiment of Cavalry and a battalion of Infantry furnished by the Territory, in all, 1,180 men, were secured and the debt, later assumed by the State, contracted. The so-called "bounties" consisted of $10 per recruit allowed to captains of companies in lieu, and the "extra pay" of $5 per month to soldiers in addition to the Army pay. The Territory was without money and authorized a bond issue for the purpose.

A board of Army officers appointed under the act of Congress approved June 27, 1882 (22 Stat. 111), reported that the so-called "bounty" pay to captains was for "enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service in lieu, * * * and, under the circumstances, this expense was economical." Concerning the so-called "extra pay" they reported:

"We are decided in the conviction * * * that the legislature was mainly instigated by a desire to do a plain act of justice * * * by placing them on the same footing, as regards compensation * * * their compensation from all sources did not exceed, if indeed was equal to, the value of the money received as pay by the troops stationed elsewhere." (Hearings, p. 23.)

Notwithstanding the facts, the board of Army officers, as has the Court of Claims (45 C. Cls. 264), felt compelled, while recognizing the equity of Nevada's case, to deny reimbursement because of the use by Nevada of the expression "bounty and extra pay," terms which did not correctly set forth the true nature of the payments intended to be made.

The act of Congress creating the Territory of Nevada provided that copies of all acts of the legislature must be submitted to Congress. Congress interposed no objection to the act creating this debt. (Hearings, p. 24.)

The Journals of the Senate and House of Representatives show that the Territorial act providing for extra pay to the Nevada volunteers was forwarded to Congress, laid before each House, and referred to the Committee on Territories. Congress, though it had the power to disapprove said act, did not so disapprove; although on another occasion in 1863 Congress passed an act expressly nullifying section 24 of the Nevada Territorial act relating to corporations. Had Congress disapproved of the extra pay it would therefore have so declared by an act. By approving said Territorial act Congress accepted said Territorial act as a modification of the act of 1861 and the regulations made thereunder, so far as Nevada alone was concerned, and thereby made such extra pay here in dispute valid. These important facts were not presented to the Army officers or the Court of Claims; if they had been, said Army officers and the court would, instead of rigidly adhering to the act of 1861 and the regulations, undoubtedly have rendered a favorable decision. In any event, it is now proven for the first time that such extra pay was made by the Territory of Nevada with the approval of Congress.

CONDITIONS PREVAILING IN NEVADA TERRITORY IN 1863–64

On March 21, 1864, Congress, for national purposes, passed an enabling act authorizing the people of the Territory of Nevada to adopt a constitution and be admitted into the Union as a State at a time when the people were wholly unprepared, from population, taxation, resource, and financial standpoints, to assume the burdens of statehood. This will be more fully realized when it is remembered that at such time, namely, in 1863 and 1864, the Territory of Nevada embraced a large desert and mountainous area with a limited population perhaps of not more than 15,000 persons. The inducement to go into that region was the discovery of rich mines on what is known as the Comstock lode. Men were scarce, and under the existing law of supply and demand the wages of labor and prices of supplies in Nevada were necessarily greatly in excess of those prevailing in other sections of the country. There were no regular United States troops operating in that vast desert region. Such United States troops as had been stationed in the far West had been transferred east during the early part of the war, and for such reason volunteers were called for from that locality, where hostile Indians abounded and who interfered with the overland route from Salt Lake City to San Francisco.

The cost of living and wages of labor in Nevada during the War between the States were from 50 to 100 per cent higher than in the Atlantic States. Under such extreme conditions prevailing it was found necessary by the Territory of Nevada, acting under the advice of the Army officers, to pass acts providing for the payment of $10 per recruit to captains and $5 per month to soldiers in addition to the regular Army pay, as an inducement to secure speedy enlistments of men to fight the Indians on the desert and in the mountains, incited to hostilities by the general war conditions prevailing, and of course partially to cover the high cost of living.

It may here be added that had not the patriotic impulses of the people of the Territory of Nevada been most fervent in behalf of the Union, as the record shows they were, it is doubtful if, under the conditions prevailing in Nevada at that time, and in fact, upon the whole Pacific coast, it would have been possible to have obtained the enlistment of men for the United States Army service against the Indians to guard the overland route where men were readily employed in the mines at wages ranging from $5 to $10 per day in gold.

The conditions existing in such Territory at that time can be appreciated when we find that the Quartermaster General estimated the cost of a bushel of corn purchased at Fort Leavenworth, Kans., and delivered at Salt Lake City, Utah, was $17 a bushel. (Report Secretary of War, 1865–66, pt. 1, pp. 23–112; also report General Halleck to Secretary of War, dated October 18, 1866; War Department Annual Report, 1866, pp. 31–32.)

To understand the conditions in Nevada at that time it must be borne in mind that there were no railroads crossing the continent at that period. The Panama and Cape Horn routes had been closed, and snows on the Sierra Nevada Mountains blocked for eight months in the year travel from the Pacific coast to the interior.

The great Comstock mines, then the greatest gold and silver producers in the world, were supplying their resources for the support of the Government, and there was only one trail that could be kept open, and that was the overland trail through Nevada.

Out of its population of 15,000 persons over 1,100 volunteered. They abandoned from $5 to $10 a day in the mines and suffered hard-

ships as no other soldiers ever suffered. They supplied their own horses and equipment and lived as best they could. They kept the communication open in the face of numerous and severe Indian wars.

CONGRESS ESTOPPED FROM DENYING RELIEF

Technically, it has been construed that the Federal law allows no bonus to soldiers. What inducement was there in the sum of $10 for officers for each recruit, which sum was expended for enlisting, lodging, and subsisting the men prior to entering United States service, in lieu, and $5 a month for privates? These sums were not a bounty; they were only essential as increased pay to permit soldiers and officers to exist under the laws of supply and demand prevailing in the Territory in 1863 and 1864, and so the Army board found. Congress, which passed upon the acts of the Territory, found no objection to this extra pay, although Congress had a right to refuse to ratify it. Congress is now and ever since has been estopped from denying reimbursement after it forced the admission of the Territory of Nevada into the Union under the condition that it should assume such obligations incurred by the Territory, and in view of the fact Congress approved the Territorial act providing for extra pay.

HISTORICAL FACTS COVERING NEVADA STATEHOOD

Charles A. Dana, then Assistant Secretary of War, is authority for the statement, undoubtedly true, that the administration of President Lincoln—

"had decided that the Constitution of the United States should be amended by the adoption of the thirteenth amendment. * * * It was believed that such an amendment would be equivalent to new armies in the field, that it would be worth at least a million men. * * * When that question (ratification) came to be considered * * * one State more was necessary. The State of Nevada was organized and admitted into the Union to answer that purpose." (Dana's Recollections of the Civil War, p. 174.) (Hearings, p. 16.)

The State being thus practically forced into the Union for national reasons was bound to assume and discharge the debts contracted by the officers of the Territory, all of whom were appointed by and in the pay of the General Government and, in fact, were officers thereof. It did so as part of its constitution, which was approved by President Lincoln. The response of the people of the Territory to the call of Congress had also the effect of shifting the burden of the cost of its government from the Nation to the State, which effected a saving to the General Government many times greater than all the debts and obligations for war purposes paid by the State and for which the State now seeks reimbursement.

STRICT CONSTRUCTION OF ACTS AGAINST NEVADA

While the construction placed on the acts of Congress by the board of Army officers and the Court of Claims was unquestionably rigid and strict instead of liberal, as later held, they should be construed by the Supreme Court in New York *v.* United States, (160 U. S. 598) deemed necessary, perhaps, because of their general application, still such construction as applied to the peculiar and unusual conditions prevailing at the time in Nevada could not do otherwise than produce and effect an injustice calling for relief. Likewise the board of Army officers, due to their rigid construction, held that interest on money borrowed by a State for the common defense could not be allowed, yet the Supreme Court, in New York *v.* United States, supra, held interest so paid as a proper charge and cost.

The statement made by Congressman UNDERHILL, of Massachusetts, chairman of the House Committee on Claims while the claims bill, H. R. 9285, was under consideration January 30, 1928 (CONGRESSONAL RECORD, 70th Cong., p. 2187), aptly applies to what should have been done in the Nevada case, which we here quote with approval:

"Many of the reports from the Comptroller General are based on a strict interpretation of the letter of the law and technicalities. Of course I would not have the comptroller go against the law, but I think if I were in his place I could stretch my conscience to the extent of finding a reasonable interpretation of the law rather than a strict interpretation of the letter of the law."

MORAL OBLIGATION TO REIMBURSE NEVADA

Congress, on July 27, 1861, passed an act entitled "An act to indemnify the States for expenses incurred by them in defense of the United States" (12 Stats. 276), and it is not unlikely that the officials of the Territory, so far from the seat of government, in those extraordinary days construed this act to warrant incurring any debt which circumstances seemed to them to require. As to any regulations made thereunder, it is doubtful if the Territorial officials ever saw them. In any event, the emergency was great and was met, effectually, by means that the board of Army officers conceded were both "economical" and "a plain act of justice." The debt having been contracted by the Territory under an act of its legislature which Congress, having the opportunity, had not objected to, Congress would not only be estopped but would be in honor bound to reimburse the Territory.

When the people of Nevada Territory were, for national exigencies, called upon by Congress to organize a State government, still greater it would seem is the moral obligation resting upon Congress to provide for reimbursement for debts so required to be assumed and which were incurred in common defense for the benefit of the United States and at its urgent calls. As was said by the Supreme Court of the United States in the sugar bounty cases (U. S. *v.* Realty Co., 163 U. S. 427):

"That even though in its purely legal aspects an invalid law could not be made the basis of a legal claim, the planter had acquired a claim against the Government of an equitable, moral, or honorable nature; that the Nation, speaking broadly, owed a "debt" to an individual when his claim grew out of right and justice—when, in other words, it was based upon considerations of a moral or merely honorary nature."

Under this opinion the bounties were paid.

The reimbursement of Nevada plainly and strongly grows out of "right and justice," and the Senate having heretofore, after exhaustive reports, on five separate occasions, passed measures for payment, your committee concur in such action.

SENATE PASSED AMENDMENT FOR PAYMENT

In the Fifty-sixth Congress the Senate committee reported the following amendment to the sundry civil appropriation bill, H. R. 11212:

"To pay the State of Nevada the sum of $462,441.97 for moneys advanced in aid of the suppression of the rebellion in the Civil War, as found and reported to Congress January 22, 1900, by the Secretary of the Treasury, as provided by the act approved March 3, 1899 (30 Stat. 1206)."

Before the adoption of this amendment the following Senators spoke in support thereof:

"Senator HAWLEY, of Connecticut. There is no sort of question as to its justice.

"Senator HALE, of Maine. The Senate is committed to this State claim, by vote, by sentiment, and it is only a question of time when it will pass.

"Senator TELLER, of Colorado. If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, pt. 7, p. 6278.)

FORMER REPORTS OF THE SECRETARY OF THE TREASURY

The Secretary of the Treasury in his report responding to the act of Congress approved March 3, 1899 (30 Stat. 1206), set forth the actual amounts paid by Nevada and not reimbursed as follows (H. Doc. No. 322, 56th Cong., 1st sess.; S. Doc. 441, 56th Cong., 1st sess.):

Amount of claim of the State of Nevada, including interest up to June 30, 1899 (Report of the Secretary of War, p. 10, S. Ex. Doc. 10, 51st Cong.)	$412,600.31
Amount of interest paid by Nevada from June 30, 1899, to December 31, 1899	58,401.27
	471,001.58
Amount which the State was reimbursed April 10, 1888, under act of June 27, 1882	8,559.61
Total paid by the State for which no reimbursement has been made	462,441.97

In a subsequent report, printed in Senate Document 441, Fifty-sixth Congress, first session, the Secretary corrected the above amount by deducting the sum of $23,219.25 paid January 13, 1899, leaving the balance, which had not been reimbursed, $439,222.72.

On July 1, 1910, under the decision of the Court of Claims and the Comptroller of the Treasury, an additional sum was allowed as interest on the $8,559.61 amounting to $12,283.04, leaving a balance due and not reimbursed of $426,939.68.

In addition there should be added interest on the principal sum from January 1, 1900, to date of passage of the joint resolution.

The object and purpose of Senate Joint Resolution 41 is to direct the Comptroller General of the United States to accept as a basis for calculation the undisputed statement of the Secretary of the Treasury printed in House Document 322, as modified by statement in Senate Document 441, Fifty-sixth Congress, first session, and to add thereto the interest on the principal sum borrowed in aid of the Government paid by the State of Nevada since December 31, 1899; then to deduct from such sum the $12,283.04 heretofore paid by the United States under the Court of Claims decision, and the balance resulting should be the amount to be submitted by him to the Budget for a proper estimate to Congress in time to be inserted in one of the general appropriation bills.

In view of the fact that the reimbursement of Nevada passed the Senate five times, and on account of the peculiar merit, on the ground of right and justice, such reimbursement possesses, and because Nevada is not asking reimbursement of a penny she has not actually expended in good faith, your committee recommends that Senate Joint Resolution 41 do pass.

COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE,
Wednesday, January 25, 1928.

* * * * * * *

Senator WATERMAN. Are you ready to proceed, gentlemen?

Mr. NORCROSS. Before I make my statement I wish to offer a memorial by T. B. Balzar and Morley Griswold, governor and lieutenant

governor and adjutant general, respectively, and various State officials, which was passed by the Legislature of the State of Nevada, for the record.

Senator WATERMAN. It may go in as part of the record.

The paper referred to is as follows:

A MEMORIAL FOR THE REIMBURSEMENT OF THE STATE OF NEVADA FOR EXPENDITURES MADE IN AID OF THE GOVERNMENT OF THE UNITED STATES DURING THE WAR BETWEEN THE STATES

[Extract from the CONGRESSIONAL RECORD, December 15, 1927]

Memorial from the officials of the State of Nevada (the legislature not being in session) asking for the reimbursement of the State for moneys actually advanced and expended by the State in aid of the Government of the United States during the War between the States

MEMORIAL OF THE STATE OF NEVADA

To the Senate and House of Representatives of the United States:

Your memorialists, the executive officers of the State of Nevada (the legislature not now being in session), respectfully pray that an appropriation be made to reimburse the State of Nevada for moneys actually expended by the State for costs, charges, and expenses incurred in enrolling, equipping, and compensating her military forces during the Civil War in response to the urgent calls of and under proper requisitions made by the commanding officer of the Military Department of the Pacific, under direct authority of the President and the Secretary of War, upon the understanding that all such costs, charges, and expenses actually incurred in raising troops for the United States would be reimbursed to the State.

The expenditures made by the State of Nevada for and on account of the United States, and at its most urgent call, are set forth by the Secretary of the Treasury pursuant to the act of Congress approved March 3, 1899 (30 Stat. 1206), as follows:

"The amount expended by the State of Nevada, with such interest on the same as the State had paid, between February 10, 1865, and June 30, 1889, amounts in all to the sum of $412,600.31. * * * From June 30, 1889, to December 31, 1899, the State of Nevada has paid the sum of $58,401.27 as interest upon money paid by the State in aiding * * * in the Civil War. (The Supreme Court of the United States in the New York case (160 U. S. 598) held interest paid by the State on borrowed money a proper cost or charge.) * * * The total amount expended by the State of Nevada or by the Territory of Nevada and assumed by said State, with such interest on the same as the said State has actually paid, amounts to $471,001.58. * * * The sum of $8,559.61 was allowed and paid the State of Nevada. * * * This amount, deducted from the total paid by the State of Nevada, leaves the sum of $462,441.97 for which the State has not been reimbursed." (H. Doc. 322, 56th Cong., 1st sess.)

No part of the sum actually expended has been reimbursed the State of Nevada other than the small amount credited, although the costs, charges, and expenses, including interest, incurred by other States in aid of the Government during the Civil War have been paid said States.

The State of Nevada is in urgent need of the sum due her from the United States, and your memorialists believe that if the attention of Congress is again invited to this matter it will appreciate the justness of her request for reimbursement.

Your attention is respectfully called to a few salient facts. The Territory of Nevada was created by act of Congress approved March 2, 1861. It embraced a generally mountainous and desert region of nearly 100,000 square miles and comprised a then population, exclusive of Indians, of but approximately 15,000. A Territorial government was made necessary by the then recent discoveries of great gold and silver mines. Early in 1861 the Government withdrew all troops from the Pacific coast, excepting one regiment of Infantry and three batteries of Artillery, to guard practically the entire Mexican cession and the Oregon country, nearly one-third of the area of the United States. In 1863, by reason of activities at sea, the ocean route to the Pacific was closed. The overland route was left the only means of communication. This route also was threatened with closure by warring Indians and bandits. The Territory of Nevada was called upon to furnish troops in this exigency. This required money, which the Territorial treasury did not possess. The Territory authorized a bond issue and answered the Government's urgent calls with a regiment of Cavalry and a battalion of Infantry.

The overland route was kept open to California and the Comstock Lode and other Nevada mines were permitted to continue operations. These mines turned into the Treasury of the United States during the years of and immediately following the Civil War $500,000,000 of gold and silver. On March 21, 1864, just two months after the people of the Territory had overwhelmingly defeated a proposed State constitution, authorized by act of the Territorial legislative council, Congress passed an enabling act and the people of Nevada were asked to assume the obligations of statehood. So important is this matter that we quote from Charles A. Dana, then Assistant Secretary of War, the following excerpt from his book Recollections of the Civil War:

"The administration had decided that the Constitution of the United States should be amended so that slavery should be abolished. This was not only a change in our national policy, it was also a most important military measure. * * * It was believed that such an amendment would be equivalent to new armies in the field—that it would be worth at least a million men. * * * When that question came to be considered, the issue was seen to be so close that one State more was necessary. The State of Nevada was organized and admitted into the Union to answer that purpose."

The author proceeds and quotes President Lincoln, when the question of the vote upon admission was in doubt, as saying:

"Here is the alternative: That we carry this vote or be compelled to raise another million, and I don't know how many more, men, and fight no one knows how long."

The State was morally bound to assume the Territorial debts and obligations. It did so as a part of the Constitution. President Lincoln, with whom Congress alone left the matter, upon receipt of a copy of the Constitution, sent by telegraph, approved the same with that provision.

We call the attention of Congress to the fact that the appropriate committees of both the Senate and House of Representatives have in past years repeatedly made exhaustive investigations of Nevada's war expenditures and have in every instance reported upon the same favorably, and that the Senate on three separate occasions passed measures carrying an appropriation for reimbursement. In this connection we crave the indulgence of the Congress to be permitted to have three distinguished statesmen, among the many who have considered the matter, again speak in behalf of our State:

Senator Hawley, of Connecticut: "There is no sort of question as to its justice."

Senator Hale, of Maine: "The Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass."

Senator Teller, of Colorado: "If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, p. 6278.)

It is respectfully submitted, in conclusion, that the conditions under which these expenditures were made were in many respects peculiar to Nevada alone; that the justice of reimbursement has not only been established, but we believe a moral obligation is also involved stronger, if possible, than the mere legality of the obligation; that since reimbursement has been so long delayed it would be but an act of tardy justice to appropriate the sum necessary for such reimbursement at the present session of Congress.

Done at Carson City, State of Nevada, this 5th day of December, 1927.

J. B. BALZAR,
Governor
MORLEY GRISWOLD,
Lieutenant Governor and Adjutant General.
W. G. GREATHOUSE,
Secretary of State.
M. A. DISKIN,
Attorney General.
GEORGE B. RUSSELL,
State Treasurer.
ED. C. PETERSON,
State Comptroller.
GEORGE WATT,
Surveyor General.
WALTER W. ANDERSON,
Superintendent of Public Instruction.
A. J. STINSON,
State Inspector of Mines.

STATEMENT OF FRANK H. NORCROSS, RENO, NEV.

Mr. NORCROSS. In the statement that I will make, with respect to the application of the State of Nevada for reimbursement for moneys expended by the State and debts assumed by the State, which were originally contracted for by the Territory of Nevada, I will endeavor to give a general history of the entire matter.

Senator WATERMAN. All of the debts of the Territory and all of the claims which the Territory had against others passed to the State?

Mr. NORCROSS. Yes. The Territory of Nevada was created by an act of Congress, March 2, 1861. The Territory was undoubtedly created as the result of the discovery of the Comstock Lode and the rush of miners to this western country, and undoubtedly also grew out of the political condition then existing on the Pacific coast on account of the breaking out of the Civil War. At that time it was extremely doubtful as to what the attitude of the Pacific coast would be. That is a matter of history, and I will not occupy any time on that.

Senator WATERMAN. Right there; I notice that this resolution says "the amount of money actually advanced and expended by the State of Nevada." Now, none of the moneys were advanced by the State, but were previously advanced by the Territory. Is that right?

Mr. NORCROSS. That is not exactly right. Practically all of the money was paid by the State, but a great portion of the debt was

contracted by the Territorial governor preceding the organization of the State, so that almost the entire amount for which the State asks reimbursement was contracted originally by the Territory, and then, upon the organization of the State government, it was assumed by the State and paid by the State.

Senator WATERMAN. There has never been any question raised with reference to that situation at all?

Mr. NORCROSS. That situation has been covered in various reports of Senate and House committees when this matter was before the Congress a number of years ago and prior to the time the case was before the Court of Claims, although I will explain that a little later.

Senator WATERMAN. I just wanted to get the foundation of this; that is all.

Mr. NORCROSS. The situation which governed the contracting of this debt is substantially this:

In 1863, two years after the organization of the Territory, by reason of the activities at sea, the Panama route to the Pacific and the route via the Horn was closed. The only remaining communication with California and the Pacific coast was the Overland Trail. At that time there were very few United States troops upon the Pacific coast. At the breaking out of the Civil War all of the troops then in California were ordered to the Atlantic coast. There was left but one regiment of Infantry and three batteries of Artillery to guard what was practically the entire Mexican cession alone, so that the situation which arose later made it absolutely necessary to raise additional troops. The breaking out of Indian wars, in the latter part of 1863, threatened the entire closure of the overland route.

General Wright, who was in command of the military on the Pacific, called upon Governor Nye, of the Territory, to raise additional troops, and stated that it would be necessary for the men to provide their own horses and equipment, that he could furnish arms and ammunition, but anything more than this would have to be furnished by the troops.

A few troops were raised prior to the passage of legislation. The legislature—I think it was in the fall of 1863, or early in 1864—passed an act providing for the encouragement of enlistments in the Territorial forces. That act provided for the payment to captains of $10 per recruit, and for the soldiers $5 per month, and it was designated in the act as "bonus and extra pay."

This expression has governed the legal questions which have subsequently arisen and were controlling in the decision rendered finally in 1910 by the Court of Claims.

The State government was organized in 1864, but before going into that I will refer briefly to the legal points that have been raised against the reimbursement of Nevada.

As I have stated, the whole objection was based upon the use in the Territorial act of the words "bonus and extra pay," because, as I understand it, the policy of the Government was not to allow what was called the "bonus and extra pay."

It is the contention of the State of Nevada that, as a matter of fact, it was not "bonus and extra pay"; and we think that established by the Board of Army Examiners appointed under an act passed by Congress in 1882 to consider the reimbursement of a number of States, including Texas, California, Oregon, Nevada, Nebraska, and, I think, Colorado also. This Board of War Claim Examiners considered the statement furnished by Nevada for its expenditures in great detail. The report was filed, and it is of record, but the important point in the matter is this, that while the Board of War Claim Examiners, consisting all of Army officers—and, as we contend, unacquainted with the law—took the position that while these expenditures were under the circumstances necessary and, as a matter of actual fact, were not "extra pay," but, nevertheless, because the Territorial act had so declared, that that was controlling upon the board.

That, in substance, is the effect, as I understand it, of the decision of the Court of Claims.

Senator WATERMAN. Let me ask you right there one question, if you will.

Mr. NORCROSS. Yes.

Senator WATERMAN. What is Nevada seeking? Merely a recoupment of this "bonus and extra pay"? Is that the sum and substance of the whole thing?

Mr. NORCROSS. It is the main amount of the original debt. In addition to that, it is asking interest, under the decision of the case of New York *v.* United States, which was appealed from the Court of Claims; and, in fact, the claim of the State of New York was for disbursements during the war.

Senator WATERMAN. Then, so far as the principal sum is concerned, it is "bonus and extra pay"; that is what it is?

Mr. NORCROSS. That is what the Army officers say it is. With reference to the matter of the interest, it is interest that has been actually paid by Nevada on money borrowed in aid of the common defense.

Senator WATERMAN. It is interest actually paid by Nevada on that sum?

Mr. NORCROSS. Yes.

Senator WATERMAN. So they want to be recouped for that interest?

Mr. NORCROSS. Yes.

Senator WATERMAN. In addition to the principal?

Mr. NORCROSS. Yes; the Supreme Court held such interest is part of the principal.

Senator WATERMAN. And they are asking no interest upon the total of that?

Mr. NORCROSS. Oh, no.

Senator WATERMAN. None at all; they are just asking for that which they paid out and nothing more?

Mr. NORCROSS. That is all, just to be reimbursed upon the amount it actually paid out.

Senator WATERMAN. I understand your claim now.

Mr. NORCROSS. Now, briefly, on the merits. The State has always heretofore claimed an absolute legal liability under the original act of Congress of 1861 or 1862, which is general and, of course, applied to the entire country.

Then, also, the act of 1882, which created this Board of War Claims Examiners. That act generally, or the important feature of it, provided this, in substance, that the Board of War Claims Examiners should not make any allowance for any of these States or Territories which would be in excess of the amounts paid to Government troops under a similar condition. Now, it was always the contention of the State of Nevada that under that act the State was at the time entitled to reimbursement. So far as the history of this claim is concerned, that was the position of the Senate, taken on four several occasions, because the Senate on four several occasions passed the act providing for the payment of the full amount of this claim.

Senator WATERMAN. The Senate has four times provided for the payment of this claim; is that right?

Mr. NORCROSS. Yes.

This might be a good place to refer to statements made concerning this matter when it was before the Senate. Here is the statement of Senator Teller, and I am reading from pages 6278 and 6279 of volume 33, part 7, Fifty-sixth Congress, first session, of the CONGRESSIONAL RECORD.

Senator ODDIE. What is the date of that?

Mr. NORCROSS. It is May 31, 1900. Here is the statement of Senator Teller [reading]:

"Mr. President, I just want to say one word about this matter. If there are any claims that are just and proper which the United States ought to pay, this is one of them. It has had all the care and attention it is possible to give a claim. Every dollar of this account has been found by the Treasury Department to be due the State of Nevada. The State has been kept out of it for thirty-odd years, and it is an expenditure that all of the States of the West were compelled to make from time to time. Most of them have been recognized and paid, and there is no reason why this should not be paid. It is as sacred an obligation, in my judgment, as the national bonds, and the conditions are such that everybody knows that the Government can pay it now as well as at any other time. The State of Nevada demands that if the Government is ever to pay it, the thing ought to be paid now."

And then from Senator Hawley, of Connecticut. The statement of Senator Hawley is as follows [reading]:

"Mr. President, I have served a good many years on the Committee on Military Affairs, and at every Congress I have heard this bill discussed from beginning to end. There is no sort of question as to its justice. It is just as much due as your board bill which you pay every month."

And I will read a portion taken from a statement made by Senator HALE, of Maine [reading]:

"I want to say to the Senator from Nevada that I know he is reasonable; that the Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass."

Senator ASHURST, just before you came in I read the statement of Senator Teller, of Colorado. I had just referred to the question of the legality, as the State had heretofore contended, with respect to the disbursements on account of the $5 per month, so-called extra pay to the troops that were raised, and a $10 allowance, which was called a "bonus" in the Territorial act, which was given to captains of companies for recruits. The board of Army examiners, consisting of three officers, made an exhaustive examination of all of these accounts, and with respect to the $5 per month, so-called extra pay, they stated that in view of the high cost of living on the Pacific coast and the tremendous expense of transporting into that section, the extra pay, so called, did not exceed, if indeed it equaled, the pay that was received by soldiers in other parts of the country.

With respect to the $10 bonus, they made this statement, that it was intended, and actually did cover the expenses of transportation, of recruiting, of subsisting, and lodging, and all of the incidentals which went to prepare a soldier for mustering into the United States service, but concluded that statement with the expression that, as a matter of fact, it was economical, so that upon the strict merits of the matter there was, in fact, no extra pay.

Senator WATERMAN. May I interrupt you right there?

Mr. NORCROSS. Yes.

Senator WATERMAN. Senator ASHURST, as I understand the development up to this time, this "bonus and extra pay," so denominated by

Nevada and provided for by statute, had been repudiated by the board and by the Government up to this time, together also with interest, which, in fact, the Territory and State has paid upon that sum of money so advanced to these soldiers; and, further, that when these men were enlisted they had to outfit themselves, except as to arms and ammunition, and these soldiers went in from Nevada and the State or Territory allowed them this $15 referred to, and the Government gave them only arms and ammunition, but they had to forage around, or do something to feed themselves and cloth themselves. Is that a correct statement?

Mr. NORCROSS. That is substantially correct. They could not furnish the soldiers with horses or equipment, about which there can be no question. There was a total of 1,180 men finally mustered into the service, and the facts show that those men, in the main, kept open the Overland Trail, which was considered a military necessity, and which, so far as the financial benefit to the country is concerned, tremendous.

At that time, as you gentlemen can yourselves verify in history, the Comstock mine was then the greatest producer of precious metals of any mine in the world, and it is probable that if the Overland Trail had been closed, the mines would have had to follow, because, as shown by reports at that time, the Sierra Nevada Mountains were closed by reason of snows for six months of the year, and a large portion of the supplies were coming from the East.

That was the situation, so far as the Territory was concerned. Now, in that connection, we take this position, because we believe there is involved in this reimbursement a tremendous moral obligation for the Government to recognize.

Senator WATERMAN. And you base your case entirely upon that?

Mr. NORCROSS. We have to very largely now. I have explained what has been the legal position heretofore taken, which is that these payments were not in fact "bonus or extra pay."

Let me, right in that connection, say this: That even the Territory followed what was theretofore the established policy of the Government in respect to troops in far-distant countries. Following the Mexican War and the admission of California into the Union the Government in its military appropriation bills provided for the payment for troops upon the Pacific coast of double pay to that paid in any other part of the United States, and that was in time of peace, and even at that time expenses and the cost of supplies in California could not be a circumstance to what they were in the desert region of Nevada in the early sixties.

Senator ASHURST, I think, probably knows something about that, and the Senator from Colorado also.

Senator WATERMAN. I would like to ask a question right there. We had a claim the other day with reference to New York City. Have you any familiarity with that?

Mr. NORCROSS. No; I have not.

Senator WATERMAN. You have not. Very well.

Senator PITTMAN. Let me interrupt you right there to see if I follow you. Is it the fact that the United States had declared against paying bonuses?

Mr. NORCROSS. I would not say the United States had declared against bonuses. The original act of 1861 or 1862 provided substantially that the Government would reimburse the States for all expenditures. Previous to 1861, under the act of 1850, bounties were paid by the United States.

Senator PITTMAN. I think I understand.

Senator WATERMAN. Do I understand that your position toward this claim is that it is predicated more upon what the policy of the Government had been with reference to affording some relief to Nevada that it is not affording to somebody else? Is that about the objection?

Mr. NORCROSS. If I understand your question: Taking the history of Nevada's reimbursement case, so far as it has been before the Congress in the past years, the Senate has, as I have stated on four occasions, after its committee submitted exhaustive reports, even after the board of Army officers had reported adversely, passed provisions for the reimbursement of Nevada in full together with the interest Nevada actually paid on the principal borrowed in aid of the common defense.

On each several occasions the House committees, considering that matter, had also reported favorably. There was nothing adversely reported against the Nevada case by either the House or Senate committees, but it apparently was impossible to get the House itself to pass the measures, except the act of March 3, 1899, directing the Secretary of the Treasury to report the amount due, which is printed in House Document 332, Fifty-sixth Congress, first session.

Senator WATERMAN. The action of the Senate and House and of this board had been founded on a plan suitable to the policy, and that this kind of expenditure made by Nevada was not recognized by the board or the Government as a matter of policy. Is that it?

Mr. NORCROSS. I think possibly that would be putting it a little too strong. Apparently, when the matter was considered by the House many years ago, there was apprehension at that time that it might create a precedent upon which other States could come in, which apprehension if expressed is unfounded.

Senator WATERMAN. Exactly.

Mr. NORCROSS. A little later I am going to cover that matter, so far as the Territory and State of Nevada is concerned. There is no possible element of precedent here, because Nevada's claim is unique, and stands alone; but this situation I will cover fully a little later.

Senator PITTMAN. I want to ask you what was the regulation of 1861, upon which the Court of Claims turned this case down?

Mr. NORCROSS. The act of July 27, 1861 (12 Stat. 276), provided:

"That the cost, charges, and expenses properly incurred by any State in raising troops to protect the rights of the Nation would be made by the General Government."

Senator ASHURST. That is an act of Congress?

Mr. NORCROSS. Yes; the act of March 8, 1862 (12 Stat. 615), provided that the act of 1861 should embrace the expenses before, as well as after its approval.

Senator ASHURST. What was the date of that act?

Mr. NORCROSS. July 27, 1861; and the second one, which was designed to remove any question as to whether it would apply to expenses contracted both before or after, was passed March 8, 1862.

It has always been our contention that under the provisions of that act, the Territorial officials would have been justified in proceeding. As to the regulations made thereunder it is doubtful if Nevada ever knew of them.

Senator PITTMAN. As Senator WATERMAN said, the desire, of course, was to have uniformity. Whether that uniformity meant uniformity throughout the United States or not is another question in my mind. I should judge from what the military board stated to the investigating committee, that they felt that it was an economical arrangement, and they felt it was not too much, and that it was inequitable to apply a uniform payment in that section of the country, but that the legislature of the Territory had practically established this form by designating it as a bonus and an additional payment.

Senator WATERMAN. That is it, and it was not policy to pay that.

Senator PITTMAN. To pay a bonus and an additional amount.

Senator WATERMAN. Now, you suggested a moment ago, when I interrupted you, that it could not establish a precedent, because there is no other case like it. Now, the conditions in Nevada, I imagine, were entirely different from the conditions in any other State or Territory in the country at that time; therefore it takes it out and puts it in a class by itself, and for that reason it does not establish a precedent to anybody else. Is that correct?

Mr. NORCROSS. That is correct. And you will find, in the decision of the Court of Claims passing on this, that they did not refer to the act of 1882 which created this Army board. That act of 1882, provided, in effect, that no greater allowance should be given to any State or Territory for its troops than that paid to troops in the same country.

Now, it has been the contention of the State that under the language of that act, properly construed, that as there were no United States troops in that country, no troops except those raised by the Territory of Nevada, and some raised in California under the same, similar condition, that under the language of the act troops there were not paid more than were paid in the same country, because there was no other country like Nevada at that time.

Senator WATERMAN. Well, I do not think we need to discuss very much more the legal aspect of that.

Mr. NORCROSS. No.

Senator WATERMAN. And the question is, as Senator PITTMAN has said, the Court of Claims passed on the legal aspect of it. The question is whether, as a matter of substantial justice, under the peculiar conditions existing at the time, the Government should be lenient with this thing and reimburse to the State of Nevada these amounts which it paid out for the benefit of the country as a whole; and I agree that they are entitled to be reimbursed. That is the whole thing, is it?

Mr. NORCROSS. That is the whole thing.

In conclusion, I want to stress the two main points which, in my judgment, present a great moral obligation here.

First, under the Territorial form of government, the officers were really Federal officers, and the governor and legislature were paid directly from the Treasury of the United States.

Senator ASHURST. And appointed by the President?

Mr. NORCROSS. Appointed by the President, except the members of the Territorial council. They were elected by the local people, but in the Nevada Territorial form, the legislation rested in both the governor and the Territorial council, but all were paid directly from the Treasury of the United States, but they were all, in effect, officers of the Government. So much for that.

Now, in 1864, as is shown by the book "Recollections of the Civil War," written by Charles A. Dana, the great editor of the New York Sun, who was Assistant Secretary of War during the administration of President Lincoln. He states in that book, and I will ask permission to read into the record just a short expression from that conclusion. He states that the administration had finally determined that a constitutional amendment abolishing slavery would have a moral effect, the equivalent of raising another army of a million men and "fight no one knows how long." He quotes that as the language of President Lincoln. When they canvassed the situation, they found they were one State short of the necessary three-fourths to ratify

such an amendment, and, he states, that then Lincoln made the announcement that "we will make a State out of the Territory of Nevada." They called on the State, or Territory, to enter into the Union. They passed an enabling act, and so great was the haste to get Nevada into the Union that Congress, after it first passed the act, amended it by putting the election just one month ahead for the vote upon the Constitution. The Territory of Nevada telegraphed that Constitution to President Lincoln, and the State subsequently paid thirty-four hundred and odd dollars for that dispatch, but the State is not asking for reimbursement on that account. I only mention that to show the great desire of President Lincoln's administration to get the State into the Union.

Senator WATERMAN. There is no question about that.

Mr. NORCROSS. Here is what happened. The State certainly was morally obliged to assume the debt of the Territory. It did so in a constitutional provision, and that Constitution was approved by Abraham Lincoln.

Senator WATERMAN. That is what the Federal Constitution did.

Mr. NORCROSS. Yes. So that it is our contention that that creates a moral obligation. The Government wanted Nevada into the Union, and there were 16,000 voters in that vast Territory at that time. There were only one thousand and some odd dollars in the treasury of the Territory. The Government immediately shifted a burden of thirty thousand and odd hundred dollars a year to the shoulders of the future people of the Territory to maintain a State government, but the Government saved three or four times the amount of this claim in what it would have had to pay the Territorial officers. In addition to that, the State, upon coming into the Union, had to borrow, and did borrow, $100,000 to keep its own government going for the first year, and for that it had to pay, and did pay, 2 per cent per month interest.

Now, the facts are probably these, that the people of the little State of Nevada have probably paid for the privilege and honor of being a State millions and millions of dollars that they would not otherwise have had to pay. It borrowed, in order to pay this very debt contracted by the Territory for war expenditures, in aid of the common defense $100,000, for which it paid 1½ per cent per month interest for the first few years. The State, in 1866, I think it was, passed its first large bond issue, on which bond issue it had to pay 10 per cent, which was designed to take up all of the obligations. There is a report of the secretary of the State treasurer in the report of 1867, in which the State treasurer stated that he had been to New York City endeavoring to sell the State bonds at 10 per cent, and he was unable to do so.

The next legislature passed another act which provided for the issue of bonds on a 12 per cent per annum rate, and before that legislature adjourned it amended the act to increase it to 15 per cent, which was the rate the State had to pay because virtually at that time it had no resources and no credit. There was practically none in that vast country, except the Comstock Lode and a few other mines.

Now, that generally is the main ground that the State is asking for this reimbursement; first, that as a matter of actual fact, this was not a bonus nor extra pay.

Senator PITTMAN. But it was a necessary payment?

Mr. NORCROSS. It was an absolutely necessary payment to keep the overland route open. That is shown by the Government's reports and acknowledgments.

Senator ODDIE. I think a brief statement would be well, as to the great benefit then derived from the Comstock mines to the Government at that time, showing they have continued to the present.

Mr. NORCROSS. I am glad you mentioned that, Senator. I did state some time ago that the closing of the Overland Trail would undoubtedly have closed the Comstock mines. The Comstock mines in 1863 were at the height of their production. There was greater production later, but during the years of the Civil War, and in the decade immediately following, those mines practically turned into the Treasury of the United States a half billion dollars. It is said that the production from the Comstock Lode alone enabled the Government to assume specie payments 10 years sooner than it otherwise could have done. If the mines had been closed in 1863, it is difficult to say when they would have been opened again, but it certainly is a fact that they might have been closed and probably would have been had not the troops been raised by the Territory of Nevada.

Senator WATERMAN. They had to get supplies from somewhere, and they could not get them unless the way was open.

Mr. NORCROSS. Yes. Just to illustrate the cost of nearly everything in the Territory at that time. In this report of the board of Army officers, in support of their statement that the pay received by the Nevada troops did not average, if indeed it equaled, the pay of other troops, the cost of transportation from Fort Leavenworth to Salt Lake City on a bushel of corn, the freight alone was $17, and that was still 500 miles east of the Comstock Lode at Carson, Nev. That is only an illustration of a number of substantial things. When these men went into the service with $5 extra pay, they could have gone into the mines of the Comstock Lode and received from $5 to $10 per day. There is nothing on earth, that I can conceive of, that would have induced these men to have gone into the service at that time except for the highest motives of patriotism.

Senator WATERMAN. I do not think you could get anywhere without running right up against the word "patriotism."

Mr. NORCROSS. And then there was another inducement for them not to go into the service, it being the fact, that one great mine having been found in that vast country, these men could go prospecting with a chance of finding another. So that the troops were certainly entitled to great credit, I think.

There is, in the report to the Secretary of War—I think this occurred during the latter part of 1864 or 1865—when two or three companies of troops were sent from Salt Lake City, and they must have included Nevada troops, at least in part, went over into Idaho and fought a band of Indians and annihilated them, and it was reported that some sixty-odd, if I recollect it, were lost—killed or wounded, and the troops suffered severely from frostbite. Just a little while before the call for troops, volunteers in Nevada from Virginia City and Carson, under Major Ormsby fought the Piute Indians on Pyramid Lake and were virtually annihilated by the Indians. Later a second battle of Pyramid Lake was fought by volunteer troops under Captain Storey, after whom Storey County was named. Captain Lassen, after whom Lassen County, Calif., was named, was killed with his band of troops in Washoe County, just shortly before the massacre of Major Ormsby near there in a fight with the Indians; so you can see there was really hard fighting in that section of the country during that period of time, in order to guard the overland route and keep the Indians under subjection.

Senator ASHURST. The Adjutant General's office has a muster roll showing who were in the service?

Mr. NORCROSS. They are all reported; yes. When this matter was before the Senate and House a number of years ago, the claim of Nevada was presented, all the items to a cent.

Senator ASHURST. How much did it amount to?

Mr. NORCROSS. The principal, about $110,000, with interest.

Senator ASHURST. That is interest which Nevada paid?

Mr. NORCROSS. The principal and the interest which the State has actually paid would add approximately half a million dollars on top of it.

Senator ASHURST. The State is asking for the principal and the amount of money that the State paid out as interest on it?

Mr. NORCROSS. Yes, sir.

Senator ASHURST. You are asking the interest from the Government; you are asking what the State has paid out for interest?

Mr. NORCROSS. Yes, sir.

Senator WATERMAN. I imagine that has all been audited, hasn't it?

Mr. NORCROSS. Yes, sir; up to 1899.

Senator ASHURST. You are not asking our Government to pay interest, but you are asking to be reimbursed for what you have paid out as interest only?

Mr. NORCROSS. Yes.

Senator ASHURST. You are asking just what the State paid out in interest, but you are not asking the Government for interest on your claim?

Mr. NORCROSS. No; just reimbursement for the interest paid, according to the decision of the Supreme Court in the New York case, reported in 160 U. S. 547.

Senator ODDIE. There have been recent statements of accounts sent from the State of Nevada, have there?

Mr. NORCROSS. From 1900 to the present time——

Senator ODDIE. Do they appear here?

Mr. NORCROSS. Not in that report, but we will present that to the committee.

Senator PITTMAN. I suggest, Mr. Chairman, that this report of the Treasury Department, made in 1900, be incorporated in the record.

Senator WATERMAN. I think that is a good idea. It is so ordered.

Senator PITTMAN. Because we are trying now to get some kind of a report from that date on up to now.

Senator WATERMAN. Well, he may have it copied in.

Senator PITTMAN. Unfortunately, he does not have that, because he could not do it until he got the report of the comptroller of the State of Nevada, consequently he reported on this resolution before receiving the State comptroller's report and could not bring it up to date, and what we request is that this be brought up to date and have a full report.

The report is as follows:

[H. Doc. No. 322, 56th Cong., 1st sess.]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 19, 1900.

SIR: Referring to the act of March 3, 1899 (30 Stat. 1206), upon the subject of the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War, and calling for

report to Congress by the Secretary of the Treasury thereon, I have the honor to transmit herewith copy of statement of the case made by the Auditor for the War Department January 18, 1900.

Respectfully,

L. J. GAGE, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, January 18, 1900.

SIR: In reply to your communication of March 11, 1899, requesting a report under provisions of act of March 3, 1899, paragraph "State claims" (Public 190), upon the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War, I have the honor to state the following:

On December 24, 1889, the Secretary of War, acting in accordance with a resolution of the Senate of February 27, 1889, transmitted a full and complete statement showing the amount expended by the State of Nevada, with such interest on the same as the State had paid between February 10, 1865, and June 30, 1889, amounting in all to the sum of $412,600.31. This report is found in Executive Document No. 10, first session, Fifty-first Congress.

From a certified statement of Samuel P. Davis, State comptroller of Nevada, made on December 19, 1899, it appears that since the time covered by the report of the Secretary of War, i. e., from June 30, 1889, to December 31, 1899, the State of Nevada has paid the sum of $58,401.27 as interest upon money paid by the State in aiding in suppressing the rebellion of the Civil War. Accordingly, assuming this statement to be correct, the total amount expended by the State of Nevada, or by the Territory of Nevada and assumed by the State, with such interest on the same as the said State has actually paid, amounts to $471,001.58.

Upon reports of an examination of this claim made by the State war claims examiners, the Third Auditor and the Second Comptroller of the Treasury, under act of June 27, 1882, the sum of $7,559.61 was allowed and paid to the State of Nevada on April 10, 1888. This amount, deducted from the total amount paid by the State of Nevada, leaves the sum of $462,441.97 for which the State has not been reimbursed. The following is a tabulated statement of this claim:

Amount of claim of the State of Nevada, including interest up to June 30, 1889, as shown in the report of the Secretary of War (see page 10, S. Doc. No. 10, 51st Cong.)	$412,600.31	
Amount of interest paid by Nevada from June 30, 1889, to December 31, 1899	58,401.27	
Total claim		471,001.58
Amount which the State was reimbursed on April 10, 1888, under act of June 27, 1882		8,559.61
Total paid by the State for which no reimbursement has been made		462,441.97

Respectfully,

F. H. MORRIS, *Auditor.*

[S. Doc. No. 431, 56th Cong., 1st sess.]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 4, 1900.

SIR: Referring to the act of March 3, 1899 (30 Stat., p. 1206), upon the subject of the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War, and calling for report to Congress by the Secretary of the Treasury thereon, I have the honor to transmit herewith copy of the report of the Auditor for the War Department of May 28, 1900, amending his report of January 18, 1900, which was transmitted to the Senate by this department January 19, 1900.

Respectfully,

L. J. GAGE, *Secretary.*

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT,
Washington, May 28, 1900.

SIR: In my reply of January 18, 1900, to your request of March 11, 1899, for a report under the provisions of the act of March 3, 1899 (Public, No. 190), upon the claim of the State of Nevada for moneys advanced during the War of the Rebellion, the balance reported to be due the State was given as $462,441.97.

A reexamination of the account shows that this amount should be reduced by the sum of $23,180.92, allowed by Treasury settlement No. 425, of January 13, 1899, and the further sum of $38.33, being a double charge in the account, making the amount to be deducted $23,219.25, leaving a balance of $439,222.72 due the State instead of the above.

Respectfully,

F. H. MORRIS, *Auditor.*

The SECRETARY OF THE TREASURY.

OFFICE OF STATE CONTROLLER,
Carson City, Nev., January 19, 1928.

Hon. J. R. MCCARL,
Comptroller General, Washington, D. C.

SIR: I herewith present a statement of the amount of interest paid by the State of Nevada on the principal of its Civil War claims from December 31, 1899, to December 31, 1927:

Interest on the principal, Dec. 31, 1899, to June 30, 1910	$58,401.97
Interest on principal from June 30, 1910, to Dec. 31, 1927	86,588.92
Total	144,990.87

Respectfully submitted.

ED. C. PETERSON, *State Controller.*

I certify that to the best of my knowledge the above amount is correct.

[SEAL.] ED. C. PETERSON, *State Controller.*

Subscribed and sworn to before me this 19th day of January, 1928.

EVA HATTON,
Clerk of Supreme Court, State of Nevada.

Senator ASHURST. When was the last amount of interest paid?

Mr. NORCROSS. The State has never been able to pay any of its bonded indebtedness, other than with other bonds issued later on.

Senator ASHURST. Was that all refunded in some other obligation?

Senator WATERMAN. You are paying interest on it now, aren't you?

Mr. NORCROSS. Yes; we are paying interest at the rate of 5 per cent.

Senator PITTMAN. This is the report we are waiting on from the comptroller general of Nevada; and we can follow it on to the Treasury Department here, so that they will be in a position where they can either approve or disapprove it.

Mr. NORCROSS. Yes.

Senator ASHURST. What is the assessed valuation of the State property now; isn't it around five or six hundred million dollars?

Mr. NORCROSS. My recollection is that it is around six hundred million now.

Before I finish, gentlemen, I would like to read into the record from this book, Recollections of the Civil War, about which I spoke a moment ago.

Senator WATERMAN. Just read that into the record.

Mr. NORCROSS. I am reading from Recollections of the Civil War, by Charles A. Dana. The State did not have the benefit of this when the matter was up in 1898. I am reading from page 174. [Reading:]

"The administration had decided that the Constitution of the United States should be amended so that slavery should be prohibited. This was not only a change in our national policy, it was also a most important military measure. It was intended not merely as a means of abolishing slavery forever, but as a means of affecting the judgment and the feelings and the anticipations of those in rebellion. It was believed that such an amendment to the Constitution would be equivalent to new armies in the field, that it would be worth at least a million men, that it would be an intellectual army that would tend to paralyze the enemy and break the continuity of his ideas. In order thus to amend the Constitution it was necessary first to have the proposed amendment approved by three-fourths of the States. When that question came to be considered, the issue was seen to be so close, that one State more was necessary. The State of Nevada was organized and admitted into the Union to answer that purpose. I have sometimes heard people complain that Nevada is superfluous and petty, not big enough to be a State; but when I hear that complaint I always hear Abraham Lincoln saying, 'It is easier to admit Nevada than to raise another million soldiers.'"

And then this is a quotation that he speaks of the measure, no doubt, in the House of Representatives.

Senator ASHURST. Yes.

Mr. NORCROSS. This a quotation from Abraham Lincoln that he uses [reading]:

"Here is the alternative, that we carry this vote or be compelled to raise another million, and I don't know how many more men, and fight no one knows how long."

They needed the 3 votes on the new armies——

Senator ASHURST (interposing). It was 2 votes in the Senate and 1 in the House, and they needed 1 more vote for the ratification of the thirteenth amendment, I suppose?

Mr. NORCROSS. No; it was 3 votes in the House of Representatives; they needed 3 votes to pass it in the House, because of a certain position being taken.

Senator ASHURST. There were more amendments, the thirteenth, fourteenth, and fifteenth——

Mr. NORCROSS (interposing). No; this referred to the enabling act, to admit Nevada into the Union.

Senator PITTMAN. Does that cover your statement, Mr. Norcross?

Mr. NORCROSS. Yes.

Senator PITTMAN. As to this resolution, Judge Norcross knows more about this case than any of us; in fact, I don't know very much about it at all, except from what I have heard from time to time through the committee.

Mr. Kappler has been retained by the State to represent them here legally, and I have no doubt that he will be able to assist the Representatives in Congress in getting together the matter referred to by Judge Norcross for your convenience, if you need it.

Senator WATERMAN. I would like to have the whole thing before me.

Every time this claim, covering this $5 and this $10 paid by the Territory of Nevada, has come before the Senate committee, if I understand you, the Senate committee has approved that claim.

Mr. NORCROSS. That is absolutely true, Senator WATERMAN. The Senate has always passed the bill. The House committees on every occasion reported favorably and made exhaustive and strong reports, but the appropriation was unfavorably acted upon in the House, chiefly, I suspect, because the true situation of the Nevada case, differing as it does all others, was not clearly presented at the time.

STATEMENT OF MR. CHARLES J. KAPPLER, ATTORNEY AT LAW, WASHINGTON, D. C.

Mr. KAPPLER. Mr. Chairman and members of the committee, Judge Norcross has quite thoroughly gone over the history and merit of this matter of reimbursement to Nevada, but my statement is intended to cover largely the merits of the case, in consecutive form, and from the standpoint of equity, fair dealing, right, and justice.

1. The Territory of Nevada was organized under the act of Congress approved March 2, 1861 (12 Stat. 210).

2. The State of Nevada was admitted into the Union by the enabling act approved March 21, 1864 (13 Stat. 30).

3. The act of July 27, 1861 (12 Stat. 276), provided that the costs, charges, and expenses properly incurred by any State in raising troops to protect the authority of the Nation would be met by the General Government. The act of March 8, 1862 (12 Stat. 615), provided that the act of 1861 should embrace expenses before as well as after its approval. The acts of June 27, 1882 (22 Stat. 111), and August 4, 1886 (24 Stat. 217), were remedial statutes.

4. The Government of the United States during the war between the States, after nearly all regular troops on the Pacific coast had been transferred to the East, called upon the Territory and State of Nevada on three separate occasions to raise and equip soldiers to keep open the overland route and to quell Indian hostilities, which service theretofore had been performed by the Regular Army, on the basis of the acts of 1861 and 1862, supra, and the following letter from the Secretary of State, William H. Seward, sent to the governors of States and Territories under date of October 14, 1861:

"The President has directed me to invite your consideration to the subject of the improvement and perfection of the defenses of the State over which you preside, and to ask you to present the subject to the consideration of the legislature when it shall have assembled.

"Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal authorities. Being thus made with the concurrence of the Government for general defense, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement."

The first call on Nevada for troops was made in the following dispatch:

HEADQUARTERS OF THE ARMY,
Washington, D. C., April 15, 1863.

Brig. Gen. G. WRIGHT, *San Francisco, Calif.:*

The Secretary of War authorizes you to raise additional regiments in California and Nevada to reinforce General Conner and protect overland routes. Can not companies be raised in Nevada and pushed forward immediately? General Conner may be able to raise some companies in Utah or out of emigrant trains.

H. W. HALLECK, *General in Chief.*

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Calif., April 2, 1863.

His Excellency O. CLEMENS,
Governor of Nevada Territory, Carson City, Nev.

SIR: I have been authorized by the War Department to raise volunteer companies in Nevada Territory for the purpose of moving east on the overland mail route in the direction of Great Salt Lake City. If it is possible to raise three or four companies in the Territory for this service I have to request your excellency may be pleased to have them organized. I should be glad to get two companies of Cavalry and two of Infantry, the mounted troops to furnish their own horses and equipments. Arms, ammunition, etc., will be furnished by the United States. Should your excellency consider it impossible that this volunteer force can be raised, even one company will be accepted. I will send you a plan of organization, and an officer with the necessary instructions for mustering them into the service.

With great respect, I have the honor to be,
Your obedient service.

G. WRIGHT,
Brigadier General, U. S. Army, Commanding.

The second call follows:

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, December 22, 1863.

SIR: The four companies of Cavalry called for from the Territory of Nevada have completed their organization; two of the companies have reached Camp Douglas, Utah, and the remaining two are at Fort Churchill, Nev. On the representations of Governor Nye that additional troops might be raised in Nevada, I have, under the authority conferred upon me by the War Department, called upon the governor for a regiment of Infantry and two more companies of Cavalry.

G. WRIGHT,
Brigadier General, United States Army, Commanding.

ADJUTANT GENERAL UNITED STATES ARMY,
Washington, D. C.

The third call follows:

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Virginia City, October 13, 1864.

SIR: I have the honor to acquaint you that I have received authority from the War Department to call on you, from time to time, as the circumstances of the service may require, for not to exceed in all, at any time, one regiment of volunteer Infantry and one regiment of volunteer Cavalry, to be mustered into the service of the United States as other volunteer regiments under existing laws and regulations.

Under this authority I have to request you will please raise, as soon as possible, enough companies of Infantry to complete, with those already in the service from Nevada, a full regiment of Infantry. Brigadier General Wason will confer with you and give all the information necessary as to details for this service.

IRWIN MCDOWELL,
Major General, Commanding Department.

His Excellency JAMES W. NYE,
Governor of Nevada Territory.

5. The Territory and State of Nevada under such calls raised, equipped, mounted, subsisted, and paid 1,180 men, enlistments being for three years (S. Rep. 154, 54th Cong., 1st sess., p. 70–71).

6. The Nevada volunteers in conjunction with California volunteers were employed in guarding and protecting the overland mail and emigrant routes and in keeping in subjection the Indian tribes that roamed over the country adjacent thereto. (Report Secretary of War, dated November 25, 1889.)

7. United States Army officers, the governor, and The Adjutant General, all Government officials, and the Territorial legislature advised together on the enactment of the necessary legislation for raising troops and paying expenses incurred, supervised the raising and equipping of said men and putting them into active military service of the United States, as well as consulted on ways and means for Nevada to procure the money with which to meet the necessary expenses incurred.

8. The Territory and the State, in order to enroll, subsist, clothe, supply, equip, pay, and transport the volunteers and place them in the service of the United States (their treasury being low in funds), were compelled to issue bonds, at the then prevailing rates of interest, to meet the cost thereof.

9. The Territory and State advanced and expended such money in good faith on the assurance of Secretary of State Seward, and the acts of 1861 and 1862, supra, that the use of the Territory's means would be but temporary, as reimbursement for such expenditures would be made by Congress.

10. No money was expended that was not absolutely necessary in order to raise, supply, and equip the mounted troops required in that sparsely populated desert region so urgently called for by the United States. Conditions such as existed in Nevada during the war did not prevail in any other section of the country, and therefore the case of Nevada stands unique and alone.

11. The Secretary of the Treasury has reported to Congress that the Territory of Nevada and the State of Nevada (Nevada assuming the obligations of the Territory when admitted into the Union as a State in 1864) actually expended for and on behalf of the Government during the war between the States and for interest charges on money borrowed for the benefit of the Government, the sum of $462,441.97, which sum, less $23,219.25 paid on account January 13, 1899 (S. Doc. 431, 56th Cong., 1st sess.), and less $12,283.04 paid on account July 1, 1910, has not been reimbursed.

12. It is not disputed that the Territory and State of Nevada actually expended said sum of $462,441.97 for the common defense, as reported by the Secretary of the Treasury in House Document 322, Fifty-sixth Congress, first session, based on the evidence presented.

13. The larger part of Nevada's costs and charges was erroneously disallowed by the board of Army officers appointed under the acts of 1882 and 1886 on the assumption the law did not provide for payment of interest on money borrowed by the State for the benefit of the United States. Since the disallowance was made, the Supreme Court of the United States, in the similar case of New York *v.* United States (160 U. S. 598), has held where a State had paid interest on money borrowed and paid out and expended for the "common defense," the

amount of such interest should, like the principal, be fully reimbursed. The opinion of the Supreme Court in the New York case so aptly presents the duties and responsibilities of the General Government, under the Constitution, to the several States in time of war and its obligation to reimburse moneys expended by States in aid of the "common defense," such presentation so peculiarly applying to the case of Nevada, that the following is quoted therefrom:

"The duty of suppressing armed rebellion, having for its object the overthrow of the National Government, was primarily upon that Government and not upon the several States composing the Union. New York came promptly to the assistance of the National Government by enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops to be employed in putting down the rebellion. Immediately after Fort Sumter was fired upon its legislature passed an act appropriating $3,000,000, or so much thereof, as was necessary, out of any moneys in its treasury not otherwise appropriated, to defray any expenses incurred for arms, supplies, or equipments for such forces as were raised in that State and mustered into the service of the United States. In order to meet the burdens imposed by this appropriation the real and personal property of the people of New York were subjected to taxation. When New York had succeeded in raising 30,000 soldiers to be employed in suppressing the rebellion, the United States, well knowing that the national existence was imperiled, and that the earnest cooperation and continued support of the States were required in order to maintain the Union, solemnly declared by the act of 1861 that 'the costs, charges, and expenses properly incurred' by any State in raising troops to protect the authority of the Nation would be met by the General Government. And to remove any possible doubt as to what expenditures of a State act would be so met, the act of 1862 declared that the act of 1861 should embrace expenses incurred before as well as after its approval. It would be a reflection upon the patriotic motives of Congress if we did not place a liberal interpretation upon those acts, and give effect to what, we are not permitted to doubt, was intended by their passage.

"Before the act of July 27, 1861, was passed the Secretary of State of the United States telegraphed to the Governor of New York, acknowledging that that State had then furnished 50,000 troops for service in the War of the Rebellion, and thanking the governor for his efforts in that direction. And on July 25, 1861, Secretary Seward telegraphed: 'Buy arms and equipments as fast as you can. We pay all.' And on July 27, 1861, that 'Treasury notes for part advances will be furnished on your call for them.' On August 16, 1861, the Secretary of War telegraphed to the Governor of New York: 'Adopt such measures as may be necessary to fill up your regiments as rapidly as possible. We need the men. Let me know the best the Empire State can do to aid the country in the present emergency.' And on February 11, 1862, he telegraphed: 'The Government will refund the State for the advances for troops as speedily as the Treasurer can obtain funds for that purpose.' Liberally interpreted, it is clear that the acts of July 27, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for any costs, charges, and expenses properly incurred for the purposes expressed in the act of 1861, the title of which shows that its object was 'to indemnify the States for expenses incurred by them in defense of the United States.'

"So that the only inquiry is whether, within the fair meaning of the latter act, the words 'costs, charges, and expenses properly incurred' included interest paid by the State of New York on moneys borrowed for the purpose of raising, subsisting, and supplying troops to be employed in suppressing the rebellion. We have no hesitation in answering this question in the affirmative. If that State was to give effective aid to the General Government in its struggle with the organized forces of rebellion it could only do so by borrowing money sufficient to meet the emergency, for it had no money in its treasury that had not been specifically appropriated for the expenses of its own government. It could not have borrowed money any more than the General Government could have borrowed money without stipulating to pay such interest as was customary in the commercial world. Congress did not expect that any State would decline to borrow and await the collection of money raised by taxation before it moved to the support of the Nation. It expected that each loyal State would, as did New York, respond at once in furtherance of the avowed purpose of Congress, by whatever force necessary, to maintain the rightful authority and existence of the National Government.

"We can not doubt that the interest paid by the State on its bonds issued to raise money for the purposes expressed by Congress constituted a part of the costs, charges, and expenses properly incurred by it for those objects. Such interest, when paid, became a principal sum as between the State and the United States; that is, became a part of the aggregate sum properly paid by the State for the United States. The principal and interest so paid constitutes a debt from the United States to the State. It is as if the United States had itself borrowed the money through the agency of the State. We therefore hold that the court below did not err in adjudging that the $91,320.84 paid by the State for interest upon its bonds issued in 1861 to defray the expenses to be incurred in raising troops for the national defense was a principal sum which the United States agreed to pay, and not interest within the meaning of the rule prohibiting the allowance of interest accruing upon claims against the United States prior to the rendition of judgment thereon."

14. Had the Territory and State of Nevada failed to raise the troops called for by the Government, the Government would have been compelled to raise the troops east of the Rocky Mountains and equip and transport them west to suppress Indian hostilities and keep open the important overland route (there being no railroads) between Salt Lake City and San Francisco, considered a military necessity by the Government, which task was performed for the Government by Nevada by virtue of the expenditures for which she now seeks reimbursement.

15. The military authorities of the United States well knew at that time the exact condition of the region embracing Nevada and of the roads across the mountains leading thereto; of the cost of transportation; of the prices of labor and supplies as well as of their own inability to furnish either horses or equipment for military service that required mounted troops.

16. During the War between the States men were scarce in Nevada, and under the then existing laws of supply and demand wages and prices of supplies in Nevada were necessarily greatly in excess of those prevailing in other sections of the country. (This is well known to those familiar with conditions prevailing in newly discovered mining regions.) There were no United States Regular troops operating in that vast desert and mountain region; hostile Indians abounded and seriously interfered with overland travel and the mails. The cost of living and wages of labor in Nevada during the war were at least 50 per cent, and in many instances 200 per cent higher than in the Atlantic States; and under such extreme conditions inducements above the Regular Army pay necessarily had to be offered and given to secure speedy enlistment of men to fight the Indians, incited to hostilities by the general war conditions, on the desert and in the mountains. Such inducements as were granted by the legislature of the Territory and State in order to comply with the urgent calls of the Government, however, did not exceed the costs which the Government would have been compelled to incur in raising troops east and transporting them to the far West. This is conceded by Army officers, especially by Major Biddle, who examined the accounts of Nevada, and who stated that the laws in force at the time of the expenditures were not equitable ones to apply to the reimbursement of the far West States, where the laws of supply and demand were so exceptionally different. (S. Ex. Doc. 1, 51st Cong., 1st sess.) It is indeed doubtful if an undertaking to raise and equip troops in the East and transport them west would have been feasible at that particular time, considering the necessity and haste the situation demanded and the serious condition of affairs at the principal seat of war in the East.

17. The majority of the board of Army officers, under the said acts of June 27, 1882, and August 4, 1886, reported on the question of the additional payments made by Nevada to the soldiers as follows:

"This bounty was paid to captains for expenses incurred by them in enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service, in lieu thereof, as is shown by the fact that no other bills are presented for these expenses, and under the circumstances this expense was economical; but this claim having been submitted by the State of Nevada as a premium or bounty, the examiners are debarred from considering it as under the second section of the act of 1882 no higher rate can be allowed than was paid by the United States, which was $2 per enlistment."

According to this report, it appears the "additional" pay was in name and form only and that Nevada's expenses were economical and to the advantage of the United States, but simply because she used the words "premium or bounty," although the above report plainly shows the additional sums paid to captains was for expenses incurred by them in enlisting, lodging, and subsisting the men in lieu of other allowances, the Army officers disallowed such reimbursement, notwithstanding Congress intended in passing the said act, as the debates and reports show, to cover the Nevada expenditures in full. Secretary of War Robert T. Lincoln, writing to Senator Maxey, January 26, 1884, said: "This statute is deemed sufficiently broad to embrace all proper claims of said State and Territory of Nevada"; and Senator Maxey subsequently, in Senate Report No. 406, Forty-eighth Congress, first session, on S. 657, stated:

"It is deemed by the department that the act approved June 27, 1882, is sufficiently broad to embrace all proper claims of Nevada, whether as a State or Territory, and no additional legislation is necessary."

While the Territorial and State statutes used the word "bounty" to describe an allowance payable to captains of companies for each volunteer recruit secured or enlisted, it was not a bounty in any true sense of that term whatsoever. The majority report was in error in saying that this portion of Nevada's expenditures was "submitted by the State of Nevada as a premium or bounty." The application for reimbursement recited that it was for "recruiting, enlisting, organizing, and enrolling."

In view of the fact that the Army officers found that the expense was for "enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service" and that "under the cir-

cumstances this expense was economical," it is not easy to account for the disallowance upon any technical reason that it was a bounty because it just happened to be so called in the Territorial and State statutes.

18. From June 17, 1850, continuously until August 3, 1861, the practice of the War Department under the laws of Congress was to pay each soldier enlisted, recruited, or reenlisted in the Far West States, a sum of money which, while Congress termed it a "bounty" yet it in fact and effect was, and was intended to be merely extra or additional pay in the form of a constructive mileage equivalent to the cost of transportating a soldier from New York City to the place of such enlistment or reenlistment, estimated at $160 (S. Rept. 544, pt. 2, 55th Cong., 2d sess., p. 12); said sum was to be paid to each Pacific-coast soldier as follows:

"SEC. 3. And be it further enacted, that whenever enlistments are made at or in the vicinity of the said military posts and remote and distant stations, a bounty equal in amount to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York to the place of such enlistment be, and the same is hereby, allowed to each recruit so enlisted." (Act June 17, 1850.)

In addition, in consequence of the high cost of living in the Pacific Coast States, on September 28, 1850, Congress passed an act paying to every commissioned officer serving in those States an extra $2 per day and to all the enlisted men serving in the United States Army in those States double the pay then being paid to the troops of the Regular Army.

While the above acts were subsequently repealed, still if the necessity for this character of alleged bounty for the Regular Army of the United States existed in a time of profound peace—and no one doubts but that a necessity therefore did exist—then how much greater the necessity for a similar treatment in a period of actual war, when the land carriage for supplies over a distance of 2,000 miles from the Missouri River to the Pacific coast was simply impossible, or at least impracticable, there not being then any overland railroad, and the two sea routes via Cape Horn and the Isthmus of Panama, as reported by the Secretary of War, being both hazardous and expensive.

It is submitted if it was just, necessary, and reasonable to grant such a bounty to men enlisting in the Regular Army serving in remote localities in time of peace, then the allowance by Nevada of a bounty (in name only) to its volunteers when they were in the actual and active service of the United States in time of war, and while the exigencies exceeded in degree those under which the United States had theretofore paid a much larger sum to its own Regular Army serving in the far West in a time of peace, may be considered unquestionably necessary and reasonable and deemed by Nevada and the Army officers advising her in 1863 and 1864 to be in harmony with the policy so long and so often pursued by the United States; and, consequently, it is contended the board of Army officers should have held Nevada's expenses as necessary and reasonable and to the manifest best interests of the General Government, and within the true intent and meaning of the acts of 1861–62, 1882, and 1886.

The board of Army officers were authorized by Congress and in instruction by the Secretary of War, to examine, consider, and pass upon the "necessity for and reasonableness of" Nevada's expenditures, and in their report they say:

"We are decided in the conviction that in granting them this extra compensation, the Legislature of Nevada was mainly instigated by a desire to do a plain act of justice to the United States Volunteers raised in the State and performing an arduous frontier service, by placing them on the same footing as regards compensation with the great mass of the officers and soldiers of the United States Army serving east of the Rocky Mountains. * * * When measured by the current prices of the country in which they were serving, their compensation from all sources did not exceed, if indeed it was equal to, the value of the money received as pay by the troops stationed elsewhere, i. e., outside of the Department of the Pacific." (S. Ex. Doc. 10, 51st Cong., 1st sess.)

Yet, notwithstanding these views held and expressed by the Army officers, they proceeded to disallow on technical grounds solely, void of all fairness, Nevada's expenditures; especially is such disallowance unjust in view of the fact that said Army officers themselves interpreted the alleged "bounty" as an allowance for enlisting, lodging, and subsisting the newly recruited soldiers in lieu of all other allowances, and found that said expenses were economical to the United States and that the expenditures were necessary and reasonable.

It must be kept in mind that the Government, through its Army officers and its Governor of Nevada Territory appointed by the President and The Adjutant General, was at all times cognizant of the conditions prevailing in Nevada, and also cognizant of the war enactments passed by the Territorial legislature on the recommendation of said governor and commanding officer of the United States Army, to meet the extreme situation, all of which enactments were forwarded to the President and the Congress at Washington as provided by law, and, without question, approved. There is nothing in the records to the contrary. Nevada was never advised by the commanding officers of the Department of the Pacific, under whose auspices the troops were raised, or by the President, or the Secretary of War or of State, that the expenditures, "the necessity for and reasonableness of" which have never been disputed, authorized by the Territorial and State legislatures and approved by the governor, would not be reimbursed as provided by the acts of 1861 and 1862, and as officially promised by the Secretary of State in his letter of October 14, 1861. If the construction of the acts of 1861–62, 1882, and 1886, as applied by the Army officers and subsequently by the Court of Claims under the acts of February 14 and May 27, 1902 (32 Stat. 235–236, 45 Ct. Cls. 264), to Nevada's war expenditures, is adhered to, then it is evident that the Government is not carrying out its plighted faith to Nevada, and is in honor bound to make proper reimbursement.

The applicable law on the subject of legislative acts passed by a Territory of the United States is contained in sections 1844 and 1850 of the Revised Statutes of the United States (1878) reading as follows:

"SEC. 1844. The secretary (of the Territory) shall record and preserve all the laws and proceedings of the legislative assembly and all acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within 30 days after each session thereof, to the President and two copies of the laws within like time to the President of the Senate and to the Speaker of the House of Representatives for the use of Congress. * * *

"SEC. 1850. All laws passed by the legislative assembly and governor of any Territory, except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress and if disapproved shall be null and of no effect."

In the act of Congress authorizing the organization of the Territory of Nevada is contained the following:

"SEC. 3. The secretary of said Territory shall * * * on or before the 1st day of December in each year transmit to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate for the use of Congress one copy of the laws passed by the legislative assembly." (12 Stat. 210.)

The question arising as to the validity of a certain act relating to civil suits, passed by the legislative assembly of the Territory of New Mexico, the Supreme Court of the United States in A., T. & S. F. R. R. Co. *v.* Sowers (213 U. S. 54), held that in view of the fact that the law of the Territory of New Mexico had been submitted to Congress as required by the organization act and section 1850 of the Revised Statutes and same had not been disapproved, it would be assumed that such law had been approved by Congress.

Therefore it would seem to follow that as the Territorial acts of Nevada (all Territorial officers as well as the assembly being strictly under the jurisdiction of, and paid by, the United States), authorizing the expenditure of money, including additional pay (if additional pay it was) to United States Volunteers in aid of the Government, having been submitted to the President and to Congress as required by law and the same not having been disapproved, such expenditures under said acts made were consequently made with the cognizance, sanction, and approval of the United States; and any act of Congress subsequently passed having the effect of denying reimbursement in full for such expenditures would be an abridgement of the liability of the United States to Nevada after such expenditures had been made and after the Government had received the full benefit therefrom. While Congress may have the power to do this, still it has been the policy of the Government not knowingly to exercise such power in any given case, and Congress has been quick to relieve itself of the moral obligation thus imposed upon it in order to do right and justice when a case of that character has arisen. (U. S. *v.* Realty Co., 163 U. S. 427; U. S. *v.* Cook, 257 U. S. 523.)

19. Another error, it is contended, was committed by the Army officers and later by the Court of Claims in construing the act of June 27, 1882 (22 Stat. 112), by failing to give full weight to the remedial character of the act and liberally to construe the acts of 1861–62. The reason assigned for the disallowance of Nevada's additional pay to the volunteers was that "it was a higher rate than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in Nevada." The Army officers and the Court of Claims apparently overlooked the fact that there was no part of the United States Army "serving in Nevada for the same time" other than Nevada and California volunteers. There was no other army available; hence the necessity of raising troops locally to keep open the overland route as a military measure and also to protect the settlers against hostile Indians. It is at least very doubtful if "similar services" were being rendered by any other portion of the Army, and certainly the conditions under which they were rendered were wholly different, as explained by said Army officers in paragraph 18, supra. Therefore, there was no proper basis for comparison between the pay of regular United States soldiers and what it was found necessary for Nevada in a great emergency to pay the newly recruited volunteers in that particular Territory. Under these circumstances, it is submitted, the provisions of the acts of 1882 and 1902, as well as acts of 1861–62, should have been liberally construed in favor of the ex-

penditures actually made by Nevada in aid of the Government and at its urgent request, as set forth by the Supreme Court in New York v. U. S., supra, as follows:

"Liberally interpreted, it is clear that the acts of July 2, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for any costs, charges, and expenses properly incurred for the purposes embraced in the act of 1861, the title of which shows that its subject was to indemnify the States for expenses incurred by them in defense of the United States."

20. Necessity for furnishing the troops was great and urgent, as the calls disclose, and time was an important element. Under the circumstances, Nevada did what the Government expected of her in the most economical, practical manner compatible with carrying out the instructions of the Government. Necessity, time, and speed being the prime factors in such an emergency, as they always are in stress of war, expenses to be incurred under such stress in raising, equipping, and maintaining troops in that sparsely settled, barren desert region during Indian excitements, and with extremely high prices prevailing, could not be permitted to defeat the very purpose sought to be accomplished by the Government. (New York v. U. S., 160–598, supra.) The Territorial officials and the Army officers, all appointed by the President and acting as agents of the Government, being on the ground were undoubtedly the best judges as to what had been done under the emergency facing them and of the necessity for and reasonableness of expenses to be incurred. In incurring these expenses the Territory and State, it should be borne in mind, stood in the shoes of the Government whose constitutional duty it was to provide the troops, and that Government had expressly directed the State to raise and equip such troops in its behalf. Yet the expenses necessarily incurred by Nevada and the method employed in incurring them were, as stated by Major Biddle, economical; they likewise did not exceed the Government's allowance to soldiers under the act of 1850, nor what the costs would have been had the Government itself been required to raise, equip, and send troops to the far West under the most exceptional conditions prevailing in 1863, in that desert region 2,500 miles from the seat of government and at a time when the armies of the Government in the East were in the midst of many sanguinary battles, including Fredericksburg, Gettysburg, and Chambersburg.

21. The patriotic impulses of Nevada were not questioned during the war. The Government gratefully accepted her contribution of men and advancement of money upon which she is still paying interest in aid of the preservation of the Union. There was no question then as to the services she rendered. President Lincoln showed he appreciated what Nevada actually meant to the Union when he said, as reported by Charles A. Dana in his Recollections of the Civil War, pages 174, 175, at the time Nevada was admitted as a State in the Union:

"Here is the alternative: That we carry this vote or be compelled to raise another million, and I don't know how many more men, and fight no one knows how long."

22. Unquestionably the Government is legally, morally, and equitably obligated to reimburse Nevada the money she actually expended at its request in aid of the Nation of which she has thus far been deprived either through technical construction of the law or by the rigid letter of the existing law by the Army officers and the Court of Claims notwithstanding the Army officers conceded the expenditures so made were necessary and reasonable, and the manner in which made was economical and that the existing law was most inequitable to apply to an unusual and extreme case such as that of Nevada; and the Court of Claims saying—

"that laws were enacted by the State at the instance of the officer commanding the military department of the Pacific to provide funds with which to meet the expense of volunteers was quite natural and commendable under the conditions existing there, both to the officer and the legislature, and may give rise to some equity in favor of the claim."

It is submitted there should have been no hard and fast rule applied on the point whether or not the expenditures, made during those confessedly extraordinary and trying days and in that barren region where under the laws of supply and demand in operation at the time prices were at least 50 per cent higher than in any other section of the country, were incurred strictly according to the letter of the law without considering the spirit thereof or the necessity, time, conditions, and prices existing in the region in which expended, which made compliances impossible. The failure to take all these factors into consideration has caused a great injustice of long standing to be done to Nevada.

Furthermore, the acts of 1861 and 1862 and the regulations were general acts passed in the early war period when it was thought the war would be confined to the South and the East and consequently did not have in view an exceptional case such as Nevada now presents; nevertheless if liberally construed, as held by the Supreme Court they should be, said acts would meet Nevada's situation; in other words, said acts and regulations were held to apply to the States of New York and Pennsylvania, for instance, where men, equipment, supplies, and transportation were plentiful, while said acts were interpreted equally to apply to the barren region embracing Nevada where men, equipment, supplies, and transportation were scarce and prices in consequence extremely high. In the former instance the laws and regulations could be justly applied, but in the latter instance such laws and regulations, if intended to apply, were wholly inequitable and impossible of just application and required special treatment.

Comptroller Tracewell, in a report made May 10, 1910, set for that the acts of July 27, 1861, and the joint resolution of March 8, 1862, authorizing reimbursement to any State of the costs, charges, and expenses properly incurred for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aid of the Government during the war between the States had at one time been considered not applicable to the far Western States and Territories, which report tends to show that such laws were inequitable to apply to the far Western States and Territories by virtue of the laws of supply and demand operating differently in that barren region, and in effect holds the bounty acts of 1850 justly applicable.

23. There is no danger of setting a precedent by Congress making reimbursements to Nevada of the money she actually expended for the Nation. No other case can be cited on a parallel with it. Furthermore, Congress itself carries the shield of protection to the Treasury in all such cases, should they arise. It may be taken for granted that no case without great merit will receive its approval. That the Nevada reimbursement is just, meritorious, and honorable can not and has not been denied. Congress on grounds of justice and right has repeatedly passed acts appropriating money. In two recent cases passed during the Sixty-ninth Congress, although such cases do not appeal to equity and morals and fair dealing to the same extent as does the Nevada case, Congress by the act approved March 3, 1926 (44 Stat. 160), paid the Omaha Indians the sum of $374,465.02 as interest, notwithstanding the Supreme Court had held interest was not due. (U. S. v. Omaha Indians, 253 U. S. 275.)

By the act approved June 12, 1926 (44 Stat. 740), Congress granted to the Kiowa, Comanche, and Apache Indians $1,000,000 or more in the Treasury, being money received from oil lands and oil mining leases in the Red River, notwithstanding the Supreme Court of the United States in Oklahoma v. Texas (260 U. S. 606; and 261 U. S. 345), to which said Indians were parties, held that the Kiowa, Comanche, and Apache Indians had no right to said money whatsoever; that the right, title, and interest thereto was in the United States.

By the act of March 2, 1895 (28 Stat. 910–933), being the sugar bounty act appropriating money to pay bounties to persons who had been prevented by the repeal of the act of 1890 from obtaining bounties for the production of sugar before the act was repealed, Congress appropriated a large sum of money for their relief; and the Supreme Court of the United States in United States v. Realty Co. (163 U. S. 427), held—

"That the case as presented to Congress was enough upon which to base the assertion that there was a moral and honorable claim upon the Public Treasury, which that body had the constitutional right to recognize and pay; that even though in its purely legal aspects an invalid law could not be made the basis of a legal claim, the planter had acquired a claim against the Government of an 'equitable, moral, or honorable nature'; that the Nation, speaking broadly, owed a 'debt' to an individual when his claim grew out of right and justice—when, in other words, it was based upon considerations of a moral or merely honorary nature."

By the act approved May 27, 1908 (35 Stat. 318), Congress appropriated $250,000 to pay the contractor of the Post Office Building at San Francisco for increased costs of work above his contract price caused by delay and enhanced prices of labor and material due to the earthquake and fire in April, 1906. The architect of the building claiming 5 per cent from the Government of the extra amount awarded the contractor filed suit, and the case went to the Supreme Court. The Government contended that the amount awarded the contractor under the act of Congress was a mere gratuity and can not be properly treated as a part of the cost of the construction. Chief Justice Taft, in rendering the court's opinion in United States v. Cook (257 U. S. 527), said:

"It is not helpful to point out that the United States need not have varied the terms of the main contract, or that no consideration moved to it in the change, or that the contractor could not have recovered anything additional in a suit without the legislation. There was the moral consideration which properly induced the recognition of an honorable obligation by Congress, and turned an unenforceable equity into a binding and effective provision."

The Chief Justice then quoted the citation from United States v. Realty Co., supra, and awarded the architect 5 per cent of the amount.

Compare the above cited acts of Congress, expressly recognizing moral, equitable, or honorable obligations covering sugar bounties and contractor's losses arising in time of peace with the moral, equitable, and honorary, and, it may be added, legal obligation resting upon the Government to reimburse Nevada for moneys she actually expended or advanced in aid of the Government in time of a great war, involving the life of the Nation, at its urgent calls, and how can Congress justly refuse to redeem such obligation?

It may be argued that Congress in recognizing moral obligations to the Indians, notwithstanding adverse opinions by the Supreme Court, did so on the ground they were wards of the Government. In reply it may be said that the people of the Territory of Nevada who came to the aid of the Government by supplying men and money in a great emergency were also in effect wards of the Government while a Territory of the United States and when most of the money now sought to be reimbursed was expended. Congress had plenary power over the Territory and its people, the same as it had over the Indians; the President appointed the governor and all other officials, and even the members of the Territorial legislature were paid by the United States; and every act passed by such legislature was required by law to be transmitted to Congress, and Congress had the power to disapprove any act so passed. Congress and the departments of the Government themselves were part and parcel of the legislative department of the Territory of Nevada, and by not disapproving the Territorial legislative enactments granting the additional pay to its volunteers, now disputed, thereby participated therein and sanctioned and approved such payments as "necessary and reasonable."

In the Nevada case Army officers and the Court of Claims, inferior tribunals, rendered unfavorable decisions, while in the Omaha and in the Kiowa, Comanche, and Apache cases the Supreme Court of the United States, the highest court, rendered adverse opinions, notwithstanding which Congress appropriated large sums of money, totaling over twice the sum due Nevada, to carry out moral, equitable, honorable obligations of the Government based on right and justice.

The uncontroverted and cruel fact remains that Nevada for her patriotic and devoted efforts in aid of the Government at its urgent calls during the War between the States has been left out in the "cold"; that in good faith in carrying out the instructions of the Government in a crisis Nevada actually expended the sum of $462,441.98 on behalf of the Nation, on the official assurance she would be reimbursed, and for which, except as to certain small payments, she has not been reimbursed, as reported by the Secretary of the Treasury, and that her citizens to-day are still paying interest on money borrowed to aid in the common defense. What has been allowed Nevada under the construction of the Army officers and the Court of Claims is but 2½ per cent of the actual amount of money she expended or obligated herself to pay, while other States, wholly differently situated, have received practically the entire amount expended. If there ever was a case that ought to appeal to the conscience and the sense of justice of the Congress, this is the one.

25. That Nevada is entitled to full reimbursement has been declared by prominent Senators familiar with the facts in the following strong terms:

Senator Hawley, of Connecticut: "There is no sort of question as to its justice.

Senator Eugene Hale, of Maine: "The Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass.

Senator Teller, of Colorado: "If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, pt. 7, p. 6278).

26. Bills providing for the reimbursement of Nevada passed the Senate in the Fiftieth, Fifty-first, and Fifty-fourth Congresses.

By the act of March 3, 1899 (30 Stat. 1206) the Secretary of the Treasury was directed to report to Congress the amount of money actually expended by Nevada in aid of the Government.

On January 18, 1900, the Secretary of the Treasury reported the amount as "$462,441.97 which has not been reimbursed." (H. Doc. 322, 56th Cong., 1st sess.)

In the Fifty-sixth Congress, first session, the Senate again passed the following item in H. R. 11212, the sundry civil appropriation bill:

"To pay the State of Nevada the sum of $462,441.97 for moneys advanced in aid of the suppression of the rebellion in the Civil War, as found and reported to Congress on January 22, 1900, by the Secretary of the Treasury, as provided in the act approved March 3, 1899 (30 Stat. 1206)." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, pt. 7, p. 6278.)

Thus making four times the Senate passed the item paying Nevada. While invariably favorable reports on bills have been submitted to the House by the appropriate committees in various Congresses since 1890, the House for one reason and another, failed to pass same.

On January 13, 1899, the sum of $23,219.25 in addition to the $8,559.61 originally allowed by the Army officers, was allowed and paid. (S. Doc. No. 431, 56th Cong., 1st sess.)

Under the acts of Congress approved February 14, 1902 (32 Stat. 30), and May 27, 1902 (32 Stat. 235), the case was referred by the Secretary of the Treasury to the Court of Claims, with the result that the sum of $12,283.04 as partial interest on the $8,559.61, supra, was paid on July 1, 1910.

The total balance due Nevada is $426,938.68, together with interest actually paid since 1900, which has not been reimbursed.

Mr. NORCROSS. May I add this, that the very last time this matter was before the Congress, in a conference committee between the Senate and the House there were a number of claims pending at that time. The conference committee was unable to agree, but they put in that act a special provision with reference to Nevada, and upon that act Secretary Gage made the report, a copy of which was filed here, setting out the claim in full, showing that both Houses, and even the conference committee, at that time recognized that there was in Nevada this peculiar condition which needed special consideration.

Senator ASHURST. It was necessary to maintain the overland route. There was, prior to that time, from about 1850, I think, to the outbreak of the war, what is known as the Butterfield State Line; we had the Butterfield State Line, which is about 2,500 miles in length, extending from St. Louis to San Francisco, but when the war broke out it had to be closed, so that only left open the overland route.

Mr. KAPPLER. And because of the Indian hostilities then existing in that mountainous country, it was necessary to raise these Nevada troops to protect and keep open this line of transportation.

Mr. NORCROSS. There is another question in my mind that I want to mention. James W. Nye, who was selected by President Lincoln as Governor of the Territory of Nevada, was selected to perform a great public service to the western coast. That was because Nye had stumped the entire western country with Secretary Seward. He was chairman of the metropolitan board of police of New York City. He was one of the great stump riders, and from time to time went with Thomas Starr King to California, and he is credited with keeping the Pacific coast loyal during the Civil War.

There is no question but that Nye was close to the administration, and Nye was the man who raised the troops and kept the overland route over the desert and the mountains open. Those matters are of record, and part of the history of the times.

Senator WATERMAN. Senator ASHURST, what have you to say about it?

Senator ASHURST. I am for it.

Senator WATERMAN. Yes; I think it is a matter that should have our approval, and I think there are a great many other reasons for that, irrespective of the legal aspect of it.

I would like for you, Mr. Norcross, or somebody, prepare a precise and positive statement of the facts as you have given them here to-day. I am asking you to do that, because I have so many things to do.

Mr. NORCROSS. I will be very glad to do that.

Senator WATERMAN. There are several controlling reasons here why Nevada should be recognized in this matter, if you base it on what has been brought out here to-day. I think we can do that, can't we, gentlemen?

Senator ASHURST. Yes.

Senator WATERMAN. Judge Norcross can prepare the facts and we can very briefly get to the solution of the propositions that are involved therein, and get it in the record.

Mr. NORCROSS. I will be very glad to do that.

Whereupon, at 11 o'clock a. m., Wednesday, January 25, 1928, the hearing of the subcommittee was closed.

BILL PASSED OVER

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was announced as next in order.

Mr. BLEASE. I object.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

DEDICATION STONES FROM LOCKS OF OHIO & ERIE CANAL

The bill (S. 3292) providing for turning over to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized and directed to turn over to the Ohio State Archæological and Historical Society for preservation in the museum of said society the two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal, and now located on the reservation of the United States Industrial Reformatory at Chillicothe, Ohio.

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

SALARY OF LIBRARIAN OF CONGRESS

The bill (H. R. 9036) to increase the salary of the Librarian of Congress was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Librarian of Congress on and after July 1, 1928, shall receive salary at the rate of $10,000 per annum.

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

RELIEF OF STATE OF NORTH CAROLINA

The bill (S. 3097) for the relief of the State of North Carolina was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the balance due the State of North Carolina of $118,035.69, as certified by the Comptroller General of the United States as of February 29, 1928.

The amendment was agreed to.

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

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

NATIONAL ARCHIVES

The bill (S. 1169) to create an establishment to be known as the national archives was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library with the following amendments:

Page 2, line 6, strike out the word "his" where it appears the first time and insert the word "their."

Page 2, line 12, after the word "transfer," strike out the remainder of the paragraph and insert in lieu thereof "but the archives council hereinafter provided for by section 5 shall have authority to accept or decline the deposit of any such materials."

Page 2, line 24, after the word "secretary," insert "the executive officer of the Public Buildings Commission."

Page 2, line 25, after the word "department," insert "or independent establishment."

Page 3, line 22, after the word "room," strike out the comma and insert the word "and."

Page 3, lines 22 and 23, strike out the words "and the superintendency of the building."

Strike out the word "archive" wherever it appears in the bill and insert in lieu thereof the word "archives."

So as to make the bill read:

Be it enacted, etc., That there is hereby created an establishment to be known as the national archives, the head of which shall be the Librarian of Congress, hereby entitled "director of the national archives," who shall have general charge of the national archives building and of all records, documents, and other materials deposited therein.

SEC. 2. That from and after the date when the exterior walls of the national archives building have been completed the head of each executive department and independent establishment of the United States Government and the chairman of the Board of Commissioners of the District of Columbia are authorized and directed to submit to the said director a list or successive lists of all records, papers, documents, charts, etc., in their custody which in his judgment should be filed in the national archives building.

SEC. 3. That the said director and the official submitting any such list shall jointly have authority to arrange for the transfer to the national archives building of any such records, papers, documents, charts, etc., which may be designated by the director for transfer, but the archives council, hereinafter provided for by section 5, shall have authority to accept or decline the deposit of any such materials.

SEC. 4. That under the direction of the said director the immediate charge of the building and its contents shall be exercised by an officer known as the archivist of the United States, who shall be appointed by the director from among such persons as are qualified for the higher grades of the professional and scientific service, as defined in the classification act of 1923.

SEC. 5. That there be established an archives council, consisting of the director, who shall be its chairman, the archivist, who shall be its secretary, the executive officer of the Public Buildings Commission, a member appointed, respectively, by each head of an executive department or independent establishment which has deposited in the archives building, from its files, an amount of material in excess of 50,000 cubic feet, and a member of the American Historical Association appointed by the director from among persons who are or have been members of the executive council of that association; the last-mentioned member to serve without compensation, except repayment of expenses actually incurred in attending meetings of the archives council; and that the archives council shall hold at least one meeting in every year.

SEC. 6. That the director shall have authority, by and with the advice and consent of the archives council, to make regulations concerning the classification, custody, use, and loan of materials deposited in the national archives building, and concerning the destruction of useless papers deposited therein.

SEC. 7. That there be two assistant archivists, appointed by the director from among such persons as are qualified for the professional and scientific service as defined by the classification act of 1923, one of these assistant archivists to have charge of the division of general administration, including personnel, disbursements, supplies, mail and files, the photographic room, and the bindery, the other assistant archivist to have charge of the division of operations, including classification and indexing, the library, the map room, the superintendency of the public search room, and the superintendency of stacks and rooms for Government searches, and that in addition to the two assistant archivists the director shall have authority to appoint such other employees as he shall find necessary for the service of the establishment.

SEC. 8. That in order to advise and prepare plans respecting the publication of historical materials in the national archives there be established a commission on national historical publications, to consist of the director, who shall be its chairman, the archivist, who shall be its secretary, the chief of the historical section of the War Department General Staff, the superintendent of naval records in the Navy Department, the chief of the division of manuscripts in the Library of Congress, and two members of the American Historical Association, appointed by the director from among those persons who are or have been members of the executive council of that association, the members of this commission to meet at least once a year and to serve without compensation except repayment of expenses actually incurred in attending meetings of the council.

SEC. 9. That such appropriations as may be necessary to provide for the salaries of officers and employees of the establishment and for expenditures for its service and for the maintenance of the national archives building are hereby authorized.

The amendments were agreed to.

Mr. SMOOT. Mr. President, is this Calendar 449 we are considering?

The PRESIDING OFFICER. It is.

Mr. KING. I ask that the bill may go over. There is no necessity for it. We have not an archives building. What is the necessity of anticipating?

Mr. FESS. We are to have an archives building very soon, and this is simply presenting the organization so as to take care of the situation when it arrives.

Mr. SMOOT. I shall have to ask that the bill go over.

Mr. FESS. A similar bill was offered at the last session by the Senator from Utah himself.

Mr. SMOOT. No; it is quite different from the bill I offered then.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

BILL PASSED OVER

The bill (H. R. 8725) to amend section 224 of the Judicial Code was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

BILLS INDEFINITELY POSTPONED

The bill (S. 1928) to provide for appointing Robert J. Burton, a former field clerk, Quartermaster Corps, a warrant officer, United States Army, which had been reported adversely from the Committee on Military Affairs, was announced as next in order.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

The bill (H. R. 2649) authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army, which had been reported from the Committee on Military Affairs adversely, was announced as next in order.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

BILLS PASSED OVER

The bill (S. 2966) for the relief of Oliver C. Sell, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

The bill (H. R. 2294) for the relief of George H. Gilbert was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

FEDERAL RESERVE BOARD

The bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, there should be an explanation of the bill.

Mr. EDGE. Mr. President, I shall be very glad to make a brief explanation. The bill simply changes the existing law permitting the Federal Reserve Board to pass upon the application of directors to serve as directors of more than one institution. The old Kern law provided that they may serve in three institutions. The present law reads:

Provided such banks are not in substantial competition.

The Federal Reserve Board has said that that language rather defeats the old Kern amendment, and has asked that it be changed to this form, using the words "if, in its judgment, it is not incompatible with the public interest." In other words, the object is to promote competition, and the mere fact that a banker can not be a director of any other institution if there is substantial competition, more or less discourages competition. I might say that the Senator from Virginia [Mr. GLASS] introduced a similar bill last year and it passed the Senate, but in the conference between the two Houses on the McFadden bill it was not included. I read this short paragraph from the Federal Reserve Board letter, which I received a day or two ago.

On behalf of the Federal Reserve Board, I wish to thank you and the other members of the committee for the action taken in reporting the bill. It has been extremely difficult for the board to function intelligently under the present law, and I am sure that if this amendment is enacted, it will enable us to function more in accordance with the original intent of the law.

Mr. ROBINSON of Arkansas. This bill does not, as I understand it, in any sense change the definition in the law of the institutions which may have interlocking directors?

Mr. EDGE. Not in the slightest degree. The national banks have been more or less at a disadvantage, as I have already explained, because the question of competition is always arising when the board begins deciding on applications for a permit, but in the case of State institutions, of course, the Federal Reserve Board has absolutely no jurisdiction and interlocking directors may be named ad libitum.

Mr. LA FOLLETTE. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

Mr. FESS. Mr. President, I was called to the telephone a moment ago when Order of Business 445, being the bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans, was reached on the calendar and was objected to.

The PRESIDING OFFICER. As the Chair recalls, the bill was objected to by the Senator from South Carolina.

Mr. BLEASE. Yes.

Mr. FESS. Will the Senator from South Carolina withhold his objection for a moment?

Mr. BLEASE. I should be willing to do so, but the fact being that I objected to the bill at the request of another Senator, I could not now consent to its consideration.

Mr. LA FOLLETTE. Regular order, Mr. President.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. SACKETT and Mr. McKELLAR asked that the bill go over.

Mr. CURTIS. Mr. President, I observe that that bill has been adversely reported.

Mr. SACKETT. But a minority report on the bill has been filed by the Senator from Illinois [Mr. DENEEN], and I therefore ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS OF GRAIN ELEVATORS AND GRAIN FIRMS

The joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, was announced as next in order.

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

Mr. SMOOT. Mr. President, I should like to ask the Senator from Minnesota [Mr. SHIPSTEAD], who introduced the joint resolution, whether there is a report on it from the department? I do not see any such report.

Mr. SHIPSTEAD. The report on the joint resolution is Report No. 441.

Mr. SMOOT. But there is no report from the department on the measure.

Mr. SHIPSTEAD. Mr. President, I can say to the Senator from Utah that the joint resolution was sent to the Department of Agriculture and that department reported back that they knew nothing about it. It was then sent to the man who represents the United States Grain Corporation, but no reply has been received. The letter was sent to that corporation early in January, but there has been no reply received by the Senate Committee on Agriculture since the letter was sent.

Mr. SMOOT. There was, then, neither a favorable nor an unfavorable reply sent?

Mr. SHIPSTEAD. No; the last time I inquired of the Senator from Oregon [Mr. MCNARY], the chairman of the committee, he said he had not heard from the man to whom the letter was addressed. I thought it rather peculiar that an answer to the letter had not been made.

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

Mr. SMOOT. I first desire to ask what length of time was allowed to furnish a report between the time when the joint resolution was reported out of the committee and the time the request to which the Senator refers was made?

Mr. SHIPSTEAD. I should estimate it was about a month.

Mr. SMOOT. They ought to have been able to have made some kind of a report in that time. Would the Senator from Minnesota object to letting the joint resolution go over to-day, and I shall write a letter to ascertain if I can get any reasons why an answer has not been made?

Mr. SHIPSTEAD. Of course, if the Senator objects to the consideration of the joint resolution, I can only agree to his request.

Mr. SMOOT. I should like to know a little more about the matter, I think, without expressing any opinion whether the legislation ought to be enacted or not.

Mr. SHIPSTEAD. Mr. President, I might say that I am informed that a measure similar to the joint resolution was submitted to the Committee on War Claims of the House of Representatives, and after hearing the witnesses who were in favor of the measure it was insisted that a Mr. Dudley come down to the committee. He came, and I understand he objected, but I am informed that the House Committee on War Claims reported favorably on the bill in that body.

Mr. SMOOT. I will look the matter up.

FLOOD CONTROL

Mr. JONES. Mr. President, when I presented the report on the flood control bill I intended to ask that the junior Senator from Missouri [Mr. HAWES] might have the privilege of filing a minority report should he desire to do so. I do not think any such request is necessary, but he asked me to make it, and I now make the request that he may have that privilege.

The PRESIDING OFFICER. The request will be noted and granted.

LIEUT. ROBERT STANLEY ROBERTSON, JR.

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. Objection being heard, the bill goes over.

CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LIEUT. HENRY C. WEBER, UNITED STATES NAVY

The bill (S. 2442) for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy, was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. LA FOLLETTE. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes.

Mr. LA FOLLETTE. Mr. President, this bill merely seeks to restore to his proper grade an officer now in the Navy. The delay occasioned by his not being notified of his appointment and confirmation following his examination, which was successfully passed, was not the fault of the officer in question but was the fault of the department and of the Senate. No charges, as I am advised by the chairman of the committee, were filed against the confirmation, nor was there any objection raised against it. Therefore, in order to correct the injustice which has been done to this officer, who has given excellent service, this bill has been introduced and I hope the Senator will not insist upon his objection. I have looked into it very carefully, and I think it is a meritorious case.

Mr. SMOOT. Mr. President, I have not read the entire bill, but I see that the Acting Secretary of the Navy, in closing his report, says:

In view of the foregoing, the Navy Department recommends that this bill be not enacted.

Mr. LA FOLLETTE. Yes; that this true; the Navy Department does not recommend the bill, but the Naval Affairs Committee went into the matter, as the chairman of the committee will state, and I have gone into it myself, and I can not see any reason why the Navy Department should take the position it has taken, because the facts show that it was not the fault of the officer but the delay was occasioned both by the department and the Senate.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. LA FOLLETTE. I yield.

Mr. HALE. Mr. President, let me say that, as I recall it, I informed the Senator the other day that the delay was occasioned in the Senate. I have, however, had the matter looked up since that time, and I find that the delay was in the department itself. This officer took an examination on October 30, 1918, and two months afterwards, in January, 1919, he was informed by the department that he had passed the examination. On March 1, 1919, four months after taking the examination, he was notified of his confirmation by the Senate. However, on February 4, 1919, he had reached the maximum age limit of 32 years for this promotion and his commission was withheld. The delay was due to no fault on his part.

Mr. LA FOLLETTE. Mr. President, the statement of the Senator *from* Maine shows that responsibility for the delay rests entirely upon the Navy Department.

Mr. HALE. Entirely.

Mr. LA FOLLETTE. And yet this officer had completed the examination; had qualified in every respect, and at the time he took the examination was serving in the Navy.

Mr. HALE. That is entirely true. It is fair to say that the situation which arose was the fault of the Navy Department.

Mr. SMOOT. Mr. President, I have not had the time to read the entire report, but I noticed the closing sentence in the letter from the Navy Department to which I have referred.

Mr. LA FOLLETTE. The only explanation I can make is that the Navy Department does not want to admit that it has done a wrong in this case; but it has done a wrong to this officer, and in justice to him it should be corrected.

Mr. HALE. I agree with the Senator that an injustice has been done which should be corrected.

Mr. KING. Mr. President, that may be so; but until we have a further explanation on the part of the Navy Department I think the bill had better be passed over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

Mr. LA FOLLETTE. Mr. President, I ask to have placed in the RECORD, in connection with the bill which has just been under discussion, a letter from Mrs. Henry C. Weber; and I should like to state that if the Congress has so far abrogated its legislative functions that it can not correct injustices of this character, then we have reached a pretty pass.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

1346 CHESTNUT STREET,
Waukegan, Ill., January 31, 1928.

HON. ROBERT B. HOWELL,
Committee on Naval Affairs, United States Senate,
Washington, D. C.

MY DEAR SENATOR: I have received a printed copy of the letter of the Acting Secretary of the Navy, dated January 21, 1928, addressed to the chairman of the Committee on Naval Affairs, United States Senate, Washington, D. C., giving the views and recommendations of the Navy Department with reference to the bill (S. 2442) for the relief of my husband, Lieut. Henry C. Weber, Medical Corps, United States Navy.

In view of the fact that Lieutenant Weber is now serving with the Third Brigade of United States Marines in China, I have been asked to give appropriate attention to any developments in connection with this bill. I therefore beg leave to quote and comment upon certain statements contained in the above-mentioned letter from the Acting Secretary of the Navy. The fourth paragraph of this letter states that—

"Lieutenant Weber was in 1918, while serving under his temporary appointment as an assistant surgeon in the Navy, examined for permanent appointment to the Medical Corps in accordance with the general law. He was found qualified on examination and was nominated to the Senate. Prior to confirmation by that body he had passed the maximum age limit of 32 years and could not, therefore, receive an appointment. Subsequently he entered the permanent Navy under the provisions of section 5 of the act of June 4, 1920 (41 Stat. 835), which fixed the maximum age limitation for appointees to the Medical Corps at 42 years."

It is believed that an amplification of the statements contained in the foregoing paragraph will conduce to a more ready and complete understanding of the merits of Lieutenant Weber's claim. The facts are that on October 30, 1918, while serving as a temporary lieutenant in the Medical Corps of the Navy, Lieutenant Weber took the examination for appointment to the regular Navy. At this time he was well below the maximum age limit of 32 years fixed by the general law. The Navy Department informed him on January 2, 1919 (after a lapse of two months), that he had passed this exmination. An announcement was made on March 1, 1919 (four months after taking the examination and two months after receiving notice that he had passed it) that his appointment had been confirmed by the United States Senate. Inasmuch, however, as Lieutenant Weber had reached the age of 32 years on February 4, 1919, his commission was withheld by the Navy Department. Please note that Lieutenant Weber satisfactorily complied with all requirements for appointment over three months before reaching the maximum age limit of 32 years.

In the fifth paragraph fo the departent's letter it is stated that—

"The bill S. 2442 would, if enacted, result in an immediate additional cost to the Government of approximately $1,150 per annum."

The department evidently is under a misapprehension in making this statement. The facts are that Lieutenant Weber is at the present time receiving the pay and allowances of the fourth pay period, the pay of a lieutenant commander of the Navy, to which the Comptroller General of the United States, in a decision rendered on October 21, 1927 (copy attached), stated he was entitled to receive from June 2, 1927, under the provisions of paragraph 5 of section 1 of the act of June 10, 1922.

The enactment of this bill would therefore involve no increased expense to the Government until Lieutenant Weber had completed 23 years of service, when as a lieutenant commander of the Medical Corps of the Navy he would receive the pay of the fifth pay period. By that time, however, he would in all probability have attained the rank of a lieutenant commander in the Medical Corps of the Navy in the ordinary course of events.

The sixth paragraph of the department's letter states that—

"A bill (H. R. 16197, 69th Cong.) which is similar to the bill S. 2442 was referred to the Bureau of the Budget with the above information as to cost and a statement to the effect that the Navy Department contemplated recommending that the proposed legislation be not enacted in view of the fact that it is not for the general good of the service and that it would establish an undesirable precedent in that many other officers with longer service would be equally justified in asking similar relief. Under date of January 29, 1927, the Director of the Bureau of the Budget advised the Navy Department that this report would not be in conflict with the financial program of the President."

It is respectfully submitted that any legislation having as its object the correction of an injustice unintentionally inflicted upon Lieutenant Weber, as this bill does, is a substantial contribution to the morale of the service and therefore for its general good.

The assertion that "it would establish an undesirable precedent in that many other officers with longer service would be equally justified in asking similar relief" is not believed to be justified by the conditions of this particular case. The claim of Lieutenant Weber is not based upon length of service but upon the fact that he satisfactorily complied with all requirements imposed upon him in ample time to receive appointment before attaining the maximum age limit of 32 years contained in the general law, and that it was due to long and apparently unnecessary delay on the part of the Government and through no fault of his that he was deprived of appointment.

By reference to the register of commissioned and warrant officers of the United States Navy and Marine Corps it will be noted that the officers who took the examination for appointment to the Medical Corps of the Navy at the same time as Lieutenant Weber did, on October 30, 1919, were appointed on and took precedence as of December 10, 1918.

Had Lieutenant Weber been commissioned in the Medical Corps of the Navy as of December 10, 1918, he would have received promotion to the grade of lieutenant commander in that corps during the summer of 1926. The result of the delay in Lieutenant Weber receiving his commission in the regular Navy has been to subject him to a loss of approximately 100 numbers and possibly to postpone promotion to the grade of lieutenant commander in the Medical Corps of the Navy from 8 to 10 years.

The proposed bill is designed to correct this injustice in so far as it may be done by legislation. It will give Lieutenant Weber the rank that he would have received had his case been acted upon with reasonable promptitude. At the same time, however, its enactment will involve no increased expense whatever to the Government.

In view of the facts and circumstances outlined herein, I wish to ask, in behalf of Lieutenant Weber, that this bill for his relief be given the

further careful consideration of the committee of which you are a member, and that it be accorded the favorable consideration that its merits would seem to justify.

Very respectfully,

Mrs. HENRY C. WEBER.

JOSEPH CUNNINGHAM

The bill (S. 2733) to amend the military record of Joseph Cunningham was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. SHORTRIDGE. Mr. President, the amendment to the bill is merely a verbal change. It does not in any wise affect the purpose or scope of the measure.

The PRESIDING OFFICER. The Chair will say that objection was heard to the consideration of the bill.

Mr. SHORTRIDGE. Then I shall not waste time in discussing it.

The PRESIDING OFFICER. The Chair understood the Senator from Utah [Mr. KING] to object.

Mr. KING. If the Senator from California desires to make an explanation, I shall withhold the objection.

Mr. SHORTRIDGE. I do not care to say anything more. The amendment, however, merely strikes out unnecessary words in the bill. I think it a meritorious measure.

The PRESIDING OFFICER. The bill will be passed over.

JOHN LEWIS BURNS

The bill (S. 1852) to correct the naval record of John Lewis Burns was considered as in Committee of the Whole. It directs the Secretary of the Navy to correct the naval record of the late John Lewis Burns, gunner, United States Navy, to show that his death on August 6, 1918, while attached to the U. S. S. *North Carolina*, was incurred in line of duty and was not due to his own misconduct.

Mr. REED of Pennsylvania. That is another bill which the Navy Department recommends be not enacted. I think it ought to be explained before it shall be passed.

Mr. SHORTRIDGE. The Navy Department is not the legislative branch of the Government.

Mr. HALE. Mr. President, this is the case of an enlisted man who served in the Navy for 13 years. In 1917 he was temporarily appointed a gunner, commissioned rank, and served on active duty until August 6, 1918, when he was admitted to the Naval Hospital at Portsmouth, N. H., and died on that day. He died as the result of a gunshot wound, not incurred in the line of duty, while on board the *North Carolina*. He shot himself at about 4.45 a. m., was immediately transferred to the Naval Hospital at Portsmouth at 5.15, and died at 6 a. m.

It is claimed that the argument used and submitted to the board of inquiry charging suicide was entirely circumstantial; that his death may have been accidental, or caused by another, or that Burns was temporarily insane; it being further claimed that in view of Burns' long naval record he should be given the benefit of the doubt.

I will say, that now in the Navy when a man shoots himself, and nobody has actually seen the act, it is the policy of the department to consider the death as having occurred in line of duty; he is given the benefit of the doubt. That policy has been followed since 1923.

Mr. KING. I wish to ask the Senator from Maine if it is the rule of the department simply because there is not an eyewitness to the death of an enlisted man, though the circumstances pointing to suicide may be very strong, that the department will regard the death as not an act of self-destruction?

Mr. HALE. At the present time that is true. It was not the case at the time when Burns died.

Mr. KING. No matter how strong the circumstances may be and how clear it is that the man committed suicide?

Mr. HALE. Unless some one has actually seen the act, the man is given the benefit of the doubt. That is now the policy of the department.

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

MISSISSIPPI RIVER BRIDGE AT OR NEAR QUINCY, ILL.

Mr. DALE. From the Committee on Commerce I report back favorably without amendment House bill 9849, to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill., and I submit a report (No. 452) thereon.

I ask unanimous consent for the immediate consideration of this bill and several other bridge bills which I have here.

Mr. CURTIS. Mr. President, are these bridge bills in the regular form?

Mr. DALE. They are; yes, sir.

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

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.

CUMBERLAND RIVER BRIDGE, CLAY COUNTY, TENN.

Mr. DALE. From the Committee on Commerce I report back favorably, without amendment, House bill 9139, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.; and I submit a report (No. 453) thereon.

I ask unanimous consent for the immediate consideration of the bill.

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.

TENNESSEE RIVER BRIDGE, MARION COUNTY, TENN.

Mr. DALE. From the Committee on Commerce, I report back favorably, with an amendment, House bill 9147, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.; and I submit a report (No. 454) thereon.

I ask unanimous consent for the immediate consideration of the bill.

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

The amendment was, on page 2, line 10, to strike out the words "cost of the bridge and its", and to insert in lieu thereof "cost of the bonds authorized under the law of the State of Tennessee for the construction of this and other bridges, and their," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, on the Jasper-Chattanooga Road, in Marion County, Tenn., 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 subject to the conditions and limitations contained in this act.

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

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TENNESSEE RIVER BRIDGE, KNOX COUNTY, TENN.

Mr. DALE. From the Committee on Commerce, I report back favorably, with an amendment, House bill 9197, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn., and I submit a report (No. 455) thereon. I ask unanimous consent for the immediate consideration of the bill.

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

The amendment was, on page 2, line 10, to strike out the words "cost of the bridge and its" and to insert in lieu thereof "cost of the bonds authorized under the law of the State of

Tennessee for the construction of this and other bridges, and their," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation, on the Knoxville-Maryville Road in Knox County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

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

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TENNESSEE RIVER BRIDGE, ROANE COUNTY, TENN.

Mr. DALE. From the Committee on Commerce I report back favorably, without amendment, House bill 9196, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn., and I submit a report (No. 456) thereon.

I ask unanimous consent for the immediate consideration of the bill.

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.

MEDICAL OFFICER ASSIGNED TO DUTY AS PERSONAL PHYSICIAN TO THE PRESIDENT

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably, with amendments, Senate bill 3456, allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President. It would give him temporary rank, as amended, and it would not interfere with the rank of other officers on the promotion list.

Mr. ROBINSON of Arkansas. I think there are a number of precedents for the action, if I remember correctly.

The PRESIDING OFFICER. Does the Senator from Pennsylvania ask for the present consideration of the bill?

Mr. REED of Pennsylvania. I do.

The PRESIDING OFFICER. Is there objection to the request?

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

The amendments were, on page 1, line 5, after the word "the," to strike out "rank" and insert "temporary rank and the"; in line 6, after the word "Army," to insert "while so serving"; and, after the word "Army," to strike out "*Provided*, That the officer now assigned to that duty shall have the rank, pay, and allowances herein provided from the date of his assignment," so as to make the bill read:

Be it enacted, etc., That the officer of the Medical Corps, United States Army, who is now assigned to duty as the personal physician to the President, shall have the temporary rank and the pay and allowances of a colonel, Medical Corps, United States Army, while so serving.

The amendments were agreed to.

Mr. LA FOLLETTE. Mr. President, before this bill is passed I think we ought to be very careful to ascertain whether or not the department has approved it.

Mr. CURTIS. Does the Senator object?

Mr. LA FOLLETTE. I ask if the department has approved the bill?

Mr. REED of Pennsylvania. I understand that the department is in favor of the bill.

Mr. LA FOLLETTE. Has the Senator any written report from the department on the bill?

Mr. REED of Pennsylvania. I have no written report.

Mr. LA FOLLETTE. Then I shall feel constrained to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LA FOLLETTE subsequently said: Mr. President, I withdraw my objection to the consideration of Senate bill 3456.

The PRESIDING OFFICER. The objection is withdrawn.

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.

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.

ADJOURNMENT UNTIL MONDAY

Mr. CURTIS. I move that the Senate adjourn until Monday next at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, March 5, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 2, 1928

UNITED STATES JUDGE

John E. Martineau to be United States judge, eastern district of Arkansas.

FOURTH JUDGE OF CIRCUIT COURT OF HAWAII

Edward M. Watson, of Hawaii, to be fourth judge, circuit court, First Circuit of Hawaii, vice John R. Desha, resigned.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. Willard Mortimer Barton, Medical Administrative Corps, from February 20, 1928.

[NOTE.—Capt. Willard Mortimer Barton was nominated February 24, 1928, and confirmed February 28, 1928, under the name of William Mortimer Barton. This message is submitted for the purpose of correcting an error in the name of nominee.]

To be major

Capt. George Stanley Clarke, Infantry, from February 24, 1928.

To be captains

First Lieut. Harold Paul Stewart, Cavalry, from February 24, 1928.

First Lieut. Darrow Menoher, Cavalry, from February 26, 1928.

To be first lieutenants

Second Lieut. Alden Rudyard Crawford, Air Corps, from February 24, 1928.

Second Lieut. Rochester Flower McEldowney, Field Artillery, from February 24, 1928.

Second Lieut. Thomas Merritt Lowe, Air Corps, from February 26, 1928.

Second Lieut. Kevin O'Shea, Cavalry, from February 28, 1928.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

INFANTRY

Lieut. Col. Leo Asa Dewey, Adjutant General's Department, effective May 15, 1928, with rank from April 27, 1921.

Maj. George Veazy Strong, Judge Advocate General's Department (detailed in the General Staff Corps), with rank from May 15, 1917.

AIR CORPS

Second Lieut. Demas Thurlow Craw, Infantry (detailed in Air Corps), with rank from June 12, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2, 1928

UNITED STATES JUDGE

John E. Martineau to be United States judge, eastern district of Arkansas.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, Corps of Engineers Reserve

Brig. Gen. Jay Johnson Morrow, from March 5, 1928.

POSTMASTERS

ARKANSAS

Ida L. Carter, Parkin.

IDAHO

Clarence P. Smith, Eden.
John E. McBurney, Harrison.
Hannah H. Bills, Kimberly.
William W. McNair, Middleton.

ILLINOIS

Bryce E. Currens, Adair.

INDIANA

Jesse Dowen, Carbon.
Joseph W. Morrow, Charlestown.
LaFayette H. Ribble, Fairmount.
Roy Sargent, Syracuse.
William I. Ellison, Winona Lake.

IOWA

Abe Abben, Little Rock.
Edna Hesser, Nichols.

MAINE

Hugh Hayward, Ashland.
Thomas E. Wilson, Kittery.
Winfield L. Ames, North Haven.
Harry S. Bates, Phillips.
Hiram W. Ricker, jr., South Poland.
George E. Sands, Wilton.
Parker B. Stinson, Wiscasset.

NEW YORK

Henry L. Sherman, Glens Falls.

OKLAHOMA

George H. Passmore, Cromwell.

WASHINGTON

Nellie Tyner, Dishman.
Harry B. Onn, Dryad.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 2, 1928*

The House met at 12 o'clock noon.

The Rev. John Compton Ball, of the Metropolitan Baptist Church, of Washington, D. C., offered the following prayer:

Our Heavenly Father, we bow in Thy divine presence and invoke Thy divine blessing, that it may rest upon all the deliberations of this day, knowing full well that anything done without Thy favor is bound to come to naught, and that only as we move in conformity to Thy will can we hope for continued individual and national prosperity.

And at this time, as we are one great family, we pray especially for the wife of the President of the United States as she sits in anxiety by the bedside of her mother, and we pray that she may realize the fulfillment of the promise that underneath is the everlasting arm; and what we ask for her we ask for every citizen of these United States in the lowliest and humblest station. Bless the Speaker and every Member of this House. For Christ's sake. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 6073. An act granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.; and

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.

The message also announced that the Senate agrees, with amendments, to the amendment of the House of Representatives to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes."

ORDER OF BUSINESS

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from New York [Mr. SIROVICH] for 30 minutes.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Maryland makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 40]

Allen	Drewry	Kiess	Rutherford
Almon	Edwards	Kindred	Sears, Nebr.
Anthony	England	Kopp	Somers, N. Y.
Beck, Pa.	Estep	Kunz	Sproul, Ill.
Beck, Wis.	Foss	Langley	Steagall
Beedy	Fulmer	Larsen	Stevenson
Beers	Gallivan	Leatherwood	Strong, Pa.
Berger	Gambrill	Lindsay	Strother
Boies	Golder	Lyon	Sullivan
Britten	Goodwin	Michaelson	Sweet
Burdick	Graham	Moore, N. J.	Swick
Bushong	Griffin	Morgan	Taylor, Tenn.
Campbell	Hall, Ill.	Morin	Thompson
Carew	Hancock	Nelson, Me.	Tillman
Carley	Hare	Nelson, Wis.	Tilson
Chapman	Harrison	Norton, N. J.	Tucker
Christopherson	Haugen	O'Connor, N. Y.	Warren
Connally, Tex.	Hill, Ala.	Palmer	Weller
Connolly, Pa.	Hope	Perkins	White, Colo.
Cooper, Ohio	Houston	Porter	Williamson
Crosser	Hughes	Prall	Wingo
Crowther	Igoe	Quayle	Winter
Curry	Irwin	Ransley	Wolverton
Davey	Johnson, S. Dak.	Rathbone	Wood
Douglas, Ariz.	Kearns	Reed, N. Y.	Wurzbach
Doutrich	Kelly	Romjue	
Doyle	Kendall	Rubey	

The SPEAKER. Three hundred and twenty-six Members are present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

QUESTION OF PRIVILEGE

Mr. CRAMTON. Mr. Speaker, I rise to a question of the privilege of the House. I observe that the gentleman from New York [Mr. SIROVICH] has brought into the House and displayed upon the table, apparently for use in connection with the speech he is about to make, various bottles and paraphernalia. My only information as to the use to be made of them comes from a newspaper article in the Washington Herald this morning, which purports to quote a statement issued by the gentleman from New York [Mr. SIROVICH] which, in brief states that he "will set up a laboratory on the floor of the House to-day, and give a practical demonstration," and, further, that he "will invite Members of the House to test the stuff he runs through his chemist's apparatus," the article having to do with the question of alcohol, denatured and otherwise. I make the point of order that the rules of the House do not permit the setting up of such a laboratory, and the other performance which this newspaper announces is the purpose of the display which is before us.

The Constitution appreciated the desirability of orderly conduct in the House when it gave the House express authority to punish for disorderly conduct. The question as to what would be the situation if the gentleman from New York should go so far as the article states and attempt to give to Members of the House liquor while the House is in session I do not need to urge upon the Speaker at this time. Until the gentleman from New York makes that attempt I shall assume that he would not perpetrate an action of that kind, which would in my judgment be disorderly conduct, which would not be in order even by unanimous consent.

I simply urge at this time that the exhibits which are to accompany the speech are akin to the reading of a paper in a speech. They can not be of a higher privilege, certainly. Whether such exhibits are of as high a privilege as the read-

ing of a paper, I am not sure. Certainly one could not claim for some inanimate object or demonstration he wished to use in connection with a speech a greater privilege than he could for a paper which he wished to read as a part of his speech.

So, for the present, I make the point of order that without the unanimous consent of the House the bottles and paraphernalia have no right on the floor of the House while the House is in session, and I object to their presence and use.

Mr. LINTHICUM. Mr. Speaker, the gentleman's citation of the article from some newspaper is merely to give color to the question before the House. The question before the House at the present time is simply this: Has the gentleman from New York [Mr. SIROVICH] the right to exhibit certain drugs used by the prohibition officials in the denaturing of industrial alcohol? Has he the right to read the greatest book on the effect of drugs ever written, the Pharmacopœia of the United States Government, from which all of the definitions of these drugs and their effect upon the human system are taken?

Further, whether he has the right to exhibit certain test tubes and raw cotton and another little exhibit here which amounts to nothing. Heretofore we have had demonstrations of various things on the floor of the House. I remember very distinctly a very able speech, and a very interesting speech, delivered by the gentleman from Connecticut, the leader on the Republican side of the House [Mr. TILSON], in which he exhibited arms of various kinds and explained their mechanism, effect, and range.

I remember another time when the gentleman from Kentucky, Mr. Stanley, who afterwards became a Senator of the United States, had a number of bottles and blended whisky on the floor of this House to demonstrate how easily it could be made.

Now the question is, if you carry out what the gentleman from Michigan [Mr. CRAMTON] says to the extreme point, you could not bring a map on the floor of this House, and you could not bring anything else to show, demonstrate, or explain your speech, which would make it more interesting and intelligent to the Members.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. LINTHICUM. Yes.

Mr. SCHAFER. It may be interesting to call the Chair's attention to a precedent set about a year ago, on Lincoln's birthday, when a former Member of this House, former Congressman Upshaw, made a prohibition speech under the guise of a Lincoln memorial address, and exhibited on the floor of this House, right here, whisky bottles a great deal larger than these, which he claimed to have found in a waste basket over in the House Office Building. A precedent was thus set in this House by a man we can not say is a wet man, and this same gentleman said at a recent meeting in Washington, "Praise God, from whom all blessings flow," when it was announced that Mr. Kresge, of New York, had donated $500,000 to the antisaloon men. [Laughter.]

Mr. CRAMTON. Mr. Speaker, will the gentleman yield for a question?

Mr. LINTHICUM. Yes.

Mr. CRAMTON. Exhibits under the rule are perhaps permitted by unanimous consent, but in this instance, because of this announced publicity, which demonstrates the purpose of the exhibit, it would be to bring ridicule upon the House.

Mr. LINTHICUM. The gentleman asked me to yield for a question, not for a speech.

Mr. CRAMTON. I am simply stating that the precedent the gentleman speaks of was only by unanimous consent.

Mr. LINTHICUM. Will the gentleman give his consent to the gentleman from New York demonstrating and experimenting? The question of publicity is not before this House. The question is whether the gentleman can demonstrate and explain the dangers of deadly poisonous drugs in industrial alcohol by the exhibits which he has here, and whether he can read from the greatest book that ever was written on the subject for this information; and then the question is whether or not he can experiment. If the House does not want to allow any experiments, then there will be no experiments.

Mr. GREEN of Florida. The House the other day decided this very identical question. Therefore the matter is not before the House.

Mr. LINTHICUM. I know that the House decided several days ago to authorize the Prohibition Unit to use deadly poisonous drugs in denaturing industrial alcohol; but I do not think that action is the last word in the House on that subject. I assert that the gentleman from New York [Mr. SIROVICH] has the right to show these exhibits, and the question as to the propriety of the experiment is not before the House.

Mr. SNELL. Mr. Speaker, the gentleman from Michigan in explaining his point of order against the exhibit to be used by the gentleman from New York [Mr. SIROVICH] says this furnishing of exhibits is nearest to, or akin to, the reading of a paper or article which is covered by a rule. Granting that that is so—and I believe that statement is correct—I want to call the attention of the Speaker to Rule XXX, which provides:

> When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.

I ask that without further debate that question be put to a vote of the House, in accordance with the provisions of the rule just read to the House.

Mr. BLACK of New York. As I understand it, Mr. Speaker, Rule XXX applies only to papers, and it requires a terrific stretch of the imagination to make Rule XXX cover this proposed demonstration. I think the entire situation was covered by the request of the gentleman from Maryland [Mr. LINTHICUM], when he asked that the gentleman from New York [Mr. SIROVICH] should be allowed to make this address and to explain certain data. There is no word about exhibits in the precedents. We know that from time to time we have had exhibits before the House. So the question recurs to the unanimous-consent request of the gentleman from Maryland, which included the reference to certain data. As to "data," the dictionary—Webster's dictionary, a copy of which rests over there on a shelf behind the Sergeant at Arms—says that "datum," the singular of "data," means among other things an element on which can be based the relation of other elements, and here are certain chemical elements plainly coming within the meaning of the word "data."

The time to object has gone by. The time to object was when the gentleman from Maryland made his request. It is too late now.

Mr. LAGUARDIA. Mr. Speaker, I desire to make the point of order that the point of order made by the gentleman from Michigan [Mr. CRAMTON] is premature. The gentleman from New York has not been recognized under the order of the House and has not attempted to address the House or to use any of these exhibits, and therefore the point of order made by the gentleman from Michigan is premature.

The SPEAKER. The gentleman from New York [Mr. SIROVICH] is recognized.

Mr. CRAMTON. Mr. Speaker, I want to make one additional remark. I am heartily in favor of freedom of debate, but to any attempt that will bring the House into disrepute I shall object.

I was proceeding on the basis of publicity, as understood from the press announcement from the gentleman from New York. The gentleman from Maryland [Mr. LINTHICUM] has made certain suggestions, and the gentleman from New York [Mr. BLACK] has made certain suggestions; and if the only use that the gentleman from New York [Mr. SIROVICH] will make of these bottles and other paraphernalia is purely to let them rest there on the table and be discussed in his speech, I have no objection, with the understanding, however, that there will be no laboratory experiments carried on in this Chamber and no passing of drinks in this Chamber. [Laughter.] If he proposes to confine his use of these objects and exhibits simply to explain the subject of his speech, I shall not object.

Mr. SIROVICH. I want to assure my distinguished friend from Michigan that I have no desire to humiliate any Member of the House or to bring the House into disrepute, but I desire only to deliver an address, with no personal animus to either wets or drys, but which I hope will be instrumental in bringing my views upon the subject of poisoned alcohol clearly before the membership of this House.

Mr. CRAMTON. I am not concerned about the text of the gentleman's address.

Mr. SIROVICH. To please the gentleman from Michigan, I will not perform any experiment.

Mr. CRAMTON. Mr. Speaker, I withdraw my objection and my point of order.

The SPEAKER. The gentleman from New York [Mr. SIROVICH], is recognized for 30 minutes. [Applause.]

Mr. GREEN of Florida. Mr. Speaker, I make the same point of order that was made by the gentleman from Michigan. This is no time for any such exhibition, because this is no brewery.

Mr. VESTAL. Mr. Speaker, will the gentleman from New York yield to me for a moment?

Mr. SIROVICH. I yield.

Mr. GREEN of Florida. Mr. Speaker, I made a point of order. I make the same point of order as made by the gentle-

man from Michigan [Mr. CRAMTON]. Mr. Speaker, I withdraw my point of order.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. The gentleman from Florida [Mr. GREEN] has just made a point of order. I do not believe he can withdraw that point of order except by unanimous consent, and I object to it. Let him go through with his point of order.

The SPEAKER. The gentleman may withdraw his point of order.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the Committee on Patents be permitted to sit this afternoon during the session of the House.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Committee on Patents be permitted to sit this afternoon during the session of the House. Is there objection?

There was no objection.

Mr. SCHAFER. What about the point of order?

The SPEAKER. There is no point of order pending, and the gentleman from New York is recognized for 30 minutes.

DENATURANTS IN ALCOHOL

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen, I want to thank the House for its gracious courtesy in granting me the unanimous consent of this distinguished body to speak for half an hour upon the subject of poison in denatured alcohol. I sincerely trust that you will not consider it an imposition upon my part if I respectfully request you to be kind enough to refrain from interrogating me until I have concluded my remarks, when I shall be exceedingly pleased to answer any questions that any Member of the House is desirous of asking me.

At the very outset of my remarks, ladies and gentlemen, I want to say to the membership of this House that I am a total abstainer and have never participated in the drinking of any alcoholic beverage, and that my sainted father, who was a clergyman, never indulged in any alcoholic beverages, either. As a doctor of 23 years' standing, practicing in my chosen vocation, and as a fellow of the American College of Surgeons, it might be of interest for you to know that since prohibition went into effect, while I have the right to prescribe alcohol for medicinal purposes, the records of the Prohibition Department will show that I have never prescribed a drop of alcohol for any human being. [Applause.] I want to say to my distinguished friend from Michigan that I am not here to talk against the drys, nor am I here to talk against the wets, but as a student of science, and as a lover of humanity, and above all as one who is anxious to see the Constitution of our United States upheld and the eighteenth amendment respected and honored and honestly and rigidly enforced so long as it is upon our statute books, that I contend that the dictates of humanity demand that our Government cease at once putting poison into denatured alcohol, which is destroying the lives of thousands of our human beings and depriving them of their inalienable constitutional rights to the pursuit of life, liberty, and happiness, and I am further convinced that the removal of poison from denatured alcohol would not be depriving honest industry of any rights it is entitled to, nor jeopardize the integrity and safety of any business that is desirous of legitimately using industrial alcohol for their respective industries. [Applause.]

What is the purpose of my address? My object in discussing poison alcohol with you is to enlighten the House membership upon a subject upon which much confusion and misgivings exist. When you take alcohol and remove the water contained in it you dehydrate it, and you will find we have left 99 per cent alcohol. In the nomenclature of chemistry we call this 99 per cent alcohol or absolute alcohol or ethyl alcohol or grain alcohol. These three terms are interchangeable and they mean one and the same thing. What is this absolute alcohol or ethyl alcohol or grain alcohol used for? It is used for three different purposes. In the first place, we use it in medicines, and for that purpose it is called medicinal alcohol. There is hardly an herb, there is hardly a drug or chemical that is soluble in any other media but that of absolute alcohol, and when any human being takes it, whether he be wet or whether he be dry, that individual is drinking alcohol given to him for medicinal purposes. In every hospital of the United States, in every city and State institution, in every hospital under the jurisdiction of the United States Army and Navy, we are to-day using medicinal alcohol when we give medicines to human beings to allay their anguish and suffering and to assuage their pain. So much for medicinal alcohol.

Let us now discuss the subject of beverage alcohol, which is alcohol that is used for human consumption. In gin, rum, cognac, brandy, or whisky you find 45 to 50 per cent alcohol. Every time you drink light wines, red wines, white wines, champagne you partake of an alcoholic content of 10 per cent to 18 per cent. When your gustatory desire prompts you to drink ale, stout, or porter you are taking alcohol containing between 4 and 6½ per cent, and when you drink plain ordinary beer you are taking between 1 to 3½ per cent alcohol. Thus one glass of whisky containing 50 per cent alcohol is the equivalent of 18 glasses of beer containing 3 per cent alcohol.

Now, there are two views in the United States concerning beverage alcohol. One is that of a group of honest, sincere, loyal American citizens, who contend that beverage alcohol is detrimental for human consumption, and is responsible for all the wickedness found in our Nation, and that from a social, physical, economic, and political standpoint beverage alcohol has destroyed the home, interfered with the economic welfare of our country, destroyed the physical welfare of our fellowmen, and is chiefly responsible in corrupting the body politic of our Nation.

On the other hand, there is the equally sincere and honest wet element of our country, who believe in moderation and in temperance, and who contend that those who believe in moderation and temperance should not be crucified upon the altar of the drunkard. The wets, so called, deny that from a social, from a physical, and from an economic standpoint temperance has ever harmed any human being; but on the other hand, they contend that from a political standpoint modern prohibition has brought more corruption to-day in Government than has ever existed in the history of our Nation. [Applause.]

On the medical side we have two groups of physicians. One who are firmly convinced that beverage alcohol serves no remedial purpose to human beings, while on the other hand we have equally great authorities on the other side who contend that beverage alcohol taken in moderation is a tonic to the system, is converted into carbon dioxide and water and heat and energy without leaving behind any refuse whatsoever.

Now, my fellow colleagues, having discussed with you the subject of medicinal alcohol and of beverage alcohol, I come to the subject I am most anxious to deal with—that is, the subject of industrial alcohol.

What do we mean by industrial alcohol? Industrial alcohol means the utilization of absolute alcohol, ethyl alcohol, or grain alcohol—which means the same thing—for use in the various industries and the great manufacturing organizations of our Nation who need absolute alcohol in their respective lines of endeavor. We use industrial alcohol in moving pictures, automobiles, paints, varnishes, furniture, leather, candies, cologne, and so forth. Pretty nearly every industrial plant in the Nation utilizes industrial alcohol.

Up to the year 1906 industrial alcohol, medicated alcohol, and beverage alcohol paid the Government of the United States a tax of $1.10 per gallon, but in 1906 the business industries of our country petitioned Congress to remove the tax on industrial alcohol in order that it might be able to compete with foreign governments who had removed the tax on their industrial alcohol. So by act of Congress, in June, 1906, the tax on industrial alcohol was removed and we never had any trouble with industrial alcohol from 1906 to 1920. However, not to have industrial alcohol compete with tax-paid medical and beverage alcohol, the Government denatured the pure alcohol with violent and toxic poisons.

In 1920, when prohibition went into effect, unscrupulous malefactors and criminals and corrupt influences, realizing the opportunities of great wealth, went into industrial avenues for the nefarious purpose of diverting and converting poisoned industrial alcohol for beverage purposes. They began to take from the Government large quantities of this denatured and poisonous alcohol in order to utilize it for bootleg purposes.

So in 1920 thousands of industries sprang up like mushrooms over night, and began to take from the bonded warehouses and from the denaturing plants of the Government industrial alcohol, ostensibly for industrial purposes, but actually for no other purpose but for bootlegging beverage purposes. So these poisons that the United States Government put in, in 1906, which were poisons like methyl alcohol, which is called wood alcohol, or carbolic acid, or bichloride of mercury, or formaldehyde, or brucine, and countless other products, were used by these unscrupulous and alleged business men for their terrible machinations, the bootleg industry, to disseminate amongst the unthinking and unsuspecting citizenry these awful Government-poisoned liquors. Mr. Chester Mills, the former Republican prohibition director of the city of New York, stated that while the total consumption of industrial alcohol in the United States was from 60,000,000 to 70,000,000 gallons per

year in and around New York City, there was diverted over 12,000,000 gallons of industrial alcohol, which fell into the hands of the bootlegging fraternity, and ultimately found its way to maim, cripple, and murder indiscreet citizens, some of which unfortunately came even from the district I represent.

These bootleggers hire half-baked chemists, who try to take out these poisons that the Government of the United States has put in, but are never successful in entirely eliminating them, and the proof of this is contained in the statement of Chester P. Mills, that the Government seizures of bootleg whisky, which amounted to 500,000 gallons last year and examined by Government chemists, were found to contain traces of poison in 99 per cent of the 500,000 gallons seized.

As a matter of courtesy and to please my good friend, the distinguished gentleman from Michigan [Mr. CRAMTON], for whom I have the highest regard, I may say that I have no intention of offending any Member of this House, but this [indicating] is only ethyl alcohol, plain grain alcohol, or absolute alcohol.

If I take this ethyl alcohol and mix it with this wood alcohol [indicating], what do you think would happen? Quoting the United States Pharmacopœia, which lies here before you, one draft taken by any Member of this Congress or his family would in 90 per cent of the users cause total blindness within 24 to 48 hours and they would remain permanently blind. Do you not think, therefore, ladies and gentlemen of this House, that I am justified in appealing to you in the name of humanity to stop these inhuman activities of which the Government is particeps criminis?

Here is another drug [indicating] which the Government uses. It is a solution of bichloride of mercury. When a human being takes industrial alcohol containing this bichloride of mercury what happens? In 48 hours to 2 weeks his kidneys diminish functioning, and in 3 or 4 weeks, when the kidneys cease entirely to function, he dies of uremic poisoning or acute Bright's disease. Shall we go on with that?

Now, take the third drug [indicating]. It is carbolic acid. When carbolic acid is not taken out of the denatured alcohol and goes into the stomach, it burns up the mucous membrane of the esophagus, destroys the coating of the stomach, then goes into the portal circulation, into the liver, and destroys the life of the unfortunate victim.

Then, take benzene [indicating]. If benzene goes into the stomach of a human being it causes hemorrhage of the lungs.

Here is brucine sulphate [indicating], which is related to strychnine. Taken into the stomach of a human being it causes paralysis of his muscles, disease of the nerves, and convulsions.

Is it necessary for me to go on and enumerate the countless things that happen to these unsuspecting citizens who partake of this denatured alcohol diverted by thousands of gallons, colored with caramel and other forms of aniline dyes?

Mr. Speaker, I yield to no man for the loyalty, for the devotion, and for the patriotism that I have for my country; but, loving it as I do, I believe the time for petition has gone by, the day for remonstrance has ceased, and the moment for action has arrived, when, in the name of God and our country, poison should be taken out from denatured alcohol and such drugs substituted that will be malodorous, unpotable, unpalatable, and nauseating to the human system. Such denaturing will accomplish the same results without maiming, blinding, and destroying life. [Applause.]

Is there anything wrong in this? Germany uses pyridine to denature alcohol. France uses malachite green. Here is a sample of pyridine, a drug that is made from decomposing animal matter. One whiff of this drug and you stop drinking at once. Here is another drug, diethylphthlate. If taken into the stomach it causes nausea and nature throws it out as vomit. What wrong does any Member of this House do, what wrong can happen to my good friend, Mr. GREEN of Florida, or my friend from Michigan [Mr. CRAMTON], or any dry or any wet Member in this House, if we help the Government and the chemists of the United States to take out the poisons that are killing hundreds of thousands and maiming others and putting in instead those drugs that are malodorous, that are unpotable, unpalatable, nauseating to the human system, and that stay in the alcohol without affecting the business industries of our Nation? [Applause.]

Mr. CRAMTON. Mr. Speaker, will the gentleman yield to me for a question at this time?

Mr. SIROVICH. I am always willing to extend any courtesy to the distinguished gentleman from Michigan. I yield. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. SIROVICH. Since I have 10 minutes left, in fairness to all, I am quite willing to allow the 10 minutes to be used in answering any question that any Member of the House may ask.

Mr. CRAMTON. I thank the gentleman. My only reason for rising and asking the gentleman to yield is because the gentleman has referred to me. I appreciate the speech that the gentleman has made, and I appreciate his point of view.

The harm, as I understand it, is this, that the things which the gentleman suggests might be used as denaturants would fail in two respects. First, they would not comply with the needs of the industries using the alcohol and, second, they could be so easily removed from the alcohol that it would make them ineffective as a protection.

Mr. SIROVICH. To answer the gentleman, I have here taken verbatim from an article by Mr. Chester P. Mills, former prohibition administrator of the district including New York, appearing in Collier's Magazine for October 15, 1927, an extract for the benefit of the Members of this House. Let me say that Chester P. Mills is a graduate of West Point, and one of the best prohibition administrators that the city of New York has ever had. He brought down the diverted and converted alcohol from 12,000,000 gallons to 500,000 gallons a year. Am I right, Mr. CRAMTON, in assuming that Chester P. Mills was a very efficient prohibition agent?

Mr. CRAMTON. I have no information on the subject.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I can not yield to two gentlemen at once. I should be very glad to yield to the gentleman afterwards, but from the standpoint of physics, no two things can occupy the same space at the same time. [Laughter.]

I want now to read this extract from the article taken from Collier's of October 15, 1927, which will answer my friend from Michigan, the leader of the dry forces in the House:

> Investigation by the prohibition unit developed the suitability of certain complex oil compounds of an odorous and disagreeable nature but of themselves nonpoisonous. These when put in units of 100 gallons of ethyl alcohol will not only remain with the alcohol under manipulative treatment, but will so mar the concoction in which they may be employed that nobody can consume it unknowingly.

Mr. BLANTON. Mr. Speaker, will the gentleman now yield?

Mr. SIROVICH. Yes. I yield to my friend from Texas.

Mr. BLANTON. I think our scientific friend said that this distinguished ex-prohibition enforcer was a graduate of West Point?

Mr. SIROVICH. So I understand.

Mr. BLANTON. When he went there to get his instruction at the expense of the people of the United States, he promised the country a military career, did he not?

Mr. SIROVICH. Does the gentleman want me to defend his military career or his career as a prohibition enforcement officer? The gentleman himself seems to be an authority upon every subject, and he ought to know.

Mr. BLANTON. And, therefore, he fell down on the first obligation he undertook for the United States.

Mr. SIROVICH. I yielded for a question, and not for a speech.

Mr. BLANTON. He must have fallen down in the first undertaking of his life, as he did not stay in the Army after we educated him at West Point.

Mr. SIROVICH. I am not interested in his fall, but in lifting him up. [Applause and laughter.]

Mr. WILLIAM E. HULL. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. WILLIAM E. HULL. I have listened carefully to the gentleman's speech, all of which I know to be true, because I was a distiller for 28 years. I want to ask this question for the benefit of the gentleman and for the benefit of the House. Would it not be better if the law permitted alcohol to be delivered to the manufacturing plants without any denaturants in it whatever, and provide that those receiving that alcohol be subject to imprisonment in the penitentiary if they diverted it for any purpose except what they got it for?

Mr. SIROVICH. Mr. Speaker, the gentleman is asking a very interesting question, and for the benefit of Members of the House I want to say that when liquor is manufactured it first goes to the distillery. From the distillery it goes to the Government bonded warehouse, and from the Government bonded warehouse it goes to the third place, which is called the denaturing plant. From the denaturing plant it goes to the fourth place, the various industries that require it. What happens is that many times in the bonded warehouse, and particularly in the denaturing plant, some of our prohibition officials turn their backs when the denaturants are put in; but the greatest diversion of denatured or industrial alcohol is found mainly when it goes to the industries, and if the Members of the House will find out how many people were getting industrial-alcohol permits before prohibition went into effect and then see how the

business has grown and multiplied since prohibition, I think they would be startled and surprised. I would like the gentleman from Michigan to realize how many hundreds and thousands of new enterprises have gone into the industrial-alcohol business and have gotten permits through unscrupulous politicians and have diverted this industrial alcohol for bootleg purposes. In my district I have had prohibition agents going around before election giving constituents beverage alcohol to vote against me. Surely, it would be far better to trust honest business men.

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

Mr. GREEN of Florida. Will the gentleman yield there?

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I will yield to the gentleman from Florida [Mr. GREEN] first. I certainly would be in favor of putting alcohol into the hands of the honest business industry, which has used alcohol away back before 1915, before prohibition went into effect, and impose such a penalty as 10 or 15 years' imprisonment and a fine of from $10,000 to $25,000 for diversion of industrial alcohol in violation of the law, rather than continue the present method of being instrumental in murdering even one guiltless human being. [Applause.]

Mr. GREEN of Florida. Does the gentleman believe that our Government, in denaturing alcohol, should have in view primarily the interests of the industries of our country or the interests of those who unlawfully traffic in alcohol?

Mr. SIROVICH. My dear sir, I believe in protecting both; but if it were a question of protecting the one as against the other, I always stand for the protection of life as against the protection of property. [Applause.]

Mr. ROBSION of Kentucky. Will the gentleman yield now?

Mr. SIROVICH. Yes.

Mr. ROBSION of Kentucky. I am very much interested in the gentleman's speech. I am a dry, but I think the question is open to discussion at any time. I understand the gentleman has been a distinguished physician for a number of years?

Mr. SIROVICH. For 23 years.

Mr. ROBSION of Kentucky. And he has never prescribed alcoholic liquors and never has used them himself?

Mr. SIROVICH. That is correct.

Mr. ROBSION of Kentucky. Why has the gentleman done that?

Mr. SIROVICH. I will be glad to explain that. First, I want to inform the distinguished gentleman that my father was a clergyman and never indulged in alcoholic beverages. Second, in our home liquor was never used. Third, personally, I do not drink and do not smoke. Fourth, in my profession from the year 1906 to 1920, while prohibition was not in effect, I prescribed alcohol from time to time in the practice of my profession in such diseases as pneumonia, typhoid fever, dysentery, and other infectious diseases. Fifth, since prohibition went into effect in 1920 I have never prescribed alcohol, so that I could live under the law and honestly feel that I was upholding the Constitution of the United States and religiously observing the letter and the spirit of the eighteenth amendment. [Applause.]

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. SUMMERS of Washington. Will the gentleman indicate the difference between the denaturing of alcohol in this country and in foreign countries?

Mr. SIROVICH. Yes; I shall be very glad to do that. In France and in Germany they no longer use the denaturizing constituents that our country utilizes. In France a man can get all the liquor he wants, because there is no prohibition. In Germany they use pyridine. Now, if the gentleman from Michigan [Mr. CRAMTON] will permit me, I will be pleased, if he has no objection, to pass this specimen of pyridine around so that every Member of the House may smell it. [Laughter.]

Mr. CRAMTON. Mr. Speaker, I make a point of order.

Mr. LINTHICUM. Mr. Speaker, I move that the gentleman from Michigan be allowed to smell it. [Laughter.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more. He is giving the House a very interesting address.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LINTHICUM. I move, Mr. Speaker, that the gentleman from New York be permitted to allow the gentleman from Michigan to smell that pyridine. [Laughter.]

Mr. SIROVICH. I ask, Mr. Speaker, that that remark be expunged from the RECORD. [Laughter.]

In Germany they use pyridine, which is made from decomposed animal matter, and the odor is so offensive and obnoxious that instead of putting poison in alcohol, one whiff of this would be sufficient to effectually denaturize it. That is the reason why I wanted to pass it around. In France they use a preparation called malachite green and a form of petroleum.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Illinois.

Mr. DENISON. Can these chemicals which are not poisonous be adopted for use here?

Mr. SIROVICH. Yes. It is impossible to completely remove them just as it is impossible to remove entirely methyl alcohol. However, I could take samples, if the gentleman from Michigan [Mr. CRAMTON] would permit, and show you exactly what can be removed and what remains——

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. RAMSEYER. Could you not use that in this country?

Mr. SIROVICH. The law you passed last week would not permit us to take the poison out of industrial alcohol.

Mr. RAMSEYER. Could we not use that?

Mr. SIROVICH. It is optional with the Government. But as I read the law last night, the law is mandatory, and since 1906 the Treasury Department and the collector of internal revenue are commanded to put poison in the alcohol.

Mr. RAMSEYER. You think under the existing law, what you recommend would be better?

Mr. SIROVICH. Unquestionably. Now, I want to say that I knew nothing about Mr. LINTHICUM'S amendment until I came into the House last week. I was never called upon to speak or asked to speak, but during the debate I participated in it. It was with that object that I came here, not to discuss the question of wets and drys but to present an honest statement to the House; so that we might prevent unsuspecting and innocent citizens from being poisoned by the Government of our country. [Applause.]

Mr. HUDSON. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Michigan.

Mr. HUDSON. Is it not the statement of the department that they are constantly trying, through their laboratories, to find denaturants that are not poisonous and that they have authority to use them?

Mr. SIROVICH. I have given you some light now, but I find it is mandatory upon the Government officials to use poisons in denaturing alcohol.

Mr. HUDSON. That is the gentleman's opinion?

Mr. SIROVICH. I read the law only last night.

Mr. HUDSON. But it is not the opinion of the department, and if the gentleman will be fair he will have to say that the department is constantly, through its laboratories, trying to find denaturants that will not do this.

Mr. SIROVICH. They do not have to go very far. I found these for them. [Laughter.]

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. SIROVICH. I yield.

Mr. WILLIAM E. HULL. It is true that the formulas are made by the Government, and it is a part of the law that they must use either wood alcohol or the other ingredients the gentleman has referred to. That is the law. But you can use pyridine as a denaturant, and we have used it in many cases.

Mr. SIROVICH. Exactly.

Mr. WILLIAM E. HULL. And it will do just what the doctor says, but the trouble in using pyridine in this country is that the average buyer will not buy it with pyridine in it when he can buy it with wood alcohol in it.

Mr. SIROVICH. Exactly.

Mr. CRISP. Will the gentleman yield?

Mr. SIROVICH. I will yield to the distinguished gentleman from Georgia.

Mr. CRISP. What is the cost economically of using the denaturants you have mentioned and the denaturants that are now used.

Mr. SIROVICH. They are approximately the same. There is no difference.

Mr. BLANTON. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Texas.

Mr. BLANTON. Is it not a fact that the very best whisky to some topers is absolutely abhorrent and obnoxious for them to smell, and is it not a fact that when they do drink it for its effect that many of them hold their noses when they drink it? [Laughter.]

Mr. SIROVICH. For the benefit of my friend, Mr. BLANTON, I will even enlighten him upon that. You are talking about the pathological specimens of our country, the psychological constitutional inferior groups. In our lives there are two types of worlds. One is the world of reality and the other is the world of dreams. The world of reality is the one in which we struggle, toil, and drudge in order to eke out an existence. While the world of dreams is a world of fantasy and a world of imagination. Many of these poor wretches we have been talking about can not get along in the world of reality because it is too hard for them. They can not struggle and toil. What do they do? They are the ones who become over-indulgent and become drunkards, and when they become drunkards or topers they go from the world of reality through the medium of intoxication into the world of dreams. So, under the influence of intoxication, they are millionaires, they are scientists, they are even Members of Congress. [Laughter.] And they run for the Senate. They do everything. And so I want to say to my distinguished friend that when you deny to these pathological, constitutional inferior groups the privilege of being topers, you increase the numbers in the penitentiaries of our country and throughout the dry States of our Nation who are great users of drugs, of cocaine, of heroin, and of morphine, that takes the place of liquor, and under the influence of these drugs they run away from the world of reality into the world of dreams. [Applause.]

Mr. BLANTON. Getting back to my question, is it not a fact that no matter how abhorrent and obnoxious the smell, they still use it? Is not that a fact?

Mr. SIROVICH. Well, to some people a smell is an odor, and they like it. Even a rose may smell and smell until it finally decomposes and is a stench to us. But you are speaking of pathological people while I am speaking of the citizens of our country, those who should be protected. As a matter of fact, our laws are made not only to protect the strong but they are made to protect the weak.

Mr. MENGES. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Pennsylvania.

Mr. MENGES. Is it not a fact that the industries which are using industrial alcohol would refuse to use it if the gentleman would use pyridine, which is rotten bone oil, to denature it? The industries which are using denatured alcohol would refuse to use it if he would denature it with pyridine.

Mr. SIROVICH. The industries of the United States are no more progressive than the industries of Germany, and the industries of Germany use it just the same.

Mr. MENGES. The industries of Germany do not begin to use denatured alcohol in any way, shape, or form in the quantities we are using it and for the purposes we use it.

Mr. SIROVICH. That is true, since the war.

Mr. MENGES. We use from eighty to ninety times more than they use.

Mr. SIROVICH. But will not the gentleman agree with me that some of the greatest chemists perhaps of the world are found in Germany, and that they have been the pioneers in this form of scientific investigation?

Mr. MENGES. I am not ready to concede that. I think our Government has men employed in the very business that the gentleman is talking about who are the equal of any German chemists. [Applause.]

Mr. SIROVICH. I agree with the gentleman in that.

Mr. Speaker, I want to thank you and the membership of this House for the gracious courtesy you have extended me and the patience with which you have listened to my remarks. [Applause.]

Mr. MEAD. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes; I yield to my colleague from New York.

Mr. MEAD. Mr. Speaker, this lecture has been one of the most interesting and educational we have ever been privileged to listen to in the House, and I want to leave the suggestion with the distinguished gentleman from New York, that he consider finishing his splendid lecture in the caucus room, or in one of the committee rooms of the House Office Building, where those of us, who would like to see the demonstration that the gentleman intended to give us can actually be put on.

ADDRESS OF HON. THOMAS A. YON

Mr. GREEN of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a speech delivered by my colleague, the gentleman from Florida [Mr. YON], delivered at the annual business dinner of the Boston Boot and Shoe Club, at Boston, Mass., February 15, 1928.

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

There was no objection.

Mr. GREEN of Florida. Mr. Speaker and fellow Members of the House, under permission just given me to extend my remarks, I include herewith speech recently delivered by my colleague, the Hon. THOMAS A. YON, of the third Florida district. This speech was delivered before the annual business dinner of the Boston Boot and Shoe Club at Hotel Statler, Boston, Mass., the evening of February 15, 1928. Few Congressmen have ever had the honor of invitation to travel so long a distance and speak to an industrial organization which is so old and well known as this boot and shoe organization. In this speech my colleague stressed some of Florida's greatness as well as expounding sound economic truths.

The speech is as follows:

Mr. President and gentlemen, I was happy, indeed, when I read your invitation to be your guest at your dinner here in this old historic city of Boston. Of course, I ought to feel at home with such a splendid lot of gentlemen, engaged in the various capacities in the shoe industry, and I hope you have also some of my old comrades—"the boys with the sample cases"—that group that means so much to your industry, for were it not for the distribution from your factories to the various stores and shops throughout this country and the world at large, the factories could not operate very long. That group of good fellows—the traveling men. Those boys who meet each day the difficulties encountered in the life on the road and overcome them. Those boys that oftentimes meet a situation under the circumstances surrounding them, makes him rather frown than smile, but smile they do, and thusly turns many a bad situation to good advantage. Yes, gentlemen, these boys are the lifeblood of our commercial and business life.

Now, my hosts, I want to say in the outset that I am happy to be with you. I bring a message of good will and welcome to you that might want to visit my State, the southernmost State, that is situated down between the Atlantic and the blue waters of the Gulf of Mexico. I bring you a message from the land of sunshine and flowers and peerless Florida watermelon. I judge some or the most of you have visited my State at some time or other, and may be, no doubt, at the present time your club membership is represented there, judging from what your good secretary wrote me, Mr. Anderson.

Yes; I come from Florida to this, the "Old North State," and to its heart, the "Hub City." I have always had a desire to come here and an interest in this section. This section where landed the Pilgrim Fathers, that braved the perils of an almost unknown sea that they might plant themselves on this soil to face the dangers of savage attacks, and the hard winters that were before them, that they might worship God as their consciences dictated. To this old city, of tea-party fame, of Bunker Hill, and the land of Paul Revere, and the Minute Men, and in this section that the shoe industry first took root in America, and which has been such a source of large industrial development, reaching into almost every part of this great country of ours; and, too, my hosts, I have an especial interest in you and your factories, although, I sold shoes for an old southern firm, for many years, distributing them to the country stores, commissaries, and in the villages, towns, and cities of northern Florida. A great many of these were made by your New England factories, and for that reason, I have always, from a shoe standpoint, wanted to visit you. I guess you must make good shoes, or else I couldn't have sold myself with them, to a good constituency, God bless them, the best people in the world. I will let you draw your conclusion, but I am happy in the thought, that I really don't believe that it was any bad motive on my good people's part in honoring me thusly, one who had never sought office before, enough to send a hard-working shoe peddler to the greatest law-making body in the world. In speaking of the Congress, of course, there is a great misunderstanding on the part of the average American as to what great difficulties that body has to encounter.

With thousands of bills a session, touching on every conceivable subject; with all kinds of groups to urge some special legislation or idea before the 45 different committees of the House and like number of the Senate; and also, besides this, we have to work out and get down to the best things for the country as a whole that produce means of raising revenue for running the Government, and the appropriations to care for each and every governmental activity and paying interest on its public debt, which appropriations in the end reach the stupendous total of over $4,000,000,000 annually. These appropriations are for exercising and carrying on the official provisions of each of the departments—the Army, Navy, rivers and harbors, Government aid in local road building in the States, etc., and I will add that the appropriations for this last purpose are entirely too meager, because the relatively small appropriations made have benefited the American people per dollar more than any other moneys that the Government has provided; because, aside from the encouragement it has given the States in developing their road systems, in this development it has benefited every class and condition of our people, for these roads are used and open to everybody. One of the most difficult problems the Congress has to deal with now is our agricultural problem. You, the leaders of thought in your industry, can't afford to not lend your

assistance in helping solve it. Why? Because the country can't continue in a prosperous condition with half prosperous and half impoverished; for you may not have realized it yet, but it is a fact that millions of farms are loaded under a burden of debt and getting deeper, where possible, that we might have food and raiment, and the farms and ranches of America ought to be enabled to furnish these, and do so with a reasonable return of reward for their labor; and, too, we can't afford to have a lopsided economic condition exist, for it is dangerous.

The whole structure is in danger of toppling over. I have too often heard complaints as a shoe salesman from merchants in my territory, when crops were poor or when prices were seriously low, and that has been the condition for practically the last seven or eight years. Now, as to your industry, I know you have your problems. Since 1920 most all manufacturers, wholesalers, and retailers have had depreciation, style changes, that always creates a dead-stock problem and other things to contend with. Also, another thing, too, that is affecting a great many in your industry, is combinations, consolidations, in tanning and manufacture. The chain-store business and mass buying is affecting others. All of these are problems for you to work out, and I am sure you are capable of coping with your difficulties, but I hope that you will not make it so that the individual effort will be too difficult of attainment. The New England shoe industry has been made great by the hundreds of individuals at the head of their institutions. I would remind you that loyalty to these employers as individuals by the employees, with the feeling of individuality toward each on their part, has enabled you in the past to produce style and workmanship and merchandise that has made hundreds of your houses famous throughout the land. Now, I want to briefly refer again to my State.

We have a most wonderful State. We are not dead nor altogether broke. If we were, we couldn't have paid to the Government for internal taxes for fiscal year ending June 30, 1927, the large totals of $44,483,095, of which upward of $35,500,000 was for income taxes, or about the tenth in rank in payments of the States in the Union. We also are not collecting State income and inheritance taxes and no State bonded debt.

We have a most wonderful highway system, leading to all sections of the State, numbering thousands of miles of paved roads, leading along beautiful palm-fringed inland seas, across beautiful rivers and streams, and over hills and through dales, and where the clear waters of many thousands of lakes sparkle like diamonds in a setting hard to describe; and, I will add, that no doubt numbers of you have been to some part of Florida, but you haven't yet, many of you, been privileged to visit the "last great west," western Florida, that section that holds the capital city, Tallahassee, and beyond to the westward to Pensacola, a distance of over 200 miles, of "God's country." Western Florida, with its miles of snow-white sand of the Gulf of Mexico's beach, with its bays and bayous, its rivers and lakes, and miles of beautiful, shaded streams will ever act and attract as a magnet to ever-increasing thousands from a clime less favored than this. Western Florida, with its millions of acres of fertile, arable soil, broken by gentle, rolling hills, breaking off into peaceful, verdant valleys will provide happy homes for thousands more from less-favored agricultural regions than these. Western Florida with her cities, towns, and villages, peopled by a courteous, hospitable people, will claim thousands more to enjoy the advantages of schools, churches, and other associations that the other parts of the world are unable to provide. So, now, my genial hosts, won't you pay us a visit? We will be glad to have you. And thanking you for this happy occasion, I will close.

THE LATE HON. EDWARD COOPER

Mr. BACHMANN Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BACHMANN. Mr. Speaker, it is with deep regret that I announce to the House the death of one of West Virginia's foremost and distinguished citizens, Hon. Edward Cooper, of Bramwell, a former Member of this House, who passed away last night at Bluefield. Mr. Cooper was born at Treverton, Pa., February 26, 1873. He moved to West Virginia in 1875, in which State he had since lived. He was a graduate of Washington and Lee University and for a short time engaged in the practice of law. At the death of his father he abandoned the law and engaged actively in the development of coal properties in southern West Virginia. Mr. Cooper served as a Member of this House in the Sixty-fourth and Sixty-fifth Congresses. His death has removed from our midst one whose memory will live for years to come, and one who will be greatly missed by all who knew and loved him.

OSAGE INDIANS IN OKLAHOMA

Mr. LEAVITT. Mr. Speaker, I am directed by the action of the Committee on Indian Affairs to ask unanimous consent that the bill (H. R. 9033) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" and the report thereon be returned to the Committee on Indian Affairs for further consideration.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes; and pending this motion I would like to see if we can reach an agreement with reference to limiting general debate. We have been having very extensive general debate for some little time. My demands are about exhausted, and I would like to ask the gentleman from Texas what he has to suggest with reference to limiting debate.

Mr. BUCHANAN. Mr. Speaker, I am not in position to complain, neither am I in position to make a request for a long continuance of general debate, because the other side of the House has already yielded to me one hour more than has been consumed on that side of the aisle. While I have requests for five hours of time unfulfilled and would like to see every man have an opportunity to present his ideas to the committee, still in good conscience I am going to have to put myself upon the generosity of the other side, and I will ask the gentleman from Iowa to suggest how much time for general debate should be allowed.

Mr. DICKINSON of Iowa. Mr. Speaker, I would like to inquire if 2 hours and 20 minutes, 1 hour and 30 minutes to be given to the gentleman from Texas and 50 minutes to be in the control of myself, would be satisfactory to the gentleman from Texas?

Mr. BUCHANAN. It would have to be satisfactory, Mr. Speaker.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that general debate close in 2 hours and 20 minutes, 1 hour and 30 minutes to be in the control of the gentleman from Texas and 50 minutes to be in the control of myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate proceed for an additional 2 hours and 20 minutes, 1 hour and 30 minutes of the time to be controlled by the gentleman from Texas and 50 minutes by himself. Is there objection?

Mr. BLANTON. Mr. Speaker, merely for information, would the gentleman indicate to the House whether he intends to read more than the first paragraph of the bill this afternoon?

Mr. DICKINSON of Iowa. We want to read as far as we can because we want to finish the bill to-morrow.

Mr. BLANTON. We did not get the printed bill until yesterday morning, and we have not yet finished checking it up.

Mr. DICKINSON of Iowa. The gentleman will have all day to-day.

Mr. BLANTON. Yes; but there are some important committee meetings intervening. I am conducting an important investigation before the Gibson committee. Could we not have an understanding that the bill will not be read to-day beyond the first paragraph?

Mr. DICKINSON of Iowa. No; we must read more than that, because we want to pass the bill to-morrow, if possible.

Mr. BLANTON. The reading of the bill under the five-minute rule will not begin before 4 o'clock?

Mr. DICKINSON of Iowa. No.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11577), the agricultural appropriation bill, with Mr. TREADWAY in the chair.

The Clerk read the title of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, in order to help relieve the congestion of oratory on the Democratic side of the House, I yield 10 minutes to my good friend, the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON of Missouri. Mr. Chairman, I desire to call the attention of the committee and the country to a great Democratic convention recently held in the city of St. Joseph, in my State of Missouri, on the 28th day of February, 1928, where certain declarations of principles were written into the platform

adopted in that convention, which I shall read in the RECORD as a part of my remarks.

The platform there adopted first declared the allegiance of the Democratic Party to the time-honored principles which characterized our party as the exponent of free government and the champion of the rights of all the people, and then in well-chosen words paid tribute to the great career and public record and service and leadership, the unquestioned honesty and courage and ability of the Hon. JAMES A. REED, and concluded its platform by adopting as its declaration of principles the words of Senator REED uttered elsewhere in a great speech, which reads as follows:

Let us rally our forces to the flag of the Constitution, let us make our fight beneath banners proclaiming:

The inalienable rights of the citizens, among which are liberty of conscience, without coercion, criticism, or obloquy.

The right of every man to worship God according to the dictates of his own conscience, and that none shall make him afraid.

The right of free speech, free press, and peaceable assemblage.

The right of each citizen to regulate his own personal conduct, chart his own course through life, determine his own habits, and to control the affairs of his own household, free from all restraints, save that in the exercise of these natural privileges he will not interfere with the rights of others.

Let us reassert the truth of the doctrine that if this people are to remain free, local self-government and the sovereignty of the States must be preserved.

That Federal power should be brought within the limits not only of the letter but also within the spirit of the Constitution.

The march of centralization must be arrested.

Government by boards and bureaucracies must cease.

Let us demand:

The honest administration of government.

The swift and sure punishment of all public plunderers, bribe mongers, and other malefactors.

The equalization of the burden of taxation.

The repeal of all laws creating special privileges.

The liberation of honest business from oppressive interference by governmental agents.

The prosecution and punishment of those who by trusts, combinations, and restraints of trade make war on honest business and despoil the people.

Let us advocate the American doctrine, which places the interests of our country and our people above that of any and all other aims to make American citizens the freest, happiest, and most prosperous people on earth, and which rejects all policies calculated to imperil the rights or jeopardize the majesty and security of the United States.

Let us demand that the Government shall in all proper ways assist in the development of the natural resources of the land; that it shall immediately develop and execute a plan to control and conserve our great inland waters; harness their power, develop the arid lands of the West, protect the great valley States from inundation, and place upon our mighty rivers and lakes, argosies which will bear an immense commerce, thus commercially uniting the interior States with the Panama Canal.

We should insist upon the encouragement and development of a great merchant marine which will not only carry our commerce to all ports of the world in American ships and beneath the American flag but which will also strengthen our defense upon the seas in case of war.

Our demand should be for honest elections, the jailing of every rogue who pollutes the ballot, the expulsion from office of every man whose title is tainted with fraud or whose certificate was obtained by corrupt methods, whether practiced by himself or on his own behalf.

And then unanimously instructed the delegates there elected to the Democratic National Convention to be held at Houston, Tex., on June 26, 1928, to cast their votes for the nomination of Senator JAMES A. REED for President of the United States and to vote as a unit so long as his name is before the convention and until personally released by him. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman and gentlemen of the House, I thought I had arranged with some young man in charge of the Hall to bring into the House and exhibit a display made by the Department of Agriculture, so that I might explain the purposes and the manner in which the new plan of grading of beef is being carried on in the different livestock centers of the Nation. That exhibit is now here.

The manner in which the Department of Agriculture and the principal packing houses are endeavoring to grade and stamp fresh beef so the consuming public, when they purchase it of the retailer, can be protected as to the quality of the beef they buy is quickly discovered from the placards displayed upon the easel here, and which are furnished by the Department of Agriculture.

The beef carcass in the cooler is graded and stamped by United States expert inspectors with a rolling stamp and a vegetable dye, applying it from the neck to the tail through the quarters, and also over other portions of the carcass if required, so that every portion of the beef sold to the public will bear the United States stamp. Every one of you who have been in a packing house know that every animal slaughtered and sold bears a United States stamp to show its health and fitness for food. The stamp shown in the picture is applied as a guaranty of the quality and grade of the beef so branded.

The movement to put in practice this plan of grading and branding beef so that the public will know what they are buying had its origin in a meeting called by the principal feeders and producers and processors and sellers of beef in the United States, held at Kansas City, Mo., about a year and a half ago. Hundreds of men engaged in the production and sale of beef came to the convention from every section of our country.

Many of the largest feeders and producers of beef in the different sections of the country were there. Representatives of the great packing interests and the commission men who sell beef cattle in the open market were there. Representatives of many market and retail and wholesale food associations attended.

The discussion of this question was had for almost two days. Out of that came the organization of the Better Beef Association, an organization to bring this matter directly to the attention of the Government and of the people. The men who were elected as officers of the Better Beef Association were representative men of the beef industry in the country. The president, Mr. Oakleigh Thome, is from the State of New York, a man who breeds and feeds a great number of the best beef cattle produced in the State of New York. The vice chairman of the Better Beef Association is the manager of the largest beef-producing ranch in the world, Mr. Kleeberg, of Texas. The secretary of the Better Beef Association is a representative connected with the livestock and packing business and the stockyards in Chicago, the greatest livestock center in the world. The directors of that association are from many of the principal livestock and beef producing sections of the country. I state this in order that you may know the character of the men behind this movement.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. HUDSPETH. There are two Kleebergs.

Mr. SHALLENBERGER. I know that, Mr. HUDSPETH. Our vice chairman is the younger man. After the organization had been perfected it adjourned to a later meeting at Chicago.

At Chicago the packers, representatives of the Agriculture Department, and 50 beef producers from different portions of the country finally agreed on the plan which has since been put in practice. The packers, with the Government experts approving, have established three grades—prime beef, which is the best; the second grade is choice beef; and third grade is good beef.

For the present at least it was not thought best to carry the Government grading below "good," because if you go below the three grades mentioned, it was feared by some interests there might be implications that would hurt the sale of the product.

These grades of beef are a warrant to the public as to quality in meats. The public desires good meat. There are many people who want the best beef they can buy.

Mr. CANNON. And the gentleman says that this is limited now to only 10 cities in the United States?

Mr. SHALLENBERGER. Yes; because there was a limited amount of Government money to use. We were forced to begin grading and stamping at only 10 packing centers. Since the plan has proved a success, we want to extend it so all sections may have its benefits.

Mr. LAGUARDIA. And who does the grading?

Mr. SHALLENBERGER. The United States Government inspectors. I want now to give the names of the organizations that are behind this movement, who have indorsed it, and for whom I am now speaking on this floor.

I have telegrams in my pocket from several organizations, of one I am a director myself, and I say to you in all honesty that I feel I speak on this floor as a representative of the beef-cattle industry throughout the country. First, on the list is the Natonal Livestock Association of America, and it is the largest livestock association in the world. It represents thousands of men with billions of invested capital. Second, there is the Texas and Southwest Cattle Growers Livestock Association; I think it very likely the second largest beef producers' organization in America. Next is the National Livestock and Meat Board. This is an organization of packers and beef-cattle interests

formed for the purpose of promoting the production and marketing of beef. Next is the Kansas Livestock Association. The State of my colleague, Mr. HOCH, who will tell you more about this matter. The Corn Belt Meat Producers' Association of Iowa and the Middle West represents those men who take the cattle from the great ranges and fatten them with corn. Then there is the Nebraska Livestock Association, the Michigan Beef Producers' Association, the Eastern States Aberdeen Association. The people in the Eastern States are now producing some of the finest beef cattle in the world. Cattle are grown and fattened in Pennsylvania, in New England, in New York, and in Virginia as good as can be found anywhere. The Shorthorn Breeders' Association, the Hereford Cattle Breeders' Association, and the National Aberdeen-Angus Association; and, lastly, the Better Beef Association. All stand behind this proposition and are asking for this service.

Mr. HUDSPETH. There is the cattle raisers' association known as the Highland-Hereford Association in my district, and we have taken prizes from everything in Chicago, Kansas City, and everywhere else.

Mr. SHALLENBERGER. Yes; Mr. Mitchell, who is very active in that association, is one of our directors. He is one of our best supporters.

Mr. ALLGOOD. What precautions are taken or can be taken to keep a dealer who is not responsible from counterfeiting?

Mr. SHALLENBERGER. I do not believe anyone will take upon himself the responsibility of counterfeiting a stamp of the United States Government. I am sure that there are laws in this country which apply severe penalties to anyone who would attempt to use a Government stamp on beef without authority.

Mr. ALLGOOD. There is a penalty, then, attached to it?

Mr. SHALLENBERGER. Yes; he would be guilty of fraud. Federal grading and stamping is now in force at Chicago, Boston, Philadelphia, Kansas City, Omaha, St. Joseph, Sioux City, St. Paul, and Topeka, Kans. The four great packing houses of this country—Armour, Swift, Wilson, and Cudahy—process and sell 56 per cent, or more than half, of all of the beef sold in the United States. So far we have only applied the grading and stamping service to the packers mentioned. The service is still in its infancy, but we hope, like all good children, it will grow.

Here are some reasons why we think we are entitled to this service. The beef-cattle industry has suffered perhaps greater losses in the deflation following the war in the last seven years than any other business in this country. You men who live in the beef-cattle country know that bankruptcy and disaster has practically swept out of business a great majority of the men who before the war were engaged in beef production. One-half of the income from American farms comes from sale of cattle and the products of cattle. The cow and her sons and daughters earn four and a half billion dollars of the incomes for American farmers every year, and the total income of all of the farms in the United States last year was practically $9,000,000,000. So I speak only the truth when I say that the cattle industry of America produces half of the income of our farmers and is our greatest source of food essential to national existence. This service for which I am pleading is vital to the great livestock industry.

Mr. DICKINSON of Iowa. How much of that is beef products and how much dairy?

Mr. SHALLENBERGER. About two-thirds of it is dairy products at present, because dairy products have been in the ascendency, and beef has been depressed, but it is changing now. The State of Iowa, which the gentleman so ably represents, is second in the Union in the value and number of its cattle, Texas only exceeding Iowa.

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

Mr. SHALLENBERGER. Yes.

Mr. LAGUARDIA. Can the gentleman say how much this decrease has been? Because it has not been reflected in the retail price to the consumer.

Mr. SHALLENBERGER. I will touch on that later. The beef-cattle business is just beginning to get on its feet. It is the first time in seven years when there has been any money in the beef-cattle business. A decrease of 12,000,000 head of cattle on the farms of America in eight years tells the tale of the disaster that overtook the cattleman. The steady decline in the amount of beef sold has at last put the law of supply and demand to work. For the first time beef producers can look their cattle in the face with any comfort. We want your help to continue the work of the Department of Agriculture and aid both producer and consumer. Practically one-half of all the cattle that are sold for beef in the public markets are not, strictly speaking, beef cattle at all. They are simply by-products of the dairy business. There are more cattle in dairy herds than in beef herds. When a cow is no longer profitable in the dairy herd she is sold for beef. Heretofore, so far as the public is concerned, there has been no way by which the beef consumer could tell beef quality, except by his own judgment. There has been no brand or mark upon it to show the quality or grade of the beef.

And the ordinary buyer has no expert knowledge about beef. The Bureau of Economics in the Department of Agriculture made an investigation in 27 States and found that 90 per cent of the people who buy beef know little or nothing about quality of beef. This shows how essential it is to have some stamp on the beef for the information of the public. Beef is stamped by the Government in three grades, prime, choice, and good. At present only 7 per cent of beef marketed is prime.

Eight per cent is choice, about 15 per cent is good, so that the three grades now standardized and stamped by the Government is about one-third of the beef coming to the central markets.

This service is new. Yet in nine months the Department of Agriculture informs me there have been 25,000,000 pounds of beef graded and branded by the Government and sold under this guaranty of quality to the public.

You see how quickly the public is taking hold of it. Every section of the country should be given the benefit of this service. Then we will have honesty in the beef-selling business. It will benefit the public and benefit agriculture also.

Mr. LOZIER. Mr. Chairman, will the gentleman yield there?

Mr. SHALLENBERGER. Yes.

Mr. LOZIER. Would this grading of beef be reflected in increased prices, and would the spread between the prime grades and the inferior grades be accentuated by this system?

Mr. SHALLENBERGER. Not at all. I am glad the gentleman brought that question up. The first thought perhaps would be that the price of beef would be raised in consequence of this branding practice, but that has not occurred at all. It simply results in this, the beef furnished to the consumer is now sold upon its merits. The demand for the best beef does not interfere or affect prices of cheaper beef. The man who has produced first-class beef, beef that is prime and good should receive some benefit from his efforts.

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

Mr. SHALLENBERGER. May I have a little more time?

Mr. DICKINSON of Iowa. I have two additional minutes that were yielded back to me, and I yield them to the gentleman from Nebraska.

Mr. SHALLENBERGER. It may be asked why ask the Federal Government to pay the slight cost of grading and stamping the beef offered for public sale at public wholesale markets?

The answer is the service is in the public interest. It is for the welfare and benefit of both producer and consumer. It promotes honesty in trade and commerce. The Federal Government now inspects and stamps every carcass of beef permitted to be slaughtered and sold at public markets. A stamp is affixed—that certifies the animal's fitness for food. A Federal stamp guaranteeing the grade and quality of the food is also in the public interest and is the certificate the public will recognize. The amount asked for to continue and expand this very necessary and beneficial service is a mere trifle when compared with the amount of our annual appropriations for similar inspection services or balanced against the benefits it brings to the beef producing and consuming public.

I append some interesting tables showing the menace to our food supply because of our decreasing numbers of cattle, sheep, and hogs that is confronting the country. In 10 years it will be noted, the number of cattle on the farms has declined 12,000,000. The number of hogs since 1920 is practically at a standstill.

TABLE No. 1.—*Livestock on farms January 1*

	All cattle	Hogs	Sheep
1928	55, 696, 000	58, 969, 000	44, 545, 000
1927	56, 872, 000	54, 408, 000	41, 846, 000
1926	59, 827, 000	51, 223, 000	40, 748, 000
1925	64, 928, 000	54, 234, 000	39, 134, 000
1924	66, 506, 000	66, 130, 000	38, 300, 000
1923	67, 240, 000	68, 427, 000	37, 223, 000
1922	65, 632, 000	57, 834, 000	36, 327, 000
1921	65, 587, 000	56, 097, 000	37, 452, 000
1920	67, 120, 000	59, 344, 000	39, 025, 000

Our human population has increased 3 per cent, but our cattle available for food have decreased 20 per cent.

Table No. 2 shows variations to-day in wholesale prices of beef and pork products. It will be noted that pork loins of best quality are quoted at 15 cents per pound; best beef loins at three and one-half times as much. Here is the reason: Beef sold

for food in 1927 was 632,000,000 pounds less than in 1926. On the other hand, pork sold for food in 1927 shows an increase of 352,000,000 pounds over 1926.

The law of supply and demand has resulted in a pronounced rise in the price of beef on the farm and a decline in prices paid for hogs and hog products.

TABLE No. 2.—*Wholesale beef and pork prices February 28, 1928, at Kansas City*

BEEF CUTS	Cents
No. 1 loins	52
No. 2 loins	43
No. 3 loins	22
No. 1 ribs	37
No. 2 ribs	32
No. 3 ribs	16
No. 1 chucks	16
No. 2 chucks	14
No. 3 chucks	12
No. 1 rounds	21
No. 2 rounds	18
No. 3 rounds	14
PORK CUTS	
Loins, light	15
Plain shoulders	11
B. S. butts	18
Spareribs	10
Loins, heavy	11½
Skinned shoulders	11
Leaves	11
SMOKED AND CURED	
First hams	21½@32½
First bacon	31@32
First grade lard	12½

The men and women who buy meat foods for the American home and who are not experts in determining the quality and grade of beef they are buying need the stamp of the Government to help them to get the benefit of expert inspection and to get what they pay for.

Gentlemen, Federal grading will give the consuming public and the producer the benefit of inspection and honesty in business. You are annually appropriating millions of dollars for all forms of agricultural activity. Ten million dollars has been appropriated for the eradication of the corn borer, and to read the hearings of this committee the farmers do not want the work done. The cattlemen of the country come to this Congress and ask for this small sum of $50,000 for protection of both producers and consumers. I hope before the Congress adjourns you will grant to them this additional appropriation. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman, I regret that Governor Shallenberger did not have more time to discuss this very interesting and important subject. I want to add just a few words, in the few moments I have, on the same subject and give the practical legislative situation. This experiment has been carried on since last May and the private interests involved, the producers and others have appropriated and spent about $35,000 of their own money upon it.

When the hearings upon this bill were being held there had been no estimate from the Budget Bureau received and, therefore, the subcommittee had no estimate before it. Before the hearings were finished Mr. Mercer, of my own State of Kansas, who has been for many years our State livestock commissioner, and who is chairman of the National Livestock and Meat Board, and Mr. Gunn, of Iowa, who represents the Corn Belt Meat Producers Association, and Mr. Pollock, of Chicago, who is secretary of this National Livestock and Meat Board, came here and appeared before the committee. They had not had occasion to present the matter to the Budget Bureau. So arrangements were made, and I accompanied those gentlemen to the Budget Bureau, and this matter was fully presented to the Budget Bureau. After that presentation the Budget Bureau was so impressed with the value of this experiment, which is along the line of honest merchandising, and if it works will certainly prove to be of benefit both to the consumer and the producer, that the Budget Bureau sent in an estimate of $50,000 to continue this experiment for another year, $10,000 of which was to be made immeditely available. But that estimate came in after the hearings had been closed. The subcommittee did not include the item, largely, I must believe, because the hearing had been incomplete for the reason I have stated. I took it upon myself to write to the Secretary of Agriculture and ask him to state the attitude of the department toward this proposition, and he sent me a very interesting letter. I have not the time to read it, but I am going to ask to insert it in the RECORD. In that letter he outlines clearly the whole situation and gives earnest indorsement of the department to this very valuable work and to the proposed appropriation as recommended by the Budget.

In the minute I have left I simply want to express the hope that the department will have the opportunity to go before the Senate committee when it is considering this bill and fully present this matter. If the Senate committee after that hearing sees fit to include the item, which is certainly a small amount considering the importance of this project, I hope our conferees—and I am sure they will—will give it the most careful consideration when they get into conference.

It is not my present purpose to offer an amendment on the floor, and I understand Governor SHALLENBERGER is not planning to do it. We greatly regret that the subcommittee did not see fit to include the item, though we realize that the hearings had been somewhat incomplete, for the reason I have stated. But we do believe that if opportunity were afforded to present the matter fully the subcommittee and the House would approve it. But we realize that the House hesitates to include items not recommended by the committee, and we express the earnest hope that with the Budget estimate before the Senate committee when it gets this bill the matter will be gone into thoroughly. If that is done, we believe the Senate committee will include the item. In the meantime we ask those who will be House conferees to give further consideration to the matter. If they will do that we believe they will come to the conclusion that this small appropriation asked by all these men deeply interested in the great livestock industry of the country, and approved by the President, will conclude that this experiment is altogether worth while. If this work proves practicable it will be of great benefit to the industry and to the consuming public. If it does not, no one will ask to have it continued. Let us give it a fair trial. [Applause.]

Mr. Chairman, under the leave granted to do so, I insert the following letter from the Secretary of Agriculture:

DEPARTMENT OF AGRICULTURE,
Washington, February 29, 1928.

Hon. HOMER HOCH,
House of Representatives.

DEAR MR. HOCH: I have your letter of February 25 with reference to the supplemental estimate of $50,000 submitted by the Bureau of the Budget to continue the experiment in the grading and marking of dressed beef. This estimate also provided that $10,000 of the total amount should be made available immediately upon passage of the appropriation bill in order to continue the experiment during the remainder of this fiscal year.

This department, through the Bureau of Agricultural Economics, has been working for several years upon definite grades for meats. This work is a part of the general program to encourage the marketing of farm products according to uniform and definite standards which we believe is basic to the efficient marketing of these products. Work is also being done in formulating grades for the live animals, and these grades are being closely correlated with the grades for meats, so that when they are generally put into use producers will be able to plan their production programs according to consumer demands as measured by the consumption of meats of the different qualities.

While grading and sorting of meats has been done for years by the meat trade, no uniform quality standards have been followed. What is "choice" to-day may be called "good" or "prime" six months hence, and there are sections or markets where the "medium" grade, as recognized by the United States standards, is locally called "good" or "choice." All of this means confusion so far as a general understanding of the qualities and values of meats is concerned.

I have promulgated official grades for dressed beef which have been generally accepted in the industry. The next step in the program is a plan to put these grades into general use in such a way that the benefits of standardization will accrue both to producer and consumer. Although the meat industry has for years used trade labels, generally indicative of quality, on processed meats, it seemed to be the prevailing opinion that the same indication of quality was impracticable for fresh meats. The department, however, discussed with all interests in the industry the possibility of carrying the standardization work to the consumer in a practical way, with the result that about a year ago the National Livestock and Meat Board, which comprises all the principal livestock producers' associations, the packers, the commission merchants, and the organized retail meat dealers, suggested that an experiment be undertaken by the department in order to determine the feasibility of marking dressed beef according to uniform standards in such a way that the product itself would show the grade when purchased by the consumer.

Accordingly, on May 2, 1927, the Bureau of Agricultural Economics inaugurated such an experiment, confining it to two grades, namely, "prime" and "choice." A roller stamp was designed which could be so used that practically each retail cut of meat would be marked with its grade. The National Livestock and Meat Board also appropriated

$25,000 for the purpose of carrying on an educational campaign to inform producers and consumers of the advantages of buying and selling meats on a definite quality basis. Since the experiment was started representatives of the department have marked, or supervised the marking, of approximately 25,000,000 pounds of "prime" and "choice" beef. The experiment has been carried on in 10 cities. As a result a great deal of interest has been aroused on the part of producer organizations and retail meat dealers, but being limited to two grades, it affected only a very small percentage of the total meat slaughtered. Some of the leaders in the industry believe it should be continued for a longer period and in a larger way to determine its practical value, if applied more generally. In an effort, therefore, to make the experiment more comprehensive, we recently expanded the work to include the "good" grade, which, together with the grades of "prime" and "choice," will give a representative sample from approximately 27 per cent of the beef slaughtered.

The stamping of the grade upon the carcass shows to the consumer in a practical way the differences in the quality of meats and enables the producer to adjust his production program according to the consumer demand for different qualities. The factors that make for quality in meats are little understood by the average housewife, and it is believed that an educational program carried on in this practical way will do more to reduce misrepresentation and substitution than any other methods thus far devised. In view of the widespread interest that is being manifested in this experiment and because of its importance both to producers and consumers, I have concurred in the recommendation of the National Livestock and Meat Board that the experiment be continued for another year on a somewhat broader basis for the purpose of determining whether it is feasible and practical. The results obtained from two years' practical demonstration should provide the necessary facts to reach a sound conclusion as to the future use of this plan. Therefore, the supplemental estimate submitted by the Bureau of the Budget has my full indorsement.

Sincerely yours,

W. M. JARDINE, *Secretary.*

Mr. WASON. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, I want to address the committee for a moment and ask for permission to extend my remarks by the insertion in my remarks of a statement from Commissioner Doran, of the Department of Prohibition.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to have the letter reported. I would like to know what it is.

Mr. HUDSON. I will be glad to read it if you will give me the time. It is contained in Senate Document No. 195.

Mr. LINTHICUM. What is the purport of it?

Mr. HUDSON. It explains their position on the matter of formulas and the use of denaturants.

Mr. LINTHICUM. I do not like to object to anything that is going to enlighten the House on the question of deadly poisons in industrial alcohol, but I wish the gentleman would speak about it for a few minutes and tell us what it is.

Mr. HUDSON. I am going to do that, but I want to get authority to insert this statement.

Mr. LINTHICUM. If the gentleman is going to speak on it, I will have no objection.

Mr. HUDSON. I shall be glad to do so if you will give me the time.

Mr. LINTHICUM. I yield the gentleman all of my time.

Mr. HUDSON. I am going to speak on the matter.

Mr. LINTHICUM. Mr. Chairman, I reserve the right to object until the gentleman speaks about the matter.

The CHAIRMAN. The Chair suggests that the gentleman from Michigan proceed with his statement and at the conclusion of it ask for this unanimous consent.

Mr. HUDSON. Mr. Chairman, we have listened this morning to a very interesting and in many ways able discussion of the matter of the use of poisons in the denaturing of alcohol. To my mind there were several things brought out in that discussion this morning that ought to be clearly brought into the RECORD to-day, one of those things being the position of the Government in regard to this particular matter.

We have at the present time at the head of the Prohibition department of the Treasury Department a very able and very conscientious gentleman, who, for a number of years, has been the head of the industrial alcohol and chemical division, Doctor Doran. He has stated over and over again that the department is attempting, in using denaturants, to use such as are not know as toxic and yet will be of such value that the industries can use the denaturants successfully.

I am sure the gentleman who spoke this morning did not want to convey the impression that the department is not taking all these precautions; and I am sure the gentleman did not want to carry the impression that these denaturants, as provided by the regulations of the department, do not make a liquid that even by smell or taste would reveal to the purchaser very quickly that they are not for beverage purposes. In furtherance of this policy the department places upon all these packages containing the denaturants that are of a poisonous character the skull and crossbones, so that no one can call themselves innocent if they partake of them and can not state that they do not know the contents.

To my mind, Mr. Chairman, we have got to consider the fact that in this question we are dealing with a class of criminals, as the gentleman from New York said this morning, who are of the lowest type, men who will take this industrial alcohol and try to take out of it the denaturants and attempt to make a potable liquid and place it upon the market, knowing without any equivocation that they are placing before such a consumer a drink that contains a poison. It seems to me we ought to turn our attention to the question of placing these men who are themselves criminals where they belong rather than discommoding the industrial alcohol industry.

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

Mr. HUDSON. Mr. Chairman, I ask unanimous consent that in connection with my remarks I may place in the RECORD this statement of Doctor Doran. I am sure my friend, the gentleman from Maryland, can have no objection to it at all. It is not controversial.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to ask whether the gentleman can get a minute or two more so I can ask a question. Then I shall not object.

Mr. WASON. I am sorry we have not more time to yield to the gentleman from Michigan.

Mr. LINTHICUM. I shall not object. I want all the information I can obtain upon the subject.

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

There was no objection.

The statement referred to follows:

EXHIBIT A (7)

(T. D. 3941)

REPORT ON USE OF DENATURANTS IN INDUSTRIAL ALCOHOL

After many years of effort along educational lines, Congress, on June 7, 1906, passed the first denatured alcohol act, also known as the tax-free industrial alcohol act, that was primarily designed to promote the use of alcohol in the arts and industries by relieving the alcohol so used from the high excise tax imposed on all distilled spirits. The burden of this tax is apparent, for at the present time the tax on distilled spirits as applied to high-proof alcohol is approximately ten times the value of the commodity itself. The method adopted by Congress in 1906 and reiterated in the industrial-alcohol title of the national prohibition act was the required addition to this alcohol, which was intended for use in the arts and industries, of methyl or wood alcohol (now known as "methanol") and other suitable denaturing materials that would destroy its character as a beverage by rendering it unfit for such use. The national prohibition act employed a slightly different wording than the original act of 1906, by merely stating that the alcohol withdrawn for industrial use should be denatured by the addition of such materials as would render it unfit for use as an intoxicating beverage. At the time of the passage of the act of 1906, the United States was the only one of the large countries who had not recognized and fostered the industrial use of alcohol by relieving it from burdensome taxation. Denatured alcohol is not legally intended for any internal medicinal or food use; all alcohol so used is released pure after tax payment. Industrial alcohol plays the same rôle in organic chemical operations as is played generally by water in inorganic chemical operations. Industrial alcohol alone or in combination with other combustibles may play an important part in the future motor-fuel problem. England as far back as 1855 employed a crude grade of methanol for the denaturing of alcohol for industrial use. At the present time English methylated spirits contain 10 per cent of crude methanol.

The development of the highly organized German chemical industry was based to a very great extent on the fostering of the industrial use of alcohol; and while Germany undoubtedly had the most extensive development along these lines, there was a large development in France and England prior to 1906. The first formula adopted for denaturing alcohol in the United States followed quite closely the established European practice, and while the denaturing of alcohol in the United States has been extensively developed along rather specialized lines, the European governments have adhered quite closely to the

use of the methanol as the main basic denaturant for both general and special purposes. Great Britain and Canada use from 10 per cent up to as high as 30 per cent of methanol. The maximum ever used in the United States was the first formula authorized in 1906, employing 10 parts of methanol to 100 parts of ethyl alcohol, or slightly less than 10 per cent. Following the act of 1906, the industrial use of alcohol broadened in the United States, reaching its maximum volume in the Great War and being employed in many new industries in the active period following the Great War. The passage of the national prohibition act was coincident with the development of a large and varied chemical industry in the United States, and the further development of specialized formulas for specialized industries enabled these industries to maintain themselves through the period of adjustment incident to the taking effect of national prohibition. The special formulas primarily designed for particular industries take due account of the chemical and commercial factors making for efficient production. For example, in the rayon industry one of the principal grades is the nitrosilk, which is a colloidal solution of nitrocellulose in an alcohol-ether mixture. In this case, the denaturant employed is ether itself and its use not only renders the alcohol unfit for beverage purposes but gives a mixture satisfying every scientific and manufacturing consideration. Another example of the application of specialized formulas is the employment of a generally used basic perfume material for the alcohol designed and intended for the perfumery and toilet-water trade. This substance, known chemically as "diethylpthalate," when added to the alcohol renders it extremely bitter and distasteful, and yet the chemical is itself odorless and is a logical component of complex perfume mixtures.

It will thus be seen that in the employment of these specialized formulas it has been the effort of the department, in cooperation with the industries themselves, to devise formulas that will render the alcohol unfit for beverage purposes and yet enable the industry to employ the material in the most efficient manner. There are over 60 of such specialized formulas and about half of them were authorized prior to 1920. None of these mixtures are available to the public at large but are only procurable under the permit system in effect since 1906 and very much developed since 1920.

The permit administration of the national prohibition act has developed within the past year along more effective lines and there has been a noticeable increase in unlawful manipulation of completely denatured alcohol. Inasmuch as it is the expressed intent of the act that these formulas be available generally for lawful purposes, such as domestic fuel and automobile antifreeze solutions, it is necessary that they be of such a nature as to render the alcohol, not necessarily highly toxic, but objectionable and obnoxious when used as a beverage, making it practically impossible for any person to consume one of these treated concoctions either deliberately or unwittingly and not at the same time be fully informed that the liquid is unfit for consumption. As a further precaution against accidental use, the regulations require these formulas to be sold under skull and cross-bone label. Current scientific work of the department, therefore, is being directed with a view to strengthening these formulas, not by rendering them more toxic, but by rendering them less potable, and in the working out of these problems partial success has already been obtained. Many factors bearing on the problem require extended scientific investigation. For example, the denaturing substances employed must be of such a nature as to remain with the alcohol under a most severe manipulative treatment. The substance must be noncorrosive, and, in the quantity used nontoxic, and the compounded formula must be suitable for lawful industrial use. There is a misapprehension in the public mind as to the underlying reasons for the use of denaturing grade of methanol. There is no doubt in the mind of any well-informed chemist that the long-standing use of methanol by all countries is based on sound scientific principles. Being closely related chemically to ethyl alcohol (ethanol), having a boiling point only slightly below that of ethyl alcohol, and having the physical properties closely resembling ethyl alcohol, it is a substance that can not easily be removed. It is not employed because of the fact that methanol as such is commonly known to be a dangerous liquid to consume and, therefore, that physical harm will result to the drinker, but because of the fact that the denaturing grade of methanol carries distinctive odorous substances commonly designated as pyroligneous compounds that, by their characteristic odor and taste, at once disclose to the individual the patent fact that the mixture or liquid is unfit for consumption. The fact that methanol forms constant boiling-point mixtures with ethyl alcohol and if redistillation is attempted carries over with it in the distillate these odorous pyroligneous compounds discloses the chief reason for its world-wide employment as a basic denaturing agent.

The current investigational work by the department has developed the suitability of certain complex oil compounds of an odorous and disagreeable nature but of themselves nontoxic, which, when used with a minimum quantity of methanol, will not only remain with the alcohol under manipulative treatment but will so mark the concoction in which it may be employed by a criminal that nobody will consume the same unknowingly but only by a deliberate and willful act. The protection and encouragement of lawful industrial alcohol use, coupled with maximum protection of the public, is the aim and object of the department's scientific work on this subject. The present development of chemical industry in the United States and the fact that other countries are adopting some of our special methods is evidence of the constructive course pursued by the department. The present system of denaturation meets with the approval of those industries whose continued welfare is essential to the public good. A weak policy of denaturation would break down industry by making easy openings for illegal operations, would be contrary to sound policy, and would actually lessen the protection afforded the public. The scientific departments of industrial organizations are in continuous and hearty cooperation with the department's chemists and constant investigations are being conducted with a view to more effective administration.

J. M. DORAN, M. D.,
Head, Industrial Alcohol and Chemical Division.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. SWANK].

Mr. SWANK. Mr. Chairman and gentlemen of the committee, the first words I ever uttered on this floor were in behalf of a wounded soldier of the World War, and it is always a pleasure to lend assistance to our soldiers of all wars and their dependents. The first day of the Seventieth Congress I introduced the following bill for the relief of veterans of the World War:

[H. R. 347, 70th Cong., 1st sess.]

A bill to amend section 205 of the World War veterans' act, 1924

Be it enacted, etc., That section 205 of the World War veterans' act, 1924, is amended to read as follows:

"That each regional office shall have jurisdiction over all claims for benefits under the World War veterans' act of 1924 of all claimants who reside within the jurisdiction of each regional office. All claims heretofore reviewed by the central board of appeals or area board of appeals since the passage and approval of the World War veterans' act of 1924 shall forthwith be returned and reviewed by the regional office having jurisdiction over said claims, and said claims shall be rerated by the claims and rating board of said regional office. The findings and ratings of any regional office having jurisdiction of such claims shall be final and binding upon the Veterans' Bureau unless appealed to the central office or central board of appeals for review, upon application in writing by the claimant or his legal guardian.

"Except in cases of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive, and no reduction or discontinuance of compensation shall be effective until the first day of the third calendar month next succeeding that in which such reduction or discontinuance is determined."

The bill provides that the central office of the Veterans Bureau here in Washington can not appeal a rating made by a regional office, unless the soldier affected desires the appeal. It also provides that all claims heretofore reviewed by the central board of appeals since the approval of the World War veterans' act of 1924 shall be returned and reviewed by the regional office having jurisdiction of such claims.

Mr. Chairman, I believe that the regional office is better equipped and better qualified to rate a claim within its jurisdiction, near the soldier, and has a more complete understanding of the full situation, than any board here in Washington can possibly have, no matter how careful the members may be nor how fair they act. The members of the appeal boards are far away and the case is decided upon the cold facts submitted without any personal knowledge of the claimant. When the rating board of a regional office rates a claim the members of the board are many times in personal contact with the soldier, talk to him and his acquaintances, and know more about the claim than when it is submitted on paper. When a physician in that office talks to a claimant he understands his case far better than can be expressed on paper to some person 1,500 or 2,000 miles away. It is similar to the trial of a case in court. In the trial court the judge and jury not only hear the witnesses, but observe their demeanor on the witness stand, and are thereby better judges of the truthfulness of the testimony, than is any Supreme Court who decides the case from the printed record, and never sees the witness, or the parties to the suit. Many cases that are rejected by the Veterans' Bureau, would in my opinion, receive favorable consideration if the officials could see the soldier and talk with him and his acquaintances. Many times the claimant's family can go to the regional office and talk with the officials about a claim, or are near where those officials can see them and get needed information concerning many claims. I do not care how sympathetic and careful the officials of the Veterans' Bureau may be in considering the evidence filed in support of a claim, they decide the case upon the written evidence submitted, and do not see and talk with the claimant and his witnesses.

Mr. VINSON of Kentucky. It occurs to me that the Government ought to be satisfied when it has adjudicated particularly the rates and disability of the soldier. When they have all the evidence on their side, they have their physicians examine him and they make the rate.

Mr. SWANK. The gentleman is correct, and if there is a doubt it should be resolved in favor of the soldier.

Mr. HASTINGS. And the Government has charge of all the records of the soldier.

Mr. SWANK. Yes; and my bill provides that the claim shall not be appealed unless the soldier wants that action taken.

Mr. HASTINGS. It is largely a question of fact and the gentleman thinks it ought to be left to the local authority to pass on it.

Mr. SWANK. And let the soldier appeal if he wants to.

Under the present law a soldier can appeal his claim if he so desires, but I do not believe the central office in Washington should be permitted to appeal the claim and rerate the same against the wishes of the soldier. I have been informed that many times a claim has been appealed from the regional office after it has made a rating upon consideration of all the evidence surrounding the case, and that the central office has reduced the rating and sometimes disallowed the claim altogether. I am opposed to a continuance of that procedure, and the purpose of this bill is to stop such practice. If this bill is enacted into law it will also lessen the expense of the bureau for there will not be many cases appealed before the central board of the Veterans' Bureau with proper administration in the regional offices. The regional offices are well equipped to handle and rate these claims under their respective jurisdictions, and I have never seen any reason for taking appeals unless the soldier himself desires his claim considered by the central office.

I believe my colleagues want to do what, in your opinion, is the best for our soldiers. I am before you at this time because I want to better the conditions of our ex-service men, and to simplify as much as possible the rating system of the bureau, and make it as easy as we can on these boys and their dependents. Some may say that sometimes a soldier receives more than he is entitled to, but I have never seen a soldier who receives more than should be paid him, and I do know of many who do not receive a sufficient amount to compensate them for their service-connected disabilities. I handle hundreds of these claims each year, and many times claims are disallowed when the evidence could just as easily and logically be construed in favor of the soldier as against him, and his compensation be granted. In my judgment, when there is a question of a doubt as to the disabilities of a soldier or as to whether or not his disabilities were caused by his service in the Army, then in that event all doubt should be resolved in favor of the soldier.

Since the good people of the fifth Oklahoma district, that I have the honor to represent in the American Congress, sent me here, I have been successful in assisting more than 610 of our soldiers to get favorable action on their claims before the bureau. Most of my office work consists in helping with these claims, and it is always a pleasure to render such assistance. I do not know of any better service that a Member of Congress can render than to help these worthy soldiers, who have been wounded, maimed, and in broken health caused by their Army service. So long as the people keep me here I shall continue that course along with my other duties.

Do what we will and exert all the efforts we can in behalf of our soldiers, the defenders of our country and our homes, it will be impossible to reward them for their loss of health, wounds, and loss in earning capacity. More liberal construction should be given evidence filed by a soldier, and especially when he is incapacitated. There is no soldier who would not gladly give up any compensation that he receives if he could be given back his health, position, and earning power. That can not be done, and we should therefore do everything possible to relieve them, that no soldier who defended this Republic and offered his life for his country, or his dependents, should ever be in want of the necessities of life. We can not do too much. At this time I wish to congratulate the House for passing unanimously, on the 20th day of February, 1928, the bill extending for two years the time for soldiers to file their claims for adjusted compensation. I also hope that both Houses of Congress will soon enact a law granting compensation to soldiers whose disabilities prevent them from earning a living, regardless of whether such disabilities are service connected or not, and that the President of this great country will approve such a measure.

Mr. Chairman, I hope the bill I have presented here may become a law, for it will be of great relief to our soldiers.

I ask permission here to insert that part of letters and telegrams from soldiers and Legion posts relating to this bill and approving the same, as follows:

CUSHING, OKLA., *December 21, 1927.*

Hon. F. B. SWANK,
Congress of the United States,
House of Representatives, Washington, D. C.

MY DEAR MR. SWANK: It gives me great pleasure, as adjutant of the local post of the American Legion, to reply to your letter of the 17th instant with regard to bill to prevent the Central Board of Appeals in Washington from appealing and changing a soldier's rating by the regional office unless the soldier himself desires such appeal.

This bill was read, as well as your letter, and discussed thoroughly, and it is the entire post's wish that we stand back of same 100 per cent. It certainly has our approval and is a bill which will mean much to those who need all the support they can possibly receive. We also as a post of the American Legion wish to express our appreciation to you for the interest shown to those "buddies" who are so in need, and take this opportunity of thanking you and assuring you that we are behind you 100 per cent.

Very sincerely yours, DONALDSON WALKER POST, No. 108.
J. C. SMITH, *Adjutant.*

ROBERT GORDON DAVENPORT POST, No. 87, AMERICAN LEGION,
OFFICE OF SERVICE OFFICER, DEPARTMENT OF OKLAHOMA,
Pauls Valley, Okla., December 23, 1927.

Hon. F. B. SWANK, M. C.,
Washington, D. C.

DEAR JUDGE SWANK: We are in receipt of your letter of the 14th, inclosing copy of bill you have introduced to amend section 205 of the World War veterans' act. We have carefully read this bill and are enthusiastically in favor of it. We trust that Congress will pass the same without any delay.

The writer served as a claim examiner in the Veterans' Bureau at Dallas for a period of 10 months following his graduation from the law school at Norman, in 1922, and based upon his experience gained there and his experience as service officer for this post since April, 1923, we feel that we are in a position to know something of the working of the Veterans' Bureau. We believe that the passage of your bill will be beneficial to a large body of ex-service men, and the local post is glad to know of your interest in behalf of the ex-service men of this State.

With best holiday greetings for you and yours, we are

Yours truly,

JOE W. CURTIS.

SULPHUR, OKLA., *December 24, 1927.*

Hon. F. B. SWANK,
Washington, D. C.

DEAR SIR: Received your letter, and will say as an active member of our post of the American Legion here at Sulphur that your bill meets with my approval and sincerely hope it will become a law.

Yours truly,

PAUL V. ANNADOWN.

YALE, OKLA., *December 26, 1927.*

Hon. F. B. SWANK.

DEAR SIR: Received your letter and House bill 205 and its amendment, 21st instant, and will say that I took it up at my post meeting last Wednesday night, and everyone was favorable toward it. In fact, it was voted on and passed unanimously and sent to our legislative committee at headquarters. So not being the rules of the order to vote singular as a post, but we can approve of same and send it to our committee, which we did. And you can rest assured that you have the hearty approval of the whole membership of this post, and thank you very much for the actions you have taken in this and other such legislation.

We have no unlimited amount of trouble on this one point, and we hope this will be much easier handled now and should with this amendment.

Any time I can be of any assistance to you in this respect it will be a pleasure to me.

Very truly yours, EGBERT E. HAYS,
Yale, Okla., Box 291.

FLETCHER O'DELL PLEDGER POST, No. 88, AMERICAN LEGION,
Norman, Okla., December 28, 1927.

Hon. F. B. SWANK,
Washington, D. C.

DEAR MR. SWANK: At the regular meeting of Post No. 88, December 22, H. R. 347, introduced in the House of Representatives December 5 by you, was taken up and discussed. The sentiment of the service men in this post was that the amendment should be enacted immediately. A resolution was passed indorsing your amendment and authorizing the post officers to offer you any assistance which we might be able to give in gathering data or in any other way they might aid you in getting this bill across.

As commander of the Norman Post I wish to take this opportunity to thank you for your tireless effort in behalf of the disabled service

men of our community. We want you to feel that you are entitled to call upon this post at any time for any help we may render you in these matters.

Sincerely,

MILT PHILLIPS,
Post Commander.

THE AMERICAN LEGION, DEPARTMENT OF OKLAHOMA,
Oklahoma City, Okla., December 29, 1927.

Hon. F. B. SWANK,
House of Representatives,
Washington, D. C.

SIR: I certainly appreciate your promptness and interest in behalf of Mr. Hyden. I trust that we will soon be able to have his claim in the pension department adjudicated.

I also want to take this opportunity to thank you for sending a copy of H. R. 347. We heartily indorse this amendment to the World War veterans' act, and want to thank you for your introducing the bill and having it passed the first day of the session of the House of Representatives.

Very truly yours,

C. B. DOLLARHIDE, *Service Officer.*

THE AMERICAN LEGION, OKLAHOMA CITY POST, NO. 35,
Oklahoma City, December 30, 1927.

Hon. F. B. SWANK, M. C.
House of Representatives,
Washington, D. C.

DEAR MR. SWANK: Owing to a mix-up in who was to write to you in regard to the action of our post on your H. R. 347, which was read and approved at our last meeting, I'm not going to wait any longer to give you the information.

The bill was read in the regular procedure of the post meeting, on December 20, and approved by the post; many of us know the import of this bill, and are behind it and you to a man.

Thanking you on behalf of the post and also again for myself, I am

Yours truly,

FRED W. HUNTER.

LEBRON POST, AMERICAN LEGION, NO. 58,
DEPARTMENT OF OKLAHOMA,
Guthrie, December 31, 1927.

Hon. F. B. SWANK,
Member of Congress, House Office Building,
Washington, D. C.

DEAR SIR: I have at hand your good letters of December 17 and December 27 with reference, respectively, to H. R. 347, your bill to amend section 205 of the World War veterans' act of 1924, to give the ex-soldier better advantages with reference to ratings under the act, and to prevent appeals by the central board from the regional office ratings against the desire of the soldier, and to your good work in checking the list of dependents of men who lost their lives in the war, and assisting them to get their adjusted compensation.

I wish to thank you very much for your efforts and interest on behalf of the veterans of the late war, and to assure you that they are appreciated by the members of this post.

Yours very truly,

A. G. C. BIERER, Jr., *Post Commander.*

STILLWATER, OKLA., *January 10, 1928.*

Hon. F. B. SWANK,
Washington, D. C.

DEAR MR. SWANK: I have your letter dated December 17, 1927, relative to changing a soldier's rating by the regional office.

The above-mentioned matter was referred to the American Legion of Stillwater on January 5, which was the first meeting since I received your letter, with an attendance at that meeting of about 80 members. They voted unanimously to indorse the bill which you presented.

The above-mentioned bill has been referred to the legislative committee of the American Legion and you will soon receive the expression of the Legion through them.

Yours very truly,

CECIL G. JONES.

STILLWATER, OKLA., *January 11, 1928.*

Hon. F. B. SWANK,
Representative fifth district Oklahoma, Washington, D. C.:

Carter C. Hanner Post, No. 129, indorses House bill 347 and recommends its passage.

HUGH J. NESTER, *Adjutant.*

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I shall be unable to say all I want to say and quote all the documents that I have, and I ask unanimous consent to extend my remarks in the RECORD by incorporating in these remarks some tables and statistics of broadcasting institutions, some Supreme Court decisions, and a few official letters.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by incorporating certain Supreme Court decisions, letters and statements from officials, and extracts from other sources, as well as tables. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Chairman, radio is now a very important problem, and in which there is a very wide general interest. The public is especially interested in radiobroadcasting. There are millions of owners of radio receiving sets. It is estimated that approximately half a billion dollars is spent annually in this country for radio apparatus.

The first measure dealing with this subject was enacted by the Congress in 1912. Radio was then in its infancy, and there has been a tremendous development since that time. The need of new legislation on the subject was apparent, and various efforts to enact additional legislation were made during the past several Congresses. Prior to the last Congress the Committee on the Merchant Marine and Fisheries of the House had prepared and voted out several bills, one of which passed the House; but all of those attempts at general legislation were thwarted by the opposition and activities of the radio monopoly. During the last Congress the House and the Senate passed different radio bills, both of which went to conference. There finally emerged from conference a bill different in many respects from both the House and Senate bills, and the conference report bill was finally adopted after much opposition and approved. It was the only bill of a general nature which had the approval of the radio monopoly. Subsequent events have vindicated my criticism of features of that bill and my predictions as to what would result. My apprehension was increased when the personnel of the commission created by the act was announced.

The act created a commission of five members, one of whom should be an actual bona fide resident of each of the five zones established by this act. The act provided that this commission during the first year after their appointment should have original jurisdiction in granting or refusing licenses, assigning wave lengths and station power, the authority to revoke licenses under certain conditions, and so forth. The act further provided that during such year the commissioners should receive an annual salary of $10,000 each. The act also provides that from and after one year all the powers and authority vested in the commission, except as to revocation of licenses, shall be vested in and exercised by the Secretary of Commerce; except that it is made the duty of the Secretary of Commerce to refer to the commission for its action any application for a license or renewal or modification, as to which a dispute, controversy, or conflict arises, and any aggrieved party may appeal from a decision of the Secretary of Commerce.

Furthermore, the act provides that "the Secretary may refer to the commission at any time any matter the determination of which is vested in him by the terms of this act."

The commission is given power and jurisdiction to act upon and determine any and all matters thus referred or appealed to it.

Two of the nominees for places on the Federal Radio Commission were confirmed by the Senate, but the Senate failed to confirm the other three. After the last Congress adjourned the President reappointed the members of the commission who had not been confirmed, and the commission entered upon the performance of its duties. By reason of deaths and changed personnel and a lack of adequate funds it is conceded that the commission has been handicapped, but this does not afford any justification for affirmative action taken that was not in the public interest. Although Commissioner Caldwell stated at the hearings that he considered that 70 per cent of the work to be accomplished by the commission had been performed, yet this was apparently not the view of the other members of the commission, and it is certainly not the view of the Congress or of the public generally.

A large number do not believe that the commission has improved the situation at all, and many are of the opinion that the work they have done was worse than to have done nothing at all. They have been credited with stopping "wave jumping," which followed in the wake of the court decision which held, in effect, that the Secretary of Commerce possessed but very little authority under the 1912 act, but this result was effected by the act itself.

PENDING BILL

The Senate during the present session passed a bill, S. 2317, amending the radio act of 1927, extending for another year the original jurisdiction of the commission but restricting the period of licenses during that period and also embracing section 4, providing that the term of office of each member of the

commission shall expire on February 23, 1929, and thereafter commissioners shall be appointed for terms as provided in the radio act of 1927.

This Senate bill was referred to the Committee on the Merchant Marine and Fisheries of the House, which committee favorably reported the bill with amendments reducing the period of broadcasting licenses to three months and of other classes of licenses to six months prior to January 1, 1930, and with another amendment striking out said section 4 of the Senate bill, and with another amendment substituting for the second paragraph of section 9 of the existing law a provision designed to insure a fair distribution of broadcasting licenses as follows:

The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

It was recognized that there existed a very unequal and unfair allocation of broadcasting licenses, wave lengths, and station power, and this provision in the act for which this amendment is proposed as a substitute was designed to insure more equitable distribution.

The White radio bill, which was reported by the House committee and was passed by the House, contained a stronger and more definite distribution provision, but, like many other provisions in both the House and Senate bills which were designed to protect the public interest, the distribution provision in the House bill was changed and weakened in conference. There had been no criticism whatever of the equitable distribution clause either in the House committee or in the House. However, after the emasculation process was applied in conference, in discussing the conference report in the House on January 29, 1927, I called attention to the significance of the change and that the provision in the conference bill was ambiguous and susceptible of two interpretations. It appeared at the hearings that members of the Radio Commission differed in their interpretation of the clause, and members of the commission suggested that the clause should be clarified and made unambiguous.

As a matter of fact, the Radio Commission has utterly disregarded the equitable distribution clause in the existing law under either interpretation thereof.

The proposed amendment is clear enough that it can not be misconstrued, misunderstood, or disregarded by the commission unless they are disposed to violate an unequivocal provision of the law which they are sworn to administer. The amendment is intended to insure an equal distribution as between the zones and a fair and equitable distribution as between the different States and communities within each zone. An equal distribution as between the different zones is entirely fair, as the first four zones are substantially equal in population, and the fifth zone, while considerably smaller in population, is so much larger in area that it is considered that it should be placed on the same basis as the other zones. As the States and other subdivisions and cities in each zone vary so in population and area, it is considered proper that there should be a fair and equitable allocation among them.

Of course, it is not expected that this result can be effected immediately, but that it can be worked out in the course of a reasonable time. Furthermore, of course, this provision would necessarily be administered in the light of the other provisions in the act, including the provision in the same section immediately preceding, which is as follows:

The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, shall grant any applicant therefor a station license provided for by this act.

In order that the present unfair and discriminatory allocation may be understood, attention is called to the following:

Analysis of broadcasting licenses by zones

	Population	Population, per cent	Area, square miles	Area, per cent	Number of stations	Total station power in watts	Per cent of station power	Stations with over 1,000 watts	Per cent of receiving sets
Zone 1	24,378,131	22.73	129,769	3.63	138	223,305	36.98	12	24.20
Zone 2	24,337,341	22.69	247,517	6.93	115	106,805	17.68	7	21.04
Zone 3	24,826,050	23.14	761,895	21.33	102	47,105	7.80	4	15.97
Zone 4	24,492,986	22.83	658,148	18.42	215	164,870	27.30	26	25.01
Zone 5	9,213,720	8.59	1,774,447	49.68	131	61,785	10.24	8	13.11
Total	107,248,228	100	3,571,776	100	701	603,870	100	57	100

These figures are based on the January set-up, since which there have been a number of changes of a minor nature, as such changes are taking place all the time; but such changes will not materially affect the comparative figures, so that these statistics are substantially correct.

The gentleman from New York [Mr. CELLER] made a speech on the floor the other day, in which he stated that he was just advised by the Radio Commission that there are now 680 radio stations; it is a fact that a number of small stations have either not applied for renewal of licenses or been denied renewals, but they are unimportant and the changes effected by them in the aggregate are relatively unimportant. Mr. CELLER also took the position that in view of the fact that 126 stations split time that half that number should be eliminated from the calculation. There is no logic in that insistence as we are dealing with outstanding broadcasting station licenses. The fact that 126 stations are required to split time only serves to accentuate my insistence that a comparatively few stations are given desirable wave lengths and power, and that a large number of other stations are not given proper consideration. However, following Mr. CELLER's line of argument, and considering the table given by him, the discrimination is just as apparent.

Below is the table given by Mr. CELLER, together with the percentages of population and power which I have added, based upon his figures:

Zone	Average population	Population per cent	Number of stations	Power in watts	Percentage of power
First	23,000,000	21.65	95	202,400	36.75
Second	24,000,000	22.6	93	103,700	18.82
Third	25,000,000	23.54	88	45,570	8.27
Fourth	25,000,000	23.54	166	139,000	25.22
Fifth	9,213,920	8.67	112	60,620	11
Total	106,213,920	100	554	551,000	100

The population figures furnished by me are exactly as given in the official census of 1920; Mr. CELLER is less accurate in that in most instances he gives round numbers, and furthermore he made a mistake of 1,213,920 in his addition, which I have corrected.

The gentleman from New York [Mr. CELLER] states that, in rough figures, the radio population of zone 1 is just under 50 per cent greater than the radio population of the third zone, whereas the figures of receiving sets which he himself inserts in the RECORD are that the number in the first zone are 1,144,100, whereas the receiving sets in the third zone are 1,037,950.

I shall insert in the RECORD as an exhibit to my speech the estimated number of receiving sets in the different radio zones and States. These estimates were made by a reliable radio magazine, as of January 1, 1927; I have been unable to locate a later estimate.

There are many other inaccuracies and specious arguments in the remarks of the gentleman from New York [Mr. CELLER], which I shall not take time to point out.

The following are statistics giving:

Broadcasting stations by zones and States

First zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
Maine	768,014	3	850	
New Hampshire	443,083	3	650	
Vermont	352,428	3	160	
Massachusetts	3,852,356	20	19,565	a 1
Connecticut	1,380,631	5	2,100	
Rhode Island	604,397	10	2,750	
New England	7,400,909	44	26,075	1

Broadcasting stations by zones and States—Continued

First zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
New Jersey	3,155,900	21	17,280	b 2
Delaware	223,003	1	100	
Maryland	1,449,661	5	5,700	c 1
District of Columbia	437,571	3	11,150	d 1
Porto Rico	1,299,809	1	500	
Virgin Islands	26,051	0	0	
	13,992,904	75	60,805	5
New York	10,385,227	63	162,500	e 7
Zone totals	24,378,131	138	223,305	12

EXPLANATORY NOTES

a—WBZ-Springfield, Mass., Westinghouse Electric & Manufacturing Co.... [1] 15,000
b—WPG-Atlantic City, N. J., Municipality of Atlantic City.... 5,000
b—WOR-Newark, N. J., L. Bamberger & Co.... 3,500
c—WBAL-Baltimore, Md., Gas and Electric Light & Power Co.... [1] 5,000
d—WTFF-Washington, D. C., Independent Publishing Co.... 10,000
e—WEAF-New York, N. Y., National Broadcasting Co.... [1] 50,000
e—WEAF-New York, N. Y., National Broadcasting Co.... [1] 5,000
e—WJZ-New York, N. Y., Radio Corporation of America (transmitter at Bound Brook, N. J.).... [1] 30,000
e—WGY-Schenectady, N. Y., General Electric Co.... [1] 50,000
e—WHAM-Rochester, N. Y., Stromberg Carlson Telephone Manufacturing Co.... [1] 5,000
e—WABC-Richmond Hill, N. Y., Atlantic Broadcasting Co.... [2] 2,500 / [3] 5,000
e—WLWL-New York, N. Y., Missionary Society of St. Paul.... 5,000

[1] Members of National Broadcasting Co. Chain.
[2] Night.
[3] Day.

Second zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
Pennsylvania	8,720,017	45	59,845	a 1
Virginia	2,309,187	10	2,365	
West Virginia	1,463,701	3	400	
Ohio	5,759,394	31	27,670	b 4
Michigan	3,668,412	23	15,475	c 2
Kentucky	2,416,630	3	1,050	
Zone totals	24,337,341	115	106,805	7

EXPLANATORY NOTES

a—KDKA—E. Pittsburgh, Pa., Westinghouse Electric Co.... [1] 50,000
b—WLW—Cincinnati, Ohio, Crosley Radio Co.... [1] 5,000
b—WSAI—Cincinnati, Ohio, U. S. Playing Card Co.... [1] 5,000
b—WAIU—Columbus, Ohio, American Insurance Union.... 5,000
b—WTAM—Cleveland, Ohio, Willard Battery.... [1] 5,000
c—WJR—Detroit, Mich., Free Press, General Motors, etc.[2].... [1] 5,000
c—WCX—Pontiac, Mich., Free Press, General Motors, etc.[2].... 5,000

[1] Members of National Broadcasting Co. chain.
[2] WJR and WCX divide time.

Third zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
North Carolina	2,559,123	4	1,750	
South Carolina	1,683,724	1	75	
Georgia	2,895,832	5	1,950	
Florida	968,470	12	5,660	
Alabama	2,348,174	5	1,375	
Tennessee	2,337,885	17	9,805	a 1
Mississippi	1,790,618	1	250	
Arkansas	1,752,204	3	1,550	
Louisiana	1,798,509	13	3,435	
Texas	4,663,228	31	19,130	b 3
Oklahoma	2,028,283	10	2,925	
Zone total	24,826,050	102	47,105	4

EXPLANATORY NOTES

a—WSM—Nashville, Tenn., National Life & Accident Insurance Co. (on wave length with Canada).... [1] 5,000
b—WBAP—Fort Worth, Tex., Carter Publishing Co.... [1] 5,000
b—WOAI—San Antonio, Tex., Southern Equipment Co. (WBAP and WOAI divide time and are on wave length with Canada).... 5,000
b—KTSA—San Antonio, Tex., Alamo Broadcasting Co.... 2,000

[1] Members of National Broadcasting Co. chain.

Broadcasting stations by zones and States—Continued

Fourth zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
Indiana	2,930,390	18	6,315	a 1
Illinois	6,485,280	70	83,170	b 13
Wisconsin	2,632,067	19	6,335	
Minnesota	2,387,125	18	10,130	c 1
North Dakota	646,872	6	720	
South Dakota	636,547	10	2,345	
Iowa	2,404,021	25	25,200	d 4
Nebraska	1,296,372	17	5,930	e 1
Kansas	1,769,257	8	3,950	f 1
Missouri	3,404,055	24	17,015	g 5
Zone total	24,492,986	215	164,870	26

EXPLANATORY NOTES

a—WOWO—Fort Wayne, Ind., Main Auto Supply Co (6 a. m. to 6 p. m.).... 2,500 / 5,000
b—KYW—Chicago, Ill., Westinghouse E. & M. Co. (after 10 p. m.).... [1] 2,500 / 5,000
b—WLIB—Chicago, Ill., Liberty Weekly, Inc.... [1] 15,000
b—WGN—Chicago, Ill., Tribune Co.... [1] 15,000
b—WSBM—Glenview, Ill., Atlas Investment Co.... 5,000
b—WLS—Chicago, Ill., Sears-Roebuck Co.... 5,000
b—WCBD—Zion, Ill., Wilbur Glen Voliva.... 5,000
b—WHT—Chicago, Ill., Radiophone B. Corp.... 5,000
b—WIBO—Chicago, Ill., WIBO Broadcasting Co.... 5,000
b—WJAZ—Chicago, Ill., Zenith Radio Corporation.... 5,000
b—WMBI—Chicago, Ill. Moody Bible Inst.... 5,000
b—WORD—Batavia, Ill., Peoples Pulpit Association (one-fourth time only.... 5,000
b—WMBB—Chicago, Ill., American Bond & Mortgage Co.... 5,000
b—WOK—Chicago, Ill., American Bond & Mortgage Co.... 5,000
c—WCCO—Anoka, Minn., Washburn-Crosby Co. (6 a. m. to 6 p. m.).... [1] 5,000 / 7,500
d—KTNT—Muscatine, Iowa, Norman Baker.... 2,000
d—WHO—Des Moines, Iowa, Bankers Life Co.... [1] 5,000
d—WOC—Davenport, Iowa, Palmer School of Chiropractic.... [1] 5,000
d—KOIL—Council Bluffs, Iowa, Mona Motor Oil Co.... 5,000
e—KFAB—Lincoln, Nebr., Buick Auto Co. (station KFAB shares time with KOIL.)
f—KFKB—Milford, Kans., Dr. J. R. Brinkley (7 a. m. to 7 p. m).... 1,500 / 2,500
g—KMOX—Kirkwood, Mo., Voice of St. Louis, Inc.... [1] 5,000
g—KWK—St. Louis, Mo., Gr. St. Louis Broadcasting Co. (shares time with WMAY and KFKA) 6 a. m. to 6 p. m.... [1] 1,000 / 2,000
g—KFEI—St. Joseph, Mo., Scroggin & Co. Bank (6 a. m. to 6 p. m).... 2,000 / 1,000
g—KMBC—Independence, Mo., Midland Broadcasting Co.
g—KLDS—Independence, Mo., Reorg. Church of J. C. and Latter Day Saints. 1,500

[1] Members of National Broadcasting Co. chain.

Fifth zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
Montana	548,889	4	660	
Idaho	431,866	4	2,275	a 1
Wyoming	194,402	1	500	
Colorado	939,629	15	6,450	b 1
New Mexico	360,350	1	5,000	c 1
Arizona	334,162	5	765	
Utah	449,396	4	1,200	
Nevada	77,407	0	0	
Washington	1,356,621	24	11,975	d 2
Oregon	783,389	15	5,390	e 1
California	3,426,861	54	26,460	f 2
Hawaii	255,912	1	500	
Alaska	55,036	3	610	
Zone totals	9,213,720	131	61,785	8

EXPLANATORY NOTES

a—KFAN—Boise, Idaho, School District.... 2,000
b—KOA—Denver, Colo., General Electric Co.... [1] 5,000
c—KOB—State College, N. Mex., College of Agriculture and Mechanic Arts.... 5,000
d—KJR—Seattle, Wash., Northwest Radio Broadcasting Co.... 2,500
d—KGA—Spokane, Wash., Northwest Radio Service Co.... 2,000
e—KEX—Portland, Oreg., Western Broadcasting Co.... 2,500
f—KFI—Los Angeles, Calif., E. C. Anthony (Inc.).... [1] 5,000
f—KGO—Oakland, Calif., General Electric.... [1] 5,000

[1] Members of National Broadcasting Co. chain.

The foregoing statistics are likewise based upon the January set-up, since which there have been some changes which will cause but slight change in the final results, and particularly from a comparative standpoint. I have undertaken to keep up with all important changes and to correct these figures accordingly, and do not think that I have overlooked any important change.

RADIO MONOPOLY

In order to obtain a correct picture of the situation and to understand the source of the opposition to the proposed distribution clause, it is necessary to call attention to the radio monopoly.

The Committee on the Merchant Marine and Fisheries on February 22, 1923, unanimously reported a resolution requesting the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to the alleged radio monopoly. This resolution was called up under a unanimous-consent request and adopted by the House without opposition March 3, 1923.

The Federal Trade Commission conducted the investigation and made its report December 1, 1923. This report, together with the appendix, contains 347 pages. I respectfully urge Members of Congress to read said report.

The Federal Trade Commission, under its own motion, filed a complaint, commencing and concluding as follows:

APPENDIX

United States of America, before Federal Trade Commission. In the matter of General Electric Co., American Telephone & Telegraph Co., Western Electric Co. (Inc.), Westinghouse Electric & Manufacturing Co., the International Radio Telegraph Co., United Fruit Co., Wireless Specialty Apparatus Co., and Radio Corporation of America, Docket No. 1115.

COMPLAINT

Acting in the public interest, pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," the Federal Trade Commission charges that the various persons, corporate and individual, mentioned in the caption hereof, and more particularly hereinafter described and hereinafter referred to as respondents, have been and are using unfair methods of competition in commerce in violation of the provisions of section 5 of said act, and states its charges in that respect as follows:

Then follows detailed charges of the specific written contracts entered into between these different defendants and the manner in which they are violating the laws.

The complaint concludes as follows:

PAR. 30. By reason of the facts and acts of the respondents set forth in the preceding paragraphs Nos. 8 to 29, inclusive, the respondents have combined and conspired for the purpose and with the effect of restraining competition and creating a monopoly in the manufacture, purchase, and sale, in interstate commerce, of radio devices and apparatus, and other electrical devices and apparatus, and in domestic and transoceanic radio communication and broadcasting by the following means:

(1) Acquiring collectively, directly and indirectly, patents and patent rights covering all devices and apparatus known to and used in any and all branches of the practice of the art of radio, and combining and pooling, by assignment and licensing, rights thereunder to manufacture and use and/or sell such devices and apparatus, competing and noncompeting, and allotting certain of such rights exclusively to certain respondents.

(2) Granting to the Radio Corporation of America the exclusive right to sell such devices and apparatus manufactured under said patents and patent rights and restricting purchases by the Radio Corporation of America of devices and apparatus useful in the art of radio to certain respondents and apportioning such purchases among them.

(3) Restricting the competition of certain respondents in the respective fields of manufacture and commerce of other respondents.

(4) Attempting to restrict and restricting the use of radio communication and/or broadcasting of articles manufactured and sold under said patents and patent rights.

(5) Acquiring the equipment heretofore existing in this country essential for transoceanic radio communication and perpetuating the monopoly thereof by refusing to supply to others apparatus and devices necessary for the equipment and operation of such service.

(6) Entering into exclusive contracts and preferential agreements for the handling of transoceanic radio traffic and the transmission of radio messages in this country, thereby excluding others from the necessary facilities for the transmission of radio traffic.

(7) Agreeing and contracting among themselves to cooperate in the development of new inventions relating to radio and to exchange patents covering the results of the research and experiment of their employees in the art of radio, including patents on inventions and devices which they may obtain in the future, seeking thereby to perpetuate their control and monopoly of the various means of radio communication and broadcasting beyond the time covered by existing patents owned by them or under which they are licensed.

PAR. 31. The above alleged acts and practices of respondents are all to the prejudice of the public and of respondents' competitors and constitute unfair methods of competition in commerce within the intent and meaning of section 5 of an act of Congress entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914.

Wherefore, the premises considered, the Federal Trade Commission, on this 24th day of January, A. D. 1924, now here issues this its complaint against said respondents:

The Federal Trade Commission includes in the appendix to said report numerous admitted written contracts entered into between the different members of the monopoly. I do not see how it is possible for any lawyer to read those contracts and reach any other conclusion than that on their face they violate the Sherman and Clayton Anti-trust Laws and the Federal Trade Commission act.

I regret to state that this complaint has not yet been heard by the Federal Trade Commission. It was a considerable time before the pleadings were made up, and they have not yet completed the taking of proof.

The market assets of these members of the Radio Trust aggregate about $5,000,000,000, including the subsidiaries of the American Telephone & Telegraph Co. The recent annual report of the latter company shows it to be the largest concern in the world. The radio monopoly is doubtless the largest and most effective monopoly in the world. It dominates and controls every phase of the radio industry. I shall later refer to some of its activities and unfair methods. For the present I shall call attention to its dominance of communicative service.

As evidence of the "strangle hold" which the radio monopoly has in the broadcasting and commercial radio field I call attention to the following facts, which constitute a résumé of official data filed by the Federal Radio Commission at recent committee hearings, as follows:

MONOPOLY BROADCASTING STATIONS

The Westinghouse Electric & Manufacturing Co. has five broadcasting licenses, with 70,500-watt power.

The General Electric Co. has three broadcasting licenses, with 57,500-watt power.

The Radio Corporation of America has three broadcasting licenses, with 31,000-watt power.

The National Broadcasting Co. (owned by the Radio Corporation of America, the General Electric Co., and Westinghouse Co.) has two broadcasting licenses, with 55,000-watt power.

This makes a total station power of 213,000 watts, as compared with 390,660-watt power granted the remaining 687 broadcasting stations.

Nine of these monopoly stations, with a total watt power of 206,500, are on the 25 cleared channels.

Three of these monopoly stations, with 50,000-watt power each, one with 30,000, and one with 15,000-watt power are on the cleared channels.

The Federal Radio Commission has "cleared" 25 channels or wave lengths between 600 and 1,000 kilocycles, or between 499.7 and 299.8 meters. Wave lengths within this range are decidedly the most valuable for broadcasting.

Chain stations, including the nine monopoly stations just mentioned, are placed on 24 of these cleared channels. Thirty-one of the National Broadcasting Co. chain stations are placed on these cleared channels. The stations on these 25 cleared channels are licensed to use a total of 323,700-watt power, as compared to a total of 279,920-watt power granted to the 623 other stations which are crowded together on the remaining 64 less valuable wave lengths available for broadcasting. It will thus be seen that there are an average of more than 9½ of these latter stations on a wave length.

A broadcasting license may be worthless, as most of them are. The usefulness and value of a broadcasting license depends upon the wave length, and as to whether the licensee has an exclusive or substantially exclusive wave length or is placed on the same wave length with numerous other stations, and as to the amount of station power authorized to be used.

COMMERCIAL RADIO STATION LICENSES

While the general public is more interested in broadcasting than any other phase of radio, yet there are other features, uses, and potentialities that are very much more valuable than broadcasting. In this field there has been even a greater discrimination and favoritism to the monopoly than in the broadcasting field, if that be possible.

For instance, the Radio Corporation of America has 56 station licenses, 72 calls, and 132 wave lengths, with an aggregate of 4,226,950-watt station power; 13 of these stations are each authorized to employ 200,000-watt power.

The Westinghouse, General Electric, American Telephone & Telegraph Co., and Tropical Radio Telegraph Co. have 16 commercial stations authorized to use 41 wave lengths and 188,000-watt power.

The total power granted all other commercial radio stations combined amounts to only 674,387 watts.

It will be noted that the Radio Corporation of America is granted more than seven times as much station power as all the stations combined, exclusive of monopoly stations.

With the exception of the Mackay Radio & Telegraph Co., no other commercial station other than the monopoly stations is granted more

than 5,000-watt power. The Mackay company has one station authorized to use 125,000 watts, one 75,000 watts, two 30,000 watts, and some stations authorized to use lesser power. The Mackay company has, all told, 10 licensed stations.

Excluding the monopoly companies and the Mackay company, there are no stations authorized to use over 5,000 watts and only eight authorized to use this much power, they being chiefly packers' stations in Alaska. An interesting feature is that there are 102 licensed commercial stations in Alaska, chiefly packers and canners.

Competitors of the Radio Corporation of America are begging for more commercial licenses, wave lengths, and power.

And yet the different branches of the Government are unable to procure the allocation of as many radio wave lengths as they consider they need, with the result that a fight has developed in the interdepartmental radio committee between the Army and the Navy over the division of the comparatively small number of wave lengths allocated for Government use.

EXPERIMENTAL STATIONS

According to data furnished by the Federal Radio Commission at the committee hearings, as of February 1, 1928, the monopoly stations have been favored in this field as follows:

The Radio Corporation of America has 17 stations licensed to use wide ranges of wave lengths covering the entire range and a total of 404,100-watt station power; has 2 stations licensed to employ wide ranges of wave lengths and to use unrestricted power.

The Westinghouse Electric & Manufacturing Co. has two stations licensed to use variable wave lengths and 50,500-watt power and 6 stations authorized to use variable wave lengths and unrestricted power.

The General Electric Co. has 15 stations authorized to use wide ranges of wave lengths and a total of 380,250-watt power and one station authorized to use a wide range of wave lengths and unrestricted station power.

The American Telephone & Telegraph Co. has 5 stations authorized to use wide ranges of wave lengths with 180,700-watt power; 2 stations with unrestricted wave lengths and 50,500-watt power; 1 station with wave length of 500 to 300 meters and unrestricted power; 1 station with unrestricted wave length and unrestricted power.

The Tropical Radio Telegraph Co. has 6 stations licensed to use unrestricted wave lengths and unrestricted power.

It is thus seen that these five monopoly companies have 41 stations authorized to use wide ranges of wave lengths and to employ a total of 1,072,550-watt station power; and 4 stations authorized to use wide ranges of wave lengths and unrestricted power; and 13 stations authorized to use unrestricted wave lengths and unrestricted station power; making a total of 58 stations. On the other hand, all other experimental stations licensed by the Federal Radio Commission are as follows:

Ninety-three stations authorized to use either specific or varying wave lengths and 114,380-watt station power; 21 stations with assigned wave lengths and unrestricted station power; 6 stations with unrestricted wave lengths and unrestricted station power; making a total of 120 stations.

These experimental stations are authorized to use wave lengths ranging from 1 meter to 15,000 meters; numerous stations are authorized to use the meter range assigned for broadcasting, 200 to 550 meters. Naturally they will conflict and interfere with broadcasting stations.

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

Mr. DAVIS. Yes.

Mr. McREYNOLDS. Where are those unrestricted stations located?

Mr. DAVIS. At various places, particularly in the East. Naturally the Radio Trust is satisfied with the situation. The Radio Commission has given them the cream. It has favored them beyond measure. Consequently, as has always been their policy, the monopoly is opposed to any legislation which may result in breaking their strangle hold on the radio industry. They have all the high-powered stations and do not want independent stations to have any such licenses.

MONOPOLY OPPOSING EQUALIZATION CLAUSE

Wherefore, when the House committee reports a bill containing a provision designed to insure a fair equalization of broadcasting licenses, wave lengths, and power among the different zones throughout the country, the radio monopoly immediately gets very busy. Their lobbyists are infesting Capitol Hill. Their propagandists have been busily at work. Their faithful ally, Commissioner Caldwell, gave out a statement which misrepresented the purposes and effects of the equalization amendment. He gave figures and conclusions based upon an absolutely false premise. He arrogantly and intemperately criticized the committee and the Congress. I gave out a statement exposing the fallacies and misstatements in his unfair and abusive statement. Senator DILL inserted my reply in the CONGRESSIONAL RECORD, which appears on page 4011 of the RECORD of March 1.

Caldwell's criticism of Congress and pending legislation is, to say the least of it, extraordinary and a breach of propriety. In the conduct of his propaganda operations, he sent to the radio stations in the first zone the following communication:

RADIO STATIONS, FIRST ZONE

If you have followed newspaper reports of the recent discussions in the committees of Congress charged with radio legislation, you have undoubtedly detected both (1) a very evident dissatisfaction with the present distribution of radio stations, powers, and frequencies throughout the various States, and (2) a demand for these to be more "equitably" divided as between States.

In view of the fact that at present a very few States and metropolitan communities have a high concentration of radio, while nearly 40 other States are far below the average of the country, it is apparent that any redistribution in accordance with the "State rights" views of Congress must mean withdrawal of many wave lengths from centers and States now having an excessive proportion, as well as reduction of powers in such communities also.

Since such redistribution will be chiefly at the expense of the congested first-zone area (which now has by far the greatest power, and also certain excessive channel concentrations), I feel it my duty to call this impending situation to your attention at this time in order that you may duly regard it in your future plans for operation.

O. H. CALDWELL, *Commissioner.*

This letter admits our contention as to the present unfair allocation, and at the same time it is very evidently intended to arouse opposition to the pending provision on the part of the radio stations in the first zone.

Then L. S. Baker, managing director of the National Association of Broadcasters (Inc.), who always works for and with the monopoly on radio legislation, sent out communications to stations throughout the country grossly misrepresenting the facts, and unjustly and abusively criticizing the committee which reported the bill containing the provision under discussion.

The first statement in Baker's communication is as follows:

Besides unjustly and unfairly disregarding the request of others to be heard on the subject of amendments to the radio law beyond the extension of the life of the commission, the House Merchant Marine and Fisheries Committee with utter disregard for all known radio principles has favorably reported a proposal which, if it became law and was enforced by the Radio Commission under present conditions, would render useless or obsolete practically one-third of the radio sets of the country, or approximately $230,000,000 worth of equipment purchased by listeners.

This entire statement is absolutely and unqualifiedly false. The reverse is true.

He charges the House committee with "complete ignorance" and talks of a "legislative brain storm." He tries to camouflage his efforts in behalf of the radio monopoly by pretending concern for radio listeners. He concludes his infamous statement as follows:

Again if, through neglect, Congress fails to extend the life of the commission with full and constituted authority and adequate appropriation as provided for in the radio act of 1927, with confusion resulting because of a transfer of this authority from the commission to the Department of Commerce, when the job is only half done, one of the greatest crimes of the entire history of democratic representation in government, affecting millions of people, will have been perpetrated by those who are supposed to represent and protect the people's interest.

As evidence of the insincerity and duplicity of Baker and those he is serving, attention is called to the fact that he and the remainder of the radio monopoly and their allies were originally opposed to a radio commission, insisting that full authority should be left in the Department of Commerce. After the Senate had passed a bill conferring exclusive jurisdiction over radio in a commission authorized to act full time upon annual salaries, and the House had passed a bill continuing jurisdiction in the Secretary of Commerce, but creating a commission with authority to hear appeals from the Secretary, and both bills had gone to conference, this self-same Baker, along with others who are now fighting this equalization provision, sent communications to the conferees, which declared, in part, as follows:

The committee, eliminating all considerations except those of the good of the radio listeners and the industry, and the existing subject matter in the Senate and House bills, favors a control consisting of two bodies, a Federal Radio Commission and the Department of Commerce, whose functions shall be as determined in the House bill.

And yet, "if through neglect the Congress fails to extend the life of the commission with full and constituted authority," such as it possessed during the first year, and should, on the other hand, permit the initial authority to vest in the Secretary of Commerce, as Baker and his crowd insisted in Decem-

ber, 1926, should be done, he and his association state in their propaganda that "one of the greatest crimes of the entire history of democratic representation in government, affecting millions of people, will have been perpetrated by those who are supposed to represent and protect the people's interest."

Is it possible that such vicious and unconscionable assaults upon Congress as this and such misrepresentation of facts can deter the Members of Congress from performing their duty to protect the public from the machinations of the radio monopoly?

CLAIM OF VESTED RIGHTS

The arguments of Caldwell, Baker, and other defenders of the radio monopoly and their methods are also predicated upon the doctrine of "vested rights" in the air, which we emphatically deny to exist, and which are denied and guarded against in the radio act of 1927, although the provisions guarding against the acquirement of vested rights were weakened in conference. Caldwell made a spirited defense of the monopoly at the hearings, referring to their benevolent (?) work. They talk about the investments in broadcasting apparatus which would be destroyed by this equalization clause. In the first place, such property would not be destroyed. In the second place, no broadcaster has ever received a broadcasting license for a longer period than 90 days, so that he went into the business with his eyes open, and consequently acquired no vested rights. In the third place, the investments of the radio monopoly in broadcasting apparatus certainly can not mean more to them than the amounts which the hundreds of independent broadcasters have invested in broadcasting apparatus which they had to purchase from the monopoly. Under the present set-up these investments of hundreds of independent broadcasters are practically useless and valueless. Are they not entitled to quite as much consideration as the monopoly from a property standpoint? However, it is certainly the spirit of the radio act that the interests of the listeners should be first considered. The investments in broadcasting apparatus are small indeed compared to the investment of the citizens in receiving sets. Under the present situation a vast number of receiving sets are either useless or practically so.

PURPOSE AND EFFECT OF EQUALIZATION AMENDMENT

The purpose and effect of this amendment would not be to destroy but to improve the general situation. Under the present situation there exists a gross and unfair discrimination against the second, third, and fifth zones and against the citizens of nearly all of the States. Caldwell states: "Nearly 40 States are far below the average of the country." Statistics show even a larger number than that.

We insist upon a fair distribution throughout the country of licenses, wave lengths, and power. We insist that it is unfair for all of the high station power to be given to a few monopoly stations within a small area in the East. If such power is necessary to constitute a national station, why are not the Middle West, the West, the Southwest, and the South entitled to their fair quota of national stations? Are a few monopoly-owned stations to be the only ones with a national audience? Although there are three monopoly stations in the East with 50,000-watt power each, one with 30,000 and one with 15,000-watt power, yet west and south of Pittsburgh there is but one station with as much as 15,000-watt power (WLIB, owned by Liberty Weekly (Inc.), Elgin, Ill.); and within that immense area south and west of Pittsburgh there is only one other station with as much as 10,000-watt power.

Even within the first zone there exists a very unfair allocation. For instance, the six New England States have 30 per cent of the population and 31 per cent of the receiving sets in the first zone, and yet have only 8½ per cent of station power granted in the first zone; more than half of the station power granted in New England is given to one monopoly station. Substantially the same situation obtains with respect to all the other States in the first zone except New York, which has only 43 per cent of the population and 45 per cent of the receiving sets, and yet has over 72 per cent of power in the first zone.

We deny and resent the insistence that no worth-while program can come out of any except a monopoly station or a New York station. The fact of the business is that, with the exception of a semioccasional high-class program, the average advertising programs of the big monopoly stations are no better than, and in many instances not as good as, the average nightly program of numerous other stations. Furthermore, not everybody is interested in their customary advertising programs, and those who do like to hear the programs from those stations at times do not want to be compelled to listen to them to the exclusion of all other programs from worthy stations located elsewhere.

We want broadcasting licenses fairly distributed in such a manner that those who desire to do so may listen to the New York and chain stations when they want to, but may, when they so desire, listen to programs broadcast by stations elsewhere throughout the country, including their own zones, States, and cities. Most people naturally desire a variety of programs. Many mature thinking people are not as much interested in jazz, grand opera, or any other music as they are in listening to addresses, sermons, convention proceedings, agricultural and home economic information, and various other matters of sectional or State interest. Under the present situation, generally speaking, the reception of such programs is either impossible or unsatisfactory because of the fact that the stations are so crowded together on the same wave lengths that there is inevitable confusion and heterodyning; and in many other instances there is a lack of adequate station power.

A fair equalization of licenses, wave lengths, and power would not necessarily be effected by a reduction of the most-favored zones to that of the least-favored zones, as falsely insisted by Caldwell and other opponents of this distribution amendment. Such course would be exceedingly unwise and no sensible commission would pursue such course. Under the plain provisions of the amendment the equalization could be brought about by bringing the less-favored zones up to the more favored, or by both increases and reductions. As a matter of fact, the members of the Radio Commission have repeatedly stated that there should be a reduction in the congested areas. Such reduction would be beneficial rather than detrimental to the listeners in such congested areas. As it is, the air is so cluttered up by broadcasting from numerous stations within congested areas that local reception is frequently very unsatisfactory and listeners in those congested areas state that ordinarily they can not satisfactorily hear the programs of any except a very few of their stations. Furthermore, they complain that they are unable to receive programs from other sections of the country.

We want to hear New York at times, but we should also like for those citizens in New York who desire to do so to have the privilege of hearing our stations. New York is a great city, but not all of the good things come out of New York. I have a letter from a New Jersey club in which they enumerate various independent stations throughout the country which give most entertaining programs. The letter states in part:

> There is a wide difference of opinion as to what constitutes the best program. Those originating in WEAF and WJZ (New York monopoly stations) are very good, but rarely have any novelty about them. Take your own State stations WSM; I'll bet that they and WLS have a larger "air audience" on Saturday nights than any two other 5,000-watt stations in the country. Their programs are so different from what we hear from the NBC studios that I know hundreds of fans who regularly tune in for them every Saturday night.

The same letter also highly compliments station WEEI, Boston, but complains that it only has 500-watt power on a shared wave length, and that its programs are smeared unmercifully.

This letter is typical of numerous other letters I have received.

A fair distribution of broadcasting licenses will render all receiving sets much more useful and satisfactory than at present. It will likewise render all broadcasting apparatus and stations more useful and valuable with the possible exception of a few of the very high-powered monopoly stations. If they are rendered less valuable to their owners it will be for no other reason than that they will have competition in the broadcasting field which they substantially dominate under the present set-up. That is naturally undesirable from their own selfish standpoint, but is it undesirable from the standpoint of the general public?

FAVORITISM TO STATIONS OPERATING FOR A PROFIT AND DISCRIMINATION AGAINST WORTHY CLASSES OF STATIONS

There has not only been discrimination against various sections and most of the States but there has also been discrimination against certain classes of stations, chiefly educational institutions and other high types of noncommercial stations. There has been especial discrimination in favor of advertising stations. The large monopoly stations broadcasting advertising programs are being especially favored. As bearing upon this subject, I beg to quote from the recent hearings before the Committee on the Merchant Marine and Fisheries on the pending bill:

> Mr. DAVIS. In other words, as I understand, you recognize the fact that there is a useful and proper place not only for what might be termed national stations but for regional stations and State stations and purely local stations; is that correct?
>
> Commissioner PICKARD. Yes, sir.
>
> Mr. DAVIS. And you think proper provision should be made for all of them?
>
> Commissioner PICKARD. Yes, sir.
>
> Mr. DAVIS. You were formerly with the Kansas Agricultural College, were you not?

Commissioner PICKARD. Yes, sir.

Mr. DAVIS. And then you were in the Department of Agriculture at the head of the agricultural radio service?

Commissioner PICKARD. That is right, sir.

Mr. DAVIS. I assume, then, you realize the very useful service that is being rendered and is susceptible of being rendered the public by universities and particularly agricultural stations?

Commissioner PICKARD. Indeed I do.

Mr. DAVIS. In that connection I wish to call attention to the fact that at the Fourth National Radio Conference held in Washington in 1926, at which were in attendance leading representatives of radio broadcasters and of radio commercial services, dealers, the various Government departments interested in radio, together with inventors and various other representatives of the radio industry, committee No. 1, which was appointed by Secretary Hoover, who was president of the convention, was a committee of 32 members of the conference appointed to study and make a report on the allocation of frequencies of wave lengths. The chairman of that committee was Dr. J. H. Dallinger; the secretary was Col. J. F. Dillon, formerly a member of this commission; and among others on that committee were H. A. Bellows, who was formerly a member of the commission; H. P. Maxim, president of the amateur association, known, I believe——

The CHAIRMAN. That is known as the American Relay League.

Mr. DAVIS. Also Mr. M. Goldsmith, an engineer and vice president of the Radio Corporation of America, and various others. This committee made a unanimous report, which was adopted without controversy by the convention, and a part of that report states as follows:

"The committee recommends affirmative action by the conference on the resolution quoted in Appendix A, submitted by the Department of Agriculture, for provision for adequate broadcast and dissemination of agricultural educational information.

"Now, this Appendix A, which, as I recall, was the only resolution presented with any report having a direct reference to specific legislation, is as follows:

"Whereas the Federal Government, through the United States Department of Agriculture and the State governments through State universities, agricultural colleges, and departments of agriculture, are conducting public extension services in the distribution of material of an educational, informative, and economic character;

"Whereas the United States Congress and the State legislatures have provided for these services through appropriations approximating more than $100,000,000 annually, of which $70,000,000 is for agricultural support and equipment of the colleges and universities; $9,000,000 for experiment stations, and $23,000,000 for services and research by the Federal Department of Agriculture, in addition to hundreds of millions of dollars in permanent equipment;

"Whereas the distribution of the information gathered by these agencies to the public, particularly the rural districts, is a matter of national importance;

"Whereas radiobroadcasting presents the most satisfactory and economical method of reaching the public with this important information and of making effective the public investment in these agencies;

"Whereas these institutions have immediately at hand among the regular staffs abundant material for educational and public-service programs with practically no additional cost: Be it

"*Resolved*, (1) That full recognition should be given by the Department of Commerce to the needs of these services, and (2) that adequate, definite, and specific provision should be made for these services within the broadcasting band of frequencies."

Mr. DAVIS. Are you in accord with the expressions contained in that resolution?

Commissioner PICKARD. Yes, sir.

There will also be found as an exhibit to my speech a letter of January 11, 1927, from the Association of College and University Broadcasting Stations, which consists of 42 members.

And yet so little consideration has still been shown these State agricultural colleges and other agricultural institutions that on October 24, 1927, Secretary of Agriculture Jardine addressed a letter to the Federal Radio Commission calling attention to the splendid and valuable service being rendered by such stations, and asking for protection and consideration in the broadcasting field.

I quote from the said hearings further:

Mr. DAVIS. You take a State like Kansas, for instance. How much power would you say your State agricultural station would need to reach all the farmers and housewives of that State consistently?

Commissioner PICKARD. In bad weather, in bad reception weather, it would need from 5,000 to 10,000 watts to do the job. I have encouraged them to go to more power. They should have it, especially for the daylight work. I would like to point out to you, Judge Davis, that most colleges stress the daytime operation. They feel they have less competition from other stations and less interference and that more effective work can be done in the daytime.

Mr. DAVIS. These college stations are some of the stations which are broadcasting not for profit?

Commissioner PICKARD. That is right, sir.

Mr. DAVIS. But simply for public service. Is that not so?

Commissioner PICKARD. That is right; yes, sir.

Mr. DAVIS. And as indicated in this resolution, and as a matter of common knowledge, both the National Government and the various State governments and the various counties and municipalities are annually appropriating enormous sums of money to educate the youth of the country as well as to furnish information to the adults. That is true, is it not?

Commissioner PICKARD. Yes, sir.

Mr. DAVIS. I will ask you if some responsibility does not rest upon the Government and upon the representatives of the Government with respect to broadcasting, to undertake to cultivate a taste for things worth while, rather than yield to so large an extent to the desire on the part of youth for jazz music and things of that sort?

Commissioner PICKARD. Yes; I think you are entirely right, Judge Davis.

Mr. DAVIS. But at the same time, nearly all of the valuable wave lengths are given to stations which devote a large part of their program to jazz and popular music, in which a great many people are not interested at all; is not that true?

Commissioner PICKARD. I believe the program directors have tried to give their listeners what they want; I think that is an answer to your question.

Mr. DAVIS. I will say I do not think they have done it, though.

Commissioner PICKARD. I am not sure, either.

Mr. DAVIS. I think they have lacked a whole lot of doing it. I think they have given entirely too much recognition to that portion of our population which wants that character of programs and have overlooked the fact that more mature people and more serious-minded people, who perhaps are not as prone to give expression to their views by writing letters and such things as that, do not care for that but do care for things that are more worth while.

Commissioner PICKARD. Yes; I think your deduction is a correct one.

COMMISSION'S EXCUSE FOR NOT MAKING MORE EQUAL DISTRIBUTION

The chief excuse of the commission for not making a more equitable distribution of broadcasting licenses, wave lengths, and power has been that there was no demand for same in the zones and States below their quota.

Speaking with particular reference to the situation in the third, or southern zone, Admiral Bullard, former chairman of the Federal Radio Commission, stated last August:

It is a fact that the Southern States are not particularly well represented in the broadcasting field. But it is also a fact that the commission can not be held responsible for this state of affairs; because, if the people of the South do not want broadcasting stations and do not make applications for them, the commission can not take any action whatsoever.

Then Judge Sykes, when he was on the stand, in discussing this subject, made substantially the same statement; then Commissioner Caldwell made substantially the same statement, and he said, in part, that "Just as far as applications from the South have been made, they have been recognized, etc.

In an effort to defend his failure to protect the interests of his own zone, Commissioner Sykes was willing to reflect on that great section of the country by stating that his section had been backward in the matter.

In this connection, I wish to state that at first I assumed that Commissioner Sykes was naturally desirous of seeing that the intolerable situation in his zone should be improved, and that his desires and efforts were being thwarted by the other members of the commission. However, in the light of his untenable excuse for the South not receiving fair treatment and his rush to the defense of the unconfirmed nominees on the Radio Commission, including Caldwell, urging the Senate to confirm them, I have been compelled to recede from my former opinion. I can not believe that Commissioner Sykes is at heart disloyal to his own section; in my opinion Commissioner Caldwell has dominated the commission and Commissioners Sykes and Pickard have been "me-too" men, not having the courage to vigorously assert their opinions and insist upon fair treatment for the neglected sections of the country. Although Commissioner Lafount has only been on the commission for two months, yet he got busy and induced the commission to make 70 changes in his zone in order to improve the situation therein.

APPLICATIONS FOR LICENSES, BETTER WAVE LENGTHS, AND MORE STATION POWER

In accordance with a request therefor made at the committee hearings, the commission filed a list by zones of applications for new licenses, different wave lengths or more power, together

with action thereon, or the lack of action where such was the case. This information completely refutes the excuse that has been made that better treatment had not been accorded the third zone and other sections because there had been no applications therefor, and that the commission could not initiate applications.

This data in detail appears on pages 41 to 51 of the recent hearings before the Committee on the Merchant Marine and Fisheries of the House, and I invite particular attention to same. However, I wish to give a synopsis of that data as follows:

APPLICATIONS FOR NEW BROADCASTING-STATION LICENSES

FIRST ZONE

One application at Saranac Lake, N. Y., granted for 10 watts.

Nine applications from New York, Massachusetts, New Jersey, and District of Columbia still pending.

SECOND ZONE

Four applications granted for a total of 130-watt power on high kilocycle bands.

Nine applications disapproved.

Ten applications still pending.

THIRD ZONE

Eleven applications approved for a total of 1,145-watt power, all on high kilocycle frequencies.

Commissioners Sykes and Caldwell had much to say about the new licenses they had granted in this zone.

Twenty-six applications still pending.

FOURTH ZONE

Six applications granted for a total of 5,825-watt power, including a 5,000-watt station in Chicago.

The commission has also issued a permit to a company owned or controlled by Samuel Insull to construct a 50,000-watt station with studio in Chicago and transmitter out of the city.

It is stated in the application that this station is to be used by seven designated public utilities. It is also stated that "the policy of this station will be to furnish to the public a service which will foster and promote the cordial relations with the public which the station owners as public utilities now enjoy."

Attention is called to the fact that Chicago is already the most congested area in the country, except New York City. Not counting the Insull station, which is expected to be completed by April 1, Illinois—chiefly Chicago—has more station power than the other nine States in the fourth zone combined.

Thirty-four applications in the fourth zone have been denied, 3 applications in Kansas, 5 in Missouri, 2 in Indiana, 5 in Minnesota, 1 in Wisconsin, 1 in North Dakota, 1 in South Dakota, 4 in Illinois, and 9 in Iowa.

Ten applications for new licenses in the fourth zone are still pending, of which 3 are from Indiana, 2 North Dakota, 1 South Dakota, 1 Kansas, 1 Iowa, and 2 Illinois.

FIFTH ZONE

Six applications granted for a total of 750-watt power, all on high-kilocycle frequencies.

Twenty applications have been disapproved.

Two applications are still pending.

Existing stations that have applied for change in power or wave length and power

GRANTED

	Number stations	Power requested	Power granted
First zone	22	89,655	81,905
Second zone	7	6,350	2,215
Third zone	13	27,550	9,615
Fourth zone	20	141,100	27,065
Fifth zone	15	11,650	6,215

It will be noted that the first zone, which already had much more power than any other zone, was granted decidedly a larger per cent of the amount requested than any other zone. Ten New York stations were granted 60,500 watts of the power granted in the first zone.

Existing stations that have applied for change in power or wave length, which applications are

PENDING

	Number stations	Power requested
First zone	11	15,150
Second zone	5	22,100
Third zone	10	48,500
Fourth zone	15	83,900
Fifth zone	18	20,600

Existing stations that have applied for change in power or wave length, which applications are

DENIED

	Number stations	Power requested
Second zone	1	500
Fourth zone	6	10,000
Fifth zone	5	2,650

INFORMAL APPLICATIONS

The foregoing data with respect to applications only includes formal applications upon regular application forms procured from the commission. In transmitting the lists of applications and action thereon, the Secretary of the Federal Radio Commission wrote to the committee as follows:

> Besides these formal applications requested, the commission has received hundreds of casual or informal inquiries for station licenses, increased power, or channels, each of which has been promptly answered, and the conditions in the broadcasting band carefully explained with the result that no formal application has been filed.

In his speech the other day, instead of taking the magnanimous position that he did not want the radio monopoly or the stations in his city to "hog the air," the gentleman from New York [Mr. CELLER], rehashed the unfair and misleading arguments advanced by the agents of the radio monopoly against a fair distribution of broadcasting licenses. In his belabored effort to show that the third, or southern zone, was not entitled to any more consideration, he quoted some very inaccurate figures as to farmer ownership of receiving sets in that section, which had been palmed off on him by somebody. He otherwise reflected upon the citizenship of that great section. New York is a great city and has as good citizens as may be found anywhere; the same is true with respect to the citizenship in the third zone. We are perfectly willing to compare citizenship with New York City. It is true that we have a considerable number of negroes with us, but they all speak and understand the English language and they are all American citizens and loyal to their country. As a matter of fact, I have some very near and very dear relatives residing in New York City and that constitutes an additional reason why I wish to improve radio reception in that city.

While he has ordinarily taken a contrary position, yet I am surprised that the gentleman from New York is lined up in this instance with the radio monopoly. In the last Congress he made a speech in the House in which he said in part:

> We suffer tremendously in New York by virtue of our inability to control the New York Telephone Co., and this great and mighty combine, the Bell system, stretching all over the territories covered by your constituencies, gentlemen, because of the evils it is guilty of, goes unpunished and uncontrolled. There is no control whatsoever over the telephone companies, and I desire to read you the many companies that enter into this combine. There are, for example, the New England Telephone & Telegraph Co., the Chesapeake & Potomac Telephone Co., the Cumberland Telephone & Telegraph Co., the Illinois Bell Telephone Co., the Ohio Bell Telephone Co., the Wisconsin Telephone Co., the Southern Telephone Co., the Northwestern Bell Telegraph & Telephone Co., the Southwestern Bell Telephone Co., the Mountain States Telephone & Telegraph Co., the Pacific Telephone & Telegraph Co., and with all their ramifications and with all their subsidiary companies they control not only wired and wireless telephonic and telegraphic communication in all its branches, all the basic patents with reference thereto, the manufacture and distribution of all machinery and appliances used by them. They reach out in almost very direction.
>
> The American Telephone & Telegraph Co., with its various subsidiaries and associated companies, constitutes the most gigantic trust in America. Moreover, it has a tighter hold and more direct control over the lives of ordinary people and all phases of business than any other corporation whatsoever.

The gentleman from New York was correct in his characterization of the American Telephone & Telegraph Co., except that it is not the most gigantic trust in America, for the reason that it is only one of the several members of the Radio Trust, and the whole is larger than any of its parts. This shows what we have the fight when we undertake to legislate in the interest of all the people with respect to radio.

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

Mr. SANDLIN. I yield the gentleman 15 additional minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for 15 additional minutes.

METHODS OF THE MONOPOLY

Mr. DAVIS. I want to say that this monopoly is no respecter of persons. I want to call your attention to one of the practices of the radio monopoly. You know the great Loyal Order of Moose, which, I believe, was organized by our distinguished Secretary of Labor. The Supreme Lodge of the World, Loyal Order of Moose, have a broadcasting station at Mooseheart, Ill. The call letters of this station, WJJD, are in honor of Secretary of Labor Davis. This station is authorized to use only 1,000 watt power, and divides time with a Chicago station. Having a large membership throughout the country, who are naturally interested in this order and its broadcasting station, they, like numerous other independent stations, have an application on file with the Radio Commission for more power, asking for the privilege of using 20,000 watt power; they have also sought at a public hearing to secure this increased power. However, these applications are still pending. In this connection, do you not think that this splendid order, with its very large membership, was more entitled to a 20,000-watt station than Samuel Insull was entitled to a 50,000-watt station to broadcast propaganda in the interest of his various utilities?

Reverting to the methods of the radio monopoly, I call attention to what has happened to station WJJD, which is typical of what has happened to other independent stations. I shall let this correspondence speak for itself. I read:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 18, 1928.

Hon. EWIN L. DAVIS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Replying to your letter of February 9 with reference to the use of a Western Union wire in the hook up of our radio station at Mooseheart with the Palmer House in Chicago, would say that I took this matter up with our radio manager at Mooseheart and am just in receipt of a reply from him, copy of which I inclose for your information.

I trust this explanation is satisfactory. With kindest regards, I am,

Most cordially yours,

JAMES J. DAVIS.

Here is the letter which he incloses and to which he refers:

LOYAL ORDER OF MOOSE,
Station WJJD, February 16, 1928.

Mr. JAMES J. DAVIS,
United States Secretary of Labor,
Washington, D. C.

DEAR MR. DAVIS: I am returning the letter of Congressman DAVIS regarding the use of Western Union and telephone lines in connection with our broadcasting station, WJJD.

When we connected with the Palmer House in Chicago, necessitating private broadcasting lines in Mooseheart, we procured estimates from the Illinois Bell Telephone Co., also from the Western Union. However, as the telephone company had an installation charge of some $10,000 which was not charged by the Western Union, we contracted for the Western Union lines.

Since that time, however, it has not been possible for us to connect any telephone lines with our Western Union circuits, which has prevented the broadcasting of any chain programs. It seems that the telephone company has a ruling that they will not permit any telephone lines to be connected in any way with Western Union lines, although I understand that the Western Union Co. has no objection to having the telephone lines connected with theirs.

The Western Union lines have proved very satisfactory, although I believe it will be necessary for us to replace them with telephone lines in the operation of our new transmitter, inasmuch as until we have telephone lines we will be prevented from participating in national broadcasting.

Sincerely and fraternally yours,

C. A. HOWELL.

Mr. ABERNETHY. It is a great benevolent order?

Mr. DAVIS. Of course, it is a great benevolent order.

Now, the stranglehold of this Radio Trust is such that if an American citizen or company obtains a license from his or its government to operate under a broadcasting license, that is not all; it must first pay a fee to the American Telephone & Telegraph Co.; in the case of an ordinary station some $2,000 or $3,000; and then they must buy the broadcasting apparatus from the monopoly, and then if they want any chain broadcasting they have got to make a contract for the use of a wire, not with some independent company but with a member of the radio monopoly, the American Telephone & Telegraph Co.

Then, as in the case of the Mooseheart station, before they are given the privilege of paying for radio service over a telephone wire they must make the American Telephone & Telegraph Co., or its subsidiary, a present of $10,000. Unless they comply with the terms of the telephone member of the monopoly the National Broadcasting Co. will not permit the station to receive its chain program. The National Broadcasting Co. was organized and is owned by the Radio Corporation of America, the General Electric Co., and the Westinghouse Electric & Manufacturing Co., all members of the monopoly.

The Radio Trust harasses its competitors in the manufacture of receiving apparatus in various ways. It forced 25 or 30 of the independent manufacturers to enter into written contracts under which it required each of them to pay a royalty of 7½ per cent on the full invoice price of their completed sets and a minimum of $100,000 a year, and also required the independents to buy vacuum tubes from the trust, this practically destroying the business of the independent tube manufacturers.

In the case of Arthur D. Lord, receiver in equity for the DeForest Radio Co. *v.* The Radio Corporation of America (Equity No. 670), in the United States District Court for the District of Delaware, the court on February 6, 1928, enjoined enforcement by the defendant of the contracts for the sale of tubes on the ground that such agreements constituted an unfair method of competition and would be in violation of the Sherman Act and Clayton Act.

In another case, the DeForest Radio Co. brought suit against the Radio Corporation of America in the court of chancery in New Jersey, charging that the defendant for the past two or three years had planted spies in complainant's factory in Jersey City to learn its trade and trade secrets, such spies holding jobs in the complainant's factory and all the while pretending to loyally serve both employers, for pay from each, and seeking to enjoin the Radio Corporation of America to remove the spies, discontinue the practice, and from making use of the information obtained.

The Radio Corporation of America admitted imposing its spies, as employees, on the complainant, but claiming that their purpose was to obtain information to prove that complainant was infringing some of its patented devices; it being specifically claimed by defendant that the complainant was using a certain thoriated wire in violation of what is known as the Langmuir patent, which patent the Radio Corporation was licensed to use, that issue then pending in the court to be determined. In this connection it is interesting to note that the DeForest Radio Co. won their case against the General Electric Co. within the last month in the decision rendered by the United States District Court of Delaware, in which the said Langmuir patent was held to be invalid.

The case relative to the spies was heard by Vice Chancellor Backes, who decided the issues against the Radio Corporation of America, who appealed the case to the Court of Appeals of New Jersey, where said case was heard and the decision of the lower court affirmed by all 15 members of the court of appeals, the opinion of the vice chancellor thus affirmed by the higher court concluding as follows:

I am not at all content with its explanation that the defendant's aim was solely self-protective. I am impressed that it sought a line on all of the complainant's activities, and certainly its orders to the spies were not short of that. Their espionage was general. However that may be, the case, as it stands, convicts the defendant by its confession, of unlawful conduct by mean and reprehensible methods, for no one admires a spy nor his works, not even his employer. Whether spying through debauched servants is justifiable, and whether the facts upon which the justification rests, convict the claimant of unclean hands, are matters to be settled only at final hearing, and until then the defendant will be enjoined and the information impounded. (99 New Jersey, E. Q. Rep. 456.)

These are some typical instances of methods employed by the radio monopoly, which is bending every energy to defeat the distribution amendment reported by the House committee. Not only are their lobbyists assiduously working on Capitol Hill, but their propagandists are sending communications to broadcasters throughout the country misrepresenting the facts and representing that such broadcasters will either lose their licenses or have their power substantially reduced if this equalization provision is adopted. Misled by this false propaganda, many broadcasters are wiring their Members of Congress, urging them to oppose this legislation. In the vast majority of such cases such broadcasters would not only not be disturbed but could obtain increased station power if desired. However, I regret to say that some Members of Congress, acting upon such telegrams and without investigating the true situation are apparently preparing to vote against the interests of their constituents.

The bill, including this amendment, will probably be acted upon in the House next Thursday. The radio monopoly is strongly in favor of extending the present jurisdiction of the Federal Radio Commission, as they have performed to their

entire satisfaction, but they will bend every energy to defeat the equalization provision. I sincerely hope that in the meantime the Members of the House will investigate for themselves. I respectfully suggest that they read the committee report, the statement of Commissioner Caldwell, and my reply thereto, and the various official statistics which I shall insert in the RECORD in connection with this speech.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DAVIS. I yield to my distinguished colleague from Tennessee.

Mr. GARRETT of Tennessee. Does the gentleman think that the bill as reported from the committee, which I have not had the opportunity of examining, will give some relief from this situation, considering the amendments that I understand are proposed in connection with the extension of the life of the commission?

Mr. DAVIS. There is no question about that. It will afford great relief.

I am in favor of extending the present jurisdiction of the commission, provided the amendments restricting their power during the next year and directing an equalization of broadcasting licenses shall also be adopted, but I am opposed to extending the jurisdiction of the commission without such amendments.

There are many other measures, such as I advocated during the consideration of the radio bill in the last Congress, which, in my opinion, would do much toward curbing this monopoly, but the committee decided not to consider antimonopoly provisions at this time, although it was tentatively agreed that they would be considered later.

What we are particularly seeking in the measure under discussion is to give the commission another year within which to perform the service which they were expected to do during the first year, but to prevent them during that period from freezing the present intolerable situation by the issuance of licenses for three and five years, and also directing that they shall equalize broadcasting privileges so that we may have fairly distributed throughout the country some great national broadcasting stations, some zone or sectional stations, and State and local stations, so that the owner of a receiving set may satisfactorily receive the program from whatever station he desires, and not be compelled to listen to only a few stations, as is generally the case now. [Applause.]

Estimated number of receiving sets in the different radio zones and States, as of January 1, 1927

FIRST ZONE

State	Number receiving sets	Per cent of total in United States
Maine	44,200	0.68
New Hampshire	27,650	.41
Vermont	21,550	.33
Massachusetts	239,200	5.68
Connecticut	79,950	1.23
Rhode Island	43,500	.67
New York	655,850	10.09
New Jersey	193,700	2.98
Delaware	13,650	.21
Maryland	81,900	1.26
District of Columbia	42,900	.66
Total	1,445,050	24.20

SECOND ZONE

Pennsylvania	503,100	7.74
Virginia	91,000	1.40
West Virginia	60,450	.93
Ohio	363,350	5.59
Michigan	271,700	4.18
Kentucky	78,100	1.20
Total	1,367,700	21.04

THIRD ZONE

North Carolina	91,550	1.41
South Carolina	48,100	.74
Georgia	91,750	1.41
Florida	77,900	1.20
Alabama	68,250	1.05
Tennessee	97,500	1.50
Mississippi	49,400	.76
Arkansas	52,000	.80
Louisiana	83,200	1.28
Texas	277,550	4.27
Oklahoma	100,750	1.55
Total	1,037,950	15.97

Estimated number of receiving sets in the different radio zones and States, as of January 1, 1927—Continued

FOURTH ZONE

State	Number receiving sets	Per cent of total in United States
Indiana	176,300	2.72
Illinois	468,000	7.20
Wisconsin	169,000	2.60
Minnesota	148,850	2.29
North Dakota	38,850	.60
South Dakota	39,150	.60
Iowa	182,000	2.80
Nebraska	100,500	1.55
Kansas	101,000	1.55
Missouri	201,500	3.10
Total	1,625,150	25.01

FIFTH ZONE

Montana	31,200	0.48
Idaho	27,300	.42
Wyoming	14,950	.23
Colorado	82,550	1.27
New Mexico	21,350	.33
Arizona	24,700	.38
Utah	40,950	.63
Nevada	5,200	.08
Washington	120,250	1.85
Oregon	71,500	1.10
California	422,100	6.34
Total	862,050	13.11

Hawaii and Alaska included in fifth zone; no figures available.

THE ASSOCIATION OF COLLEGE AND UNIVERSITY BROADCASTING STATIONS,
University Place, Nebr., January 11, 1927.

Hon. EWIN L. DAVIS,
United States House of Representatives,
Washington, D. C.

DEAR SIR: Under date of December 30 we submitted to you a copy of certain resolutions which were drawn up by a committee representing the college broadcasting stations at the Philadelphia meetings of the American Association for the Advancement of Science. Word has just reached us from friends in Washington advising us that there is a tendency on the part of some members of the conference committee on radio to leave out the provision in the Dill bill which instructed the commission to give due regard to the needs of broadcasting stations in educational institutions in the assignment of wave lengths and program hours.

From our standpoint this clause is a very necessary one especially since great pressure will be brought to bear by the business interests to retain every possible advantage in the allotment of wave lengths. Many of our large colleges and some of our State universities are now operating on wave lengths so crowded that satisfactory broadcasting is almost hopeless, and are compelled to be in constant competition with commercial stations, whose programs consist largely of the cheapest kind of jazz and in constant efforts to sell goods. Our organization has no funds available for lobbying in order to present our viewpoint and we respectfully urge that you give us the benefit of special instructions along the lines indicated, in order that the high type of noncommercial programs presented by college stations shall not be completely lost, in the hopeless competition with the advertiser's stations, whose sole claim for time is their desire to sell goods.

Very respectfully yours,

THE ASSOCIATON OF COLLEGE AND UNIVERSITY BROADCASTING STATIONS.
By J. C. JENSEN, *Secretary.*

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. SANDLIN. Mr. Chairman, I yield to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Chairman, the time for general debate having expired on this side, I ask unanimous consent to have incorporated in the RECORD a speech I made over the radio on farm relief.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks by the insertion of a speech made by him over the radio on farm relief. Is there objection?

There was no objection.

Mr. ADKINS. Mr. Chairman, under the leave to extend my remarks in the RECORD I include the following speech I made over the radio on farm relief:

Ladies and gentlemen of the radio audience, when Charlie Stengle of the National Farm News asked me to address you to-night, I knew he expected me to talk on the farm situation.

When the "bottom dropped out" of the prices of staple farm commodities in 1920 and 1921, of which we produce an exportable surplus, commodities which in most cases the world's price was the domestic price, our farm leaders after studying the situation decided that the producers of such commodities were at a disadvantage because the tariff did not protect them against the cheap labor and cheap lands of some other countries to the extent that other commodities were protected.

Observing that about every other major activity had a Federal board or commission that functioned either directly or indirectly to stabilize the price of the service these activities render society, representatives of many farmers came to Washington four years ago, asking for a law providing for such a board with power to direct, through some business agency, the marketing of certain farm commodities selling below the ratio price of other commodities, and providing for a Government loan and what has become known as an "equalization fee" collected on the commodity being marketed to pay for the service incident to disposing of the same. After long and exhaustive hearings this bill was defeated.

Then again at the second session of the Sixty-ninth Congress, these farm Representatives came back reinforced by other farm leaders, who after studying the plan had become convinced it was the best thing that could be worked out, and the combined influence of these groups tried to convince Congress that the bill proposed should be passed and Congress passed it and the President vetoed it. This bill had eliminated many features that had been objected to in the other bills.

We now have the same kind of farm relief proposed again with an attempt to eliminate all the objections raised by the President in his veto message in the last bill except the "equalization fee." I do not think this bill would be objected to if the equalization fee was left out, but the farmers do not want it without the "fee." Why? They maintain they can do all the things provided for under this bill now under existing laws, and the only new things provided for would be the board and the loan.

The cotton and the tobacco cooperatives, and, in fact, all the proponents of this bill who appeared before the Committee on Agriculture, say they do not want the law without the "fee," and they would not attempt to operate under it if we should pass it without the "fee." If they did, they would operate until they lost the money loaned and the "show would be over," and they would have no means to meet the losses. They would likely have losses except when they were operating on a rising "world market." The objection to this legislation comes largely from large consuming centers—the millers and the exchanges. It would be amusing to the farmer, if this situation was not so serious, to hear the opponents to this legislation from consuming centers "swear themselves" in as the friends of the farmer, and, in fact, about every opponent from these localities does that the first thing and then proceeds to try and show that if the farmer gets a decent price for his commodity he will overproduce and bring disaster to himself. If it should turn out that way, certainly the consumers would not be hurt. The miller would not be hurt; if he bought cheap wheat, he could sell cheap flour. The commission merchant would be benefited, for the more bushels produced the more commission he would get, and nobody be hurt but the farmer.

Then their heart bleeds for the farmer when they think of his having to pay that "equalization fee." That is what gives them the "nightmare"; why? Twenty-five years ago, when the farmers started the local cooperative elevator to remedy a bad condition in the local grain trade, they knew their competitors would pay more than the grain was worth for a time and take the trade away from them and put them out of business, so the farmers put this fee in the by-laws of their companies, except they called it a "penalty clause" then, and providing that when one of their stockholders sold his grain to their competitor he must pay to his own company a penalty or equalization fee which if the competitor should buy all their grain there would be enough money paid in through his penalty clause to keep the farmers' company running. How their competitors did complain about that, but learned they could not put the farmers' company out of business under such a system. There has been no use for such a provision in their by-laws, in most cases, for 15 years. In 10 or 15 years if cooperatives continue to develop successfully and this scheme becomes a law and operates successfully, they will not need the "equalization fee."

This "equalization fee" will not hurt the miller nor the commission man; will be strong competitor for the speculator who fears he can not compete with such a system. If this scheme stabilizes the markets as its proponents contend and prevents the violent "ups and downs" in the markets, a large army of "lambs" that operate on a "shoe string" and buy on a rising market and compelled to liquidate as soon as the market breaks and dump their contracts on the market at one time, precipitating a violent drop in the market, will not operate and the speculating will be done by strong men financially who will not have to liquidate on every break and depress the market more than supply and demand warrants. Newspapers under date of February 26, 1928, carried Associated Press item, headed "Chicago, February 25. Hugh receipts of corn send markets lower." If huge receipts of cash corn, wheat, or cotton send the price of these commodities lower, "huge receipts" of contracts thrown on the speculative market would have the same effect on the future market, temporarily at least, which does the producer harm and the consumer no good.

The legitimate speculator is a very necessary fellow under our present system of marketing. The farm organizations backing the McNary-Haugen bill think the violent changes in prices on our exchanges will be avoided through the operation of this bill. If they are right, the producer and consumer will both be benefited; if they are wrong, the farmer will pay the bill through the "equalization fee," and nobody else is harmed.

Some learned constitutional lawyers bring out the old stock argument, "unconstitutional." The opponents of this legislation as a last resort shed "crocodile tears" over the Constitution and say the "equalization fee is unconstitutional." The old Constitution is a mighty good document, and its limitations are not so rigid but what a learned judiciary can always render an opinion, within its limitations, in line with modern, sound, public policy, thanks to the wisdom of its founders.

In the evolution of our economic affairs, made necessary to develop our resources fast enough to meet the needs of our ever-increasing population, it has been necessary for various business, transportation, and manufacturing enterprises to go out of business or become a part of the new and more efficient organization. The auto builder and garage supplanted the carriage builder and livery-stable man; the shoe manufacturer supplanted the local shoemaker; the wagon factory put the local wagon maker out of business; the railroad put the stagecoach line, the freighting company, the canal boat, and other agencies of transportation out of business, all because they meet the needs of the people more efficiently and expeditiously.

Some years ago the newspapers carried a story about the opposition to encouraging the development of railroads which stated, at Lancaster, Ohio, it was proposed to debate the subject as to the advisability of encouraging the building of railroads, and application was made to the school board for the use of the schoolhouse in which to hold this debate. The school board met and adopted a resolution, which read something like this:

"The people are welcome to the use of the schoolhouse to debate all proper questions, but such things as railroads and telegraphs should not be thought of; the Lord never intended that intelligent people should ride across the country by steam at the terrific rate of 15 miles an hour." No doubt some of those old fellows owned stock in a stagecoach company, canal boat, or some other transportation enterprise serving the public at that time. The railroads were built, and the old agencies, that met the needs of the people in their time, passed on. No individual or corporation has been able to stand in the way of progress, against the "tide" of economic necessity. Neither has any political party.

The leaders of the great political parties did not have foresight enough to solve the slavery and secession question. But after long agitation, which shook the very foundation of our country, resulted in a new party which championed the cause and settled the question at great cost of blood and treasure.

The appeal of the Republican Party to a large portion of the farm population of the Middle West that the tariff will solve this problem will not appeal to them, because they do not believe the tariff is effective on products that they produce an exportable surplus of. The appeal of the Democrats to reduce the tariff to solve this problem will fall on deaf ears, because these farmers feel no Democrat will want to reduce the tariff on any commodity produced in his locality. They will very likely not ask you whether you are a Democrat or a Republican, but will ask you if you are for the "equalization fee" should you be a candidate for a national executive or legislative position.

The Republican and Democratic National Conventions put planks in their party platforms declaring for "farm relief" which, to my mind, makes this question a nonpartisan question. I think the leaders of both political parties in Congress had better give some consideration to what the farm leaders think farm relief means.

Will our political parties function to solve this problem satisfactorily to a large and important part of our people and demonstrate the efficiency of party government in a crisis of this kind; or will they encourage the development of "bloc government" and have our National Congress controlled by combinations of "blocs" instead of political parties? As a strong advocate of party government, I do not believe the leaders of the two great parties appreciate the seriousness of this situation from the standpoint of party government.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and members of the committee, for several years we have had "a farm problem" in the United States growing out of the adverse economic condition in which American agriculture found itself, as a result of legislative favoritism to other industries, and wrongful ex-

ploitation by other vocational groups. That problem is still unsolved. Between 1920 and 1925 American agriculture was deflated to the extent of practically twenty-one billions of dollars. According to the fourteenth decennial census, in 1920 the agricultural wealth of the American people was $78,000,000,000. In 1925, according to the farm census, the agricultural wealth of the American people had shrunk to $57,000,000,000, a loss of $21,000,000,000 in five years. At all times in our national history, prior to 1921, agriculture was the greatest of all our basic industries.

In 1920 the total capital invested in manufacturing in the United States amounted to about $44,000,000,000, having doubled in the six years between 1914 and 1920. The total property investment in the railroads of the United States in 1920 was approximately $20,000,000,000, and the total capitalization of all mines and quarries in the United States in 1920 was approximately $8,000,000,000, or a total of $72,000,000,000, which represents the combined wealth of manufacturing, railroads, and mines and quarries of the Nation, as against $78,000,000,000, the value of our agricultural resources in 1920. That is to say, in 1920 our agricultural wealth was $6,000,000,000 more than the combined wealth of railroads, manufacturing, mines, and quarry interests of the Nation.

In the last five years, from 1920 to 1925, agricultural values were destroyed or deflated, if you prefer that term, to the extent of $21,000,000,000, or more than one-fourth of the total value of the agricultural resources of this Nation. In that same period of five years the wealth of the manufacturing industries of this country increased by leaps and bounds. While no official data is available, it is fair to assume that the present value of the manufacturing interests of America is approximately $55,000,000,000.

The railroads are now claiming a valuation of something like $30,000,000,000, an increase of about $10,000,000,000 in 10 years. While the value of agricultural property in the United States has shrunk $21,000,000,000 from 1920 to 1925 and still continues to shrink, in the same period the wealth of the manufacturing industry increased $11,000,000,000, the wealth of the railroads increased probably $10,000,000,000, and the wealth of the mines and quarries increased correspondingly.

Agriculture has long since ceased to be a profitable occupation, although it is by odds the greatest of all basic industries. If agriculture fails to function efficiently, the world goes hungry.

The distress of agriculture is being strikingly reflected in the reduced activities in the industrial districts of the New England and Middle Atlantic States. The slowing up process is especially noticeable in the textile industries.

On January 31, 1928, there were 36,349,130 spindles in place in the United States, of which 31,697,876 were active during January and 4,651,254, or nearly 13 per cent, were idle during that month. Of the idle spindles, only a fraction over half a million were in cotton-growing States and over 4,000,000 were in the New England States. The active spinning hours in January, 1928, were 295,000,000 less than in the corresponding month in 1927 and less than in any preceding January since 1921. But what is more significant, for the month of January, 1928, the average spindle hours for spindles in place was 308 in the cotton-growing States and only 143 in the New England States. These figures indicate very clearly that the textile mill district of the United States is gradually moving from the New England States to the South, where raw cotton is grown and an adequate supply of hydroelectric power is now or soon will be available at a low cost. I will also add that the number of spindles in place January 31, 1928, was 1,000,000 less than on the same date in 1927 and the lowest since 1921.

By maintaining the tariff unreasonably high on commodities that the farmers must buy and by denying to the agricultural classes equality of opportunity with other industries, the buying power of the farmer has been tremendously reduced, and consequently he can not buy and pay for the commodities produced in the mills and factories of the New England States.

When the farmer is prosperous and full handed, he is one of the best customers of the manufacturers, and all branches of business derive an immediate and substantial benefit from the prosperity of the farmers. But when the farmer can not sell his commodities at a price that will return to him the cost of production and afford a living profit he can not buy the products of the highly protected mills and factories.

The industrialists are following a short-sighted policy by bearing down too heavily upon the agricultural classes, refusing to restore a proper balance between agriculture and the other great industries and denying to agriculture a fair share of the new wealth that annually accrues to the American people. No prosperity can be nation-wide or enduring if confined to a few favored groups, and prosperity in which the farmer is not permitted to participate is not the kind of prosperity that will promote our national welfare.

The great financial journals and captains of industry are now frankly admitting that our so-called prosperity can not continue unless this nation-wide agricultural distress is relieved. What a few years ago was considered a farm problem has long since become a national problem, upon the proper solution of which the welfare of all other vocational groups depends.

The condition of the agricultural classes is largely due to discriminatory legislation and wrongful and arbitrary manipulation of economic laws. Many of the farmers' burdens are the result of legislative policies enacted for the benefit of certain favored classes. Moreover, other great industries, by reason of organization and their great wealth and power, have secured control of the economic machinery of the Nation, which they have arbitrarily manipulated to their advantage and to the great detriment of the agricultural classes. These legislative and economic handicaps must be removed before agriculture can be restored to its rightful place among the profitable occupations. A delay of justice is a denial of justice, and the sooner a proper balance is restored between agriculture and the other great basic industries the sooner we will have genuine, nation-wide, and enduring prosperity.

Science tells us that life is in the blood, and if the blood of the human body be congested in the brain apoplexy results. If the blood be congested in the lungs pneumonia is inevitable. If the blood instead of being distributed properly among the various organs and parts of the body is concentrated and congested in one part of the body, the limbs from which the blood is withdrawn atrophies and decays and disease and death quickly follow. What the blood is to the human body, wealth and prosperity are to our body politic and business life. We have in the United States now an economic system which has resulted in the wrongful congestion of the wealth and prosperity of this Nation in a few sections of the country and in a few favored groups, to the exclusion of other sections and other vocational groups. I plead for economic justice for the American farmer. I plead for a square deal for those who produce the food of the Nation. [Applause.]

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

Mr. SANDLIN. I yield 10 minutes to the gentleman from Georgia [Mr. BRAND.]

Mr. BRAND of Georgia. Mr. Chairman, in January of this year I received a letter from the Boston University School of Education, Boston, Mass., in which the writer states—

> We are undertaking a survey to determine the 10 most pressing national problems in politics, economics, history, and civics. Will you kindly list on the inclosed sheet these 10 problems as you see them and number them in order of importance?

Thereafter, and on January 27, I replied, listing what I conceived to be the 10 most pressing national problems. They are as follows:

1. The agricultural problem.
2. The necessity for national legislation protecting depositors and guaranteeing payment of deposits when a bank, a member of the Federal reserve system, becomes insolvent.
3. Legislation for flood control by the Government of the United States.
4. A sweeping reduction of freight rates, particularly on the necessaries of life.
5. Revision of the tariff in the interest of the consuming public.
6. A thorough investigation of the Agricultural Department as related to cotton in all its phases.
7. Legislation declaring nonmailable the circulation of foreign-language newspapers in America unless such newspapers contain a complete English translation of the same, if such papers advocate opposition to organized forms of government, overthrow by force or violence of the United States Government or of any State of the United States or any political subdivision thereof.
8. Reduction of taxes for the rank and file of the citizens as well as for large corporations and the wealthy classes.
9. Enforcement of the law in respect of the deportation of undesirable citizens.
10. A nation-wide system of teaching or bringing directly to the attention of the young people of the present generation the evils, as affecting the mind and body, of intemperance and the supreme importance of living sober lives.

I am making these answers a part of my speech because they express my views as to the duties of this Congress long entertained. I have tried to keep the faith and to stand by my creed in regard to the subject matters dealt with by preparing and introducing in the House of Representatives from time to time

bills the purpose of which was to make effective some of the suggestions embodied in these 10 answers.

On January 9, 1928, I introduced a resolution to investigate the Department of Agriculture and the activities of the New Orleans, New York, and Chicago cotton exchanges. This resolution can be found in the RECORD of February 17, page 3210.

Similar resolutions have not only been subsequently introduced in the House, but also in the Senate, one prior to the holidays and one since the holidays. Whether the investigation called for by these various resolutions will be had and held by Congress, and if so, what the results will be, is problematical.

On account of the price-situation report released September 15, 1927, by the Department of Agriculture, the expression of the opinion that the prices of cotton would decline had a fatal and disastrous effect upon the cotton producer and his creditors. Cotton began to decline promptly. It has never reached the level prior to this infamous assumption of authority on the part of the department in predicting the decline of the prices. Since I have been a Member of Congress there is no parallel in official misconduct, ranking in importance and magnitude with the unprecedented losses and disastrous consequences which resulted from this report since the adoption of the deflation policy of 1920. The truth is, whether the conclusion reached is just or not, the cotton producers of the Southern States have lost confidence in the Agricultural Department. The department's guesses in regard to acreage, and acreage abandoned, in regard to the probable production of cotton, in regard to the damage to crops by drought, wet weather, and the boll weevil, in regard to the amount of the carry-over, and the mistakes of the department in regard to the reports of cotton ginned, intensified and magnified by the prediction as to the decline in the prices of cotton, have in the minds of cotton producers destroyed their faith in the integrity of this department.

The only consolation I can see in sight is a strong probability that this Congress will again enact some character of farm relief legislation. It would be utterly inexcusable and indefensible if Congress should adjourn without enacting either the McNary-Haugen bill as it passed the last Congress, if that can not be improved upon, or some other proposed farm relief legislation. I voted for the McNary-Haugen bill which passed the Sixty-ninth Congress, and unless I have the opportunity of voting for some better farm relief legislation, I shall vote for this bill again, despite all the threats and rumors of another veto by President Coolidge.

On December 13, 1927, I introduced a bill which is substantially a copy of the bill I introduced at the Sixty-ninth Congress, to amend the Federal reserve act, the purpose of which amendment was to require the Government of the United States to guarantee payment of deposits to depositors when a member bank of the Federal reserve system becomes insolvent.

Such legislation as is proposed in my bill may not become a law at this session of Congress, but as sure as the tides come and go, and notwithstanding the opposition of the great bankers of this country, North and South alike, this character of legislation sooner or later will be put upon the statute books of this Government.

On December 19, 1927, I introduced a bill the purpose of which was to exclude from the mails foreign-language newspapers containing—

First. Matter in opposition to organized government.

Second. Overthrow by force or violence the Government of the United States, or any State of the United States, or any political subdivision thereof.

Third. The duty, necessity, or propriety of the unlawful assaulting or killing of any officer under the Government of the United States, or of any State of the United States, or any subdivision thereof, unless the newspaper containing the treasonable matter carries therein a full translation thereof in English.

This bill should not be construed as in any sense antagonistic to the foreign-language newspapers circulated in this country, provided their columns contain no matter which is prohibited by the bill, and whose columns are free of the treasonable conduct set forth therein, and not then if such matter is translated into English.

In February, 1928, I introduced a bill providing for canceling naturalization certificates when a naturalized citizen has been guilty of fraud or by his acts or declarations has ceased to be a man of good moral character.

Under present law there is no provision for revoking the order of the court naturalizing an alien, notwithstanding after the date of the naturalization order or certificate he may become, for instance, an anarchist—he may advise in the bombing of courthouses and other public offices—conspire to kill judges of the State and Federal courts who do not execute the laws and enter judgment and decrees according to his way of thinking.

Machinery is provided for a hearing, after giving the alien due notice before the court which naturalized him, and in no case does the law become effective beyond five years after the date of naturalization papers.

This proposed legislation has met with the approval of the United States Department of Labor. Since I introduced the bill, I have for the first time been officially informed that in the annual reports of the Commission of Naturalization for the years 1924, 1925, 1926, and 1927 substantial recommendations have been made favorable to such legislation.

On February 17, 1928, I introduced a bill to amend the World War adjusted compensation act, which is practically the same bill I introduced at the Sixty-ninth session of Congress, the purpose of which is to give the veteran of the World War the option of surrendering his insurance certificate and obtaining thereon its full cash value at the time of the surrender.

Ninety out of every one hundred veterans in my district, in my opinion, and throughout the State of Georgia, particularly in the agricultural sections, prefer to have had a cash bonus instead of a 20-year bonus certificate. This is true primarily because these boys need the money now, and it has always been my opinion, and I have so voted on three different occasions, that they should have been paid a cash bonus instead of being given a promise to pay maturing in 20 years from date. The Government called for these boys in time of national distress; they answered the call and rendered the service; in their hearts they now call upon the Government to exchange this 20-year proposition, which is practically worthless to them, and give them the cash or nothing. Congress has been willing to answer this call, and has done so, but those higher in authority, in the Treasury Department, in the Veterans' Bureau, and in the White House, Republicans and Democrats alike, up to date have been unmindful of their call.

You observe in answer to the tenth and last question propounded by the Boston University School of Education, I have confined my answer to one class of citizens, namely, the young men and women of the country. I do not assume the right or claim the privilege of counseling or advising men and women of mature years or beyond the age limit as fixed by the States. My observations and those who I have in mind is restricted to that group of young people whose character is in formative period and who are still minors under the law.

The drinking of intoxicating whiskies on the part of young people is a dangerous and perfectly useless habit. If young men knew or would inform themselves of the effect it has upon the body and the mind, they would never let strong drink pass their lips. Human experience and scientific information teaches that the drinking of intoxicating whiskies warps and impairs the mind and body, dulls the imagination, destroys ambition, dwarfs the souls of men, and shuts the door of hope to a successful life, and eliminates the promise of becoming useful citizens.

The question of drinking intoxicating whiskies on the part of young people, if reports of the press and the proceedings of the courts are to be relied upon, is fast becoming a national peril. The most effective influence for the correction of this situation is in the home. The parents in the home should impress upon their children respect for the law and the importance of observing the law.

In addition, I think it is the duty of all patriotic citizens, both men and women, in an appropriate way and from time to time to bring to the attention of the youth of this Nation the evils of intemperance as it affects the mind and body. Persuasion and friendly counsel, argument and information, is the most influential way of convincing them to lead sober lives. This can not be accomplished solely by threats of prosecution or punishment.

This is a field of greatest usefulness and wherein all civic organizations and women's clubs, the teachers in literary schools, the teachers and professors in colleges, the press, prohibition leaders and lecturers, both men and women, and the ministers of the Gospel of all religious denominations can play an important part.

History teaches that amid the great variety of treatment to which drunkenness was subjected by the ancients, all lawgivers seem to agree in treating it as without excuse. Whatever individuals may think and say, no nation treats it as meritorious. Yet Darius is said to have ordered it to be stated in his epitaph that he could drink a great deal of wine and bear it well—a virtue which Demosthenes observed was only the virtue of a sponge. At the Greek festival of Dionysia it was a crime not to be drunk—this being a symptom of ingratitude to the god of wine—and prizes were awarded to those who became drunk most quickly.

And the Roman bacchantes, decked with garlands of ivy and amid deafening drums and cymbals, were equally applauded; but at length even the Bacchanalia were suppressed by a decree of the senate 186 B. C.

Notwithstanding these exceptions, the offense of drunkenness was a source of great perplexity to the ancients, who tried nearly every possible way of dealing with it.

Severe treatment was often tried to little effect. The Mosaic law seems to have imposed stoning to death, at least if the drunkenness was coupled with any disobedience of parents. The Locrians, under Zaleucus, made it a capital offense to drink wine if it was not mixed with water; even an invalid was not exempted from punishment unless acting under a physician's order. Pittacus, of Mitylene, made a law that he who, when drunk, committed an offense should suffer double the punishment which he would do if sober; and Plato, Aristotle, and Plutarch applauded this as the height of wisdom. The Roman censors could expel a senator for being drunk. Mahomet ordered drunkards to be bastinadoed with 80 blows.

Other nations thought of limiting the quantity to be drunk at one time or at one sitting. The Egyptians put some limit, though what it was is not stated. The Spartans had some limit. The Arabians fixed the quantity at 12 glasses a man; but the size of the glass was not, unfortunately, defined by the historians. The Anglo-Saxons went no further than to order silver nails to be fixed on the side of the drinking cups, so that each might know his proper measure. And it is said that this was done by King Edgar after noticing the drunken habits of the Danes. Lycurgus of Thrace went to the root of the matter by ordering the vines to be cut down, and his conduct was imitated in 704 by Terbulus, of Bulgaria. The Suevi prohibited the importation of wine, and the Spartans tried to turn the vice into contempt by systematically making their slaves drunk once a year to show their children how foolish and contemptible men looked in that state.

Drunkenness was deemed much more vicious in some classes of persons than in others. The ancient Indians held it lawful to kill a king when he was drunk. The Athenians made it a capital offense for a magistrate to be drunk, and Charlemagne caused a law to be enacted that judges on the bench and pleaders should do their business fasting. The Carthaginians prohibited magistrates, governors, soldiers, and servants from any drinking.

Thus you see the waves of legal thought and action have, for over 20 centuries, dashed against the habitual and intemperate use of intoxicating liquors. I speak not of the moral and religious crusades which have been and are being directed against the habitual drunkard and drunkenness. I echo rather the voice of the law, and declare to you that at no time in the past have there not been legislation and enactments among all the peoples of the earth, whose purpose was to prevent men from debauching themselves by the excessive use of stimulants. The thunders of the centuries manifest their disapproval of the intemperate use of intoxicating whiskies. Holy Writ itself warns us not to put the bottle to our neighbor's lips and to tarry not long over the wine cup, describing its evil effects in that scorching, blistering saying which is written that—

> In the end it biteth like an adder and stingeth like a serpent.

[Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, on yesterday I did not have an opportunity to respond to our genial friend from Iowa when he suggested that I was for flood control and not for farm relief. I am sincerely so, and at the last session was a very enthusiastic advocate of the Aswell plan, which provides for an economic and efficient system of marketing and distributing agricultural products. I think our friend from Iowa forgets for the moment that the greatest relief can be had for the entire agricultural section of our country by the adoption of a comprehensive flood-control plan. Flood control means improvement of the Mississippi River and its tributaries, which will naturally make for cheaper transportation and realize the wonderful dream of Secretary Hoover. It will bring into existence as a transportation factor newer, finer, and larger boats and barges than the steamboats of a generation ago and realize the hopes of the gentleman and his constituents who live in the imperial State of Iowa. It will meet with the views of the river cities of the Mississippi Valley, who have spoken eloquently in convention a few days ago of the bright days ahead for waterways and water transportation; and I will ask that I may incorporate in these remarks a letter with accompanying resolutions received from the secretary of that convention, which, in my judgment, are illuminating with reference to the needs of river improvement in regard to bringing about lower freight rates to the people of the Middle West. Both the letter and the resolutions express the hope of a transportation factor in developed waterways that will become not a rival but a powerful ally of our railroads, making for an enormously increased tonnage, which will cause lower freight rates and tremendously increased earnings resulting from a wonderfully expanded business.

I repeat, Mr. Chairman and gentlemen, that I do not believe that our genial friend from Iowa meant that flood control and farm relief were antagonistic and irreconciliable. I am certain that he knows or will conclude that they go hand in hand, that farm relief is largely dependent upon the improvement of the waterways of this country, and whenever that improvement comes the gentleman's constituents will receive that relief in the way of better prices for their products for which he has been fighting so long and eloquently and strenuously in this House. And I will add that I do not think the farmers and people generally have a better advocate or greater champion than our friend Mr. DICKINSON.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I will be glad to.

Mr. DICKINSON of Iowa. I am glad to know that the gentleman from Louisiana is committed to the program of farm relief, but I want to suggest, when he says that the farm relief should include flood control, that there has only been two men who are in favor of the Aswell proposition; one was Mr. Yoakum and the other Mr. ASWELL. I was afraid yesterday that the gentleman from Louisiana had given him one more convert.

Mr. O'CONNOR of Louisiana. I was under the impression that the gentleman from Iowa and his associates at the last session were afraid to let the Aswell bill come to a vote on account of the number of adherents it had. [Laughter.] May I ask the gentleman from Iowa if in his brilliant efforts he has reached the White House and has been able to expose the fallacies that he thinks underlies the veto of the bill which I understand is fundamentally the same as the bill that will be reported out of the committee soon?

I notice that the gentleman from Iowa is absolutely deaf to that inquiry.

Mr. HASTINGS. Does the gentleman from Louisiana pause for a reply?

Mr. O'CONNOR of Louisiana. Yes; I pause. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by incorporating the letter and resolutions referred to.

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

There was no objection.

The matter referred to is as follows:

RIVER CITIES CONVENTION OF THE UPPER MISSISSIPPI VALLEY HELD IN MINNEAPOLIS FEBRUARY 20, 1928

MINNEAPOLIS, MINN., *February 27, 1928.*

Hon. JAMES O'CONNOR,
Member of Congress, House of Representatives,
Washington, D. C.

DEAR SIR: Inclosed herewith are certain resolutions unanimously adopted at a convention of the river cities of the upper Mississippi Valley held in Minneapolis on February 20, 1928. These resolutions, transmitted to you by the direction of the convention, present certain objections to the Denison bill (H. R. 10710), to which your earnest consideration is invited. The objections in part may be briefly summarized as follows:

First. To section 3c, authorizing the Secretary of War to discontinue any part of the operation of the facilities belonging to the corporation. It is believed that such power, like the power of sale, or other disposition, should be vested in Congress and not in a Cabinet officer, in whose selection the interested communities have no voice. It would be very difficult, if not impossible, to induce these communities to invest in terminal facilities usable only in connection with the barge line, with the possbility of a summary termination of its operations. It would be very unfair to the investment already made in such terminals to destroy their value by Executive order. These investments were made in reliance upon existing law vesting in Congress the power of termination. Other objections to this section, and equally vital, will readily occur to you.

Second. To the failure of the bill to declare the policy of the Government with respect to the disposition of the line after the demonstration period has been concluded. In this connection it should be explained that a series of conferences was had in Washington the latter part of 1927 and the early part of 1928 between the Secretary of War and representative shippers from Chicago and points on the Mississippi River. Following this conference the Secretary of War, on January 18, 1928, transmitted to the chairman of the Interstate and Foreign Com-

merce Committee of the House a letter from which the following quotation is made:

"I should favor the authorization of the service as a temporary demonstration, preferably with a provision in the authorization bill indicating the conditions under which the line should be disposed of, after the demonstration had been concluded. Such general conditions might include the following suggestions:

"1. When it shall be provided by law that a private water carrier can not be controlled by any competing carrier.

"2. When a sufficiently broad structure of joint-rate and through-route arrangements with rail carriers, based upon a division of revenue which experience shall have demonstrated to be fair to both rail and water lines, shall have been created. This must be so extensive that the entire public needing this transportation facility may have on fair terms opportunity to obtain this economy in transportation.

"3. When the channels of the Mississippi system shall have been so improved or maintained that the best possible conditions for navigation have been procured, and the system of maintenance so perfected that those conducting barge-line operations shall have certainty of an available channel.

"4. When satisfactory terminal arrangements and facilities shall have been created. Occasionally there must be municipal enterprises toward the creation of which the assistance of the Federal Government is and will continue to be for some time to come a necessity."

It is submitted that the foregoing quotation, in substance at least, should be incorporated in the bill as a statement of governmental policy. Such a statement would go a long way toward allaying the feeling that has developed that the line would prematurely pass into the hands of private interests, which, even though so inclined, would be powerless to cope with the difficulties of the situation.

We earnestly request your consideration of these resolutions and the amendment to the bill in accordance therewith. The future of the Middle West, already clouded by the operation of the Panama Canal, will be most seriously jeopardized if the barge line is discontinued before thorough demonstration upon the entire Mississippi and its tributaries shall have been made.

Yours truly,

H. G. BENTON, *Secretary.*

Resolution, unanimously adopted by the River Cities Convention of the Upper Mississippi Valley at Minneapolis, February 20, 1928

Whereas the inland waterways act establishing transportation service and facilities on the Mississippi River system provides that "the operation of any such facilities shall not be discontinued * * * until authorized by Congress"; and it is proposed in the Denison bill, H. R. 10710, section 3–c, that "if the Secretary of War deems it advisable in the public interest to discontinue any part of the operation of the transportation or terminal facilities belonging to the corporation, he is authorized to do so, and to make a report thereof with his reasons therefor to Congress"; and

Whereas States, municipalities, and private industries have invested millions of dollars in terminal facilities on the faith of the continuance of those lines and depend on the use of these facilities to pay the carrying charges on their loans and retire their investments, and any recession or abandonment of service would entail widespread dislocation of business and loss of capital; and

Whereas extensive joint relations with rail and water carriers, which are of substantial value to the public, have been built up through years of effort and litigation and at great expense to the corporation, and these relations would be destroyed were the line discontinued: Now, therefore, be it

Resolved, That we are unalterably opposed to any change in the present law which would vest in others than our chosen Representatives in Congress the power or authority to discontinue the operation by the Inland Waterways Corporation of any established lines of transportation.

We hold, however, that water carriers under proper conditions should be privately operated. A body of law, therefore, must be developed which will encourage the investment of private capital in common-carrier enterprises on navigable waterways, protect such investments, and procure for such enterprises all needed joint relations with railroads without unnecessary delay or expense.

Meanwhile, the Federal Government should establish an adequate service of common carriage on the Mississippi River, its tributaries, and connecting waterways, as fast as these several projects are rendered navigable and maintain such service in the public interest until private capital can be attracted to this field of transportation.

Government operation should terminate when the following have been accomplished:

1. When it shall be provided by law that a private water carrier can not be controlled by any competing carrier.

2. When a sufficiently broad structure of joint rate and through route arrangements with rail carriers, based upon a division of revenue which experience shall have demonstrated to be fair to both rail and water lines, shall have been created. This must be so extensive that the entire public needing this transportation facility may have on fair terms opportunity to obtain this economy in transportation.

3. When the channels of the Mississippi system shall have been so improved or maintained that the best possible conditions for navigation have been procured, and the system of maintenance so perfected that those conducting barge-line operations shall have certainty of an available channel.

4. When satisfactory terminal arrangements and facilities shall have been created. Occasionally there must be municipal enterprises toward the creation of which the assistance of the Federal Government is and will continue to be for some time to come a necessity.

These principles should be embodied in a legislative definition of national policy.

Resolved further, That a copy of these resolutions be forwarded to all the Senators and Representatives in Congress of the States affected by waterways development in the Mississippi Valley system.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield to the gentleman from Missouri [Mr. NELSON].

Mr. NELSON of Missouri. Mr. Chairman, I ask unanimous consent to revise and extend my remarks by including a few findings from Missouri farmers in answer to questions that were submitted to them and some other official documents.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to incorporate in his remarks some official documents representing different farmers' organizations. Is there objection?

There was no objection.

Mr. NELSON of Missouri. Mr. Chairman, what this country needs right now is a megaphone for every farmer and an ear trumpet for every Congressman.

It is much more important that we know what the folks back home are thinking, and that we give serious heed to their thoughts, than that it be made possible, as once was proposed, for our constituents to listen in on Congress. Believing this, I recently undertook to learn what farmers of the great State of Missouri are thinking.

With so many presuming to speak for the farmer, I felt that it would be better by far that he speak for himself. And may I digress to say that the farmer would fare better if he saw to it that more of his own occupation were nominated and elected to Congress so that they might be heard in this House. The place to begin on such a program is in the primaries, where nominations are made; the time to end, not until the polls close in November.

Two years ago, in a full-page advertisement paid for by a big livestock commission firm, I read this:

A Nebraska cattle feeder at Chicago last week, when asked his opinion of pending legislation in the line of farm relief remarked: "We pay no attention to what Congress is doing; our salvation lies in work." He stressed the last word.

Most appropriately, this advertisement in headed, "For men must work and women must weep." Do the representatives of special interests, of great accumulations of capital pay no attention to what Congress is doing? Do they hold that their entire salvation lies in work? The suggestion is ridiculous. Big business not only knows what Congress is doing, but tries to direct, and seemingly with considerable success, what Congress shall do.

What are the facts as to this man on the farm, this man who despite his determination to keep a stiff upper lip, may have a tired and discouraged look in his eyes? Hoping to secure first-hand information, I have just gone through replies to questions submitted to some 500 Missouri farmers. The men answering represent every section of a State of wonderfully diversified agricultural resources, of crops of every kind from corn to cotton. Some belong to one farm organization, some to another, some to none. Missouri being rather evenly divided politically, it is fair to assume that the replies represent in about equal numbers the voters both of the Democratic and Republican Parties, as well as Progressives.

Before having these Missouri farmers speak for themselves, I believe you should be told a little more about the men who replied to the questionnaire which was circulated during Missouri farmers' week at the College of Agriculture. They represent a high average of intelligence and are among our most prosperous rural people.

To the first question, "Are farm conditions growing better or worse in Missouri?" 60 per cent answered "better," 35 per cent "worse," and 5 per cent saw no change. A summary of the replies represented by the 60 per cent indicated that such optimism was based upon the fact that after seven or eight years of hard times, during which many had lost all, farmers were slowly adjusting themselves to the tasks before them. Many frankly suggested that as conditions had been just as

bad as they could be, any change must be for the better. The 35 per cent who believed conditions growing worse mentioned, among other matters, soil depletion, impaired credit, buildings and fences run down, farm machinery used and mended just as long as it could be and which now must be replaced with new machinery at high prices.

"Are farms going up or down in price, or is there no noticeable change?" Twelve per cent answered "up"; 80 per cent, "unchanged"; and 8 per cent, "down." In connection with this question is another, "Do you think this a good time to invest in farm lands?" Answers were: Sixty-six per cent, "yes"; 30 per cent, "no"; and 4 per cent, "undecided." Among the reasons given by those who expect to see an advance in the price of farm lands were: "Because you can get farms at your own price." "If there is a bottom, we surely have reached it in farm values." "Farmers are discouraged and will sell cheap." "The sheriff is about the only man who can sell a farm these days." "Some land can be bought for interest and taxes and any amount merely by assuming the mortgage." Reasons why this is a poor time to invest in farm land included: "Most farms are being operated at a loss." "Farm taxes are too high." "Many who have little or no equity in farms having to pay high taxes on the total value." "Land is getting poorer, debts larger, and improvements are running down." "Farmers are still leaving the farms, there being 200 vacant farms in this central Missouri county."

Replying to the question, "What is the outlook for farming generally?" Twenty-seven per cent of the replies were "fair," 25 per cent "good," 14 per cent "better," 8 per cent "slightly better," 10 per cent "poor," 8 per cent "unchanged," 6 per cent "very poor," and 2 per cent "bad." Comments under this question included: "All right for well-equipped, educated farmer with ample capital." "It is impossible to tell what the outlook is." "A philanthropist might try it." "Fair, but the farmer should be slow to expand." "Under present conditions farming can mean only peasantry." "There is still plenty of work, no end of it, but at poor pay." "The slump after the war took the 'pep' out of us farmers, and hope long deferred has made the heart sick." "At present prices for what we raise, many farmers are going broke. Then they abandon their farms and go to the cities to get better wages. They will come back. This is why I think land will go up in price. The factories will overdo things. The farmer will have no money to buy and those who have gone to town will come back to the farm or starve." "Do you know that 75 per cent of the farmers are over 40 years old? What is going to happen in the next 10 years unless conditions change so that young men will be attracted to the farm?"

Some of the most interesting replies were made to the question, "Why have so many farmers failed in business since 1920"? Here summarized and in some cases in exact language are leading replies:

"Deflation." "Slump in land values and prices in everything produced on farm." "Low buying power of the farmer's dollar." "High cost of production." "Legislative handicaps, such as protective tariff, transportation act, and immigration law." "Everybody except the farmer helped through legislation, having both to sell and buy at the other fellow's price."

Some of the questionnaire sheets as filled out by farmers included a half dozen different reasons for farm failures since 1920. All these just quoted were included in the replies of more than 25 per cent of those who answered. Other reasons given for farm failures were: "Decline in prices of farm products heavier and more abrupt than drop in prices of what the farmer had to buy." "Debts contracted and low prices followed." "Land and livestock bought at high prices." "Overexpansion and sometimes bad management; the farmer is not infallible." "Inability to adjust business to changed conditions." "Because the tariff can't be made to do as much for the farmer as for the manufacturer." "High cost of marketing, especially high freight rates." "Lack of organization needed to meet organization in other lines." "Most farmers who have failed since 1920 have failed, I think, because of the deflation in prices in land and livestock and because they have tried to have automobiles and other luxuries like their town friends, and they simply can not afford them in our section of the country." "The Government caused the farmer to inflate his business, refused to allow his products to seek their natural price level in war times, as they did all manufactured products, then threw the entire cost of deflation on him. No other business on earth could have withstood the shock without cooperation from its Government. The farmer's greatest handicaps are lack of consideration and support by the Government; lack of a proper financing system, and nonappreciation of the farmer as a man and wealth producer." "When times were good, farmers, like other men, bought too heavily of lands, automobiles, and other things that could be bought on credit, and often mortgaged their lands that were free and clear, and the slump came, so that with bad crops, low prices for farm products, and what they had to buy still at war prices, with high taxes and heavy interest charges, most of them are in a very close place. Insurance companies and loan companies have to take thousands of acres of farm lands. We must have relief soon or the whole country will be bankrupt. We need economy—first, for the individual; second, for the county; third, the State; and fourth, the Nation."

Naturally, in reply to the question, "What are the farmers' greatest handicaps?" we find practically the same expressions as already given. They include "Spread between purchase and sale price." "Fluctuating markets; lack of capital or of collective buying and selling power." "Inability to control surplus production." "A dollar that will not go as far as the town dollar." "Inability to farm as well as we know, because we have had to rob the soil while trying to meet interest and taxes."

"The other fellow," comments one farmer, "says what he will give us for our goods and tells us what we must pay him for his. The farmer is the only manufacturer who does not control either the output or the price of his own product." Another answers, "Poor marketing methods and sometimes poor farming. The latter is due in part to the fact that higher wages and shorter hours in the cities attract many who would make efficient farm hands. In view of what it costs us to produce crops and at present prices we can not pay city salaries. The result is that the farmer himself has to take the lead and set the pace."

"The policies of the present administration and the one before it represent the farmers greatest handicaps. Everybody except the farmer has been doing well, and he does not seem to have many friends." "Did you ever think what would happen to any enterprise that let his competitor come in and take 10 cents out of every dollar he produced? Now, the facts are that—a part of the time since 1920—the farmer got only sixty-odd cents out of the dollar he produced and very little of the time over 81 to 83 cents. There is no reason why the investment of the farmer should not earn him interest."

"What are some of the things that would make country life more enjoyable, attractive, and desirable?" Notwithstanding the ambitious road-building program throughout the Nation, and especially in Missouri, "Roads" was the answer on which most farmers agreed, 45 per cent so replying. Evidently there is a decided demand for from-farm-to-market roads. The next reply on which most farmers agreed was, "Better rural schools," while "Farm conveniences, including some modernizing of the home," closely followed.

Some individual replies are, "A decent income only." "A square deal such as Roosevelt stood for." "A better community spirit; organizations for social recreation;" and "At par farm dollar." "Such things as a better farm income could buy." "Conditions changed so that we would not have to fight from dark until daylight for existence." "A little more profit mixed with hard labor." "Given the price, we will show the world."

"Money," was the terse answer of one, and "Profit," the short reply of another. One satisfied farmer answered, "Farm life is all right now." "The right kind of legislation; adjusting taxation; development of waterways; development of our school system, as lack of education is one of the greatest problems of the farmer. Average farmer does not know the fundamentals of soil fertility, the balancing of rations, and so forth; control of surplus would eventually break down; greater appropriation to college of agriculture and extension department would help greatly," adds another.

Illuminating replies were received in answer to the question, "What advantages, if any, does the farm family enjoy over the city folk?" Members of one group suggest, "Search me." "Few have to bother with paying income taxes." "None." "The farmer gets 12 to 16 hours of hard work, while the man in the city works from 6 to 8 hours." "City people have us skinned a mile." "There can be no apparent advantage without financial success." "Most advantages are more sentimental than real."

More optimistic are those who answer, "The farmer lives close to nature and can enjoy the great out-of-doors." "The country is the best place to rear a family." "The farmer has the right to exercise his managerial ability." "On the farm one enjoys nearness to life, the companionship of growing, living things." "On the farm, even if times are hard, as they have been, we have pure air and good food."

A question of intense interest to Congress and the country at this time is, "Would legislation by Congress help the farmer?" Replying to this, 62 per cent of those who answered the question hold that it would, 24 per cent answer "possibly," while 14 per

cent say "no." Individual replies follow: "It would help his mental attitude." "It certainly would help us." "Go easy on the tariff. Some people do not realize what the tariff does for the country." "Repeal the high protective tariff, which was framed to help New England and the East and to fool us farmers." "Repeal or reduce the tariff, thus placing agriculture and all other industries on the same basis." "Give us a tariff law that will actually protect us on prices. Manufacturers have that kind." "Gradually take away protection from the so-called 'infant industries,' which have grown to be powerful and arrogant." "No legislation will solve the problem. We might as well go to work and quit talking about it." "Pass a real farm relief bill, so we will not have to sell our crops at prices fixed on world markets."

Next to the last question was, "What would you suggest be done by way of repeal or revision of present laws or passage of new ones?" Fifty-six per cent of those who replied advocated the passage of the McNary-Haugen or similar measure with equalization fee, while the number holding that a readjustment or revision of the tariff is needed was but slightly less. Individual replies include: "Take the tariff off of steel so the farmer can get a new plow at a reasonable price." "Quit protecting machinery and clothing material or protect agriculture in an effective way." "Give us any kind of legislation which will place the farmer's dollar on an equal basis with industry's dollar." "Capper-Ketcham bill." "Reforestation, but no more reclamation." "Require stocks, bonds, and other such papers to be registered for taxation purposes." "A better marketing act." "More general and more liberal provision for agricultural teaching." "All we want is an even break with other industries. Then if we haven't brains enough to manage our own farms we ought to give up." "Repeal laws guaranteeing public utilities, rails, and others returns on investments when of questionable value. The effect of this and similar legislation has crippled our basic industry—agriculture." "Remove the handicaps and we will take care of ourselves." "Provide storage for surplus crops on which 80 per cent could be borrowed." "A bill to encourage more direct and orderly marketing." "Lower freight rates and development of inland waterways would be of great benefit to all concerned." "No more reclamation projects until land now under cultivation can be made to pay." "Lower tariff, lower freight rates, water transportation in the interior, Government aid for rural education." "Lower protective tariff on commodities other than farm articles to a place where farm products have equal show." "The McNary-Haugen bill should be given a trial to see if it would work. It might cost something to find out, but it would be worth it." "Either pass laws favoring the farmers or repeal laws favoring big business, so the farmer can compete on equal terms." "Give the farmer the same protection that industry and labor have." "The revision of the tariff and some kind of legislation that will help the farmer market his produce and livestock in an orderly way." "All farm products should at least have a high protective tariff. American markets for American farmers. Keep out China's eggs and Danish butter. Keep out Argentine beef and corn. Enforce pure food act and advertise the value of meat as food." "The passage of some law or measure to protect the farmer similar to the protective tariff for manufacturers." "In regard to legislation by Congress, unquestionably something should be done; but what? I do not believe in price fixing or control, but under present conditions the farmer is entitled to be placed on an equality with labor and industry. My idea is that, given an equal opportunity, the law of supply and demand will govern equitably, and any industry that can not stand on its own feet should fall." "If the tariff were taken off of what we buy, perhaps we wouldn't need any price fixing to help us on what we sell." "Either repeal the high protective tariff or pass a bill such as the McNary-Haugen bill to make tariff effective on farm products."

The final question was, "If not legislative action, what then is the greatest need of farmers?" "Organization," answered 26 per cent; while 24 per cent replied, "Cooperation." Among the replies to this questionnaire we find a great diversity of opinion, much of which had been expressed in answer to preceding questions. A few individual answers were: "Better selling agencies." "Drop politics and vote for the best man for the place." "Quit talking and keep hitting." "To stand up and fight for our rights." "Reduction in taxes and economy in Government." "Too much advice and too many people telling us how to run our business." "To take more interest in government and politics instead of leaving everything to the other fellow who generally is not for us." "The question of the farmer will not be solved by legislation, but rather by education. Farmers must reduce the cost of production, and this must be done by means of education. Legislation and cooperation will not have much influence on cost of production. Agriculture must be emphasized in the rural schools so it will reach more children."

Some seven years ago and near the close of the Wilson administration, in a speech here in the House, I briefly reviewed the seven years through which the country had just passed, years marked by unprecedented prosperity for the farmer. At that time I expressed the fear that, as in Pharoah's dream, the period of plenty, the years of the fat kine through which we had just passed, might be followed by years of adversity, years of "lean kine" and "blasted corn upon the stalk." So far as the farm is concerned, my fears were well founded. Until recently, though, the great cities continued to enjoy prosperity, the people there piling up fortunes, while in the rural regions there was wreck and ruin.

A year ago, in discussing the farm situation, I gave it as my opinion that the big, self-satisfied cities could not hope permanently to prosper at the expense of the country. I predicted that the time would come when they, too, must "take the count." Washington papers tell of the arrival here of "General" Coxey, who 34 years ago led upon Washington his famous "army" of 5,000 unemployed, and who holds that with 5,500,000 people now out of work, present conditions are similar to the crisis in 1894. This unemployment is confined to no one city. The New York Times tells of "lodging houses crowded to capacity with men who want work but can not find it, while the employment agencies struggle with hordes of applicants for jobs that do not exist."

The seriousness of the situation, long denied, is now generally conceded. As to conditions in the country, few now claim that there is prosperity for the farmer. In fact, more figures than anyone will ever take the time to read have been inserted in the RECORD to show farm losses since 1920. I shall insert none of these official figures. A fact now conceded by all needs no such proof.

I might quote at length from the rural press, ever close to the farmer and his family and always the champion of the country community. I shall, though, include but one clipping. This is from a county seat weekly, Republican in politics, whose able editor says:

> Farmers are coming in and saying they don't know how they are going to pull through. They say their debts and their interest is eating them up like a cancer. People living in town say they are harder pressed than they ever were. Everything considered, the day is dark as night for a lot of people. What is true in and around our little city is true all over the State of Missouri, in the big towns and in the little towns. This is the report brought here by the big daily papers and by traveling salesmen. These traveling salesmen declare that they are selling fewer goods to retail merchants than ever before.

A letter from one farmer in my home county is typical of hundreds. He says:

> I hope you can see your way clear to do all you can for the passage of the McNary-Haugen bill. It may not be a cure-all for our farm ills, but we are anxious to give it a trial. Farmers are grabbing at straws, just as a drowning man would. We are staggering under taxation and increased cost of our farm operations, together with lower prices for what we have to sell. Taxes are increasing at an alarming speed. If the eastern capitalist could see the number of farm owners who are being closed out through sheriffs' sales, they surely would be willing for us to have some relief. While big business is being looked after, why should the farmer be neglected?

The country approaches a crisis. The farmer after a long, hard fight asks, "What can we do?" He can not work harder, he can not put in longer hours. There is an end to human endurance. He is not a bolshevist. The replies from the hundreds of Missouri farmers to which I have referred are not intemperate. They make no demands and suggest no action that is unreasonable. In short, all that the farmer asks is a "square deal" for himself and his family. Longer denied this, he knows that he must fail. But I would warn this Congress that when he goes down he will not go alone.

Mr. BUCHANAN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, at the south entrance to the basement of the House Office Building there is a truck, the body of which was specially built in Philadelphia to transport between cities, with a secret compartment in it, one hundred and twenty 5-gallon cans of intoxicating liquors. The body is built specially on a Republic chassis. The tires on the front wheels are half again as large as the ordinary tires on a truck to carry the load it is expected this truck would carry. I wish every Congressman would go there and look at it. Unless you know the combination it would take you 30 minutes to find that

secret compartment, but when you are on to the combination, by removing three bolts you open a secret panel, and there is the compartment that holds one hundred and twenty 5-gallon cans. The owner of that truck testified before our Gibson committee to-day, under oath, that he had it specially made to transport liquor, that he was under contract with three prominent bootleggers, whose names and addresses he gave us here in the District, and that they were to pay him $175 a load for bringing it into Washington; that since last summer he has been engaged with that truck in doing nothing else than bringing in liquor. He has brought here load after load from Philadelphia, from Lancaster, from Chester, and from Baltimore, under police protection, and he said that when he had it built he was assured by these three bootleggers that he would have police protection, both in the places where he got it and here in Washington, and that he has had it for every load but one, when recently he was hijacked here by policemen and had his truckload of whisky stolen from him.

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

Mr. BLANTON. In a moment, and then I will yield. His two drivers, who have driven that truck for him on all these loads, testified before our Gibson committee under oath to-day that since last summer they had been engaged in bringing that truck here into Washington full of liquor from these various places under police protection, and that they knew when they engaged in the business that they would have police protection; and that they have never been bothered by police anywhere except on the last load, when they were hijacked by two policemen and their liquor stolen from them. They said they were bringing in the last load from Philadelphia, which embraced not only these 5-gallon cans of intoxicating liquors but also five kegs of Scotch malt from which these bootleggers make Scotch whiskey; that when they reached Washington and came in on the Bladensburg Road and down Maryland Avenue to Fourteenth Street at 5 o'clock in the morning, when it was still dark, a policeman—whose name they gave and whom they identified among five different policemen—stopped them and had them get out, and told them to show him that special compartment where the liquor was; and then he had them drive around another street where another policeman met him; and they told these drivers that if they had any regard for their future and their families to skin out and run, and that they would not be caught; that the policeman said: "We can not run fast; we won't catch you," and deliberately let them get away; and then the two policemen hijacked that load of liquor. Then in the secret hours of night, at a professional bondsman's house here, after the policemen had been identified by these drivers, we learn that these policemen with these three bootleggers had a secret conference and agreed to give most of the liquor back to the bootleggers if they were not to be prosecuted by them.

That is what goes on in this Nation's Capital, when we have such distinguished scientific speeches as we had to-day from our distinguished friend from New York [Mr. SIROVICH].

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

Mr. BLANTON. That is what goes on in the Nation's Capital when the bootleggers think that Congress applauds subjects that they are specially and vitally interested in.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment. No one has a higher regard personally than I for our distinguished and talented colleague from New York, Doctor SIROVICH. I think just as much of him as you do. I think his speech was just as scientific as you thought, but it is improvident; it is not for the good of the cause nor the good of the law that such speeches are made in the Halls of Congress.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. In a moment I will yield.

Mr. SCHAFER. All right; we will remember that.

Mr. BLANTON. During my investigation of former Commissioner Fenning, I called attention to the fact that there were White trucks that for so much per truck load by the prince of bootleggers in Baltimore would bring not corn whisky but the finest Scotch, which came on his own yacht to Baltimore—that for so much a truck load they had been bringing it into Washington under police protection, and it has been going on ever since. It did not stop with the ousting of Commissioner Fenning. There is a higher up now in that police department that must be put out of office, because he is not enforcing the law.

We have one of the finest police departments here in the world. Most of the men are splendid, fine men, who want to do their duty, but when there is rottenness at the head of it, that demoralizes the whole force.

It ought to be stopped, and word ought to go out from the Halls of Congress to every bootlegger in the Nation and to the police force of this District, and to the commissioners, that this Congress stands for the strict enforcement of the law. Will the gentleman from Wisconsin [Mr. SCHAFER] O. K. that?

Mr. SCHAFER. I am always in favor of enforcing the laws on the statute books, and as to all prohibition legislation; but I also assert my right to favor the amendment of the existing law and the amendment to the Constitution.

Mr. BLANTON. You would have to modify the Constitution first, would you not?

Mr. SCHAFER. No. The Constitution does not say that five-eighths of 1 per cent is in violation of the Constitution.

Mr. BLANTON. The modification that would satisfy the gentleman from Wisconsin and his thirsty constituents would have to be such that you could buy intoxicating liquor. Is not that so?

Mr. SCHAFER. No; I do not believe that 2¾ per cent by weight is intoxicating.

Mr. BLANTON. Oh, the gentleman from Wisconsin is splitting hairs. I do not believe the gentleman to be socialistic, but he is getting perilously near the border line on that subject.

Mr. O'CONNOR of Louisiana. In view of the fact that the effect of the speech to which the gentleman refers would tend to decrease the quantity of liquor drunk, why should you object to it?

Mr. BLANTON. I will tell you. When a man now buys liquor from a bootlegger he knows that he takes his life into his own hands, and that knowledge deters him from buying it. But if you can send a specially constructed truck that transports liquor forbidden by law and bring it here to the United States Capital, 600 gallons at a load, if it were not poisoned you would have it sold and used indiscriminately by the people of this District to their great detriment. But those, many of them, who otherwise might buy and drink it do not do so generally when they realize that it may be poisoned, as many of them are as much afraid of it as they are afraid of the bite of a rattlesnake.

We, who are Members of Congress, who have made these laws ought to uphold the strict enforcement of them. You will remember that two years ago this month one of our House Office policemen, a fine fellow, named George H. Chorley, apprehended a bootlegger named George L. Cassidy bringing whisky into the House Office Building. You will remember that Cassidy was called the "Green hat man." He had already delivered one load of bottled whisky into the House Office Building and was seeking to bring in his second load when Chorley caught him. He then had four quart bottles of whisky in his satchel. I personally saw this whisky. Our colleague from Ohio, Mr. MURPHY, saw it. Our colleague from Michigan, Mr. CRAMTON, saw it. Our colleague from Ohio, Mr. COOPER, saw it. Several other colleagues saw it. Policeman Chorley has been ready at all times to appear and testify against this bootlegger, yet the district attorney of this great city of Washington has never yet brought this bootlegger to trial, and it was a whole year before he had him indicted. And he has been indicted now for about a year, and yet this district attorney's office has never yet brought him to trial. There ought to be a complete cleaning up made of our district attorney's office from top to bottom of it.

You will remember the colored brute who confessed to assaulting and murdering in cold blood the poor telephone girl between the Capitol and the Congressional Library has not yet been electrocuted. Why has he not been? What is causing the delay? The white man who, several months later, murdered a woman in Virginia near by has been hung months ago, so long that people have almost forgotten about it. Just why is it that the law is enforced so slowly, and many times not at all, by our district attorney's office here? There must be a housecleaning before long, and we must do some clean sweeping when the time comes.

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

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MEAD].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. MEAD. Mr. Chairman, Members of Congress, in bringing to the attention of the Congress and the country the serious question of unemployment, I am not prompted by partisan motives, but with a sincere desire to join with others who are interested in securing the approval of legislation which shall provide for a broad and comprehensive study of the question as well as to suggest to Congress and the country a policy or pro-

gram which will reduce the number of our unemployed to its lowest possible minimum.

Next to universal peace the biggest problem of our day in this country as well as in every other country is the great problem of unemployment. Its proper solution will relieve many other perplexing problems, including our agricultural problem. It will also reduce the tax burdens now overwhelming our cities, towns, and villages. It will greatly lessen the work now forced upon social service and charity organizations. It will decrease the number now housed in almshouses and other abiding places throughout the land. It will sharply decrease the temptation that prompts men to crime, with a consequent diminishing number of those held in solitary confinement. In a word, it will supplant the misery and grief that accompanies great periods of industrial depression with the contentment and happiness that goes with steady, uninterrupted employment.

Much of our trouble has its source in the tremendous increase in production brought about by modern machinery, mass production, and the consolidating and merging of separate industrial units into one gigantic corporation, which permits of more efficient methods of production. I find the following information on this subject in the 1926 edition of the Yearbook of the United States Department of Commerce and also from the Handbook of Labor Statistics from the United States Bureau of Labor Statistics.

The increase in production as well as the increase in production per worker and per hour of work has been tremendous in the last generation. The United States Department of Commerce made a study of the question for the period between 1899 and 1925. Nearly half as much again is produced in agriculture. Three and a half times as much is produced in mining. Two and three-fourths times as much is produced in manufactures. Nearly three times as much output has occurred in railway transportation.

More workers have been occupied in these industries except in agriculture. Output per worker, therefore, is important. In agriculture, manufactures, and railway transportation output each worker in 1925 produced nearly one and one-half times as much as 25 years ago. In mining each worker produced almost exactly twice as much.

These are not expressed in terms of prices but in terms of things themselves. For example, it would mean that the miner of 1899 produced a ton, whereas the miner of 1925 produced about two tons, or to be exact, one and ninety-nine hundredths tons.

If it is value of output that is wanted, though this does not tell us as much, the output per farmer in prices was three and a half times as much; per miner was four times as much; per manufacturing worker was nearly three times as much; and per railway man was over twice as much

The Department of Commerce presents figures for the period since the war. By 1925 there were from 7 to 9 per cent fewer workers in agriculture, manufactures, and on railways than in 1919 and the same number of miners. Yet those still at work produced from 5 to 30 per cent more, varying from industry to industry, and each worker produced from 15 to 40 per cent more than each worker had produced the year after the war ended.

The United States Department of Labor adds to those figures and places them on an hourly basis. Anthracite workers produced no more and even slightly less in 1924 than in 1913. Bituminous workers per shift produced, however, nearly a ton more.

In a New England cotton mill each worker per hour of work produced eight times as much as in 1838 and two and a third times as much as in 1890. In 1925 each worker produced nearly three-fifths more per hour than at the end of the war.

Here are the figures for the increase in production per hour of work: Boots and shoes, one-sixteenth more; tanning, slaughtering, and cane-sugar refining, one-fourth more; flour milling and paper and pulp, one-third more; blast furnaces, one-half more; steel works and rolling mills and cement works, three-fifths more; petroleum refining, four-fifths more; automobiles, two and three-fourths more; and rubber tires, over three times more. For each hour of work done per man on railways now there is two and a half times as much traffic hauled as 35 years ago. There is 40 per cent more traffic hauled per man per hour than before the war.

In any well-organized society this increase in the volume of production would mean a similar increase in welfare of all classes of society. However, this is not the case; wages have not gone up equally with the increase of production, although average wages have shown an increase in the more recent part of this period of larger production. The result is that one class of our industrial society has not received its fair share of this larger productivity. Nearly all the excess which should have gone to the working forces has been received by the richer classes of our society. They in turn saved and converted this surplus into capital and instruments of production and in that way further increasing the total products of industry. The result of this unjust system is that our country is now in a condition of industrial depression. By some it is termed a mild depression or a slowing down of the wheels of industry. Nevertheless it is general; it embraces nearly all industry in every part of the country. We are producing more goods to-day than we are able to sell, but this excessive production does not by any means exceed the popular wants of our people. If those who would and need to consume more had the necessary money to satisfy their desires all of the goods produced by industry would find no difficulty in securing a ready market.

Many of our industries as a result of the present situation are operating only part time. Among these industries can be listed the textiles, shoes, flour, steel, agriculture, railroads, and many others. Every one of these industries could be maintained in steady operation if an increase of wages with its attendant greater buying power could be given to the workers who are now receiving meager incomes. If necessary, and I for one believe that it is, a shorter work day must be given to the employees of industry so as to provide sufficient employment to take care of those who are supplanted by machines and other labor-saving devices. Thirty years ago John A. Hobson, a British economist, stated the problem as it actually exists today.

It is a problem of underconsumption and not one of overproduction. Too much of the national income is saved and not enough consumed. Those who have the power to consume more have not the desire while those who have the desire have not the power.

Therefore, our remedy is to increase the consuming power of our working class and to decrease the saving power of the wealthier class. Business can not be kept going unless its products are consumed and unless our workers have steady employment and the necessary power to make their wants effective, the products of industry will not be consumed. In theory the remedy is simple enough. Increase the income of the lowest paid classes, the working classes, and by doing so you increase their power to consume and in that way you bring about an increase in employment. However, we are up against a practical proposition that will not be solved as easily as all that. To shorten the workers' hours may necessitate a general minimum wage law but a recent decision of the Supreme Court takes that out of the question. Minimum wage laws in the several States as well as by agreement with labor unions will be most helpful. Outlawing the 10 and 12 hour day, substituting a 5-day week would amount to an increase in wages in some occupations but its benefits would not entirely relieve the situation. Other suggestions include pension and retirement legislation as well as the adoption by private enterprise of a uniform retirement system which would take from industry many of our aged workers, better child labor laws in some of the States where they are not on a par with the more progressive commonwealths of the Nation. All of these recommendations should be considered by a legislative committee which my resolution would create in connection with this unemployment crisis.

I am not optimistic about the adoption of an effective remedy in the near future. However, we must realize the seriousness of the evil and when it is appreciated by the intelligent business men of our Nation I am sure they will join in its proper solution. The problem to-day is one of distribution and if our industrial leaders who have proven their superb efficiency with regard to increasing production will turn their attention to this present evil they will soon remedy the present methods of distribution.

I am therefore going to introduce a resolution calling for the creation of a joint committee to be appointed by the House and Senate to investigate this question of unemployment. Living in what has been termed by our President a most prosperous era, we find an army of nearly 4,000,000 people tramping the streets of our industrial cities and our rural communities looking for work. We find the almshouses and the other abiding places of the Nation filled with our unfortunate fellow Americans who want work, not charity.

This joint committee, in conjunction with the Labor Department, could initiate a study of the question and recommend remedial legislation to Congress, and they could authorize the Labor Department to furnish us constantly and regularly with information as to the number of men unemployed as well as the nature and the character of the work they had been doing, so that with this information we could intelligently consider this all-important problem of unemployment. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. SCHAFER. Mr. Chairman, ladies and gentlemen of the House, I did not want to discuss prohibition at this time, but in view of the interjection of the prohibition questions by the distinguished gentleman from Texas [Mr. BLANTON], who aspires to sit in the body at the other end of the Capitol in the near future, I will say a few words on the matter that he has brought to our attention.

I wish to state that if any bootlegger has violated the law and has received protection from police officials, I am in favor of having those police officials, be they in high or in low positions in the department, sent to the penitentiary at Atlanta.

I can not let the moment pass by without referring to the criticism by the gentleman from Texas of the wonderful address delivered this afternoon by our distinguished colleague from New York [Mr. SIROVICH]. The able, interesting, and educational speech of the gentleman from New York was appreciated and applauded by both those classed as "dry" and "wet," clearly showing that the gentleman's speech was not a bad thing for the country, as believed by the gentleman from Texas [Mr. BLANTON]. I would like to call the attention of the gentleman from Texas, who is not here at present, although I asked him to remain after delivering his speech——

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield there?

Mr. SCHAFER. In a minute. I would like to call his attention to the fact that about a year ago, on Lincoln's birthday, the then acknowledged leader of the dry forces in the House of Representatives, the gentleman from Georgia, Mr. Upshaw, delivered a prohibition address in the guise of a Lincoln memorial address, and he had on this very table, not pint bottles which formerly contained intoxicating liquor but quart bottles, much larger than any of the exhibits of the gentleman from New York [Mr. SIROVICH], which exhibits were objected to by the present dry leader in the House, the gentleman from Michigan. Mr. Upshaw in the course of his remarks informed the House and the people of the country that the bottles exhibited by him were found in the Capitol and in the House Office Building.

If the gentleman from New York in making his constructive address to-day will cause citizens of the Nation to disrespect the laws and go wrong because of bringing in exhibits, as the gentleman from Texas believes, then I say the former dry leader, the gentleman from Georgia, Mr. Upshaw, established a precedent, which should have been criticized by his assistant dry leader, the gentleman from Texas [Mr. BLANTON].

I sincerely hope that in the forthcoming presidential campaign the Anti-Saloon League will put a complete ticket in the field on the Prohibition ticket and confine the issue upon which candidates will run to that of prohibition. I would suggest that they name the distinguished gentleman from Texas, who is now a candidate for Senator, as their presidential candidate, and have the very notorious gentleman from New York, Mr. Kresge, as his running mate for the Vice Presidency. I refer to the Mr. Kresge who was recently found by the courts of this land to be maintaining a love nest, and who a few months ago was the financial angel who contributed $500,000 to the slush fund of the Anti-Saloon League.

Mr. MEAD. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. MEAD. I would like, in justification of the great State of New York, which I represent, to move Mr. Kresge to Michigan, because I think he is a citizen of Michigan, the home of Mr. CRAMTON, rather than a citizen of New York, the home of Mr. SIROVICH.

Mr. SCHAFER. But was not that love nest in New York?

Mr. MEAD. Yes; he had the love nest there.

Mr. SCHAFER. And was not his wife's divorce, suit for which was filed after her discovery of the love nest, granted in New York?

Mr. MEAD. Yes; but New York is such a big city that he might have been able to maintain a love nest there, but we pride ourselves on the fact that he does not belong to New York.

Mr. SCHAFER. After these distinguished dry gentlemen are elected on the prohibition ticket, I would suggest that the bellwethers of the Anti-Saloon League be appointed to positions in the Cabinet and that Cabinet should certainly include the former dry leader in the House, Mr. Upshaw, who, at the meeting where Mr. Kresge donated his $500,000 to the slush funds of the Anti-Saloon League, sang "Praise God from whom all blessings flow."

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

The CHAIRMAN. All time having expired, the Clerk will read the bill for enactment.

The Clerk read as follows:

For Secretary of Agriculture, $15,000; Assistant Secretary and other personal services in the District of Columbia, including $7,294 for extra labor and emergency employments, in accordance with the classification act of 1923, and for personal services in the field, $642,000; in all, $657,000, of which amount not to exceed $633,800 may be expended for personal services in the District of Columbia: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, and is specifically authorized by other law: *Provided further*, That the Secretary of Agriculture is authorized to contract for stenographic reporting services, and the appropriations made in this act shall be available for such purposes.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration H. R. 11577, the Agricultural Department appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 7201. An act to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds;

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.;

H. R. 9136. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.;

H. R. 10635. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes;

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the sesquicentennial of the discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; and

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. J. Res. 88. Joint resolution authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a bill of the House of the following title:

H. R. 8227. An act authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa.

AGRICULTURE APPROPRIATION BILL

The committee resumed its session.

Mr. DICKINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11577), making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11577, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of H. R. 11577, the Agricultural Department appropriation bill, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 3, line 11, after the word "purposes" insert: "*Provided further*, That no part of the funds appropriated by this act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the department or any division, commission, or bureau thereof, issues or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of agricultural products or the trend of same."

Mr. DICKINSON of Iowa. Mr. Chairman, I make the point of order that that is not germane to this paragraph of the bill.

Mr. JONES. Mr. Chairman, I would like to be heard on that. This amendment is offered where the salaries of the department are provided for. That is the place where a limitation would naturally be placed. I provide that no part of the funds appropriated by this bill shall be paid for the salaries of these people if they give out these predictions. Some years ago, when an amendment was offered to the naval bill, in which provision was made for the discharge of minors, it was made to the salary provision and had to be made that way in order to make it in order as a limitation.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. JONES. Yes.

Mr. DICKINSON of Iowa. There is not a single, solitary item in this section of the bill that has to do with the Bureau of Economics. This is absolutely for the Secretary's office.

Mr. JONES. If the gentleman will read it, he will see that it is for the Secretary of Agriculture, Assistant Secretary, and other personal services in the District of Columbia, and there are also two or three provisions providing not only for the people here in Washington but for those in the field service.

Mr. DICKINSON of Iowa. But it has nothing to do with the bureau that issues these forecasts.

Mr. JONES. As a limitation on the salary provision it has a tendency to restrict expenditures and by terms applies to all the bill, and therefore, as I see it, it can only come at this point in the bill, without being subject to the point of order that it is legislation on an appropriation bill. The provision of the amendment is that no part of the funds herein appropriated shall be used for the payment of any official or employee of the department who gives out these price predictions.

Mr. DICKINSON of Iowa. And none of the employees paid under this provision gets out any price prediction, unless the gentleman wants to make it apply to the Secretary.

Mr. JONES. I say that no official who is provided for under the first paragraph of the bill shall receive his salary if he gives out these predictions. In other words, it is strictly a limitation on the expenditure for salaries. It could not go anywhere else. There was quite a contest when we had up the provision about the discharge of minors enlisted in the Navy, as to whether it was permissible to offer this kind of an amendment, and the Chair ruled that it was in order.

That was offered where the salary provision appeared, and it provided that no part of the funds appropriated by the whole bill should be used for the payment of any officer who enlisted a minor or a boy under 21 years of age without the written consent of his parents or guardian. It is strictly a limitation, if the rulings heretofore made are right, and strictly a restriction.

It does not make any difference about the substance, because it is not a question of the germaneness of the activity itself, but is a question of a limitation on the expenditure.

The CHAIRMAN. Will the gentleman permit an interruption by the Chair?

Mr. JONES. Certainly.

The CHAIRMAN. Will the gentleman quote the paragraph of the naval bill to which he refers where the provision with respect to minors was inserted?

Mr. JONES. I do not recall that; but I can quote almost literally the amendment, because I helped at the time to draft the amendment, and am therefore familiar with its provisions.

The CHAIRMAN. Can the gentleman offer the citation?

Mr. JONES. I can not offer the citation just now, because I thought general debate would last all day, and I did not expect this item to be reached this afternoon; but it was some two or three years ago when the appropriation bill for the Navy was up, and, as I remember, the gentleman from Texas [Mr. CONNALLY] offered an amendment worded practically in this way. It was offered to the salary provision with respect to officers and the amendment provided that no part of the funds appropriated by the act should be available for the pay of any officer who enlisted a boy under 21 years of age without the written consent of his parents or guardian. I also offered an amendment to the amendment, and both amendments were adopted.

There was quite a discussion in the committee as to whether or not it was germane, and as to whether or not it was a limitation. The Chair ruled that, being strictly a limitation, this was the proper place to offer the amendment, and also ruled that the amendment was not subject to the point of order.

This is practically the situation we have here. The Chair will note the suggestion that the only way this kind of an amendment can be put on an appropriation bill is to put it in the form of a limitation. This is the only way in which any such provisions can be put on an appropriation bill, because otherwise it would be legislation. This is a limitation on expenditures. Under the provision which sets out the compensation and provides for the compensation of the Secretary and all of the employees in Washington and in the field there is a general provision for the employment and pay of these officers. I am now putting the limitation in a form that would tend to reduce expenditures, and that is the theory on which a similar amendment was held in order; that is, if any officer does these things, it will reduce the expenditures because his salary could not be paid. This is the theory on which it may be presented, and it is the theory on which it is germane to this paragraph; and if it is not germane to the paragraph where the salaries are provided for, as a limitation, I pray the Chair where would it be germane and where would it be applicable?

Time after time this kind of an amendment has been offered. The question was clearly discussed when this question was up before with respect to the Navy bill, and a number of citations were given. The Chair, after thoroughly considering all of them, ruled that it was a limitation, and it was held in order. As I see it, the only theory on which this amendment could be offered anywhere in the bill is on the theory that it is a limitation on expenditures placed in an appropriation bill, and is therefore germane.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. DICKINSON of Iowa. Mr. Chairman, a careful reading of this amendment shows it is not a limitation but is purely a penalty clause upon the officers of the department for doing certain things. If it is to be a limitation applying to the entire department, it would come at the end of the bill. I do not see how it can affect anything here except the item of $91,000, and none of these employees is involved in this type of work.

The CHAIRMAN. The Chair would call the gentleman's attention to the fact that the gentleman from Texas does not offer the amendment after line 14, page 3, where the $91,000 appears, but at the end of line 11, after the word "purposes."

Mr. DICKINSON of Iowa. Yes; that is true.

The CHAIRMAN. So the Chair would consider it relates back to the other sum, near the top of page 2.

Mr. DICKINSON of Iowa. With reference to the entire salaries of the department.

The CHAIRMAN. The amendment as offered by the gentleman from Texas is to be inserted on page 3, line 11, after the

word "purposes," and the gentleman from Iowa has just referred to $91,000. These figures do not appear until the end of line 14, on page 3, and therefore it would seem to the Chair that the limitation, if it is a limitation, would apply to the figures further back, and therefore the argument of the gentleman that it applies only to the employees of the mechanical shops and power plant of the Department of Agriculture would not be well taken.

Mr. DICKINSON of Iowa. I suggest for the consideration of the Chair that this is only a penalty clause rather than a limitation.

Mr. JONES. That same point was made as to the other provision which I have called the Chair's attention to.

Mr. DICKINSON of Iowa. The proper place would be at the end of the bill.

Mr. JONES. A substitute for the whole bill can be offered after the first paragraph.

Mr. DICKINSON of Iowa. That is where the substitution is in the nature of an amendment?

Mr. JONES. Anything that affects the whole bill actually comes at the beginning or at the conclusion of the bill.

Mr. SANDLIN. Will the gentleman yield?

Mr. JONES. Yes.

Mr. SANDLIN. Does the gentleman's amendment apply to appropriations further on in the bill?

Mr. JONES. Yes.

Mr. SANDLIN. From what the Chair has just said it would imply that he thinks it only goes to the part preceding the amendment.

Mr. JONES. It would apply to appropriations further on.

Mr. SANDLIN. If it did not apply to appropriations carried further on in the bill it would not accomplish the purpose which the gentleman seeks.

Mr. JONES. It will apply to appropriations further on in the bill.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Texas offers an amendment at the end of line 11 making provision that none of the funds appropriated by this act shall be used for the payment of the salary of any employee of the Department of Agriculture who makes a forecast as to the future price of agricultural products or the trend of the same.

The gentleman from Iowa regards this as not germane to the paragraph and in the nature of a penalty rather than in the nature of a limitation. The gentleman from Texas made reference to language similar to this in the naval bill in March, 1924. On that occasion there appears to have been a series of amendments offered by the gentleman from Texas [Mr. CONNALLY], and a point of order was made against the amendments by the gentleman from Ohio [Mr. BEGG]. After argument the Chairman of the Committee of the Whole, the gentleman from Illinois [Mr. GRAHAM], after quoting a decision made the previous year by the gentleman from Ohio [Mr. LONGWORTH], held that it was a proper amendment, that it was a limitation, and overruled the point of order. In view of the decisions of these high authorities the Chair feels constrained to hold that the amendment offered by the gentleman from Texas is in order and overrules the point of order.

Mr. JONES. Mr. Chairman, I think the committee should accept this amendment. The provision in the bill for giving facts in reference to matters that might affect prices is not interfered with in any way. The amendment which I have drafted will only forbid the actual forecast of prices. Everyone from the cotton section remembers that last fall the department, when cotton was selling at a good figure, gave out a forecast of lower prices and cotton tumbled several dollars a bale. This caused great losses to the cotton grower. I am told that price predictions were given as to wheat two or three years ago, though I have no personal knowledge as to that. I think it is perfectly all right for the department to give all the facts. I think the committee wisely put an appropriation in the bill providing that the department may give out the facts, but when they try to determine what the price is going to be that is a mere conclusion from facts which anyone else is at liberty to draw, and in many instances other people are in a better position to forecast these prices.

Mr. BLACK of Texas. And an added vice to it is that whenever the department or the Government makes a forecast of that kind it inevitably has resulted in a lower price. It can have no other effect. I am heartily in favor of the amendment and I hope it will be adopted by the House.

Mr. JONES. I thank my colleague for that suggestion. He is entirely correct. He has made a thorough study of this problem, and I wish to thank him. I think the committee should agree to the amendment for the further reason that these predictions, when they have the effect they had last fall, get the people out of humor with the department and it tends to hamper their work in other lines. They resent the activity of the department and it tends to bring it into disrepute and into a bad light without accomplishing any good purpose. The department can furnish all the facts that are necessary on which conclusions can be drawn. This amendment will not interfere in any way with their legitimate activities. They can secure those facts and make them known to the public. If there is any good purpose that can possibly be served by the department predicting a change of prices, and especially lower prices, which they did last fall, I do not know what it is.

Last fall it was given out during the marketing season, or at least it was taken advantage of during that season. There was an upward trend at the time. That is when the farmer sells the most of his commodity. The price immediately tumbled several dollars a bale, causing a great loss.

The same thing might happen in wheat or other commodities. The department should, in my judgment, limit its findings to the facts themselves. We want any and all facts. When they go into the realm of speculation, then a desk man who has accumulated these things is more likely to make mistakes than a man whose business it is to handle the practical side. I hope the committee will adopt the amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, of course, we all recognize the fact that this is rather a crude way to reach an end. That is not the fault of the gentleman from Texas [Mr. JONES]. He is dealing with the question in the only way that he can deal with it under the parliamentary situation. I am going to vote for the amendment. I am not given to trying to find things in the departments of the Government at which to level captious criticism, but in my deliberate opinion the action of the Department of Agriculture last September, in giving out that statement, expressing an opinion as to the nonjustification of the price that was then being paid for cotton, was the most unwarranted, the most brutal act unaccompanied by corruption that has occurred within my service in the Congress of the United States.

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

Mr. GARRETT of Tennessee. Yes.

Mr. LAGUARDIA. Was it the information that was sent out in the usual bulletin, or was it the construction that was put on that information by some manipulators in my city and sent down into the cotton section of the country? Was it not the latter that did the most damage?

Mr. GARRETT of Tennessee. The statement resulted in a fall in the market, and whether it was by the manipulation of gamblers——

Mr. LAGUARDIA. That is my understanding.

Mr. GARRETT of Tennessee. I do not know. Certainly I know that the statement could have been of benefit to nobody on earth except those who had theretofore sold cotton short. Here is what was the situation, and I hope that the committee will bear with me for a moment, because I do hope that this thing will never occur again. The early estimates based on facts, such as the Department of Agriculture had been gathering for many years, were given as to how many bales of cotton would be produced.

The market adjusted itself to that sort of condition, based on the information that was had from this Government source coupled with other information, and upon the basis of those reports spot cotton became bullish. The price of cotton began to go up and suddenly, without warning, there came from the Department of Agriculture a statement, not of fact, not one to the effect that there would be more cotton produced than the earlier estimate indicated, but a gratuitous statement of opinion that notwithstanding the accuracy of the estimate of production, the price that was then being paid was not justified. I do not know whether the Secretary of Agriculture had anything to do with it or not. He may never have seen that statement before it was issued. I do not undertake to say about that. He later assumed responsibility for it. He ought to have seen any such statement as that before it was issued, certainly.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. COLE of Iowa. Admitting that an error was made in that particular case—and, from the gentleman's statement, I am inclined to agree with him—would it be a good policy to adopt at the present time to take away from that department the power to issue informative information?

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

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. This amendment, as I caught the reading of it, and I am sure that I am correct, does not take away from the department the authority to issue estimates of production based on the information which they gather. What it undertakes to take from the department is the authority to express a guess about the trend of prices. What is expected of the Department of Agriculture is to give the best information they can as to how much cotton is going to be produced or how much wheat is going to be produced, based on the crop conditions on the day that the reports come in. Here the Secretary of Agriculture, not giving the facts as to the production of bales of cotton, apparently not even basing his idea on the number of bales that he thought were going to be produced, volunteers to give out an official statement to the effect that the price being paid was too high. Let us follow that up for a moment. When they came to give out subsequent estimates of production, almost every estimate went down and down and down, and in the end there were actually fewer bales of cotton produced in 1927 than it was first thought in the early estimates would be produced. Nevertheless this peculiar thing occurred, one of the most remarkable things in the history of cotton marketing in all the years. Starting out with a crop estimate and prices based upon that crop estimate, and with the estimate thereafter, of actual production going down, down, down, notwithstanding the fact that in the end it was demonstrated that there was less cotton produced than the first estimate indicated would be produced, cotton continued to fall in price. That is an artificial condition. Bear in mind that the 1926 crop of cotton had been more nearly exhausted in the spinning, notwithstanding its tremendous size—nearly 19,000,000 bales—than any crop of cotton for many years. In other words, the spinners had taken more, and the 1926 crop was out of the way, and was nowhere where it could influence the market. The Secretary did not base anything on any hang-over cotton from 1926, but simply gave out the statement and lost to the South $80,000,000 to $100,000,000 by a paragraph not more than an inch long in the average newspaper, and then the surprising thing was that when called to task concerning it, the Secretary of Agriculture seemed surprised that anybody would pay any attention to anything that he said.

That was his explanation about it to the farmers. However, it had been done; it vitally affected the interests of the farmers, because you must remember that was in the very midst of the cotton marketing.

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

Mr. GARRETT of Tennessee. Yes.

Mr. LAGUARDIA. Did this particular report which caused all the trouble differ to any extent in phraseology and estimate from other previous reports?

Mr. GARRETT of Tennessee. This report did not have any estimate of production at all. It simply had the statement, without referring to production, that the trend of prices was downward, and the idea of it was that the price then being paid to the farmer—because it was the farmer who was then getting the money—the price then being paid to the farmer was not justified by the conditions.

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

Mr. DICKINSON of Iowa. Mr. Chairman, in every farm-relief bill that has been introduced into this House in the last five years most of the machinery of that whole bill revolved around the question of outlook and the forecast with reference to agriculture. It is my judgment that if you adopt this amendment you are not only going to prevent them from including the outlook and forecast but you are going to curtail the entire scope of the work of the Bureau of Economics in the Department of Agriculture.

I have already had before me the question of whether or not this matter of price and the limitation with reference to price was going to materially affect the work of this department. I have taken the last forecast issued in February, 1928, the very latest bulletin we have, and I have marked in red the amount of that work which would be cut out if you were to limit this department in the matter of price forecasts, and you are going absolutely to disorganize the whole outlook and forecasting work of the department and rendering hopeless much of the agricultural legislation that you are proposing here, because you would then have nothing in the Department of Agriculture which would give you information upon which a farm board could act.

And I want to say this, that when they are advised on the agricultural outlook, in the planting season, it is very necessary for the farmers that the matter of crop acreage and production would be reflected in the price when the crop matures.

Mr. GARRETT of Tennessee. There is no objection to that, but that is not what the department did. There is no objection to be made to the department's telling how much is produced and telling how many acres have been planted. That is desired.

Mr. DICKINSON of Iowa. But the very fact that you can not make any references to price simply means that they are going to give out here the announcement that you are going to have so many million bales and take your chances and let the speculators run their course. Now, if this information is going to be of any use to anybody, it ought to be of use to the producer, and it ought not to be a mere guess.

Mr. GARRETT of Tennessee. It should be information. The farmer does not want a guess.

Mr. DICKINSON of Iowa. If a price was given on cotton in the harvest season, that is something I do not approve of, but I do not approve of the price outlook they announced. I think they made a mistake. I do not think they should have gone into the matter of price determination, so far as that is concerned; but I do not want you to disorganize the bureau here and render it helpless by limiting this work simply because it has made one mistake.

Mr. JONES. I have so worded my amendment that it applies only to conclusions as to price. It has nothing to do with the factors that affect the price. They can give all the outlook as to production and the factors that might go to a man's conclusion as to the probable price. Some of the bills now pending would do that. But this amendment simply forbids their making predictions as to price.

Mr. DICKINSON of Iowa. The suggestion I make is simply this, that when you are giving out an outlook in the spring, very naturally the thing that determines the farmer in determining his acreage is the question of whether he will get reasonable return from his crop. On the whole the farmer naturally looks to a downward trend in these commodities, and this downward trend is indicated in these outlooks published in February, and that naturally has an effect on the farmer in determining his acreage.

Perhaps the Department of Economics made that one mistake. But I wonder whether, because the department made one mistake, you are going to disorganize this whole machinery of the bureau that has taken six years to build up; the machinery on which most of the agricultural activities discussed in this House are based, and the outlook and conditions which are going to guide the producers of this country in the future.

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

Mr. DICKINSON of Iowa. I ask for five minutes more.

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

There was no objection.

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

Mr. DICKINSON of Iowa. Yes.

Mr. OLDFIELD. I recall, Mr. Chairman, the statement in regard to the trend of the price in cotton, and I know that the farmers believe that that beat down the price of cotton very materially.

Mr. DICKINSON of Iowa. Just before this was given out by the Department of Agriculture, was not the price of cotton going down?

Mr. GARRETT of Tennessee. No, indeed; it was rising.

Mr. CRISP. The tendency was up.

Mr. OLDFIELD. The question I would like to ask the gentleman is this: Did the Secretary of Agriculture also forecast a downward trend in others products, like wheat and corn?

Mr. DICKINSON of Iowa. I am not familiar with those various commodities.

Mr. OLDFIELD. I never heard of it if he did. I am sure that if the Secretary of Agriculture had made the same sort of prediction about corn, wheat, and livestock, and it had the same effect it had on cotton, there would not be any objection to this amendment.

Mr. DICKINSON of Iowa. Is it not true that all of this simply emphasizes the fact that the department made one mistake in issuing a bulletin?

Mr. OLDFIELD. I am afraid the Secretary of Agriculture will make the same mistake, and we do not want him to make that mistake again.

Mr. GARRETT of Tennessee. We want to guard him against any possibility of making another mistake of this kind.

Mr. DICKINSON of Iowa. I do not want the department hampered in this way.

Mr. OLDFIELD. This man might not always be Secretary of Agriculture, and his successor might make the same mistake. I do not think this Secretary would make the same mistake, and he ought not to make it.

Mr. DICKINSON of Iowa. Gentlemen, talk about making one mistake. Let me read this to you from the annual report of the Secretary of Agriculture:

OUTLOOK CROP FORECASTS ACCURATE

Considering the recent development of this work and the lack of complete information on many points that must be considered, the conclusions presented in the outlook statements have been remarkably accurate. In even the earliest reports nearly 90 per cent of the outlook statements on individual commodities turned out to be correct, and in the 1925 report and the 1926 report subsequent events proved that more than 95 per cent of the statements were correct.

Mr. OLDFIELD. That does not say anything about prices. It only refers to the number of bales of cotton and the number of bushels of wheat, and so on.

Mr. DICKINSON of Iowa. All of this has to do with the agricultural outlook and the forecast as to what we are going to do in the future.

Mr. CARSS. Does it mention the price or the number of bales of cotton or bushels of wheat that will probably be produced?

Mr. DICKINSON of Iowa. It gives everything. The thing which I think is worrying most people about this is the advisability of these forecasts being made when the time of the harvest period comes on. I do not know how we can limit the time when that can be given out.

Mr. CARSS. If it did not mention the price that would probably prevail, would not the report be as informing and useful? Would it not be just as effective as if it did include the price?

Mr. DICKINSON of Iowa. Let me ask the gentleman this: Suppose you say we are going to have so many million bushels of corn or wheat—shall we leave it for the farmer to interpret it? As a matter of fact, he does not usually interpret it; the speculator interprets it, and I believe that is what has happened here; the speculators took advantage of this, and would you rather have the speculator make this interpretation for the producer or would you have the department do it for him?

Mr. CARSS. I do not want either one to make the interpretation.

Mr. DICKINSON of Iowa. Somebody has got to do it.

Mr. CARSS. I want to say that the farmer is not half as foolish as some people think. The farmer, when there is liable to be a great production, naturally figures on it.

Mr. BYRNS. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BYRNS. I think the gentleman has already indicated his answer to the question I have in mind. Do I understand the gentleman from Iowa to take the position that an employee in the Agricultural Department, whose judgment may or may not be good, and who may or may not have full information with reference to what may occur in the future, should be given the authority to issue an opinion relative to the future prices of products under the stamp of the Government?

Mr. DICKINSON of Iowa. It is my judgment he should be permitted to indicate a future price trend, in view of the information he can secure under this bill—and if he has not the proper facilities for getting the information I want to give them to him—I believe he ought to be able to indicate the price trend on a commodity, because that is the very thing that determines the outlook with reference to the production.

Mr. BYRNS. The amendment offered by the gentleman from Texas does not in any way interfere with the right of the department and the duty of the department to acquire all that information?

Mr. JONES. Not at all.

Mr. DICKINSON of Iowa. But what about the price trend?

Mr. BYRNS. And the gentleman's amendment does not interfere with the right of the department to furnish that information to the public, but I can not agree with the gentleman that an employee in the Agricultural Department, whose judgment, as I say, may or may not be good, and who may know nothing about the subject, should be permitted, under the authority and stamp of the Government, to issue a statement to the country saying that in his opinion the future price is going to be high or low.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. DICKINSON of Iowa. If we have competent men in the Bureau of Economics—active men—I think we should give them the fullest authority, and if we do not have such men we ought to get them. We believe they now have in that bureau the most competent men to be secured under existing circumstances. They have the best facilities and probably the most far-reaching facilities for acquiring this information. Now, if you take away from them the right to issue an indication as to the price trend you are curtailing the work we are organizing this whole department to do, and that is the question as to whether or not we should have an additional acreage of land planted in certain commodities.

Mr. BYRNS. The trouble with the gentleman's position is this: That he seeks to give these officials in the department—and I am not questioning their ability or their sincerity or honesty—the authority to issue an opinion as to what may happen in the future, and that opinion is backed by the whole Government of the United States.

Mr. DICKINSON of Iowa. Let me suggest to the gentleman from Tennessee that there are forecasts being issued by practically every business concern in this country. You get them from the National City Bank of New York on business affairs. They have to do with whether or not certain investments are going to be good or bad, and what is going to happen in business. Now, what you are to do here is to say to the Department of Agriculture, that is trying to be the friend of the farmer, that they can not go into this field and do the same thing for the farmer and the producers of these commodities, although business concerns do it for the man who is interested in the business lines of this country.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DICKINSON of Iowa. I yield to the gentleman.

Mr. GARRETT of Tennessee. Let me say to the gentleman, first, we want no more such friends as those who, when cotton is selling at a good price, give out a statement of opinion which brings the price down. This is not friendly to the farmer, and let me say to the gentleman, that the gentleman is defending a policy which was never adopted before as to cotton. Whatever of policy there is about this, price-trend utterance in regard to cotton was new. It was never indulged in before last summer. The policy of the Congress has been to let the Department of Agriculture get facts as best it could, in regard to cotton production, and wheat production, and corn production, and potato production, and the production of various other farm products, and give out the information where all mankind might have it, but the Congress of the United States has never authorized the Department of Agriculture to give to the country its guess about price tendency or price trend, and I do not think it should ever do so.

Mr. DICKINSON of Iowa. Does the gentleman from Tennessee believe in forecasts at all?

Mr. GARRETT of Tennessee. As to facts of production. I do not want that fellow's opinion about what the price is going to be. Give me the facts of production. This is the way Congress, if I understand it correctly, has tried to limit the activities of the statistical or the economic bureau of the Department of Agriculture.

Mr. DICKINSON of Iowa. As a matter of fact the very purpose of this work is for the benefit of the producer. I concede that the prediction was not justifiable with reference to this one estimate on cotton and the price trend. I think they made a similar prediction with reference to wheat sometime ago.

Mr. GARRETT of Tennessee. The gentleman from Texas so stated. I do not personally know.

Mr. DICKINSON of Iowa. And I do not believe it is a bad thing for the farmers of the country to be told that if they raise so many hogs in the season of 1928 they are going to get a lower price for them in the fall of the year.

Mr. GARRETT of Tennessee. But that is not what they told the cotton farmers of the South.

Mr. DICKINSON of Iowa. I would like to say to the gentleman from Tennessee that I have already admitted they made a mistake, and I am willing to do my best to try to get them not to make a mistake of that kind again; but I believe that if you limit them on the question of outlook and forecast in price trend you are materially limiting the usefulness of this bureau, which is a most important bureau of the Department of Agriculture.

Mr. BUCHANAN. Mr. Chairman, let us not grow hysterical over a mistake of the past and by precipitant action injure the future.

There is a time, a place, a manner, and a method for doing all things that ought to be done. There is one way that this legislation ought to be framed, and an attempt to remedy an

evil, or a so-called evil, by an amendment or a limitation upon an appropriation bill that will run through the entire Bureau of Economics and cut into it here and there and cripple its activities is not the way this should be done.

My colleague, the gentleman from Texas [Mr. JONES], is on the legislative Committee on Agriculture. I understand there are several bills pending before that committee where they can conduct hearings and shape the legislation so they can accomplish what they want to accomplish and what I believe should be accomplished without injuring the other activities of this bureau.

Mr. JONES. Will the gentleman yield?

Mr. BUCHANAN. Yes; I yield.

Mr. JONES. But there are appropriations carried in this bill that might be under way before general legislation can be had, and this amendment affects this year's appropriation bill.

Mr. BUCHANAN. Oh, this appropriation is not effective until the next fiscal year and your legislative bill that would come out at this session would not be effective until the next fiscal year. They would go into force at identically the same minute.

Mr. JONES. Yes; but you have in this bill the same kind of provision you had last year and they gave out these price forecasts this last year and I do not want them to do it under the appropriations we are making now, and this limitation is for this bill.

Mr. BUCHANAN. Let us see whether the gentleman's statement is correct or not. The Bureau of the Budget sent to us certain estimates carried under certain language, and here is part of the language that the members of the Committee on Appropriations cut out from the language as approved by the Bureau of the Budget:

> And for collecting and disseminating information on the adjustment of production to probable demand for the different farm and animal products, including the influence of production and demand on prices of agricultural products.

Now, listen to this:

> Including the influence of production and demand on agricultural products.

These lines were cut out of the bill.

Mr. BYRNS and Mr. JONES rose.

Mr. BUCHANAN. I can not yield to two men at one time. I yield to the gentleman from Tennessee.

Mr. BYRNS. The gentleman says the committee cut out that language and did so by practically a unanimous vote. Does not the amendment of the gentleman from Texas emphasize the very same thing and do the very same thing that the committee indicated it wanted to do when it struck out that language?

Mr. BUCHANAN. Yes; the amendment of the gentleman from Texas emphasizes the same thing, and if it stopped there I would not say a word, but the amendment of the gentleman from Texas goes back further and reaches through the entire Bureau of Agricultural Economics.

Let me tell you what it does. It prohibits any prediction in long-range or short-range predictions on future prices and visits that prediction with a severe penalty. The Bureau of Agricultural Economics publishes every year not the immediate prices, but it tells you the supply on hand of hogs, cotton, wheat, and other agricultural products throughout the world. It tells you of the demand and consumption and whether a probable surplus is coming, and whether you ought to plant largely that product or raise a great many hogs or cattle and what the probable demand and supply will be, and what influence they will have on the price for the following year and enables the farmer to regulate his planting by the supply, the demands, and price. But the amendment of the gentleman from Texas would prohibit the publication of this information. Therefore I say that his committee should take that question up, work it out, and present to this House a carefully drawn bill, clearly defining the duties and limitations of the department relative to price trends and this without injuring other activities of the Department of Agriculture.

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

Mr. BUCHANAN. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUCHANAN. Now, let me read the report of this Appropriations Committee. After striking out the language I referred to it indicates clearly to the department that they must not predict as to short-range prices, the report says:

> Price prediction: The committee has striken out new language contained in the Budget under which the department proposed to continue its forecasts of prices and price trends for the various agricultural products. It is believed that the department may properly gather and disseminate statistics and other data pertaining to the supply of such products and the demand therefor, but that the Government should not sponsor conclusions to be drawn from such data.

Now, I submit that the action of this committee in striking out the language of the Budget and that the action of this committee as reflected in this report is binding upon the department without taking the risk of adopting a radical amendment, without investigation, without consideration, and without proper safeguards.

Do not misunderstand my position. I agree with my friends, the gentleman from Texas [Mr. JONES] and the gentleman from Tennessee [Mr. GARRETT], that it was an unfortunate mistake the department made last year in predicting that the price of cotton would go down. When that was published in the papers I was in my home town and I wired the department promptly that I felt the province of the department was to gather data and get facts and publish the data and facts and let the people draw their own conclusions. That was my position then and it is my position now. But let us not take hasty action on an ill-considered and hastily drawn amendment and irreparably injure the Bureau of Agricultural Economics in its commendable efforts to advance the agricultural interests of the Nation.

Mr. CRISP. Mr. Chairman, I rise to support the amendment of the gentleman from Texas, and I do it because I do not desire the Department of Agriculture to have the power to do again what they did last year in the midst of the harvesting of the cotton crop when they issued the statement that prices were to go down. As to the prediction of prices on wheat, corn, and other things, I am willing to vote for it or not, as gentlemen who represent those States where they raise them desire.

Here are the facts relative to the statement issued by the department last September. The department, on September 8, had just issued a statement and forecast on the production of cotton during 1927. That statement showed a lower expectant yield than the August statement issued by the department of about 800,000 bales. Cotton went up on the statement, and in my community cotton was selling for 23 cents a pound, and the New York future price was a little over 24 cents. I want to say to the gentlemen not from cotton States that the farmers who raise the cotton do not get the price you read in the paper that cotton is bringing in New York. They get about a cent and a quarter less than the New York price, which the buyers of cotton say is required for freight to get the cotton to New York, where the price is fixed. Cotton was selling in Americus, Ga., my home town, for about 23 cents a pound and had gone up on the September estimate of the Department of Agriculture. Under the law the Department of Agriculture could not issue another statement as to production until October. The Department of Agriculture, on September 15, without authority of law, issued a statement that the price on cotton was to go down. The price of cotton immediately dropped from seven to ten dollars a bale.

Now, what was the vice of that unauthorized statement?

If any big cotton house like Anderson, Clayton & Joy or Hubbard & Co. had issued a statement of that kind, that the trend of the price of cotton was downward, it would not have had much effect on the trade, for the public would have thought they were bears on the market and wanted the price to go down, but when the Department of Agriculture issued the statement the world consumers of cotton naturally assumed that the Department of Agriculture had some inside information—possibly that their estimate of production was wrong, that they knew what they were talking about, that the Government had inside information—and cotton broke and it has never reached 22 cents in Georgia since. To-day it is selling in my State for 17 or 18 cents, and that unwarranted, unjustifiable act of the department cost the farmers of the Southern States over $200,000,000.

Mr. GARRETT of Tennessee. Then the cotton crop ultimately was shorter than the department predicted?

Mr. CRISP. Yes. The production of cotton in 1927 was about 4,000,000 bales less than the production in 1926, and the world's consumption of cotton in 1927 was the largest the industry has ever known.

If the law of supply and demand was justly operating, cotton to-day ought to be selling for at least 25 cents a pound. Our people who had toiled to make this cotton felt outraged at the action of the department. From my home town I wired the Secretary of Agriculture and the President, asking them to correct the evil, calling attention to the vice, and pointed out the effect on the trade, stating that that statement coming from the Department of Agriculture had broken the price of cotton. Secretary Jardine sought to mitigate the damage. He gave out a statement referring to the department's

statement of August, in which the prediction was made cotton would go lower. That the department's information showed the growing crop was in a less favorable condition than when the September statement was published. Friends, the August statement had no publicity. The September statement was given wide publicity. You can shatter the vase, if you will, but the scent of the roses will linger still. This action of the department broke the price of cotton, and it has never reached the price it was bringing on September 15 and where under the law of supply and demand the production of cotton entitled it to go, and I for one am not willing to take the chance of permitting the Department of Agriculture to have the authority to make a similar statement at any time in the future, and I propose to support the amendment.

My friend from Texas [Mr. BUCHANAN] says that this is not the method or the place to correct this evil, but that the Committee on Agriculture is the proper committee to report such legislation. Bills are pending before that committee. The Lord knows whether or not they are going to report them out, and, if so, when; and if they report them out, it is a question as to whether or not they will be considered by the House or by the Senate. Now is the accepted time, because you know that this appropriation bill is going to pass, for it is one of the necessary supply bills. Therefore those friends who desire to stop this sort of thing should exercise common sense and judgment and vote for this amendment.

Mr. JONES. Mr. Chairman, I first drafted this amendment as applicable only to cotton, and at the suggestion of some Members on the committee I included all other agricultural products. If gentlemen prefer, I am willing to limit it to future cotton prices or the trend of the same, and then I do not think anybody can object to the amendment.

Mr. DICKINSON of Iowa. I will say to the gentleman from Texas that I think it is an unfortunate amendment, even if we limit it to cotton, but if you limit it to cotton it will decrease its undesirability.

Mr. STRONG of Kansas. But why limit it to cotton?

Mr. JONES. I am interested in getting this thing through, and I ask unanimous consent to modify the amendment.

Mr. BLANTON. You can get it through without emasculating it.

Mr. KETCHAM. It is not emasculating it if he gets what he wants.

Mr. JONES. Mr. Chairman, some of these gentlemen want to vote on the amendment as it is. I shall let the committee vote on it, and if it is defeated, then offer it the other way; that is, I shall then offer it as to cotton alone.

Mr. DICKINSON of Iowa. Mr. Chairman, I move to amend the amendment by striking out the words "of agricultural products" and inserting in lieu thereof the word "cotton."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. DICKINSON of Iowa: Strike out the words "agricultural products" and insert in lieu thereof the word "cotton."

Mr. BYRNS. Mr. Chairman, if that amendment to the amendment is adopted, is it not an express invitation to the Department of Agriculture to make forecasts as to prices of every other agricultural product?

Mr. DICKINSON of Iowa. No.

Mr. BYRNS. In other words, when we have this amendment now pending and the House by a vote limits it to cotton, it is an express invitation to the Department of Agriculture to make its forecast as to prices on all other agricultural products. They can not construe it in any other way.

Mr. DICKINSON of Iowa. Let me say to the gentleman that we think we have sufficient safeguards in the bill elsewhere and that we are perfectly willing to risk the department. If the cotton boys want their limitation on cotton, then they have the opportunity to get it.

Mr. BLANTON. But we are corn boys as well as cotton boys.

Mr. BYRNS. If it is inherently wrong as to cotton, then it is equally wrong as to wheat and corn and every other product. I can not see why any exception should be made.

Mr. DICKINSON of Iowa. I do not think it is wrong with reference to either.

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

Mr. DICKINSON of Iowa. Yes.

Mr. KETCHAM. Mr. Chairman, it seems to me that the amendment proposed by the gentleman from Iowa [Mr. DICKINSON] is altogether in the interests of fair play. So far as I know, in the hearings held before the Committee on Agriculture on these various bills, they were only directed toward one crop of cotton, and the sentiment here seems to be unanimous on the part of those who represent the cotton districts that these price trends shall be eliminated. It strikes me that this is a happy solution to a rather difficult situation. The only word of admonition that I would give is this: That it is a very dangerous proposition in a half hour at the close of a day's session to take an action that may possibly upset the very carefully arranged program of the Department of Agriculture, which has been built up with reference to rendering the very best service that department can render, and certainly the years of effort in the department on the part of conscientious men ought not just simply to be cast aside with a mere gesture, saying that because it happens to have affected us adversely in this particular the whole scheme relating to price trends ought to go into the discard. On the other hand, if you men who have gone into this thoroughly and have had the experience you say you have, ask that it shall be done, I can see no reason why you should not have your remedy. I believe you will ask that the price trends will be restored. At your request, however.

Mr. BLANTON. We have had months to think it over.

Mr. BROWNING. And the gentleman does not take into consideration what the Department of Agriculture in less than 30 minutes did to us.

Mr. ADKINS. Mr. Chairman, Mr. Tenny, of the Department of Agriculture, before the Committee on Agriculture, stated on August 15, 1927, the department issued a statement that the trend of cotton prices would be lower at that time; their chart shows cotton was a little more than 19 cents; it advanced to 24 cents, then had dropped to 21 cents when the September 15 statement was issued, and still continued to decline. You will find this testimony on page 24 and page 30, Serial F, Hearings of the Committee on Agriculture.

But be that as it may, the situation with me is this: Our grain trade, the men in the grain trade, after they get the grain in their hands, or the cotton, for that matter, have just as good facilities for getting knowledge of the situation as to prices in the future of their commodity as the Government has, and they use that information in feeding their grain or their cotton back on the market. Now, the only information that the farmer can have, with the crop in his hands, which he does not have to sell immediately, is the information he can get from the Government, or he must buy this information of private enterprise. If the farmer has 2,000 bushels of wheat to sell, he goes to his grain man and consults with his neighbors and reads the papers and gets all the information he can get of the probable future trend of prices. He naturally likes to sell at the most advantageous time, and if the privilege is taken away from the Department of Agriculture of furnishing the farmer with information, he would be at a very great disadvantage in the first sale, because he can not get the information that the trade has.

They have just as good facilities as the Government has, but the farmer has not got those facilities, and he must rely upon the newspapers and the reports that he gets. So far as I am concerned, representing a purely corn and oats and wheat community, I know my constituents are glad to get that information.

Mr. STRONG of Kansas. Suppose, while the planter is debating the question whether or not he will sell his crop or not, the announcement comes from the Department of Agriculture that the price trend is downward?

Mr. ADKINS. If that is true, and it is only true eighty-nine times out of a hundred, as is the case with our weather predictions; their statistics only in eighty-six times out of a hundred have been true—if that is true, the trade has got that information before the farmer gets it. Why should not the farmer be placed on the same footing and sell before the long trend downward begins?

Mr. STRONG of Kansas. He does not have that information, because, when the announcement comes out the next morning, the price has gone down before the farmer can unload.

Mr. ADKINS. If the speculator got that information, would not the market go down just the same, and the speculator would have the same chance that the farmer has to unload? I contend the farmer should have the same opportunity that the speculator has.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Iowa to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas, as amended.

Mr. HOWARD of Nebraska. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will again be read.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. JONES. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 62, noes 48.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read on page 3 down to line 15.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes had come to no conclusion thereon.

FARMERS' FINANCE CORPORATION

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of proposed farm relief legislation and to insert a statement by myself on this subject before the Committee on Agriculture of the House, and in connection therewith certain colloquies between members of the committee and myself.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks on the subject of farm relief legislation by inserting a statement made by himself on that subject before the Committee on Agriculture and certain colloquies in connection therewith. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under leave to have printed in the RECORD a statement made by me before the Committee on Agriculture of the House on February 25 last I submit the following:

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I have attended all these hearings before this committee, which have lasted for six weeks or longer, and wish to state that I have enjoyed them very much. I have received much very valuable information from the various witnesses who have appeared here, and from the suggestions and questions of members of the committee. I have ascertained the slant of various people on this great problem of farm legislation. There is one thing, though, that I knew before I came to these hearings, and my information has not been strengthened in that respect; that is, that the American farmer really needs some helpful legislation. There is a real farm problem to be solved by this Congress, some future Congress, or left unsolved.

I sympathize with the farmer. I was born on a farm, and can truthfully say I was born "way down South in Dixie," "way down upon the Suwanee River," in a country log house, in a Georgia cotton field, at "home, sweet home."

Mr. CLARK. On Sunday?

Mr. LANKFORD. I am not sure whether I was born on Sunday or not. But I was born on the 7th day of the month, 1877, and seven has been a lucky number with me from that day to this. I will say furthermore that a man who was born out in the country on the farm and worked six days does not worry about resting on the seventh day. He is perfectly willing that there be enacted a law providing for one day of rest in seven.

I wish to say this, that I have introduced a bill for Sunday observance, but I am not here to push that bill at present. I have asked that no hearings be held now on that bill simply because I want to give all of my time to an effort to work out something worth while for the American farmer. I have that at heart, because I was born and raised on the farm. I helped plant cotton when I was a boy; I crawled on my hands and knees and thinned that cotton until I felt like my back would break; I plowed it day after day until I could hardly get one foot ahead of the other; then I picked it until my back was almost blistered in the sun where my waist and trousers did not happen to come together; and then I saw my father, with that cotton ginned, go to market, and heard him ask the merchant, "How much will you give me for it"—saw him sell it, and then walk in the store and say, "How much will I have to give you, Mr. Merchant, for the coffee pot, for the potash, for the Arm & Hammer brand of soda," and for the various articles that my father bought and carried back home. I did not believe it was fair for a man who was buying that cotton we had grown to name the price and also to name the price at which my father bought the stuff we needed at the home.

Mr. KINCHELOE. What is your theory on the McNary-Haugen bill?

Mr. LANKFORD. I voted for the Haugen bill before, and I will talk about that a little later.

The real question before this Congress is to work out some plan to help the farmer get a better price for his products. Let me say just here that I voted for the McNary-Haugen bill every time; I voted for the NcNary-Haugen bill, Mr. KINCHELOE, when I was the only member of the delegation from Georgia to vote for it. I voted for it later when some other Members from Georgia joined me.

Mr. ASWELL. Are you for it now with the equalization fee in it?

Mr. LANKFORD. I would probably vote for it with the equalization fee in there, although I am not an enthusiastic supporter of the equalization-fee idea.

I wish to say I think it would be better for this committee to report the McNary-Haugen bill out without the equalization fee if it is reported at all. I would much prefer for the committee to do that. I have never been a strong advocate for the equalization fee. It was suggested a little while ago that the equalization fee is not a tax. That is true. It may not be a tax in the accepted term. But, regardless of whether a tax or not, the farmer, when he pays it, will think it is a tax. He will feel it is a tax, and not only will he feel it is a tax, but he will resent it being left in the bill.

Mr. ASWELL. Do you think you ought to vote your conviction whether you get a law or not?

Mr. LANKFORD. I am in favor of so amending the bill as to secure the passage of a good law at this time, if possible. I would not be in favor, let me say, of so amending this bill as to make it objectionable simply because we want to secure a law. There is danger always in legislation, as I see it, that goes just far enough to amount to an excuse of a bill, and yet not do what it ought to do for the farmer; and then the American farmer would feel like we had passed something for him, later on become dissatisfied with it and disheartened and not be willing even to have a stronger and better bill passed; and those who oppose real farm relief would later on say, "You have done this. You have passed a bill for the farmer. It is a failure. Why take up more time with farm relief?"

I do favor the passage of a bill which will be real farm relief. I would not favor a bill which I thought would not help the farmer, but which might wreck his hopes for a measure in the future.

Mr. KINCHELOE. Mr. LANKFORD, is the McNary-Haugen bill as it is drawn and pending before the committee, with the equalization fee eliminated, your choice of the bills so far pending before the committee?

Mr. LANKFORD. No; I would prefer the bill I introduced, Mr. KINCHELOE. But of the bills other than mine to which the committee has given consideration and upon which you had hearings before you came to my bill, I would prefer the McNary-Haugen bill with the equalization fee eliminated—I would prefer that to the Crisp-Curtis bill.

Mr. KINCHELOE. Or the debenture plan?

Mr. LANKFORD. I think the debenture plan could be passed along with the McNary-Haugen bill; as they are not inconsistent. You might pass the debenture plan and raise money for the farmer in that way through the sale of debentures, and still pass the McNary-Haugen bill. They are not inconsistent at all, as I see it; they could be worked in harmony; they could be worked both at the same time. I do not see that the passing of the debenture plan would prevent the passage of the McNary-Haugen bill. I think you could pass the McNary-Haugen bill with the equalization fee or without it, and also pass the debenture plan, if you wished.

I like the debenture plan. I think the debenture plan would help the American farmer. I believe it would cause him to get more for his products. I do believe that the debenture plan falls down on one proposition. I do not believe the debenture plan solves sufficiently the question of overproduction, and I think that is the greatest problem of all. The one problem which must be solved eventually is the control of production and marketing in behalf of the farmer.

Mr. KINCHELOE. Do you think the McNary-Haugen bill would do it with the equalization fee eliminated? That is the question which has been bothering my mind a long time.

Mr. LANKFORD. Of course, it would enable the board to take cotton off the market, as has been explained here. I have never been very strong for the McNary-Haugen bill. I voted for it, however, as the best bill in sight.

Mr. KINCHELOE. I mean overproduction. You take the Curtis-Crisp bill and these other bills—and I am not saying that in a criticizing way. I know it is as fundamentally sound as anything in the world that whenever you increase the price of agricultural products in this country—that is, if the seasons are favorable—you are going to increase production.

Mr. LANKFORD. You are going to increase production.

Mr. KINCHELOE. Absolutely.

Mr. LANKFORD. And you wreck the very machinery by which you propose helping the American farmer. So the greatest problem is the control of overproduction or the problem of marketing what has been produced. It would be all right for the American farmer to produce an abundance if he was able to keep it off the market. If he is able to look the world in the face and say, "It does not make any difference

what I produce, I am not offering it for sale at all, and you can not get it."

Mr. PURNELL. What, in substance, is your plan?

Mr. LANKFORD. I intend to get to that.

Mr. PURNELL. I want you to present a skeleton, at least, of your plan you have in mind.

Mr. LANKFORD. I would be very glad to do that, as fully as possible before time of adjournment this morning.

Mr. PURNELL. I think you had better go right to it.

Mr. LANKFORD. The bill I introduced is H. R. 77, patterned along the line of the war finance corporation act. I used the war finance corporation act as a basis for my bill. I used the first six or seven sections of that act, simply changing the name of the agency to the farmers finance corporation.

Mr. PURNELL. How much of an appropriation would be involved in your bill?

Mr. LANKFORD. I think I mentioned $500,000,000. That would be a matter for the committee to figure out, provided my plan is worthy of acceptance. That is a mere matter of detail. I provide in section 8—if I may have the attention of the gentleman from New Jersey, Mr. FORT, and others——

Mr. FORT. I was just asking what had been going on before I arrived, Mr. LANKFORD.

Mr. LANKFORD. Section 8 provides—

"that the corporation shall be empowered and authorized to make advances on farm products as collateral security to any bank, banker, trust company, or farm organization in the United States which has rendered financial assistance to any farmer, group of farmers, or farm organizations."

And this plan is a little different from the plan of ordinary bills, and I want to get it thoroughly before this committee.

Let me go over that again. The bill provides for the advance of money to certain banks, provided those banks have made advances to individual farmers of money.

"Provided"—

now, here is the milk of the coconut and the gist and heart of the bill, if it has any—

"these advances are made through the banks only to the individual farmer: *And provided*, The farmers receiving such financial assistance shall have entered into contract with the corporation, as set out in section 11 of this act, and shall have kept and abided by all contracts so made."

Now, this contract which is set out in the bill is a rough, crude contract drawn by me—which could be amended by the committee—provides that these farmers shall control their production as dictated and as determined by the cotton advisory council or the wheat advisory council, or other commodity advisory council.

It provides further that not only shall these farmers control the acreage which they plant each year, but they agree and obligate themselves not to sell any cotton whatever after they begin obtaining these loans, unless the cotton advisory council determines that a sale shall be made.

Mr. PURNELL. In other words, they borrow money on their crop and hold it on their own farms?

Mr. LANKFORD. On their own farms, or in warehouses, or in whatever way is necessary, so as to make the cotton to be produced actually for the debt. The plan is simply this, stated in other words, that we will create the farmers' finance corporation, which will loan money through the banks to the individual farmers, to enable them to hold their cotton, provided the planters of 75 per cent of the acreage of cotton in the United States shall have signed the contracts agreeing to the control of their acreage planting and agreeing to a control of the marketing.

Mr. PURNELL. What percentage of the value of the crop held by each individual farmer would you permit him to draw a loan upon?

Mr. LANKFORD. The bill provides for loans to the full value of the commodities. I say in the bill that he shall be authorized to borrow the average price at which that cotton has sold for the last 10 years.

Mr. ASWELL. Do you think you could get 75 per cent of the planters to sign that?

Mr. LANKFORD. I do not know; I believe we could. I believe you would be offering the farmers so much under this bill that they would sign up. I have great faith in the American farmer signing up contracts if you once offer him something to sign for.

Mr. PURNELL. In other words, you give him a loan on the basis of the full market value at the time the loan is made?

Mr. LANKFORD. No; I would go further. The bill provides for the full market average value for which the commodity sold for the preceding 10 years, which might be higher than the value at time of the loan.

I realize this, Mr. PURNELL, that if you loan the farmer the average price at which cotton has sold for the last 10 years, or the average price at which wheat has sold for the last 10 years, and cotton is selling at 4 or 5 cents below that, or wheat is selling at several cents below that price, it would be a foolish thing for the Government's agency to make that kind of a loan without additional safeguards.

Mr. PURNELL. Suppose the market price is below that average and a loss is sustained. Who is to pay that?

Mr. LANKFORD. That is a proper question and I am glad to answer it.

If 75 per cent of the producers of a commodity sign contracts that they will control their production, and, furthermore, that not only will they control their production but that they will not offer for sale a single bushel of wheat or a single pound of cotton when the operation begins, but that they will hold it; if they need money, they will borrow it from the bank and only sell for a fair price; there will be no loss. The price can not drop below that average price at which they can borrow money. Why? Because the farmer will not sell below a price at which he can borrow money under the provisions of this bill. I provide in the bill that the commodity itself shall be the sole and only collateral for the debt, and that no judgment can be taken against the individual farmer for any loss.

Mr. ADKINS. Will you yield for a question?

Mr. LANKFORD. Yes; I will be glad to, Mr. ADKINS.

Mr. ADKINS. In my own country, where they have only 5 per cent of the storage facilities for wheat and oats, do you think you can get them to go into a contract of that kind?

Mr. LANKFORD. I am not so sure about that in the wheat section. Of course, if they could get them to go into it, I believe it would work. You know more about the wheat proposition than I do.

I provide in the bill that there shall be such storage as shall be necessary, and I provide further in the bill that if possible and practical and feasible that the farmer be allowed to keep his commodity and store it himself, by properly insuring it, and making him responsible for it.

Mr. ADKINS. The point I had in mind is that practically all of them have practically no storage facilities for that, whether they would go into a contract of that kind or not, and then have to build storage bins.

Mr. LANKFORD. I believe it can be worked out. It can be worked out for them to hold it separately or that wheat to be stored in bins and shipped to places where it could be held, but for the farmer still to retain his title in so many bushels of wheat of a certain grade, stored for his use. He could hold the receipt instead of holding the actual wheat.

Mr. SWANK. Do you make any provision for the acquisition of warehouses?

Mr. LANKFORD. I left that as a matter of detail to be worked out later. If the committee should decide that my bill embodies a good idea, that is properly a matter that can be worked out later.

I provide, if possible, that you would let the individual farmer hold his own commodity. He might conceivably ship it off, but it would be a crime, and I believe the average farmer can be trusted to hold it; and the loans being made through the banks, and the banks, knowing that that commodity is put up as collateral, would keep in touch with the collateral.

Mr. JONES. Just a question there: If you put that plan into operation and had your 75 per cent to sign, what would there be to prevent the other 25 per cent from increasing their acreage or making their sales any time they wanted to and taking advantage and possibly getting a higher price than those who had signed?

Mr. LANKFORD. The bill would prevent that.

Mr. JONES. What would there be to prevent new acreage by people who had not theretofore been in business?

Mr. LANKFORD. The question of new acreage would be solved under provisions in the bill. I provide this, however, that these loans shall only be made when planters of 75 per cent of the acreage for the ensuing year have signed the contract, to control the production and marketing. The bill provides that 10 per cent more must sign within 12 months from the time operations begin, and therefore 85 per cent must come in within 12 months after operation. Then I provide, further, that 10 per cent more must come in within the next year; and then that 7 per cent more shall come in within the next year, running it up to 97 per cent of the planters.

If the bill does work, if the plan is a good one, and if the American farmer finds he can borrow at the average price of his commodity and that there has been an organization perfected which enables him to control his production, which enables him to control the price, and name his price within reason, they will sign up 10 per cent more each year until they have 97 per cent in. The other fellows will be forced in just like labor unions force them in when they cry "scab," "not friends," "not in sympathy with the laboring man," "not dealing fair," etc. In other words, I believe they will sign up these contracts. If they do sign up these contracts, then it would solve the overproduction problem and marketing problem, and would enable the farmer to do exactly what I said that my father could not do in the way of naming the price of his cotton. It would enable the farmers by this organization to get together and simply say, "We will not sell cotton or wheat except at a certain price. We produced this year an alleged overproduction, but that overproduction does not hurt you; it is not for sale." Or "We have for sale as much wheat as you need at a reasonably fair price. We have only as much cotton for sale as you are willing to pay us a fair price for."

The farmer for once in the history of the world by this organization could look the rest of the world in the face and say, "Cotton is so much a pound; how much do you want?" Or "Wheat is so much a bushel; how much do you want?" He could not do that to an unreasonable extent; he could not name a price of $5 a bushel for wheat; he could not name a price of a dollar a pound for cotton. But he could name a price for his commodity within reason, just like the producers of steel and the producers of shoes and the producers of hats and clothing name the price of the articles which they produce, within reason.

Mr. JONES. Unfortunately, he could do that, if he could get anything like approximately a hundred per cent, law or no law. If you got 97 per cent in you would not need any law.

Mr. LANKFORD. This is true, that if it worked at all the Government could not lose any money on it and then, again, in a little while the farmer would be absolutely independent; he would be absolutely master of his own fate and his own destiny.

The bill has another idea, Mr. JONES, and I will come to you, Mr. MENGES, later; I see your hand up for a question.

There is another feature of the bill which I think is really worth while, and that is this: It has a complete referendum in it. If you pass the McNary-Haugen bill the farmer may say he does not want it. If you pass my bill it enables 75 per cent of the producers of commodities to sign contracts and organize. Suppose they do not do it? No harm has been done. Suppose they sign up 75 per cent, and then decide they do not want it next year; it goes out of force and out of effect: they determine whether the bill shall go into operation; they determine whether 75 per cent under the bill shall begin operations as to any particular commodity. They might decide they want to operate as to cotton and let the McNary-Haugen bill apply as to wheat and other commodities. If they liked it, they would get the additional signers; if they did not like it, they would not get new signers and they would repeal the bill. That is a most perfect referendum, not to the voters of the country, but to the producers themselves; not to a majority, but to three-fourths of them. If the bill is not good, it would not go into effect; if it is good and they keep it in effect, it provides for the control of production and marketing, not by force, not by low prices, not by an equalization fee, not by anything else, but by a contract entered into mutually for the farmers themselves. All right, Mr. MENGES, I will be glad to yield to you.

Mr. MENGES. Your bill would not go into operation, then, until 75 per cent of the farmers had signed your contract?

Mr. LANKFORD. It would not. Let me say here, gentlemen of the committee, I have done this: Not only have I introduced this bill with this contract idea in it, but I have modified and reintroduced some of the other bills. I took the McNary-Haugen bill and I made it "Title I"; I took my bill and made it "Title II"; reintroduced the two fastened together as one bill. This committee can pass the two—the McNary-Haugen bill as Title I and my bill as Title II. Let them go into effect as far as being the law of the land is concerned. But suppose the cotton growers in Georgia and in Texas, in the district of Mr. JONES and in the district I represent——

Mr. JONES. Why did you not introduce the debenture bill as "Title III"?

Mr. LANKFORD. I am getting to that a little later. I will take care of your bill also just as much as I did the others. Suppose the two pass; suppose that the cotton growers in Georgia say, "We will sign up; we will take the provisions of bill 77," and they sign up and begin to operate under that. They would not need the terms of the McNary-Haugen bill.

Suppose the people out West and the farmers there decide they want to have the McNary-Haugen bill and they do not care to operate under my plan. Then you could let them operate under the McNary-Haugen bill. They are not at all inconsistent.

Now, Mr. JONES, I will say that I did not introduce the debenture plan along with the other bills, but I thought of doing that. I have not done it. I will tell you what you can do, I believe, and I will submit it to the committee after consideration to say whether or not I am right: The McNary-Haugen bill could be put in the bill as Title I, or put yours in as Title I, if you had rather have yours first; the debenture plan as Title II, and put my plan as Title III. Wherein are the three inconsistent? The farmers would be getting their help under the debenture plan. They might not need the provisions of the McNary-Haugen bill. It might not be necessary to declare the operating period if the debenture plan was in effect. It would not be inconsistent with the McNary-Haugen bill. You could use my plan and work it with either one. So, as I say, the three plans are not at all inconsistent. If one part does not work, you have got the other part to fall back on, and vice versa. I think that may be a pretty good idea.

Mr. ADKINS. Your contract idea is all very good, Mr. LANKFORD, but haven't we got a law to do all that. The Supreme Court has recently ruled favorably on the validity of these contracts; and yet the farmers wherever they have tried that have fallen down under it until they do not proceed to operate. Do you think they would operate any better by providing that authority for them?

Mr. LANKFORD. This would be true in reference to the contract: The bill provides that 75 per cent of the farmers must have signed these contracts and be living up to them. Suppose one man did not sign up the contract. You get another man in his stead.

Mr. ADKINS. I understand that. We already have authority of law to do that. The contracts have been tried out by the courts and found to be constitutional. Do you think that passing another bill is going to be a greater inducement for the farmer to do that?

Mr. LANKFORD. Mr. ADKINS, that is a very proper question, and I am glad you asked it. This is true: The farmers say, perhaps, if they sign up contracts they have no knowledge the other fellow will sign. A man signs a contract and he will say, "I am no better off than I was before. I am reducing acreage and the other man is not reducing acreage. I do not know whether my commodity is going to be any higher in price because of the fact I signed the contract." He has no reason to sign a contract.

Under my plan he signs the contract. He says: "Now, this contract is not binding on me because it is so provided in the bond that unless 75 per cent of the producers for the particular year sign, this contract is not binding on me, and if enough sign it, my price will be stabilized at the average price." And he says: "Furthermore this contract is not binding on me unless enough people sign it to enable the farmers to be masters of their own fortune and control the market, naming their prices within reason and thereby naming their profits within reason."

Mr. ADKINS. You did not quite get my question.

Mr. LANKFORD. All right.

Mr. ADKINS. The point is, they do not operate under your system now, when they have a right to do it. Do you think there is anything in your bill that would make it an inducement for them to operate?

Mr. LANKFORD. Absolutely.

Mr. ADKINS. They have a right to go into all that stuff—and sign contracts to limit production and marketing now.

Mr. LANKFORD. They have a right to that now.

Mr. ADKINS. And they do not operate under it?

Mr. LANKFORD. That is right.

Mr. ADKINS. They have tried it and fallen down. The point I have in mind is whether simply passing this bill of yours would induce them to do it.

Mr. LANKFORD. Simply because with my bill there would be machinery set up to establish borrowing powers at the average price at which a commodity had been sold for the last 10 years. Therefore their price would be stabilized at a very satisfactory amount to them, and there would be all kinds of reasons for them to sign the contract.

Mr. ADKINS. Do you think the additional borrowing power would be an inducement?

Mr. LANKFORD. Absolutely. The great trouble with the farmer to-day is that he can not control his sales. He can not control the time when he is going to sell his commodity. Why? Because his taxes are due, his interest is due, or because his bank note is due. He must sell his cotton. But cotton is down in price. He can not wait for it to go up. But if my bill goes into effect he can borrow the average price at which the cotton has been selling for the past 10 years and put his cotton up as the sole security. My bill would stabilize the price at the figure at which he could borrow. He would sign the contract because he would know that unless enough signed it to make it effective the contract could not go into effect, and he would know that whenever enough signed it to carry it into effect then the price would be stabilized.

So I think that the plan is really worth while, and I submit it to the committee for their careful consideration.

Let me say this—I presume the committee is anxious to adjourn, and I will hasten to a conclusion.

Let me say just this much on the McNary-Haugen bill before I resume my seat: I feel that a man has a right to criticize his own self, and I think a man who votes for the bill should be permitted to criticize that bill, especially when he may vote for it again. I started to say a little while ago—and some one interjected a question and changed my line of thought—that the equalization fee was dangerous for political reasons; and then I said we should not be controlled by that to a great extent, and yet we are all more or less selfish, some more so than others. But let us get away from the political side of it.

Here is another danger in the equalization fee: If the McNary-Haugen bill passes it will either make the cooperatives of the country or break them. They will have had their opportunity. People will say: "The cooperatives got the law they wanted and it failed to work." It will either mean their destruction or their salvation.

All right. Now, will the equalization fee be popular with the American farmer? Will the American farmer want to pay it? Will it force the American farmers to go into the cooperatives, or will he feel like he is being mistreated? Will he feel like he is having to carry a burden he does not want to carry; will he feel like unjust pressure has been put on him; will he feel that it is not a square deal and that you are trying to force him to do something he does not want to do and therefore say, "I will not join"? He will pay the fee under protest, I

fear, and even though the bill works well, will it not be more or less unpopular and hard on the cooperative associations?

Then there is another objection I have to the McNary-Haugen bill which I hope this committee will remedy, if possible, before they vote the bill out, either with the equalization fee or without it. I am concerned about the individual American farmer. I am concerned about the farmer who carries his cotton to market, as my father did, and sells one bale or two bales.

Now, the McNary-Haugen bill would provide for taking a certain amount of the commodity off the market. The organization would buy that commodity from the poor fellow who has to sell. That commodity passes out of his hands; it passes into the control of the cooperative association. They may hold it off the market; they may dispose of it as they please. Prices may be boosted by operations, but the poor fellow has already sold out. He has lost. And he has lost because his cotton was sold too low. Cotton may go up. People may say, "Oh, well, the South is getting a good price for its cotton. Cotton is bringing a better price," but the poor man who sold it lost. He is out. That is the objection I have to the export plan. That is the objection I have to the plan of my good friend from Georgia, Mr. CRISP. That is the objection I have to nearly all these plans that do not take care of the poor fellow who planted and made the cotton where you boost the price after it is too late for him.

Now, if you can work out some plan in the McNary-Haugen bill through the drafting service or through members of the committee, providing that when cotton is bought from a fellow who does not belong to the cooperatives, and later on the cotton goes up that in some way you will take care of him so he will not lose, you will thereby improve the bill very much. It will be a wonderful help to the bill if you can work that out and put it in the bill. I am for the plan I suggest here in my bill, because I have drawn that plan in the interest of the individual. He holds his own cotton. He may borrow money on it, and manipulate any way he pleases. But he does not sell it at a sacrifice; he holds it, and when cotton goes up he gets the benefit of the increase.

I have another suggestion which I wish to make to the committee. I took the McNary-Haugen bill and performed a simple, painless, bloodless operation by trimming out of that bill the equalization-fee provisions and inserting in lieu thereof the debenture plan in a modified form. I provided that the debentures be issued not to the exporters but that the proceeds go into the stabilization fund of the McNary-Haugen bill so as to make unnecessary the equalization fee and yet give the farmers the benefit of the other provisions of the McNary-Haugen bill. I believe this plan is preferable to the present plan of an equalization fee. I know that I like the idea much better.

I also took my contract, production, and marketing control plan and grafted it into the McNary-Haugen bill and reintroduced it as an independent bill as a suggestion, but I am free to confess that I think my original plan is much better for many reasons, which I shall be glad to explain to this committee should the committee ever wish to take up the idea of comparison of the two plans.

In fact, Mr. Chairman, my faith in my farmers' finance corporation plan, with its production and marketing control by contract features, has been very much strengthened from day to day as I have attended these hearings. I am sure that real farm relief can only come with a proper control of production and marketing and that there can only be established proper control by contracts entered into by the farmers with all concerned under an enabling act of Congress such as my bill provides. All the other bills introduced by other Members fail in this most essential respect.

Proper control of production and marketing means control of prices by the farmers themselves and hence the naming by them of their own profits in reasonable bounds.

I have studied this problem for years and for the last six weeks I have attended hearings of this committee for two hours each day and worked until midnight each night reading bills and speeches, drawing bills and collecting data on this matter, and my very best judgment is that we must work out a plan to enable the farmer to name within reason the price of the commodities which he sells as other businesses and enterprises do, or else we must leave this problem unsolved for the present.

Another most important feature of my bill is that it provides for the selection of the various commodity councils by the governors of the commodity growing States at first, until the farmers become properly organized and then by the farmers themselves. Some may suggest that these must be appointed by the President. It will be seen though that these councils are in no sense composed of Federal officials but only a part and parcel of an organization, the functioning of which is recognized by the bill under its contract features. These officials are no more Federal officials than are the road officials of a State Federal officials, because they and their works are recognized by the contract or law whereby the Federal Government matches State road funds in the construction of good roads in the country. This feature of the bill safeguards the rights of the farmer and makes sure the selection of his friends for the administration of the farmer's most important affairs under this bill.

Some may suggest that my bill provides for price fixing and is therefore objectionable. Let me say I think that it is clearly price fixing in its nature and provisions and that is just the reason I am so much in favor of it. Congress has passed laws to help everybody else fix prices of what they sell. Why not extend this privilege to the farmer? I have no patience with any plan of so-called farm relief which attempts to help the farmers without helping them get a better price for their products.

Too many farm relief bills attempt to please the farmer without giving him any real relief. They attempt to work out a plan satisfactory to the farmer and yet leave him to be preyed upon by those who speculate on his products. They propose to help the farmer and yet leave him at the mercy of the middlemen. Real relief can not be secured in this way. Again, many of the bills seek to help some one help the farmer indirectly and charge too much for the service, or help the farmer by handling his commodities at an exorbitant charge for the service. All this is wrong.

Again, Mr. Chairman, many object to all bills which vote any financial assistance to the farmer on the idea that the farmer should not receive a subsidy from the Treasury. Subsidies have been from time to time granted to other folks. Why not grant a subsidy to the farmers? The farmers will never, by any scheme we may pass, get back one-tenth of what has been unjustly taken from them by discriminatory legislation. But, Mr. Chairman, my bill does not provide for a plan that will lose the Government any amount. It only provides for the elimination of unnecessary profits of certain middlemen who are unnecessary and really amount to parasites, living on what they do not at all produce.

I have taken many of the bills which have been introduced by others and amended them so as to make them much more effective in the way of helping the farmer. I reintroduced them in their modified form to get before this committee and the country just how simple is the remedy of real farm relief if we will only determine to pass such a measure. I hope this committee will bring out the very best possible bill.

I have been glad in the past to suggest and help secure many splendid changes in the McNary-Haugen bill and know the bill is very much improved over its original form, but it is yet far, far from a perfect bill. I believe that it can only be made perfect by giving the farmers complete control of their products and the sale of the same.

I have been glad to attend all the hearings of this committee at this Congress and am glad now on the last day of these hearings to submit my conclusions on this great question. I realize that my plan may not be accepted just now, but I hope for it to be eventually written into law.

I have submitted my bill to many farmers, farm organizations, Members of Congress, Senators, and Cabinet members, and have yet to find the first man to say it will not work if the farmers want it and sign up the contracts. I am offering it because I feel it will work and that the farmers will approve it and sign the contracts.

The farmers will organize if we will make organization really worth while to them. They are a little shy of organizations because too often they are led into organizations by those who wish to exploit and to plunder them. My bill provides for the most effective farm relief ever offered, provided the farmers themselves will approve the plan and put it into effect.

So the only question in doubt is, Will the farmers sign the contracts suggested by my bill?

The farmers organized and won our independence more than a century ago. They have organized and given their country assistance in every war. They helped to put over the Liberty loan drive during the last war and sent their sons across the seas to fight at the call of their country. So, Mr. Chairman, I am sure they will enter into a plan with their neighbors to win for them and their children a new freedom of naming within reason the price of the products of their own toil. Let us do our part, and knowing the farmers as I do I vouch for their faithful discharge of their duty in full, as they have ever done.

Mr. Chairman, I wish to thank you and this committee for the courtesies shown me and for your most attentive attention to my presentation of this matter, in which we are all so much interested.

The CHAIRMAN. Thank you, Mr. LANKFORD; your statement is greatly appreciated.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent that to-morrow morning I may be permitted to make a verbal report of the House membership which attended the Interparliamentary Conference in Paris last August, to occupy the space of eight minutes, I reckon.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that to-morrow, after the reading of the Journal and the disposal of business on the Speaker's table, he may be permitted to address the House for eight minutes. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, we are very anxious to complete this bill to-morrow. I think many Members are anxious to get away and finish it to-morrow. I suggest that the gentleman defer his request until a later day.

Mr. HOWARD of Nebraska. I can not resist the tearful pleading of my brother from New York, and I withdraw the request.

ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Saturday, March 3, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 3, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned farm areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects (H. R. 6091).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924 (H. R. 10160).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant-marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Relative to the appropriation for additional expenses at the naval mine depot, Yorktown, Va. (H. Con. Res. 20).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LINTHICUM: Committee on Foreign Affairs. S. J. Res. 30. A joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro; without amendment (Rept. No. 814). Referred to the Committee of the Whole House on the state of the Union.

Mr. LINTHICUM: Committee on Foreign Affairs. S. J. Res. 31. A joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof; without amendment (Rept. No. 815). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Indian Affairs. H. R. 9483. A bill to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico; with amendment (Rept. No. 816). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 2569. An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States; without amendment (Rept. No. 819). Referred to the Committee of the Whole House on the state of the Union.

Mr. HERSEY: Committee on the Judiciary. H. R. 9588. A bill to amend the national prohibition act, as amended and supplemented; without amendment (Rept. No. 822). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 5724. A bill to prevent desecration of the flag and insignia of the United States and to provide punishment therefor; without amendment (Rept. No. 823). Referred to the House Calendar.

Mr. BLANTON: Committee on Indian Affairs. H. R. 5479. A bill to provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex., and for other purposes; with amendment (Rept. No. 824). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 4204. A bill for the relief of Thomas M. Richardson; without amendment (Rept. No. 817). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on Indian Affairs. H. R. 10475. A bill to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; without amendment (Rept. No. 818). Referred to the Committee of the Whole House.

Mr. WOODRUM: Committee on War Claims. H. R. 5944. A bill for the relief of Walter D. Lovell; with amendment (Rept. No. 820). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10139. A bill for the relief of Edmund F. Hubbard; without amendment (Rept. No. 821). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 11659) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md., and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUDSPETH: A bill (H. R. 11682) to provide for the construction of an addition to the post-office building at San Angelo, Tex.; to the Committee on the Public Lands.

By Mr. JAMES: A bill (H. R. 11683) to create the reserve division of the War Department, and for other purposes; to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 11684) to amend section 24 of the immigration act of 1917; to the Committee on Immigration and Naturalization.

By Mr. SINNOTT (by departmental request): A bill (H. R. 11685) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. WAINWRIGHT: A bill (H. R. 11686) to provide for the placing of the names of certain individuals on the rolls of the War Department, and to authorize the Board of Regents of the Smithsonian Institution to make certain recommendations; to the Committee on Military Affairs.

By Mr. BOX: A bill (H. R. 11687) to increase the immigration border patrol for the purposes of enforcing the immigration laws on and adjacent to the boundary between the United States and the Republic of Mexico and elsewhere; to the Committee on Immigration and Naturalization.

By Mr. CRAIL: A bill (H. R. 11688) for the correction of the naval records of officers and sailors who served on the *Harvard* and the *Yale* during the Spanish War; to the Committee on Naval Affairs.

By Mr. TEMPLE: A bill (H. R. 11689) to repeal section 3583 of the Revised Statutes; to the Committee on Banking and Currency.

By Mr. ROWBOTTOM: A bill (H. R. 11690) to extend the time for construction of a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN: A bill (H. R. 11691) to establish a landing field for aircraft at Governors Island, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. BRIGHAM: A bill (H. R. 11692) authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, county of Duval, State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near East Alburg, Vt.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 11693) to provide an additional method for collecting taxes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 11694) for the relief of Ella Kepner; to the Committee on War Claims.

Also, a bill (H. R. 11695) granting an increase of pension to Amelia O'Donnell; to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 11696) granting an increase of pension to Abby J. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11697) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *San Tirso* against the United States, and for other purposes; to the Committee on Claims.

Also, a bill (H. R. 11698) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes; to the Committee on Claims.

Also, a bill (H. R. 11699) conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes; to the Committee on Claims.

By Mr. BEERS: A bill (H. R. 11700) granting an increase of pension to Rebecca E. Hefright; to the Committee on Invalid Pensions.

By Mr. BLANTON: A bill (H. R. 11701) to authorize payment of withheld earned salary to Albert J. Headley, an inspector of the Metropolitan police department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRIGHAM: A bill (H. R. 11702) granting an increase of pension to Minnie C. Holland; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11703) for the relief of James Henry Hicks; to the Committee on Naval Affairs.

Also, a bill (H. R. 11704) granting a pension to Gabriel Bolier; to the Committee on Pensions.

Also, a bill (H. R. 11705) granting a pension to Matilda Towers; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 11706) to provide for an examination and survey of Lafayette River, Va.; to the Committee on Rivers and Harbors.

By Mr. DE ROUEN: A bill (H. R. 11707) to provide for a survey of Bayou Plaquemine Brule with a view of securing increased depth and width in the present navigable channel; to the Committee on Rivers and Harbors.

By Mr. EVANS of California: A bill (H. R. 11708) to provide for appointing Benjamin H. Griffin, sergeant, Reserve Officers' Training Corps, detached enlisted men's list, a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. FENN: A bill (H. R. 11709) granting an increase of pension to Marie Emelie Allen; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 11710) for the relief of George E. Megee; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 11711) granting an increase of pension to Hariette J. Cochran; to the Committee on Invalid Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 11712) granting an increase of pension to Elzora Barnes; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 11713) granting an increase of pension to Helen S. Cates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11714) granting a pension to Catherine M. Howard; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11715) to correct the military record of Charles W. Bendure; to the Committee on Military Affairs.

By Mr. SEARS of Florida: A bill (H. R. 11716) authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes; to the Committee on the Public Lands.

By Mr. SEARS of Nebraska: A bill (H. R. 11717) granting an increase of pension to William H. Gray; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11718) granting an increase of pension to Sarah Gallagher; 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:

4791. By Mr. BACON: Petition of citizens of the town of Babylon, Suffolk County, State of New York, protesting against the proposed compulsory Sunday observance law; to the Committee on the District of Columbia.

4792. By Mr. BLAND: Petition of citizens of Hampton, Fort Monroe, and Fort Eustis, Va., opposing compulsory Sunday observance legislation, especially House bill 78; to the Committee on the District of Columbia.

4793. Also, petitions of citizens of Newport News, Va., opposing compulsory Sunday observance legislation, especially House bill 78; to the Committee on the District of Columba.

4794. By Mr. BROWNE: Petition of the board of Lafayette County, Wis., urging Congress to pass such legislation that the present import duties on Swiss, brick, and Limburger cheese be increased about 50 per cent; to the Committee on Ways and Means.

4795. By Mr. CARTER: Petition of local joint-executive board of the Allied Culinary Workers and Beverage Dispensers of San Francisco, Calif., urging legislation prohibiting the entry of Philippine laborers into this country; to the Committee on Immigration and Naturalization.

4796. By Mr. CHAPMAN: Petition of C. W. Rule, B. F. McGruder, G. Wade Hampton, V. B. Snowden, Lucien Rule, and Mary P. Wilhoyte, and 24 other citizens of Goshen, Oldham County, Ky., protesting against a big Navy program; to the Committee on Naval Affairs.

4797. Also, petition of J. H. Gay, Newt M. Gay, Hervey McDowell, Robert S. Hart, James Gay, and R. M. Garrett, and 13 other citizens of Pisgah, Woodford County, Ky., protesting against a big Navy program; to the Committee on Naval Affairs.

4798. By Mr. COCHRAN of Pennsylvania: Petition of Wesley V. Fox and other residents of Russell, Warren County, Pa., protesting against the passage of House bill 78, or any other compulsory-observance legislation; to the Committee on the District of Columbia.

4799. By Mr. CONNOLLY of Pennsylvania: Petition submitted by the Federal Employees Union No. 23, of Philadelphia, Pa., signed by sundry citizens of the fifth congressional district, favoring the passage of the Welch bill (H. R. 6518) to reclassify and increase the salaries of Federal employees, and the Lehlbach bill (H. R. 492) to amend an act entitled "The classification act of 1923," approved March 4, 1923; to the Committee on the Civil Service.

4800. By Mr. CORNING: Petition of sundry citizens of the city of Albany, N. Y., in opposition to the passage of House bill 78, known as the Lankford bill, relating to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

4801. By Mr. CRAIL: Petition of Chamber of Commerce of San Pedro, Calif., indorsing House Bill 5543; to the Committee on Naval Affairs.

4802. Also, petition of R. B. Hale, president California Development Association, requesting and urging certain provisions be included in census bill as follows: A sufficient general appropriation to provide for a more complete and accurate farm census; appropriation for a special census of irrigation and drainage as was taken in 1920 and previous decades; that the agricultural census be taken not later than the month of January; to the Committee on the Census.

4803. Also, petition of sundry citizens of Los Angeles County, Calif., against the passage of the Brookhart bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

4804. Also, petition of sundry citizens of Los Angeles County, Calif., for the passage of the Tyson-Fitzgerald bill (S. 777 and H. R. 500); to the Committee on World War Veterans' Legislation.

4805. By Mr. CULLEN: Resolution of the Loggia Ortigia, requesting the President to proclaim October 12 as Columbus day for the abservance of the anniversary of the discovery of America; to the Committee on the Judiciary.

4806. By Mr. DRANE: Petition of citizens of Florida, against compulsory Sunday observance legislation (H. R. 78); to the Committee on the District of Columbia.

4807. By Mr. GALLIVAN: Petition of L. C. Wason, president Aberthaw Co., 80 Federal Street, Boston, Mass., recommending passage of House bill 5772, known as the Day labor bill; to the Committee on Labor.

4808. By Mr. HADLEY: Petition of residents of Snohomish and King Counties, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4809. By Mr. HOWARD of Nebraska: Petition signed by William P. Jones, of Winnebago, Nebr., and about 202 other signatures, protesting against the passage of the Lankford Sunday observance bill, or any other legislation providing for such compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

4810. By Mr. JOHNSON of Texas: Petition of Mrs. Percy V. Pennybacker, of Austin, Tex.; Dallas Chapter, No. 43, Disabled American Veterans of the World War, of Dallas, Tex.; and Lieut. Col. Uel Stephens, Infantry Reserves, of San Antonio, Tex., indorsing the Tyson-Fitzgerald bill (S. 777) for the retirement of disabled emergency officers; to the Committee on Military Affairs.

4811. By Mr. JOHNSON of Oklahoma: Petition of John H. Bell and 21 other citizens of Rush Springs, Okla., asking for legislation to increase pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4812. By Mr. HOOPER: Petition of D. D. King and 18 other residents of Oshtemo, Mich., in favor of the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

4813. By Mr. KING: Petition against compulsory Sunday observance signed by Ralph Hart, 442 South Chambers Street, Galesburg, Ill., and a number of other citizens of Galesburg, Ill.; to the Committee on the District of Columbia.

4814. Also, petition against compulsory Sunday observance, signed by W. R. Quarterman, 883 Arnold Street, Galesburg, Ill., and a number of other citizens of Galesburg, Ill.; to the Committee on the District of Columbia.

4815. By Mr. LINDSAY: Petition of the New York Photo-Engravers' Union No. 1, New York City, approving Senate bill 1482 and similar bill by Mr. LaGuardia; also favoring Cooper-Hawes bill (H. R. 7729 and S. 1940); to the Committee on the Judiciary.

4816. Also, petition of Apprentice National Organization Masters, Mates, and Pilots of America, opposing favorable report on House bill 11137, on basis of resolution passed at regular meeting February 28; to the Committee on the Merchant Marine and Fisheries.

4817. By Mr. MAPES: Petition of Rev. Edward Huibregtse and 61 other residents of Byron Center, Mich., recommending the enactment by Congress of House bill 78; to the Committee on the District of Columbia.

4818. By Mr. MICHENER: Petition of sundry citizens of Washtenaw and Wayne Counties, Mich., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4819. By Mr. O'CONNELL: Petition of the Maritime Exchange of New York City, protesting against the appropriation of $12,000,000 for reconditioning the steamers *Mt. Vernon* and *Monticello;* to the Committee on Naval Affairs.

4820. By Mr. QUAYLE: Resolution adopted by the board of directors of the Maritime Association of the port of New York, protesting against the appropriation of $12,000,000 for reconditioning the steamers *Mount Vernon* and *Monticello;* to the Committee on the Merchant Marine and Fisheries.

4821. By Mr. RATHBONE: Petition signed by 8,971 persons of Chicago, Ill., protesting against House bill 78, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

4822. By Mr. REID of Illinois: Petition of citizens of Will, Kane, and Kendall Counties, Ill., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4823. By Mr. STRONG of Kansas: Petition of A. K. Mills and 28 other citizens of Salina, Kans., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4824. By Mr. SWING: Petition of citizens of Arlington, Calif., and communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4825. Also, petition of citizens of Rialto, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4826. Also, petition of citizens of San Bernardino, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4827. Also, petition of citizens of Riverside, Calif., and other communities protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4828. Also, petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4829. By Mr. VINCENT of Michigan: Petition of residents of Eagle and De Witt, Mich., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4830. By Mr. WYANT: Petition of New Kensington Post, No. 347, the American Legion, approving passage of naval bill; to the Committee on Naval Affairs.

4831. Also, petition of 67 citizens and voters of Export, Pa., protesting against proposed naval building program; to the Committee on Naval Affairs.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 3, 1928*

The House met at 12 o'clock noon.

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

Infinite Spirit, from behind the veil of sense and force in that golden land of the unseen, there is the source from where flow the sweetest harmonies of the soul. Lift us up and away to those upper ranges, where the breath is not stifled and the room is not cramped, and where our divine natures can climb on and on. Lead us above the level of our own poor understanding and into the paths where God's hand is upon us, where the charm of character is so focused in our personality that it shall emit good influences even as the sun sheds his rays. Definitely direct us so that ambition to rule shall be supplanted by the passion to serve. Father, in the shadow of Thy holy presence let us walk; then we shall know of the newer, richer, and deeper meaning of life. Through Jesus Christ, our Lord. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii;

H. R. 84. An act to approve Act 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii";

H. R. 204. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 230. An act to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees;

H. R. 233. An act to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.;

H. R. 234. An act to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp;

H. R. 235. An act to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields;

H. R. 238. An act 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;