11488) to give the crew of the U. S. S. *St. Louis* a pensionable status; to the Committee on Pensions.

5924. Also, petition of the Sweet-Orr & Co. (Inc.), New York City, favoring the passage of the Hawes-Cooper bill (S. 1940, H. R. 7729); to the Committee on Labor.

5925. Also, petition of the American Broom & Brush Co., Amsterdam, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

5926. Also, petition of the Aviators' Post, American Legion, of New York, favoring the passage of the Tyson bill (S. 777) as it passed the Senate without amendments; to the Committee on World War Veterans' Legislation.

5927. Also, petition of William P. Kobbe, 12 East Forty-first Street, New York City, favoring the passage of the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5928. Also, petition of Louis Schoenberg, 101 Arlington Avenue, Brooklyn, N. Y., favoring the passage of the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5929. Also, petition of A. Hilderbrandt, adjutant, Woodhaven Post, American Legion, Woodhaven, Long Island, N. Y., favoring the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5930. Also, petition of James E. Pasta, county commander, Queens County, N. Y., American Legion, favoring the passage of the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5931. Also, petition of the metal trades department of the American Federation of Labor, Washington, D. C., favoring an amendment to be offered to the naval appropriation bill by Congressman DOUGLASS of Massachusetts, for reconditioning of uncommissioned destroyers and make part of the appropriation available for immediate use; to the Committee on Appropriations.

5932. Also, petition of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

5933. By Mr. O'CONNOR of New York: Resolution of the Eastern Broker Division, Commercial Telegraphers Union of America, protesting against passage of the McNary-Haugen bill; to the Committee on Agriculture.

5934. By Mr. RAINEY: Petition of 57 citizens of Kilbourne, Ill., for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5935. By Mr. STALKER: Petition of Fred Pinneer and sundry citizens of Waverly, N. Y., urging the enactment of legislation carrying the rates proposed by the National Tribune for veterans and their widows of Civil War; to the Committee on Invalid Pensions.

5936. Also, petition of Mrs. B. Knapp, of Elmira, N. Y., and sundry citizens of that vicinity, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

5937. By Mr. SWICK: Petition of H. E. Drushel and 118 other residents of Butler County, Pa., urging the passage of a bill for the relief of Civil War veterans and their dependents, providing pensions of $72 per month for every Civil War survivor, $125 for every Civil War survivor requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Pensions.

5938. By Mr. THOMPSON: Petition of citizens of Columbus Grove, Ohio, in favor of more liberal pensions for Civil War veterans; to the Committee on Invalid Pensions.

5939. By Mr. WASON: Petition of S. M. Lambert and 10 other residents of Keene, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

5940. By Mr. WILLIAMS of Missouri: Petition of George E. Conrad and others, urging the passage of the National Tribune's Civil War pension bill; to the Committee on Pensions.

5941. By Mr. WURZBACH: Petition of Jake Bellore, T. T. Dickson, and other citizens of San Antonio, Bexar County, Tex., protesting the passage of House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

5942. Also, petition of G. W. Shorter, Manley Mims, J. E. Click, George A. Towns, and other citizens of Nueces County, Tex., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5943. Also, petition of Fred G. Mulfinger, S. R. Forehand, J. H. Hasenbeck, A. Brauner, Dr. Frederick Terrell, Dr. George C. Wurzbach, and other citizens of San Antonio, Bexar County, Tex., favoring the immediate consideration of legislation providing for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

SENATE

MONDAY, *March 26, 1928*

(Legislative day of Saturday, March 24, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3007. An act 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.; and

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians.

REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the Governor of the Federal Reserve Board, transmitting the fourteenth annual report of that board covering operations for the year 1927, which was referred to the Committee on Banking and Currency.

STATISTICS RELATIVE TO UNEMPLOYMENT (S. DOC. NO. 77)

The VICE PRESIDENT laid before the Senate a report (with accompanying statements) from the Secretary of Labor in response to Senate Resolution 147, agreed to March 5, 1928, relative to the unemployment situation, which, with the accompanying papers, was referred to the Committee on Education and Labor and ordered to be printed.

Mr. SMOOT. Mr. President, I ask that the reply of the Secretary of Labor just laid before the Senate may be also printed in the RECORD.

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

The reply of the Secretary of Labor is as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 24, 1928.

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

SIR: On March 6, 1928, the United States Senate, first session of the Seventieth Congress, passed Senate Resolution 147, as follows:

"*Resolved*, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment and part-time employment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed and part-time employed in the United States, and permanent statistics thereon may hereafter be had and made available, and make report thereon to the Senate."

In compliance with these requirements, I immediately directed the United States Commissioner of Labor Statistics to make such report as was possible from available records upon the subject named in the resolution. I herewith transmit the report which the Commissioner of Labor Statistics has placed in my hands.

In reply to the clauses which introduce the resolution, I would call your attention first to the fact that the volume of employment, as shown by the reports of the Bureau of Labor Statistics, published monthly, has tended downward from April, 1927, up to and including January, 1928. The February report, just published, shows however, an upward trend in employment. This fact the Department of Labor has done its utmost to make widely public, and thus has already fulfilled, so far as it had power to do so, the requirement of the Senate's resolution, namely, to call attention "to the proper timing for the inauguration of public works by the Federal Government and the encouragement of similar undertakings by the States."

Bearing on this action by the Department of Labor, I would respectfully submit that having had personal experience of former periods of unemployment, I do not recall an instance where there was "proper timing for the inauguration of public works," or other governmental, State, municipal, or county effort to take up shrinkage of employment

until after it was too late. In the present instance the Department of Labor has sounded such warning in ample time.

In reply to another clause in the preamble to the Senate's resolution, "that accurate and all-inclusive statistics of employment and unemployment be had at frequent intervals," I would call your attention to the fact that the resolution carries no appropriation for this purpose. I am informed by the Commissioner of Labor Statistics that to obtain such information and keep it current would require a very large addition to the amount of money appropriated for the Department of Labor. A statement of employment and unemployment that would be "accurate and all inclusive" would involve an individual census of the United States, a work physically impossible of performance at frequent intervals and of heavy expense.

There is every reason to believe, however, that with a moderate increase in the annual appropriations for the Bureau of Labor Statistics, the bureau could materially extend its volume of employment and part-time employment information to include manufacturing establishments of smaller size, where its information now is obtained from the larger establishments alone. The bureau could also extend its work to include other industries than those now covered, and could tabulate its material not only, as now, by geographical divisions, but by States and principal cities instead. A very careful estimate submitted to me by Commissioner Stewart indicates that, for $100,000 additional, the division of the bureau now handling this material could be increased to include a fair proportion of establishments employing as few as 50 persons, and that this material could be presented in detail by industries, States, and cities of 100,000 population.

In addition to this, $20,000 should be added to the present appropriation for the employment service of the Department of Labor to enable it to extend its general nonstatistical reports of employment opportunities by cities, to cover States not now included in its reports, and to increase the facilities for placing jobless men, especially in its farm placement activities.

I herewith transmit the report on employment conditions which the Commissioner of Labor Statistics, with the facilities at hand, has submitted to me. It shows that the present slump in employment, while not so extensive or grave as the estimates which have been generally circulated, is nevertheless serious. The factors which have brought it about are many; among them the floods in the Mississippi Valley, in New England, the tornado which swept Florida and its attendant losses, the temporary closing of a part of certain major industrial plants, and a disturbance in the bituminous coal fields which has lasted for many months. All these have temporarily decreased the opportunities for employment and have adversely affected employment conditions in other lines of industry.

These, and the other influences which have operated in the same direction, I believe to be passing phases of our economic life. There are, nevertheless, certain features of the problem which must be considered if approach to constructive remedial measures is to be made with proper intelligence. For example, in 1927 the total net immigration, both inside and outside the quota countries, amounted to 252,023. A considerable percentage of these were prospective laborers. In addition to these immigrants, admitted during a year when our own people were losing employment, there was the annual average influx of 205,000 from the farms to the cities. We further have practically 2,000,000 boys and girls in our own population who reach the working age each year.

I desire to call your attention also to a distinction which Commissioner Stewart makes in his report, to the effect that "employment as it exists at present is composed of two entirely different elements, namely, those temporarily out of work at their regular occupations, and, second, those displaced by changes in industrial and commercial methods"; or, as one might put it, those who are merely suspended and those permanently released from their jobs.

Former labor depressions have been due almost wholly to the first group named, and if public work is not furnished quickly enough to relieve them, they have no recourse but to wait until their own jobs are again available.

Prompt relief for these is due from the Government's elaborate building program, from similar programs of States, municipalities, and counties, and from private building and construction.

For the second class of unemployed, of whom Commissioner Stewart says, "it is not unreasonable to believe that a considerable percentage of the employment shrinkage shown in this report is due to new machines and new mechanical devices," waiting for industrial developments is of no avail. Their jobs are gone. Inventive genius must devise new industries, commercial agencies must create new wants, in order to create new occupations for these people, in so far as age permits them to learn new occupations or adapt themselves to new industries. This need for new industries and new occupations daily becomes more pressing. The Department of Labor is in constant receipt of reports of acute situations resulting from the introduction of new machines. It is believed in many quarters, moreover, and with good reason, that this mechanical development will probably proceed as rapidly in the immediate future as it has in the immediate past.

With all these forces tending to cause unemployment, the number at present unemployed has been found to constitute a very small percentage of those at work. The census of 1920 showed that 42,000,000 of our people as wage earners or otherwise are gainfully employed. Of these, 23,348,692 have been found to be at present employed on either a wage or a salary basis. By the most careful computation methods available, Commissioner Stewart finds that the actual number now out of work is 1,874,050.

The attached report, compiled by Mr. Ethelbert Stewart, United States Commissioner of Labor Statistics, which contains these figures and the methods by which they are obtained, is the second such report which I have been called upon to submit to your body. Commissioner Stewart has been connected with the statistical work of the Bureau of Labor Statistics and of the Government for a period of 41 years, having been first appointed Commissioner of Labor Statistics by President Wilson and continued in office by Presidents Harding and Coolidge. Mr. Stewart's ability and conscientiousness in this work are thoroughly established and recognized, and his former report, which I submitted in August, 1921, showing 5,735,000 fewer persons on the pay rolls of the country, proved to be accurate. I therefore submit this, his second report, with absolute confidence in its essential accuracy.

You will find this report of the Commissioner of Labor Statistics on Senate Resolution 147 accompanied by an appendix which gives the report of Dr. J. Knox Insley, Commissioner of Labor and Statistics of Maryland, dealing with the same subject and giving the details of a house-to-house canvass in the city of Baltimore. The results of this independent investigation are included as further confirming the accuracy of Commissioner Stewart's report.

Respectfully,

JAMES J. DAVIS,
Secretary of Labor.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, March 24, 1928.

Hon. JAMES J. DAVIS,
Secretary of Labor, Washington, D. C.

SIR: In accordance with your instructions of March 6, 1928, I have completed and transmit herewith a report concerning the volume of unemployment in the United States at this time and the amount of part-time employment so far as can be determined from the records in the possession of the Bureau of Labor Statistics.

The definition of unemployment as here used is as follows: Persons usually employed but at present out of employment and hunting for work. In other words, the first section of this report refers to persons now totally idle but who have until a reasonably recent period been employed and who are now seeking employment. This section does not include those employed part time nor does it include those who are unemployable and are and have been for a long period of time subject to what might be considered outdoor relief.

The second part of the report deals with such information as we have on part-time employment.

To this I have appended the recent report of the commissioner of labor and statistics of the State of Maryland, which in addition to being a very able and interesting document contains the result of the only actual house-to-house canvass made for the purpose of determining the actual number of unemployed that has been made in any city so far as I know.

Respectfully,

ETHELBERT STEWART,
Commissioner of Labor Statistics.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, March 24, 1928.

REPORT ON UNEMPLOYMENT IN THE UNITED STATES

On March 6, 1928, the United States Senate passed Resolution 147, which contains the following language:

"*Resolved*, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment and part-time employment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed and part-time employed in the United States and permanent statistics thereof may hereafter be had and made available, and make report thereon to the Senate."

Responding to the requirements of the first part of the resolution quoted, the best estimate that can be made from all sources of information available at this time is that the shrinkage in the volume of wage earners, including manufacturing, transportation, mining, agriculture, trade, clerical, and domestic groups, figuring on a basis of those employed in 1925, is revealed to be 7.43 per cent. Applying this percentage to the total number of employees as of 1925 gives a shrinkage between the average of 1925 and January, 1928, of 1,874,050 persons.

The method of calculation employed in arriving at this figure is as follows: First, the census of 1925 is taken as a base, because the census of 1920 represents a boom year; and while there was a tremendous slump between that and the census of 1923, nevertheless between these periods there had been a recovery, and the year 1923 brought an upswing which, from the present point of view, may be considered by some, at least, an incipient boom. Employment dropped again in 1924, advanced slightly in 1925, a little more in 1926, and dropped again through 1927. The year 1925 may therefore be accepted as an average recent year from which to take measurement, and it is herein made the base from which employment shrinkage has been computed. In making 1925 the base, or 100, it is understood that whatever there may have been of unemployment in that year is ignored, and it is assumed that those who were let out of industry between 1923 and 1924 had by 1925 readjusted themselves. It may be said that 1925 was a year in which there was no noticeable unemployment question. It is also used as a base, because it was a year in which the census of manufactures was taken.

The foundation of the estimate here submitted is the known figures for 1925 for (1) manufacturing wage earners, and (2) railroad employees. These, with the estimates as of January, 1928, are as follows:

	Employed in 1925	Estimated employed January, 1928	Estimated shrinkage
Manufacturing	8,383,781	7,739,907	643,874
Railroads	1,732,589	[1] 1,643,356	109,233
Total	10,136,370	9,383,263	753,107

[1] December, 1927.

Decrease of 7.43 per cent.

No figures are available for the groups—agriculture, mining, clerical workers, domestic service, and trade—and it can only be assumed that they have been affected in like degree.

The change in manufacturing employment is determined from the change in the Bureau of Labor Statistics' index of employment in manufacturing industries. The railroad figures are exact for class 1 railroads, omitting general and division officials. The number of employees in 1925 is estimated from the population census taken as of January, 1920, as recast in the July, 1923, issue of the Monthly Labor Review, and from the percentage of change in employment as known for manufacturing and railroads.

The number of employees in 1925 used in this calculation—that is, persons working for wages or salaries for others—is estimated at 25,222,742. This figure does not include any persons operating their own business or professions. The calculated number of employees as of January, 1928, upon the same basis, was 23,348,692, leaving a shrinkage between the two periods as indicated above of 1,874,050.

The table shown below, which gives the changes in employment from month to month, has been recast upon a basis of the average of 1925, to conform to the method adopted in the general estimate. However, it is important to show that most of this shrinkage took place in 1927, beginning practically in April, and continuing through January, 1928. The index for February, just issued, shows an upward trend as against January or December.

Index of employment in manufacturing industries, by geographic divisions, 1925, 1926, 1927, and January and February, 1928

[Monthly average, 1925=100]

Year and month	New England	Middle Atlantic	East North Central	West North Central	South Atlantic	East South Central	West South Central	Mountain	Pacific	United States
1925										
January	101.9	99.4	94.6	98.8	97.7	99.6	101.0	94.0	94.8	98.7
February	102.9	101.2	96.1	100.1	100.2	100.9	102.5	94.3	96.3	100.4
March	103.2	101.7	98.4	99.6	101.5	100.7	101.2	95.5	95.1	101.2
April	102.0	100.8	99.8	98.4	101.6	100.7	101.1	98.7	97.8	101.0
May	100.5	99.6	100.6	97.6	98.7	98.3	96.9	101.7	101.0	99.7
June	98.0	98.8	98.7	99.5	97.7	98.1	97.4	103.9	103.4	98.8
July	95.6	97.6	98.2	100.0	96.0	95.7	98.1	104.8	101.8	97.9
August	96.9	97.0	99.8	101.2	97.7	98.9	98.9	102.9	101.5	98.6
September	96.7	99.2	101.4	101.3	99.5	100.2	100.2	101.1	104.4	99.7
October	100.5	100.6	104.4	101.9	101.6	101.7	100.3	100.5	103.9	101.2
November	101.2	101.1	104.4	100.8	103.0	102.8	100.6	99.0	101.8	101.4
December	100.5	102.4	103.0	100.4	104.6	102.4	101.6	103.0	98.5	101.5
Average, year	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1926										
January	101.2	102.0	103.0	98.9	103.8	100.9	99.8	98.6	96.5	101.2
February	102.6	102.5	104.6	99.1	104.7	101.5	100.5	96.0	96.6	102.3
March	103.2	102.3	105.4	98.4	106.0	100.9	100.1	94.4	97.8	102.7
April	101.0	101.1	103.9	98.3	104.3	100.7	100.7	94.9	101.7	101.8
May	99.0	100.0	101.9	98.2	102.4	98.2	100.3	98.1	105.0	100.5
June	97.3	99.4	101.7	99.5	101.9	96.8	101.9	101.8	103.9	100.1
July	92.6	97.6	100.2	99.0	100.7	97.0	102.0	99.3	103.3	98.5
August	94.3	97.8	102.1	100.6	101.4	97.9	103.5	98.5	103.6	99.5

Index of employment in manufacturing industries, by geographic divisions, 1925, 1926, 1927, and January and February, 1928—Continued

Year and month	New England	Middle Atlantic	East North Central	West North Central	South Atlantic	East South Central	West South Central	Mountain	Pacific	United States
1926										
September	97.9	99.9	102.7	101.3	104.5	96.9	102.6	102.1	103.2	101.1
October	99.5	100.7	101.9	101.8	105.4	95.7	102.3	101.5	103.4	101.4
November	99.4	99.9	98.0	99.8	105.4	95.4	101.5	101.0	102.0	100.2
December	98.3	99.1	95.8	97.6	105.3	95.4	101.1	99.2	99.2	99.7
Average, year	98.9	100.2	101.8	99.4	103.8	98.1	101.4	98.8	101.4	100.8
1927										
January	97.5	97.0	94.7	95.7	104.5	93.1	99.3	96.4	95.4	98.0
February	98.7	98.0	99.1	96.2	106.0	94.1	99.9	93.0	95.6	99.8
March	98.2	98.0	100.7	96.0	106.9	93.6	98.8	91.9	98.3	100.2
April	96.9	96.3	100.8	95.9	107.1	92.9	97.6	93.1	99.5	99.3
May	95.7	94.8	100.6	96.7	105.4	91.5	96.0	96.2	101.3	98.4
June	94.2	94.2	99.4	98.9	104.8	91.2	96.1	97.8	103.1	97.7
July	93.0	92.7	96.1	98.0	103.7	89.5	94.4	99.5	102.1	95.7
August	92.4	92.7	97.4	98.3	103.2	90.6	95.2	98.1	102.4	95.8
September	94.4	93.8	96.2	98.3	105.7	90.8	96.6	97.0	102.1	96.5
October	94.1	93.6	95.5	97.6	105.4	91.4	94.9	95.4	101.7	96.1
November	92.8	92.0	92.2	94.3	104.7	90.2	93.4	96.4	99.1	94.2
December	90.9	90.8	93.1	92.7	103.8	90.3	92.0	92.3	95.8	93.3
Average, year	94.9	94.5	97.2	96.6	105.1	91.6	96.2	95.6	99.7	97.1
1928										
January	90.4	88.9	94.9	92.0	102.0	89.2	90.4	87.5	91.7	92.3
February	91.0	89.4	99.5	94.9	102.3	90.3	90.6	88.1	92.3	93.7

It is also interesting to note that while the Bureau of Labor Statistics' figures are based upon 10,772 establishments employing in January, 1928, 2,907,700 employees, or an average of slightly over 271 employees each, the percentage of change from January, 1927, to January, 1928, corresponds exactly with the figures for the State of New York, which include a much larger proportion and take in very many smaller establishments.

The Bureau of Labor Statistics is working cooperatively with a number of States in this matter of employment record. In the beginning the bureau formed its own contacts with the original establishments and necessarily picked the older and larger establishments so as to get a more formidable number of employees for comparative purposes. Later on a number of States began this work, but secured information from a vastly larger number of establishments within each State, and the State bureaus furnish to the United States Bureau schedules from such establishments as are agreed upon.

The figures of percentage of change in employment show a great variation in geographical districts, which the Bureau of Labor Statistics interprets to mean that unemployment is not universal nor in all places or industries is it acute, but that it is spotted by geographical sections and by industries, and that in actual numbers it is not more than one-third of the magnitude of the labor depression of 1921, which caused a shrinkage in the number on the pay roll according to the estimates of this bureau of 5,735,000, from the peak of 1920 to July, 1921.

The spottedness of the unemployment situation is brought out by a list showing the percentage of change in employment between a given month in 1928 and the same month in 1927, except in the case of Wisconsin, where December is used. These ranges in percentage are shown in the following table:

Yearly changes in employment

State	Period	Per cent of change in employment
U. S. Bureau of Labor Statistics	January, 1927, to January, 1928	−5.8
Oklahoma	February, 1927, to February, 1928	−19.7
Wisconsin (factory workers)	December, 1926, to December, 1927	−3.9
Illinois	February, 1927, to February, 1928	−6.5
California	January, 1927, to January, 1928	−7.8
New York	do	−5.8
Maryland	do	−7.8
Massachusetts	February, 1927, to February, 1928	−9.7

As further indication of such spottedness, the employment report from the State of California indicates that the average of employment in all industries carried was 7.8 per cent lower in January, 1928, than in January, 1927. The details show the same spotted conditions there that have been noted elsewhere. For instance, canning and packing of fish has dropped off 67.8 per cent, while other food products showed an increase of 19.3 per cent. Men's clothing dropped 11.3 per cent while millinery advanced 11.6 per cent. Iron foundries and machine shops fell off 16.6 per cent while glass advanced 18.7 per cent. Sugar fell off 21.6 per cent while agricultural implements advanced 30.1 per cent.

PART-TIME EMPLOYMENT

In the pamphlet on employment in selected manufacturing industries for January, 1928, percentage figures were given as to the number of establishments operating full time or part time and establishments idle. Such figures were based on the reports of establishments without taking into consideration the size of the several establishments.

These percentage figures have since been recomputed and weighted by the number of employees. In other words, due weight has been given to the size of the establishment in computing the average per cent.

Reports on percentage of full-time employment were received from but 9,095 of the 10,772 establishments reporting other facts to the bureau in the pay period ending nearest January 15, 1928. Of these 78.8 per cent were working full time, 20.2 per cent were working part time, and 1.1 per cent were working overtime.

Of the total number of employees reported, 1,876,367 employees (78.7 per cent) were working in establishments operating full time, 482,354 employees (20.2 per cent) were employed in establishments working part time, and 25,598 employees (1.1 per cent) were employed in establishments working above normal full time.

In the establishments reporting part-time operation, the weighted time worked by the 482,354 employees was 80.7 per cent of full time. The weighted average per cent of time worked by the 25,598 employees in those plants operating in excess of normal full time was 111.3 per cent of full time.

The following table shows a classification of the employees by groups, according to per cent of normal full time worked:

Number and per cent of employees in establishments working each specified per cent of regular full working time

Per cent of employment	Persons in group	
	Number	Per cent
Over 100 per cent (overtime)	25,598	1.1
100 per cent (regular full time)	1,876,367	78.7
99 to 93 per cent	56,291	2.4
92 per cent	88,956	3.7
91 per cent	31,697	1.3
90 to 84 per cent	31,742	1.3
83 per cent	47,509	2.0
82 per cent	54,833	2.3
81 to 74 per cent	46,724	2.0
73 per cent	33,534	1.4
72 to 61 per cent	37,102	1.5
60 per cent	23,371	1.0
59 to 51 per cent	10,692	.4
50 per cent	12,744	.5
49 to 25 per cent	6,731	.3
24 to 9 per cent	428	[1].0
Total	2,384,319	100.0

[1] Less than one-tenth of 1 per cent.

This tabulation shows that 79.8 per cent of all employees were in establishments that worked full time or over and that 87.2 per cent of all employees were in establishments that worked more than 90 per cent of full time, while less than 1 per cent of the employees were in establishments working half time or less.

In the great majority of establishments six days constitute a full week. In some of the iron and steel establishments seven days constitute a full week. Five and one-half days make a full week in a few establishments and five days in some others.

Employees working less than their regular full time may be roughly grouped as follows:

Idle over one-half day and under one day, 1.3 per cent.

Idle one day, 5.3 per cent.

Idle over one day and including one and one-half days, 3.4 per cent.

Idle over one and one-half days and under three days, 2.9 per cent.

Idle three days or more, 0.8 per cent.

In addition to the 9,095 establishments in operation that reported their per cent of full-time employment, 108 establishments definitely reported that they had recently become temporarily idle. These establishments were smaller than the average and several of them were in their slack season. When last operating, they employed 14,126 persons. Thus, about 0.6 of 1 per cent of manufacturing industry employees became temporarily idle because of recent shut down of plants in which employed.

In this statement of part-time employment the bureau confines its report strictly to the data in hand and does not apply the percentage obtained therefrom to manufacturing industries as a whole, for the reason that there is no information at hand upon which to base an opinion as to whether the same percentage found to exist in the establishments reporting to this bureau, which are admittedly larger than the average establishment, could fairly be applied to manufacturing industries as a whole. There is no material available upon which to base an opinion as to whether averages from the selected industries now reporting to the Bureau of Labor Statistics should be applied to clerical and domestic labor, or to any of those classes which are not covered in these reports.

It may not be out of place here to call attention to the fact that unemployment as it at present exists is composed of two entirely different elements, namely, those who are temporarily out of work at their regular occupation and in their regular industry, and, second, those who have been displaced by the changes in industrial and commercial methods, or, as one might say, the suspended and the displaced. What proportion of those at present entirely idle applies to each one of these classes it is impossible to tell. The man who has been entirely displaced by a new method of doing work or a new machine must seek new contacts, it may be, change his occupation and his industry entirely. In other words, in one class a man is waiting for his old job with reasonable assurance that the plant which is now idle will resume operation and he will be restored to his employment. In the other class the job is gone. The work formerly done by human energy is now performed by mechanical devices. The chances are that not only in the establishment from which he was dropped but in all other similar establishments he will face the same situation—that he must start anew. It is not unreasonable, as has been estimated by a writer in the Annalist, that one-half of the employment shrinkage shown in this report is due to new machines and new mechanical devices. All that is definitely known is that taking it for all in all the total displaced labor is largely of the unskilled type. The conveyor, the motor-hoist truck, changes in placement of machines so that the process is continuous and the material goes from machine to machine by the force of gravity are schemes that have displaced much labor, and this labor is mostly unskilled and common labor.

In conclusion I beg to submit as an appendix to this report a statement recently issued by the Maryland commissioner of labor and statistics, Dr. J. Knox Insley. This is interesting from several points of view. First, it is a striking comment on the value of estimates which are based upon nothing at all as to the number of unemployed. The Maryland State Federation of Labor made an estimate of 75,000 people out of work in Baltimore. The chamber of commerce of that city immediately replied with an estimate of 33,000. A house-to-house canvass made by the police department of Baltimore for the Maryland commissioner of labor and statistics developed that there were 15,473 such unemployed persons.

Another exceedingly interesting feature of this Maryland report is a classified statement as to the length of time which the unemployment had lasted. It is interesting to note that there was little or no pick-up work, and that in times of labor depression even, no more severe than the present one, the general opinion that a man can fill in with "odd jobs" is not found true in practice.

Respectfully submitted.

ETHELBERT STEWART,
Commissioner of Labor Statistics.

EXHIBIT

SURVEY OF UNEMPLOYMENT IN BALTIMORE FEBRUARY, 1928

A survey of the volume of unemployment in the city of Baltimore was made in February, 1928, by the commissioner of labor and statistics of Maryland. His report on the results of this study reads as follows:

A study and survey of the facts obtained show that in Baltimore city there are at the present time approximately 15,500 unemployed persons who usually are engaged in some gainful occupation. These figures are based on information secured by a house-to-house canvass conducted by the members of the city police force, through the courtesy of their commissioner, upon the request of the commissioner of labor and statistics.

While this total number is less than any of the various and scattered estimates of the amount of unemployment in Baltimore, several factors must be taken into consideration before arriving at a conclusion of its general effect. In making the canvass, consideration was given only to those who usually work for wages or on their own account in some business and who are now entirely without gainful employment of any kind. No effort was made to secure information for the apparently large number of persons who are employed for only part time. This is a separate and distinct study in itself and must be approached, we believe, from a different angle and by a different method. In addition, every precaution was made to eliminate those men and women who either could not or would not work if employment were available for them. To have included either or both of these groups would have clouded our problem, and would, perhaps, have greatly increased our figures.

Thus, then, if we may legitimately assume that the number of those usually engaged in gainful occupations in Baltimore City has increased at the same rate as the estimated population, we find approximately 4 per cent of these men and women, who can work and who want to work, unable to secure employment at the present time. Of the 15,473 persons found unemployed, by far the larger group, 13,468 in fact, is composed of men. Only 2,005 women, of whom 1,279 are white and

726 are colored, are included. More than 10,000 of these unemployed are white.

While more than 25 per cent of these men and women have worked in connection with the various manufacturing industries, the individual industry in which the survey shows unemployment to be the most severe is building. Here alone we find about one-sixth of the total number of persons. The textile industry, involving mostly clothing, is the most outstanding of the manufacturing industries, with food products and iron and steel competing for second place.

In considering the regular occupations of those unemployed, we find that the largest single group is composed of unskilled labor. The second largest number are found in the semiskilled operatives and factory workers, but, of the individual building and hand trades, carpenters lead in actual numbers.

The individual reports submitted by the police department indicate that, through the unemployment of these 15,473 men and women, almost 13,000 of an approximate number of 175,000 families are involved, and that at least 64,000 individuals are either directly or indirectly affected, a situation the seriousness of which is not to be minimized.

The existence of a group of almost 15,500 totally unemployed persons who are usually gainfully employed in a city of Baltimore's size is in itself a serious problem. The situation in this city, however, has become acute in that a large proportion of these individuals have been without employment for relatively long periods of time. Generally speaking, the findings show periods of unemployment, not in days or weeks as we might have reasonably expected, but rather in months. According to the results of the survey, less than 2,000 of the total number have been without employment of any kind for less than one month, and almost two-thirds have been unemployed for periods varying between one and five months.

Herein lies the worst danger; the exhaustion of savings and family resources and credit to the point of reduced buying and spending, and in a great many cases of the entire depletion of all family resources so that actual want and misery enter in. Professional and business men and women begin to feel the pinch of the lost spending power on the part of the public and in their turn pass on restricted buying power to the larger enterprises and thus the depression is spread so that all classes of our people feel its baneful effects. The facts revealed by the survey, then, and the further possibility of an appreciable amount of part-time employment are, we believe, the basis of the unrest in regard to unemployment in general and are responsible for the reported increased work done by the various social organizations of the city.

Furthermore, analysis of the material shows that only a negligible number of individuals reported even pick-up jobs secured since they found it necessary to leave their regular occupations, and we feel that we may conclude that employment has not been available for them.

The results of the survey would indicate that the three sections of the city in which unemployment is most severely felt are the central, southern, and eastern districts.

Unfortunately there is no accurate basis of comparison of the present amount of unemployment in Baltimore city with that existent in previous years. We can, with a fair degree of certainty, state, however, that it is more severe than it was one year ago. While a report of employment can not be used legitimately as an exact measure of unemployment, it may, however, be used to indicate the trend. In support, then, of our statement that unemployment is more severe in Baltimore this year than last, we quote the following from the annual report of the commissioner of labor statistics for 1927 (not yet ready for distribution):

"Combined employment in manufacturing industries in Maryland decreased 7.8 per cent during the 12-month period from January, 1927, to January, 1928, while weekly pay-roll totals for the same industries decreased 10.9 per cent for the same period. * * * While practically all of the industries involved are subject to seasonal fluctuations, the general tendency of employment and combined weekly pay rolls for manufacturing industries in Maryland, taken month by month during the year 1927, has been unquestionably downward. * * * The manufacturing industries reported increased employment in only four months, February, April, August, and September. It is interesting to note, however, that the pay-roll increases for these months are larger than the employment increases. December showed a slight decrease of nine-tenths of 1 per cent as compared with November, but for the same month the combined pay rolls increased eight-tenths of 1 per cent."

Maryland, it seems, is not at all unique in reporting decreased employment and pay rolls for a 12-month period covering the year 1927. According to an official report of the Bureau of Labor Statistics, United States Department of Labor, issued early in January, 1928, there was a decrease of 6.4 per cent in employment in manufacturing industries throughout the United States and a decrease of 6.6 per cent in the combined pay rolls in December, 1927, as compared with December, 1926.

"Each geographic division," according to this report, "shows a falling off in employment from December, 1926, to December, 1927, the greatest decreases being in the west, south Central, middle Atlantic, and New England divisions, and much the smallest decrease being in the south Atlantic States."

The following outline of the general facts revealed by the survey and the accompanying tables set forth in detail the distribution of the 15,473 unemployed persons in Baltimore, according to sex, color, regular industry, regular occupation, and number of months during which they have been without gainful employment of any kind.

The total number of families in which one or more cases of unemployment were found was 12,739; number of private families, 12,217; number of boarding houses, 289; number of lodging houses, 170; number unclassified families, 63. The total number of persons included in the 12,739 families was 64,306. The total number of persons who usually are engaged in gainful occupations is these 12,739 families was 29,099.

TABLE 1.—*Number of regularly engaged persons in Baltimore wholly unemployed, classified by sex, color, and regular occupation*

Regular occupation	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
Apprentices in building and hand trades	132	22	154				154
Blacksmiths	39	1	40				40
Boilermakers	56		56				56
Brick and stone masons	209	9	218				218
Building industry	135	5	140				140
Other industries	5		5				5
Contractors	69	4	73				73
Carpenters	852	24	876				876
Building industry	588	17	605				605
Other industries	59	1	60				60
Contractors	205	6	211				211
Electricians	131		131				131
Building industry	25		25				25
Other industries	24		24				24
Contractors	82		82				82
Engineers (stationary) and cranemen	101	5	106				106
Building industry	19	1	20				20
Other industries	37		37				37
Contractors	45	4	49				49
Factory workers (not otherwise classified)	926	671	1,597	117	13	130	1,727
Food and kindred products	122	93	215	33	3	36	251
Textiles and their products	47	17	64	11	2	13	77
Iron and steel, not including machinery	165	87	252	22	1	23	275
Lumber and allied products	70	56	126	1		1	127
Leather and its manufactures	11	7	18	3		3	21
Rubber products	4		4				4
Paper and printing	12	7	19	1		1	20
Chemicals and allied products	47	111	158	7		7	165
Stone, clay, and glass products	37	81	118		1	1	119
Metal and metal products, other than iron and steel	42	42	84	2		2	86
Tobacco manufactures	4	2	6	3		3	9
Machinery, not including transportation equipment	95	35	130	1		1	131
Musical instruments	4		4				4
Transportation equipment	69	28	97				97
Railroad repair shops	20	5	25				25
Other industries	177	100	277	33	6	39	316
Firemen (not locomotive or fire department)	67	22	89				89
Laborers (not otherwise classified)	1,501	2,594	4,095				4,095
Building industry	204	882	1,086				1,086
Other laborers	1,297	1,712	3,009				3,009
Machinists	237	3	240				240
Mechanics (not otherwise classified)	89	9	98				98
Painters	451	33	484				484
Building industry	229	7	236				236
Other industries	22	12	34				34
Contractors	200	14	214				214
Paper hangers	78	8	86				86
Building industry	16	2	18				18
Contractors	62	6	68				68
Plasterers and cement finishers	145	16	161				161
Building industry	84	9	93				93
Contractors	61	7	68				68
Plumbers, gas fitters, and steam fitters	305	7	312				312
Building industry	71		71				71
Other industries	48		48				48
Contractors	186	7	193				193

TABLE 1.—*Number of regularly engaged persons in Baltimore wholly unemployed, classified by sex, color, and regular occupation*—Contd.

Regular occupation	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
Semiskilled operatives (not otherwise classified)	934	68	1,002	341	36	377	1,379
Food and kindred products	135	16	151	36	2	38	189
Textiles and their products	222	22	244	186	22	208	452
Iron and steel and their products (not including machinery)	135	8	143	23	-------	23	166
Lumber and allied products	76	1	77	10	-------	10	87
Lumber and its manufactures	27	3	30	4	-------	4	34
Rubber products	4	-------	4	1	-------	1	5
Paper and printing	118	1	119	18	-------	18	137
Chemicals and allied products	9	2	11	1	-------	1	12
Stone, clay, and glass products	33	5	38	2	2	4	42
Metal and metal industries, other than iron and steel	32	1	33	1	-------	1	34
Tobacco manufactures	19	-------	19	37	6	43	62
Machinery, not including transportation equipment	13	-------	13	-------	-------	-------	13
Musical instruments	6	-------	6	-------	-------	-------	6
Transportation equipment	33	2	35	-------	-------	-------	35
Railroad repair shops	6	-------	6	-------	-------	-------	6
Other industries	66	7	73	22	4	26	99
Other manufacturing and mechanical occupations	618	29	647	61	15	76	723
Total, manufacturing and mechanical	6,871	3,521	10,392	519	64	583	10,975
Water transportation [1]	136	173	209	-------	-------	-------	209
Sailors and deck hands	111	14	125	-------	-------	-------	125
Stevedores	7	59	66	-------	-------	-------	66
Others	18	-------	18	-------	-------	-------	18
Road and street transportation	506	289	795	1	-------	1	796
Chauffeurs	426	239	665	1	-------	1	666
Draymen, teamsters	73	47	120	-------	-------	-------	120
Others	7	3	10	-------	-------	-------	10
Railroad transportation	82	4	86	-------	-------	-------	86
Brakemen	35	-------	35	-------	-------	-------	35
Others	47	4	51	-------	-------	-------	51
Express, post, telegraph, and telephone	15	1	16	36	-------	36	52
Telephone operators	4	1	5	36	-------	36	41
Others	11	1	12	-------	-------	-------	12
Total, public utilities	739	367	1,106	37	-------	37	1,143
Retail dealers	44	6	50	-------	-------	-------	50
Salesmen	484	13	497	229	4	233	730
Others	81	4	85	30	2	32	117
Total, trade	609	23	632	259	6	265	897
Public service (policemen and firemen)	9	-------	9	-------	-------	-------	9
Professional service	59	5	64	23	1	24	88
Servants	25	112	137	50	578	628	765
Other domestic and personal service	150	247	397	69	71	140	537
Total, domestic and personal service	175	359	534	119	649	768	1,302
Bookkeepers, cashiers, accountants	51	1	52	37	1	38	90
Clerks (office)	240	3	243	110	1	111	354
Stenographers and typists	11	1	12	112	2	114	126
Other clerical occupations	157	16	173	27	-------	27	200
Total, clerical occupations	459	21	480	286	4	290	770
Clerks, unclassified [2]	66	-------	66	14	-------	14	80
Other occupations	165	20	185	22	2	24	209
Total, other occupations	231	20	251	36	2	38	289
All occupations	9,152	4,316	13,468	1,279	726	2,005	15,473

[1] Including 89 occupants of 2 seamen's lodging houses who may or may not be usual residents of Baltimore.
[2] Unclassified as to whether sales or office clerks.

TABLE 3.—*Distribution of totally unemployed in Baltimore, by sex, color, and regular industry*

Regular industry	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
MANUFACTURING							
Food and kindred products	375	128	503	82	5	87	590
Beverages	19	6	25	5	-------	5	30
Bakery products	104	21	125	11	-------	11	136
Canning and preserving fruits and vegetables	23	7	30	5	3	8	38
Canning and preserving (oysters and crabs)	6	9	15	3	-------	3	18
Confectionery	50	7	57	39	-------	39	96
Ice cream	8	2	10	2	-------	2	12
Ice (manufactured)	43	17	60	-------	-------	-------	60
Slaughtering and meat packing	64	17	81	6	1	7	88
Other food products	58	42	100	11	1	12	112
Textiles and their products	400	56	456	244	26	270	726
Clothing	324	47	371	195	23	218	589
Cotton goods	50	1	51	38	-------	38	89
Other textiles	26	8	34	11	3	14	48
Iron and steel and their products, not including machinery	405	107	512	49	-------	49	561
Iron foundries	100	39	139	-------	-------	-------	139
Plumbers' supplies	31	-------	31	2	-------	2	33
Steel works and rolling mills	75	44	119	1	-------	1	120
Tinware	169	14	183	45	-------	45	228
Other iron and steel products	30	10	40	1	-------	1	41
Lumber and allied products	216	66	282	14	-------	14	296
Boxes [1]	48	13	61	8	-------	8	69
Furniture	71	10	81	6	-------	6	87
Lumber, planing-mill products	52	38	90	-------	-------	-------	90
Other lumber products	45	5	50	-------	-------	-------	50
Leather and its manufacture	49	12	61	8	-------	8	69
Boots and shoes	38	10	48	5	-------	5	53
Other leather products	11	2	13	3	-------	3	16
Rubber products	7	8	15	1	-------	1	16
Paper and printing	159	13	172	28	-------	28	200
Boxes, paper [2]	9	2	11	9	-------	9	20
Printing and publishing, job	99	4	103	10	-------	10	113
Printing and publishing, newspaper	17	1	18	-------	-------	-------	18
Other paper products, and printing	34	6	40	9	-------	9	49
Chemicals and allied products	111	123	234	17	1	18	252
Fertilizers	8	66	74	1	-------	1	75
Oils	54	19	73	1	-------	1	74
Other chemicals	49	38	87	15	1	16	103
Stone, clay, and glass products	93	93	186	3	4	7	193
Bricks	8	36	44	-------	-------	-------	44
Glass products	59	24	83	2	4	6	89
Marble, slate, stone	14	25	39	-------	-------	-------	39
Other products	12	8	20	1	-------	1	21
Metal and metal products, other than iron and steel	108	46	154	3	-------	3	157
Brass, bronze, and copper	48	40	88	-------	-------	-------	88
Stamped and enameled ware	29	3	32	2	-------	2	34
Other metal products	31	3	34	1	-------	1	35
Tobacco manufactures	27	3	30	45	6	51	81
Cigars and cigarettes	23	1	24	40	2	42	66
Other tobacco manufactures	4	2	6	5	4	9	15
Machinery, not including transportation equipment	153	7	160	1	-------	1	161
Musical instruments	25	-------	25	-------	-------	-------	25
Transportation equipment	305	44	349	-------	-------	-------	349
Motor vehicles (including repairs)	134	15	149	-------	-------	-------	149
Shipbuilding	160	27	187	-------	-------	-------	187
Other transportation equipment	11	2	13	-------	-------	-------	13
Railroad repair shops (steam)	57	4	61	-------	-------	-------	61
Other manufacturing industries	257	107	364	58	6	64	428
Brooms and brushes	32	2	34	1	-------	1	35
Umbrellas	11	-------	11	12	-------	12	23
Other manufacturing industries	214	105	319	45	6	51	370
Total, manufacturing industries	2,747	817	3,564	553	48	601	4,165

[1] May include some paper boxes.
[2] Some of these may be included under wooden boxes.

TABLE 3.—*Distribution of totally unemployed in Baltimore, by sex, color, and regular industry*—Continued

Regular industry	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
MECHANICAL							
Building	1,520	937	2,457	4	4	8	2,465
Laundries	14	14	28	9	19	28	56
Total, mechanical industries	1,534	951	2,485	13	23	36	2,521
MERCANTILE							
Wholesale establishments	75	19	94	8	1	9	103
Retail establishments	551	184	735	285	24	309	1,044
Department stores	169	28	197	199	3	202	399
Other retail stores	382	156	538	86	21	107	645
Other mercantile establishments	84	5	89	23	----	23	112
Total, mercantile industries	710	208	918	316	25	341	1,259
PUBLIC UTILITIES							
Buses and taxicabs	27	2	29	----	----	----	29
Gas and electric supply	50	45	95	----	----	----	95
Railways, electric	37	20	57	----	----	----	57
Railroads, steam [3]	265	139	404	2	----	2	406
Telegraph	9	----	9	1	----	1	10
Telephone	8	3	11	37	----	37	48
Water transportation [4]	204	98	302	----	2	2	304
Total, public utilities	600	307	907	40	2	42	949
Unclassified by industry [5]	3,561	2,033	5,594	357	628	985	6,579
Total, all industries	9,152	4,316	13,468	1,279	726	2,005	15,473

[3] Probably includes some who might be classified under "railroad repair shops."
[4] Includes 89 occupants of 2 seamen's lodging houses, who may or may not be usual residents of Baltimore.
[5] Includes laborers, contractors, professional, domestic and personal service, etc., not classified according to industry.

The statement below classifies the unemployed according to the length of time during which they have been entirely without employment of any kind:

Less than 1 month	1,981
1 month and under 2 months	2,373
2 and under 3 months	3,041
3 and under 4 months	2,643
4 and under 5 months	1,657
5 and under 6 months	901
6 and under 7 months	1,229
7 and under 8 months	275
8 and under 9 months	320
9 and under 10 months	122
10 and under 11 months	46
11 and under 12 months	26
12 months and over	778
Time not reported	81
Total	15,473

Mr. WAGNER. Mr. President, may I inquire whether the report referred to by the Senator from Utah is made by the Department of Labor in answer to the resolution introduced by me?

The VICE PRESIDENT. It is the report made by the Department of Labor in response to Senate Resolution 147, submitted by the junior Senator from New York [Mr. WAGNER]. It was ordered to be printed and also ordered to be printed in the CONGRESSIONAL RECORD.

Mr. WAGNER. I have not yet had an opportunity to read it. I shall undoubtedly want to discuss it after an opportunity has been given me to read it.

The VICE PRESIDENT. The Senator from Utah asked that it be printed in the RECORD, and it has been so ordered.

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	Copeland	Gerry	Hawes
Barkley	Curtis	Gillett	Hayden
Blaine	Cutting	Glass	Heflin
Blease	Dale	Gooding	Johnson
Borah	Dill	Gould	Jones
Broussard	Edwards	Greene	Kendrick
Bruce	Fess	Hale	Keyes
Capper	Fletcher	Harris	King
Caraway	Frazier	Harrison	McKellar
McLean	Oddie	Shipstead	Tydings
McMaster	Overman	Shortridge	Tyson
McNary	Phipps	Smith	Wagner
Mayfield	Pine	Smoot	Walsh, Mass.
Moses	Pittman	Steck	Warren
Neely	Robinson, Ark.	Steiwer	Waterman
Norbeck	Robinson, Ind.	Stephens	Watson
Norris	Sackett	Swanson	Wheeler
Nye	Sheppard	Thomas	Willis

Mr. ROBINSON of Arkansas. I desire to anounce that the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. BRATTON], and the Senator from Alabama [Mr. BLACK] are necessarily detained, attending the funeral of the late Senator FERRIS.

The VICE PRESIDENT. Seventy-two Senators having answered their names, a quorum is present. The Senator from West Virginia [Mr. NEELY] is entitled to the floor.

DISTRICT POLICE FORCE

Mr. CARAWAY. Mr. President, will the Senator from West Virginia yield to me for a moment?

Mr. NEELY. I am glad to yield to the Senator from Arkansas.

Mr. CARAWAY. I desire to submit a resolution making inquiry of the District of Columbia Commissioners for certain information. It will take but a moment to consider it. I would like to have unanimous consent to have it read and acted upon. If any discussion arises, I shall be glad to withdraw it.

Mr. NEELY. I yield for that purpose.

The VICE PRESIDENT. The clerk will read the resolution.

The resolution (S. Res. 182) was read, considered by unanimous consent, and agreed to, as follows:

Whereas there is apparently friction in the police force; and

Whereas a number of the members of the force have been charged with offenses; and

Whereas trials have been had before the police board: Now, therefore, be it

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, requested to furnish to the Senate, (a) the name of each member of the force who has been charged with any offense within the last three years; (b) together with the nature of the offense; (c) what action was had by the trial board with reference to these cases; (d) in how many cases the District Commissioners have reviewed the action of the trial board; (e) what has been the final result of these cases; (f) how many; (g) and which police officers are now on the force that have been charged with the offenses; (h) the nature of their offenses; (i) what, if any, punishment has been inflicted upon them.

The preamble and resolution were agreed to.

SECRETARY HOOVER'S REPLY TO SENATOR BORAH'S QUESTIONNAIRE

Mr. NEELY. Mr. President, on the 9th day of February the able Senator from Idaho [Mr. BORAH] in a most patriotic and praiseworthy effort to serve his party and his country wrote Mr. Herbert Hoover the following courteous, cordial, and important letter:

FEBRUARY 9, 1928.

Hon. HERBERT HOOVER,
Secretary of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: Your friends have placed you in line for the nomination for the Presidency. I venture in view of that fact to ask your views upon a matter in which there is a wide and deep interest throughout the country. I am sure you will be free to express yourself upon this important issue:

First. Do you favor incorporating in the next national Republican platform a plank specifically referring to the eighteenth amendment to the Constitution and pledging the candidates and the party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry into effect the constitutional amendment?

Second. What is your attitude and what would be your attitude toward the amendment and its enforcement in case you are nominated and elected?

Third. Do you favor the enactment into law of the principle embodied in the New York referendum that the Congress should modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States? In other words, do you favor a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country?

Fourth. Do you favor the repeal of the eighteenth amendment or the repeal of the Volstead Act?

Very respectfully,

WM. E. BORAH.

Mr. Hoover, after two weeks of fishing, campaigning, and reflecting, sent Mr. BORAH the following curt, curious, and confusing retort:

The Hon. WILLIAM E. BORAH,
United States Senate.

MY DEAR SENATOR: Upon my return to Washington I have taken up your letter.

I feel that the discussion of public questions by reply to questionnaires is likely to be unsatisfactory and ofttimes leads to confusion rather than clarity. Replies to the scores of such inquiries on many questions are impossible.

Out of regard for your known sincerity and your interest in the essential question I will, however, say again that I do not favor the repeal of the eighteenth amendment. I stand, of course, for the efficient, vigorous, and sincere enforcement of the laws enacted thereunder. Whoever is chosen President has under his oath the solemn duty to pursue this course.

Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively.

Yours faithfully,

HERBERT HOOVER.

Mr. President, Mr. Hoover in this letter reaches the sublimest height of epistolary humbuggery ever attained by man. [Laughter.] There is not a rum runner, a home brewer, or a bootlegger in all the land who can write a less responsive or a more unsatisfactory reply than that which Mr. Hoover has written to Senator BORAH's questionnaire.

When Mr. Hoover dictated this meaningless epistle he was evidently as irritable and belligerent as Thrasymachus was when, because of his inability to answer questions propounded by Socrates, he ill-naturedly accused the great philosopher of having "a stuffed nose" and of not having used his handkerchief as frequently as decency demanded. [Laughter.]

Mr. Hoover's letter to Senator BORAH is quite as puerile, petulant, and pitiable as the response that Thrasymachus made to Socrates.

Until Mr. Hoover acknowledged the receipt of Senator BORAH's questionnaire the drys believed him to be dry, and the wets believed him to be wet. But as a result of Mr. Hoover's exceedingly evasive letter the wets now believe him to be dry and the drys fear that he is wet. In brief, before Mr. Hoover replied to Mr. BORAH everybody presumably knew where he stood on the liquor question. Now nobody knows where he stands on this important issue.

Mr. Hoover's letter conclusively proves the truth of Talleyrand's assertion that "language was invented to conceal thought." It also proves that Mr. Hoover can be evasive in all languages, including the Scandinavian, and that he can categorically answer questions in none.

Mr. BORAH asked Mr. Hoover, "If he favors incorporating into the next national Republican platform a plank specifically applying to the eighteenth amendment to the Constitution."

Mr. Hoover has not even attempted to answer this question. He has simply ignored it.

Mr. BORAH asked Mr. Hoover, "If he favors pledging the Republican candidates and the Republican Party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry it into effect."

Mr. Hoover has with sphinxlike indifference entirely ignored this question.

Mr. BORAH asked Mr. Hoover, "If he favors the enactment into law of the principle embodied in the New York referendum that the Congress should modify the Federal act to enforce the eighteenth amendment."

Mr. Hoover has completely ignored this question.

Mr. BORAH asked Mr. Hoover, "If he favors a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country."

To this question Mr. Hoover has been as unresponsive as Baal was to his 450 prophets who vainly supplicated him to send fire from heaven to burn a sacrificial bullock on Mount Carmel.

Mr. BORAH asked Mr. Hoover, "If he favors the repeal of the Volstead Act."

This important question which is notoriously uppermost in the minds of millions of American voters, and which should have been answered "yes" or "no," Mr. Hoover has ignored as contemptuously as a saturated sot refuses near-beer.

To all of the important inquiries contained in Mr. BORAH's questionnaire Mr. Hoover has been provokingly unresponsive. He is more exasperatingly evasive than the wicked wag whose sobbing young wife, when asked the cause of her grief, replied:

Every time I ask my husband if he likes my biscuits he tells me that I have beautiful eyes.

[Laughter.]

Regardless of politicians' wishes, campaigners' agonies, and candidates' tears, the question of temperance is beyond the shadow of a doubt in this campaign to stay to the bitter end. It is as ubiquitous as humanity, as deep as the fountains of hope, and as everlasting as the hills. Yet upon questions that are vitally related to temperance Mr. Hoover is as silent as the Sphinx, as voiceless as the tomb, and as unresponsive as the unreplying dead.

If Mr. BORAH has maturely considered Mr. Hoover's monumental masterpiece of transcendent evasion he must appreciate the anguish with which Josh Billings said:

I would rather lead a blind mule on the towpath for a living, or retail soft klams from a ricketty wagon, than tew be an Interviewer and worry people with questions they wuz afrade tew answer and too vain tew refuse.

[Laughter.]

But despite all difficulties, all discouragements, and all disappointments, let us urge Senator BORAH, the preeminent apostle of political courage and candor, to be as persistent in his undertaking to ascertain Mr. Hoover's attitude toward the liquor question as Delilah was in importuning Samson (another strong man like Mr. Hoover) to reveal the secret of his great strength.

Let Senator BORAH emulate a shining example set on a memorable occasion, and say to Mr. Hoover:

Herbert, "gird up now thy loins like a man; for I will demand of thee, and answer thou me."

Let the Senator from Idaho again say to Mr. Hoover:

"Do you favor incorporating into the next national Republican platform a plank specifically applying to the eighteenth amendment to the Constitution?" And let him add: "Herbert, answer this question 'yes' or 'no,' so that the wayfaring man may know where you stand."

Let Mr. BORAH again say to Mr. Hoover:

"Are you in favor of pledging the Republican candidates and the Republican Party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry it into effect?" And let Mr. BORAH add: "Herbert, please do not evade this question, but answer it 'yes' or 'no.'"

Let the Senator from Idaho again say to Mr. Hoover:

"Do you favor the enactment into law of the principle that Congress should modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture and sale of beverages which are not intoxicating, as determined in accordance with the laws of the respective States?" And let Mr. BORAH add: "Herbert, do not humiliate your friends and encourage your foes by dodging this question. In the name of millions of dry Republicans, I urge you to answer this inquiry 'yes' or 'no.'"

Let the Senator from Idaho again say to Mr. Hoover:

"Do you favor a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country?" And let Mr. BORAH add: "Herbert, so far you have ignored this question. If you do not immediately answer it 'yes' or 'no,' the righteous wrath of vast multitudes of voters will wax hot against you and, like a great conflagration, consume you and your vaulting ambition on the floor of the Kansas City convention." [Laughter.]

Let Mr. BORAH again say to Mr. Hoover:

"Do you favor the repeal of the Volstead Act?" And let Mr. BORAH add: "Herbert, if you do not courageously answer this question 'yes' or 'no,' the countless hosts of temperance and prohibition will, with unrestrained haste and unrelenting fury, do to you what Apollo did to the vanquished Marsyas, namely, flay you alive and hang your 'political' skin in a crab-apple tree by a fountain."

It should be borne in mind that Mr. Hoover's acknowledgement of Senator BORAH's questionnaire is not only exceedingly unresponsive and scandalously evasive but also positively wicked. It clearly violates the implied injunction of the following Scripture:

For if the trumpet shall give an uncertain sound who shall prepare himself to the battle? * * * except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? for ye shall speak into the air.

Mr. Hoover has spoken, or, rather, written "into the air." His trumpet has given an uncertain sound, a mere ambiguous squeak. [Laughter.] Therefore, who of the wets shall prepare himself to Mr. Hoover's battle; who of the drys shall prepare

himself to Mr. Hoover's battle? Who or how shall anyone prepare himself to Mr. Hoover's battle?

Mr. President, a candidate who is afraid to state his position on any question of great national concern is not worthy to hold the high office that has been hallowed by Washington, Jefferson, Jackson, Lincoln, Roosevelt, and Wilson. A candidate who refuses to take the people into his confidence is not entitled to the people's votes. A candidate who evades a material issue should not be permitted to invade a public office. No political dodger deserves to be elected President of the Republic.

If anyone inquires why a member of the party of Jefferson desires to know Mr. Hoover's attitude toward the liquor question, we shall answer that Democracy also intends to nominate a Democratic candidate for President. And in the event of Mr. Hoover's nomination by the Republicans, Democrats will desire and deserve to know whether they ought to vote for the Democrat whom the Democrats have nominated or the Democrat whom the Republicans have nominated.

The fact that Mr. Hoover was a candidate for the presidential nomination on both the Republican and Democratic tickets in the 1920 Michigan primary election creates doubt in some Democratic minds as to Mr. Hoover's Democratic deserts.

What a calamity that this great statesman was not born twins, so that he could habitually be the presidential candidate of both the great political parties and invariably be on both sides of every important question!

Early in the campaign the newspapers indicated that Mr. Hoover would not enter the primary against a "favorite son" except in the State of Ohio. But more recently the ambitious Mr. Hoover has, like Lord Ronald in Gertrude the Governess, flung himself upon his political war horse and "ridden madly off in all directions." [Laughter.] He has now carried his conquest far beyond the State of Ohio. In this fact the incomparably good people of West Virginia, who very graciously permit me to share the high honor of representing them in the Senate, find much comfort, because West Virginia owns the Ohio River from bank to bank, and West Virginians do not want Senator WILLIS to wash all of Mr. Hoover's political linen in their river. [Laughter.] They do not want the "laughing water" of their western border polluted with the germs of innumerable political diseases.

Dame Rumor is now whispering about the corridors of the Capitol that Mr. Hoover desires to enter the primary election in Illinois, although the time for filing in accordance with the Illinois statute has long since passed. When Mayor Bill Thompson, who has so successfully banished King George from this hemisphere, learns of Mr. Hoover's coming to the western metropolis, he will undoubtedly repeat with cannibalistic glee those notewothy words of the famous giant so dear to the heart of every child:

Fe, fi, fo, fum,
I smell the blood of an Englishman;
Be he alive or be he dead,
I'll grind his bones to make my bread.

[Laughter.]

We may safely assume that when our great British candidate for President reaches Chicago Mayor Thompson will tender him a reception of such magnificence and fervor as no American official has ever given a British subject since Gen. Andrew Jackson received Sir Edward Pakenham at New Orleans in 1815. Pakenham is reported to have written General Jackson a note in which he said:

If you do not surrender I will destroy your breastworks and eat breakfast in New Orleans Sunday morning.

General Jackson replied:

If you do you will eat supper in hell Sunday night.

[Laughter.]

All of those who are not particularly enthusiastic about the candidacy of the late resident of the Red House in Hornton Street, London, may view with entire equanimity Mr. Hoover's desire or attempt to enter the Illinois primary. Illinois is the Vice President's State. To Mr. Hoover's effort to obtain a political delegation from the Vice President's Blue Heaven let us be as indifferent as the backwoodsman who, when urged to run to his cabin where a panther was fighting his mother-in-law, retorted, "Why should I care what happens to a panther?" [Laughter.]

If Mr. Hoover participates in the primary in the Vice President's State his fate can be appropriately indicated by the following news item which once appeared in a metropolitan paper:

Yesterday on Fifth Avenue a colored man named William Washington attempted to drive his two-horse dray through a monster parade of the Ancient Order of Hibernians. If he had lived until next Saturday he would have been 36 years old.

[Laughter.]

Let me propose to the various Republican presidential candidates who are Members of the Senate an adaptation of the following as an appropriate epitaph for Mr. Hoover at the conclusion of his race in the State of Illinois:

Here lies the body of Mary Ann Proctor,
Who caught a cold and refused to doctor;
She could not stay, she had to go—
Praise God from whom all blessings flow.

[Laughter.]

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the Star Valley Commercial Club, of Afton, Wyo., favoring the making of increased appropriations for the construction of designated highways in Federal reservations, which was referred to the Committee on Appropriations.

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

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

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

Mr. ASHURST presented a petition of sundry citizens of Mesa, Maricopa County, Ariz., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution indorsed and approved by sundry veteran organizations in the State of Arizona, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the Circuit Court of Appeals of the Ninth Circuit on March 5, 1928, handed down a decision wherein it was held that the four-year statute of limitations of the State of Arizona applied to all insurance suits against the Government brought by ex-service men residing in the State; and

Whereas there are several hundred ex-service men residing in Arizona who were totally and permanently disabled at the time of their discharge and who will be unable to collect upon their insurance, which was in force at the time they became totally and permanently disabled, unless Congress shall pass a law extending the time within which suit may be brought against the Government; and

Whereas in a great many cases it was impossible to determine that the disability of the ex-service man was total and permanent until after the expiration of the time within which suit could be brought under the Arizona statute; and

Whereas a great many of the disabled ex-service men in Arizona are patients in Government hospitals and were sent here on account of their health and are thus deprived of the benefits of the statutes of limitations of their home State; and

Whereas we believe that the application of the law should be made uniform, irrespective of the State within which the ex-service man resides; and

Whereas a bill has been introduced in Congress by Congressman ROYAL C. JOHNSON, of South Dakota (H. R. 11350), granting the right to ex-service men to sue upon their insurance policies at any time within 20 years from the accrual of the cause of action; and

Whereas it is imperative that such bill should immediately be passed in order to protect the rights of those ex-service men not having cases pending before the courts: Now, therefore, be it

Resolved, That we heartily indorse said bill and that we respectfully request the Arizona delegation in Congress to support the same, and that a copy of this resolution be mailed to Congressman ROYAL C. JOHNSON and Senators HENRY F. ASHURST, CARL HAYDEN, and Congressman LEWIS DOUGLAS, and that copies be furnished to such other individuals and organizations as from time to time it may be deemed advisable.

The foregoing resolution was duly authorized and approved by the Ernest A. Love Post of the American Legion, the Bucky O'Neil Post, No. 541, of Veterans of Foreign Wars of the United States, and the Fort Whipple Chapter, No. 3, Disabled American Veterans of the World War, all of Prescott and Fort Whipple, Ariz.

ERNEST A. LOVE POST OF THE AMERICAN LEGION,
By F. E. FLYNN.
BUCKY O'NEIL POST, NO. 541, OF VETERANS OF FOREIGN WARS,
By WESLEY BAILEY.
FORT WHIPPLE CHAPTER, NO. 3, DISABLED AMERICAN VETERANS,
By W. J. FAHSHOLTZ.

REPORTS OF COMMITTEES

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

S. 471. An act for the relief of Agnes McManus and George J. McManus (Rept. No. 621);

S. 1448. An act for the relief of Omer D. Lewis (Rept. No. 622); and

S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon (Rept. No. 623).

Mr. McNARY, from the Committee on Appropriations, to which was referred the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, reported it with amendments and submitted a report (No. 624) thereon.

Mr. BLAINE, from the Committee on Military Affairs, to which was referred the bill (S. 2673) for the relief of James E. Trussell, reported it without amendment and submitted a report (No. 625) thereon.

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. HALE:

A bill (S. 3773) granting an increase of pension to Malinda S. S. Dunbar (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3774) to provide a temporary location for a farmers' market in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NYE (by request):

A bill (S. 3775) to repeal the desert land laws;

A bill (3776) to authorize the Secretary of the Interior to issue patents for lands held under color of title; and

A bill (S. 3777) to repeal an act entitled "An act to provide for stock-raising homesteads, and for other purposes"; to the Committee on Public Lands and Surveys.

By Mr. ASHURST:

A bill (S. 3778) authorizing improvements at the Fort Mohave Indian School, Arizona;

A bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. MOSES:

A bill (S. 3780) granting an increase of pension to Martinia L. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3781) granting a pension to Emma S. Caskey (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3782) granting an increase of pension to Mary Gault (with accompanying papers); and

A bill (S. 3783) granting an increase of pension to Rose K. Cartmill (with accompanying papers); to the Committee on Pensions.

A bill (S. 3784) to amend section 1, rule 2, rule 3, subdivision (e) and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, (ch. 64, 28 Stat. L. sec. 645); to the Committee on Commerce.

By Mr. WHEELER:

A bill (S. 3785) granting compensation to Joseph C. Eastland; to the Committee on Claims.

By Mr. SHIPSTEAD:

A joint resolution (S. J. Res. 119) granting an easement to the city of Duluth, Minn.; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO MIGRATORY BIRD BILL

Mr. NORBECK submitted three amendments intended to be proposed by him to Senate bill 1271, the so-called migratory bird bill, which were ordered to lie on the table and to be printed.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. KEYES submitted an amendment proposing to appropriate $2,654,000 and $653,300 for relief for the States of Vermont and New Hampshire, respectively, in the matter of roads and bridges damaged or destroyed by the flood of 1927, etc., intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE

Mr. SMOOT. I ask that the Committee on Commerce be discharged from the further consideration of the bill (S. 3356) to provide for the coordination of the public-health activities of the Government, and for other purposes, and that it be referred to the Committee on Finance. The Public Health Service is under the Treasury Department. All nominations and promotions in the Public Health Service go to the Finance Committee for consideration. Previous legislation that we have passed has been sent to that committee for consideration.

Mr. JONES. With that statement by the chairman of the Finance Committee, I have no objection to the change of reference.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the change of reference will be made.

INVESTIGATION OF SINKING OF SUBMARINE "S-4"

Mr. HALE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S-4*, and upon methods and appliances for the protection of submarines, having met, after full and free conference report back to their respective Houses that they are unable to agree to the same.

FREDERICK HALE,
TASKER L. ODDIE,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

BERTRAND H. SNELL,
THEODORE E. BURTON,
EDWARD W. POU,
Managers on the part of the House.

Mr. HALE. Mr. President, I ask unanimous consent that the unfinished business, Senate bill 1271, be temporarily laid aside and that the Senate proceed to the consideration of the conference report on House Resolution 131, relating to the investigation of the sinking of the submarine *S-4*.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. Mr. President, I will say that the conferees have had repeated meetings on this matter and have sought to come to an agreement, but they have been unable to do so. For the benefit of the Senate I will briefly refresh the minds of Senators about the resolution.

Mr. President, immediately after the Christmas holidays and the reconvening of the Senate a joint resolution was introduced in the House, and a similar joint resolution in the Senate, at the request of the President of the United States, calling for the appointment of a commission of experts to investigate and report upon the question of safety appliances and salvage apparatus for submarines, and also calling for an investigation and a report upon the facts connected with the sinking of the submarine *S-4*.

The House unanimously enacted the joint resolution. When the matter came over to the Senate it was considered by the Senate Committee on Naval Affairs, and a divided report was made. The majority of the committee reported favorably on the House joint resolution with some minor amendments. The minority did not approve of the report of the majority. The question came up in the Senate, and by a vote of 51 to 32, I think, the majority report was defeated and an amendment was attached to the House joint resolution.

Section 2 of the House joint resolution provided for the appointment of a commission of experts to report upon the question of safety appliances and salvage apparatus. This section was adopted in the Senate.

Section 3 of the House joint resolution provided that the same expert commission should investigate and report upon the facts connected with the sinking of the *S-4*.

The Senate amended section 3 by striking out the section and providing in its place the following:

A joint committee composed of three Members of the Senate, appointed by the President of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House of Representatives, is hereby authorized and directed to investigate the full facts of the sinking of the submarine *S-4* in collision on December 17, 1927, with the United States Coast Guard destroyer *Paulding* off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto, to supplement the investigation now being made by a naval court of inquiry. And said joint committee

shall submit a full report to each branch of the Congress, giving the result of this investigation and of such recommendations as it may seem proper to make.

A committee of conference was appointed, of which the senior Senator from Virginia [Mr. SWANSON], the junior Senator from Nevada [Mr. ODDIE], and myself were members. The conferees have met, as I have said, and have not been able to reach an agreement.

As a matter of compromise, the conferees on the part of the Senate offered to strike out section 3 altogether, thus leaving a provision for the appointment of an expert commission to act simply upon the question of safety appliances and salvage apparatus. The House conferees were not willing to accept the Senate offer. The House conferees offered to amend the joint resolution by adding to the expert commission two or more Members of the Senate and two or more Members of the House. The Senate conferees did not accept the offer made by the House conferees.

I will say now that both the Senator from Nevada [Mr. ODDIE] and I, who were among the majority to sign the report made by the Committee on Naval Affairs, were and are in full sympathy with the House joint resolution, and were and are entirely ready to accept the compromise offered by the managers on the part of the House. We felt, however, in view of the vote that was taken in the Senate, that we could not conscientiously approve of the offer made by the managers on the part of the House. We felt that our position was that we should represent the indicated views of the Senate on this matter, and therefore we did not agree to the compromise.

Within a short time the President of the United States has sent to the Congress a supplemental estimate calling for an appropriation of $200,000 for experimentation in safety devices and appliances for submarines. The House Subcommittee on Appropriations has included this item in the naval appropriation bill now being acted on by the House, and without any doubt it will be adopted by the House, and, I presume, later on by the Senate. It is of vital importance that before this money is expended the commission of experts recommended by the President shall be appointed, so that this appropriation may be intelligently used.

I have a suggestion to make in regard to this matter. I shall place before the Senate a resolution which will enable conferees to determine just what the present sense of the Senate is in regard to this matter. I do not believe that the Senate wants to see this whole joint resolution defeated. The House has gone as far as it will go in the matter, as indicated by the remarks of the senior conferee on the part of the House, Mr. SNELL. I do not believe that the Senate or the country wants to see this joint resolution defeated.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. Will the Senator allow me to finish my statement? Then I shall be glad to answer any questions.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. HALE. I am suggesting to the Senate the following resolution:

Resolved, That it is the sense of the Senate that the compromise proposed by the House conferees on House Joint Resolution 131, providing for the addition of two Senators and two Representatives to the commission provided for in said resolution, should be accepted by the Senate conferees in the event that a further conference be ordered.

Mr. President, if that resolution is adopted by the Senate I shall then move that the Senate insist on its amendment and that a further conference committee be appointed. If that resolution is defeated by the Senate I shall know that the Senate still has the feeling that it had when the matter came before it in January and that there is no possibility of reaching a compromise; and I shall then, in that event, move that the Senate adhere to its former action. That will mean that the House will have to take the Senate amendment or the joint resolution will fail.

Mr. SMOOT. Mr. President, I understand from the Senator, then, that the House conferees desire an expression of the Senate upon this particular item?

Mr. HALE. No, Mr. President; the House conferees did not ask that at all. I told them, in talking to them, that I should propose such a resolution. It is not done at their request.

If this resolution is adopted it will be possible then to make the compromise suggested by the House conferees; the expert commission will be appointed, with two Members of the Senate and two Members of the House on the commission; an investigation will be made, as requested by the President, the Commander in Chief of the Army and the Navy, of safety appliances and salvage apparatus in connection with submarines; and an investigation will be made of the full facts connected with the sinking of the submarine *S–4*.

I hope very much that the resolution will be adopted by the Senate. It is not in the nature of an instruction. It is simply a resolution giving the sense of the Senate.

The PRESIDING OFFICER. From a parliamentary standpoint the present occupant of the chair believes that the first vote will come on the question of agreeing to the conference report, rather than upon the proposal offered by the Senator from Maine.

Mr. HALE. Mr. President, as I have stated, if this resolution is adopted I propose to make a motion asking that the Senate insist upon its amendment and that conferees be appointed. If it is defeated I shall make another request, and that is that the Senate adhere to its amendments; and that, of course, means the end of the joint resolution.

Mr. SWANSON obtained the floor.

The PRESIDING OFFICER. The question, however, in the opinion of the present occupant of the chair, recurs on agreeing to the conference report.

Mr. SWANSON. Will the Chair inform me what will happen if the conference report is agreed to?

The PRESIDING OFFICER. Then the Senator's proposal would be in order. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SWANSON. Mr. President, I want to state to the Senate what occurred in the conference. I am more insistent now than I ever have been on the necessity for a congressional investigation, or a senatorial investigation, of the occurrences in connection with the sinking of the *S–4*. It is utterly impossible for me to understand why the conferees of the House would rather see the measure fail than to have the Senate and the House poke their noses into the derelictions in connection with that unfortunate incident.

Mr. HALE. Does not the Senator consider that if there were two Members of the House——

Mr. SWANSON. I will reach that question in time. I will show the cunning of this resolution. I will discuss that.

What occurred? We have been six weeks in conference. I told the conferees at the beginning that the Senate wanted either a joint committee of the House and Senate, or a senatorial committee, as was indicated by the vote in the Senate, to ascertain the facts in connection with the sinking of the *S–4*, one of the most distressful catastrophes that ever occurred in the history of the Navy.

I told them that there were two propositions, first, to accept the Senate's proposal, which meant that three Members should be appointed by the President of the Senate and three by the Speaker of the House, to investigate the facts in connection with the sinking of the *S–4*, and the causes of that accident. If they did not want that joint investigation, then to omit section 3, that provided for investigation of *S–4*, and let the measure pass providing for a commission to ascertain all the facts in connection with the needs of the Navy.

They refuse to agree to that. I wanted them to report a disagreement, but for weeks they would not do that.

Mr. HALE. The Senator does not mean to say that we have not tried in every way——

Mr. SWANSON. I will say that the Senator from Maine adhered to the instructions of the Senate absolutely, and tried to get the conferees to agree.

Mr. HALE. There was no attempt by the conferees to delay the report.

Mr. SWANSON. It was hard to get conferences. They were delayed. At the second meeting I told the conferees they could report on either one of those two propositions, as far as I was concerned.

Mr. NORRIS. I did not understand the second proposition.

Mr. SWANSON. The second was to let the investigation confined to the sinking of the *S–4* be eliminated. Then, if that went out, the measures could pass. These conferees had objection to that. The Senate showed by its vote that it wanted either a senatorial investigation, or an investigation by a joint committee of the House and Senate.

Mr. NORRIS. Then the theory was that if it took that form the Senate could afterwards appoint its own committee?

Mr. SWANSON. Yes. But the idea of the joint resolution was to have a committee named by the Secretary of the Navy, or by the President through him take charge of the investigation. It was understood the Secretary of the Navy was going to name them; everybody knows that. Then, having appointed the committee to make that investigation, the Senate would be

precluded from appointing its own committee to investigate the matter. That is the gravamen of the fight here to-day.

This proposition was then offered, to let the committee be appointed and to put on it, first, one Senator, or two Senators, and two Members of the House. I am unwilling for the Senate and the House to be parties to an investigating commission on which they will not have the power to control and direct.

My position is this: If the House does not want to investigate this matter, let the Senate do it. Why should they preclude the Senate from exercising its function and having a senatorial committee investigate the matter? We fought that out here for three days. The Senate reached the conclusion that it thought this accident ought to be investigated by a disinterested body, by people who are not under the influence of the Navy or anyone else. If the House did not want to investigate, they had a right to say so, and then the Senate would not be precluded from appointing its own committee to investigate.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maine?

Mr. SWANSON. I yield.

Mr. HALE. Would the Senator feel better about the matter if three Senators and three Representatives were on the commission?

Mr. SWANSON. I am not in favor of the Senate starting a joint investigation with people on the outside. The Senate should either discharge its obligations or not. That would still give the outsiders a majority. Are Senators to be summoned by those people to come when and where they please?

Mr. HALE. That would not make a majority.

Mr. SWANSON. I am against the policy; I am against the principle. The Senate should either investigate it, by itself, or with a committee of the House, or let it alone. That is the position I have taken.

Let us go further in this matter. They have practically refused to let a vote come in the House. They said the House was unanimous. This matter did not go to the Committee on Naval Affairs of the House. The resolution was introduced and referred to the Committee on Rules to take charge of the matter, to conduct it, to let it go through that way. The day it came up, it was reported promptly from the Committee on Rules. Everybody who has served in the House knows the aims and the purposes and the accomplishments of the Committee on Rules. I can not understand why the Committee on Naval Affairs was brushed aside and had nothing to do with this matter.

What I insist on is a vote in the House. It was reported that we could not get a vote. I want to know whether the House wants to join in a joint committee to investigate the sinking of the *S–4*. If they do not, let them beat my amendment. The appropriation is being made for the rest of it. The President has the power to do this without any authority from Congress. He has done it repeatedly. The recommendations for an appropriation have been made and can be passed. The President can appoint his commission to satisfy his own mind, to his own heart's content. But I am not willing to have the sinking of the *S–4* passed over without a congressional investigation

If there ever was a necessity for such an investigation, there is more now than there ever was. The court of inquiry made its report on this incident, but it pleased nobody. The Secretary of the Navy would not approve it, and reconvened the court to make another examination and report. The Secretary of the Treasury is not pleased with it. He says the report of the court of inquiry reflects on the officer of the *Paulding;* that the *Paulding* was not at fault at all; that it was entirely the fault of the *S–4*. He is not satisfied with the report of the court of inquiry.

Those whose husbands and whose sons were sunk and killed in the *S–4* are not satisfied with the report. They want a fair, just investigation by Congress. They have been here to see me, and I suppose they have seen the Senator from Maine, have they not?

Mr. HALE. Does the Senator think we could reach any conclusion that would be satisfactory to everybody?

Mr. SWANSON. We ought to let those people know the investigation is by an impartial court. The Senator has an idea of letting the department appoint seven men to investigate the department itself, to determine who was at fault. I say it ought to be a joint committee of the House and Senate, and if the House does not want it, let them defeat the measure. The money can be appropriated for the scientific investigation about which the Senator talks so much. When it came to conference nothing was heard about the scientific object to be accomplished, but it was urged that the best way to investigate the sinking of the *S–4* was through this commission named by the President, really on the recommendation of the Secretary of the Navy.

I say that the Senate ought to have an investigation itself, or there ought to be a joint investigation by the House and Senate, of all the distressing incidents that occurred in connection with the sinking of the *S–4*.

I am unable to understand why there should be such a bitter, persistent, and continuous fight against an investigation by a committee of the Senate, or a joint committee of the House and Senate, to determine who was responsible for that unfortunate accident. The more they fight it, the more insistent they are that it shall not be done, the more I think there is a reason why it should be done. I can not understand the persistent fight here for two or three months to prevent an investigation by a joint committee, three on the part of the Senate, named by the Vice President, and three named by the Speaker from the House, or by a committee formed of five Senators named by the Vice President. I think it is just, I think it is reasonable, I think it is fair, and I think the country wants this done, to satisfy themselves as to where the responsibility lies in connection with that unfortunate incident.

I am unwilling to surrender to the House, as we would surrender if we should adopt the resolution offered by the Senator from Maine. There has never been a vote in the House. It seems to be the opinion in the House that legislation is the result of the concurrence of the minds of conferees. Legislation means the concurrence of the minds of the House and Senate. As long as I am on a conference, when an important matter like this comes in I will never put up the white flag, as the Senator does, and agree to a resolution that would prevent a vote in the House which would show whether Members of the House wanted a joint committee or not.

I insist that we shall have an adherence, and then the House can determine whether they want a joint committee or not, as to whether they want to wash their hands of it, as to whether they have any interest in the misfortune in connection with the sinking of the *S–4*. If we have any interest in it, if we want to discharge the duties and obligations that we owe the country to see to the proper administration of the laws and the spending of the money appropriated, let us do it fully and completely or not at all.

I shall insist that this resolution be defeated and that we then adhere to the Senate amendment and afford an opportunity for a vote in the House.

Mr. HALE rose.

Mr. SWANSON. I yield to the Senator.

Mr. HALE. I thought the Senator was through.

Mr. SWANSON. I am tired of going to conferences with the House and have the conferees of the House refuse by delay, refuse by all kinds of legerdemain, to permit the House to vote on propositions. If this matter had gone back to the House, they could have had a vote on it.

Mr. HALE. The Senator does not think that the House conferees were trying to delay this matter, does he?

Mr. SWANSON. The Senator has just stated that there was an appropriation contemplated to handle the matter. The President appointed a commission to investigate the aircraft industry without any law, and there is no necessity for any law here. The whole gist of this thing is an attempt to prevent the House of Representatives or the Senate from poking their noses, in a controlling way, into an investigation of the sinking of the *S–4*.

Mr. HALE. I ask the Senator if he intimates that there has been any disposition on the part of the House conferees to delay this report? There has not been.

Mr. SWANSON. I do not know what they have done.

Mr. HALE. Both the Senate conferees and the House conferees tried in good faith to reach some agreement.

Mr. SWANSON. I stated my proposition to them.

Mr. HALE. No one man determines what shall be done.

Mr. SWANSON. Why was not a disagreement reported a long time ago?

Mr. HALE. Because we hoped we could reach some compromise.

Mr. SWANSON. I knew they would never compromise.

Mr. HALE. I hoped we could reach some compromise. The House has made a very liberal offer.

Mr. SWANSON. From the Senator's standpoint. The Senator is not the judge of my liberality. The Senator is not the judge of it, and he fought here to have no Senator on the commission, to have no Representative on it, nobody except the seven men named by the President, on the recommendation of the Secretary of the Navy.

Mr. HALE. Five men, not seven.

Mr. SWANSON. Five. There has never been an effort to have a commission appointed that would not have had on it

a majority of outsiders. As a Senator I am not willing to serve upon a commission on which people from the outside control.

Mr. HALE. Mr. President, if the amendment that was offered in the Senate were on the measure, would the outsiders have a majority on the committee?

Mr. SWANSON. Six.

Mr. HALE. Three from the House and three from the Senate.

Mr. SWANSON. That would be six. Why does the Senator object——

Mr. HALE. Wait a minute.

Mr. SWANSON. Why does the Senator object to the Senate appointing a committee subject to its own control? Why has the Senator always fought that?

Mr. HALE. The Senator talks about a majority. I have already told him I would be glad to make it three on the part of the Senate and three on the part of the House.

Mr. SWANSON. I think the Senator would agree to anything in the world rather than have a complete, thorough congressional investigation of the sinking of the *S–4*.

Mr. HALE. The Senator can say what he wants to, but it does not seem to me that he is stating the facts. The Senator knows that if there are two or three Members of the Senate and two or three Members of the House, three scientific men, and two retired naval officers on the commission the commission will develop something that will be of some value; he knows that they will develop more of value than would a mere senatorial or a congressional committee.

Mr. SWANSON. All the great value you want to develop disappears when I ask you to limit it——

Mr. HALE. The Senator insists that his stand be approved by the Senate. I do not believe that the Senate wants to defeat the measure, as they will do unless they adopt this resolution.

Mr. SWANSON. In other words, the House will not consider the Senate amendment, but will defeat the joint resolution.

Mr. HALE. The House has gone a great deal further than the Senate has in offering to compromise. In the bill as originally prepared there was no congressional representation on the commission of any kind whatever. They very liberally offered to put on two or three Members from the House. All the Senate conferees offered to do was to drop out section 3 altogether.

Mr. SWANSON. And to let the Senate be precluded from making an investigation of any kind.

Mr. WALSH of Massachusetts. Mr. President, this question involves something more and deeper, in my opinion, than a mere investigation into the unfortunate *S–4* submarine disaster. It involves a question of whether or not the Senate of the United States is going to surrender to the wholesale criticism and denunciation of itself because of the fact that it has been indulging in important investigations of governmental activities. It is very apparent—and one does not need to be many years in this body to know—that the House of Representatives has no sympathy with investigations—that we can not get any joint investigation committee appointed by the House and Senate. A few years ago, after the allegations of scandalous neglect and maladministration in the Veterans' Bureau, the Senate passed a joint resolution providing for an investigation by a committee of the House and the Senate into the looting of money appropriated from the Public Treasury to take care of disabled soldiers; the House refused to join with the Senate in the investigation, and the Senate itself had to undertake it. The Senate alone has been left to do the business of investigating the excesses and abuses, the omissions and commissions of bureaus. If we are going to abandon inquiry by Congress into bureaucratic government, we might just as well abandon the principal functions of Congress and accept the theory of government now so popular here in Washington—bureaucracy.

I conceive of nothing more important for the Congress, in the absence of cooperation by the House, than for the Senate to insist upon a thorough and complete investigation and inquiry into all the alleged abuses which from time to time are inevitably going to creep into a large and much involved departmental Government such as ours, where tremendous expenditures of money are involved and inefficiency, negligence, and sometimes dishonest officials are found.

Only this morning I was discussing another subject, the investigation of which might some time have to be seriously considered, and that is the policy of one of our bureaus here in joining with real-estate promoters, financiers, and builders to construct buildings for the Government with the understanding that they will be leased by the Government as soon as they are constructed and thus do away with the necessity of the Government itself constructing its own buildings.

There are 150 such buildings which have been privately constructed and leased by the Government before they were built in the last few years under the present administration. Can we not conceive the possibility of abuses, of evils, of even graft in prearranging with certain speculators to buy land through private groups and to finance the construction of buildings for the Government with governmental leases in their hands before they begin to build?

I speak not merely in disapproval of such an unwise policy by our Government but more to indicate the great need for this branch of the Government, the Congress, to concern itself constantly with scrutinizing and inquiring into the work of the many Government bureaus. There can not be too much review or research by the Congress into its almost innumerable boards, departments, and commissions.

The extent of abuse and criticism that has been heaped upon the Senate by reason of investigations it has conducted is well known. Do not forget there is a campaign in this country to stop and prevent all such senatorial investigations in the future. If it can not be stopped then an endeavor will be made to bring about the next best method—form that kind of investigating committees which will be less harmful to the department or officials investigated. Such a one is the compromise which has been presented here now—a mixture of an executive committee and a congressional committee to investigate into the alleged negligence and misconduct of Government officials which involved and resulted in the loss of life of a large number of defenders of the Nation. But there is no need to dwell upon the shocking features of this accident or the general charge of gross incompetency in handling the work of rescue and salvage. Of far more importance now is the principle of preserving the legislative power of investigation unhampered and unrestricted by outside interference.

I am opposed to any investigation by a combination of Members of Congress and individuals appointed by the Executive authority. My experience as governor of my State and the experience I have had in the observations of such investigations elsewhere is that they usually result in accomplishing nothing. First of all, they are inconvenient. It is often not possible for private individuals to meet when convenient for Members of Congress, and it is not convenient for Members of Congress to meet when the outsiders are able to meet. It is very difficult for them to arrange a time to meet. Secondly, they come together with divided authority. Again, if there is any remedy required, if there is any legislation necessary, it must be acted upon in this body, and therefore it seems to me that the work of investigations of this character ought to be carried on by Members of the Senate, in the absence of the House cooperating. We might just as well begin to accept the view that private citizens be appointed to sit on our committees and conduct our hearings and study of legislation.

Mr. President, I consider this compromise arrangement of a commission to carry on this investigation, composed of members designated by the Executive and of Members of Congress, in every way unsatisfactory. We had better have none at all. I fully agree with all the Senator from Virginia [Mr. SWANSON] has said. It is the entering wedge—that is the bad feature of it. It is the beginning of the end of open and thorough investigations by the people through their directly elected representatives. Every investigation we would have hereafter would be conducted in part by individuals named by the Executive. Suppose we had that arrangement in connection with some of the investigations which we have been conducting. What would have resulted? Suppose the Executive, President Harding, had been obliged or permitted to name citizens to investigate the allegations against his own Cabinet, corruption by members of his own Cabinet, where would we have been? I am opposed to a joint investigation committee in cases where the investigation is to be carried on by a commission composed of Members of Congress and appointees of the Executive, and I hope, therefore, the resolution will not be adopted.

This matter could have been disposed of and ended long ago, when we came back after the Christmas holidays, without any legislative act at all, without any Senate resolution or joint resolution. There is ample authority and power in every committee in this body to conduct an investigation relating to the purpose and work of the several committees. The Committee on Naval Affairs could have called before them these officers and other witnesses and made the investigation and then submitted to the Senate such recommendations as they might see fit. Months have gone by. Consideration has been postponed. I do not know what for unless it was to allow a cooling off of the public wrath and indignation which was aroused because of the *S–4* disaster. I now, as before, take the position that we have an independent, vigorous investigation by a Senate com-

mittee. We ought not to have a joint investigation such as is provided for in the resolution, because it will be unproductive of results and a bad precedent to establish.

Mr. President, the Portland (Me.) Evening News recently had a very excellent analysis and summary of the inquiry that was made by the naval court of inquiry. I would like to have it read at the desk. It is very enlightening and deals with the subject admirably. There is a slight reference made to the Senator from Maine [Mr. HALE], which I will ask to have omitted, because we are not concerned about that. I am only concerned about what it says with reference to the inquiry and the public rights in the premises.

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

The legislative clerk read as follows:

[From the Portland (Me.) Evening News, March 21, 1928]

WHAT OF THE "S–4"?

The *S–4* has been brought to the surface and is docked at the Charlestown Navy Yard. But an examination of her interior merely deepens the mystery surrounding last December's fatal disaster.

"The wound in the hull is not sufficient in itself to have caused the sinking. Even with the battered compartment filled with water, she could have remained afloat, except for loss of control of the instruments in the control room." This is the statement of Capt. E. L. King, who had charge of the salvage operations.

What drove the men out of the control room remains unknown. The naval court could only find that they "from some undetermined cause were driven from the central operating department shortly after the collision" and "were therefore deprived of the use of practically all the ship's facilities for raising the vessel themselves or for aiding in attempts at their rescue."

It will be recalled that the findings of the naval court of inquiry, while vigorous, were inconclusive, and that dissent from them was registered by higher naval authorities. The court found that the cause of the failure of the *S–4* to take proper action prior to the collision, when the Coast Guard destroyer *Paulding* was still 75 yards away, could "not be determined absolutely." It found the *S–4's* dead commander and the commander of the *Paulding* jointly to blame for the collision.

In regard to the rescue operations, the court found that Rear Admiral Brumby, who was in charge of them, "had not the familiarity with the essential details of construction of submarines and the knowledge of rescuing vessels and the knowledge of the actual work being carried on by his subordinates necessary to direct intelligently the important operations of which he was in charge."

It further found—and note the contradiction in these findings—that while the rescue plans were "conceived by an expert staff * * * were logical, intelligent, and were diligently executed with good judgment and the greatest possible expedition, yet Rear Admiral Brumby failed to contribute that superior and intelligent guidance, force, and sound judgment expected from an officer of his length of service, experience, and position." The court therefore recommended that Rear Admiral Brumby be detached from command of the control force.

It is not clear how rescue plans, which (in the same sentence) the court declares to have been "logical, intelligent, and diligently executed, with good judgment and the greatest possible expedition," could likewise have lacked "intelligent guidance, force, and sound judgment" on the part of the officer in charge of them.

Nevertheless, a reading of the testimony will leave no one in doubt of Admiral Brumby's lack of qualification to carry out this particular work. To question after question bearing vitally on the saving of the lives of the imprisoned men, he was obliged to answer that he did not know. To his credit it should be stated that he made no attempt to "bluff" and to cover up his want of knowledge.

The judge advocate general, Rear Admiral Edward H. Campbell, dissented from the court's findings in regard to Admiral Brumby, saying that, in view of their adverse nature the court erred in not making that officer a defendant, which it had full authority to do.

The next higher authority, the Chief of the Bureau of Navigation, Rear Admiral Richard H. Leigh, dissented from holding the late Lieutenant Commander Jones directly and personally responsible for his share of the collision, and asserted his view that the facts found by the court did not support its opinions. Meanwhile Andrew Mellon, who, as Secretary of the Treasury, controls the Coast Guard Service, registered his dissent by saying "the Treasury Department * * * can not * * * permit an experienced, capable officer in its Coast Guard to be blamed for a collision for which this department has determined after careful investigation that he was not responsible."

And there you are.

Three relatively unimportant officers are picked as "goats." But in the case of Lieutenant Commander Baylis, his chief, Secretary Mellon, emphatically repudiates the finding. In the case of Rear Admiral Brumby the judge advocate general likewise demurs against the finding, and criticizes the court for making it. As for Lieut. Commander Roy K. Jones of the *S–4*—he is dead. He can not answer. And Rear Admiral Leigh takes exception, likewise, to the finding in his case. But even assuming the correctness of the court's verdict, of what use or importance is it? Singling out three figures in the disaster, does not help to determine the true and ultimate responsibility nor does it make a recurrence of this tragedy either impossible or even improbable. Another *S–4* disaster could occur to-morrow.

For all the testimony and findings to date the public is little wiser. It knows that the submarine went down under circumstances which naval officers at first declared unavoidable, but which to-day stand revealed as wholly avoidable and needless.

The public knows that the officer in charge of the rescue operations was scathingly condemned by the naval court and that his testimony showed him to be unfitted by experience to direct the work of rescue. At the same time, the people do not know why, in this great disaster which shook the country from coast to coast, and was a challenge to all the ability, ingenuity, and the resourcefulness of the Navy Department to save men still alive, an officer so little qualified was appointed to take charge. Who was responsible for picking him? Was he the best man available? Had the Navy none better than he? Far more important than fixing the blame on a dead lieutenant commander of the Navy, a Coast Guard lieutenant commander, and on a rear admiral, is to find out as far as possible:

1. Why the accident occurred. (This is not necessarily an unfathomable mystery.)
2. Why the various devices to save the men after the accident were made inoperative.
3. Why the appliances which might have been used to get air into the submarine were not available in time.
4. What other safety appliances which were not used might have been used to good effect.
5. Why it was not possible to raise it in a very much shorter time.
6. Why the rescue operations were so ineffectively carried out.
7. And (most important of all)—what steps have been taken, are being taken, and will be taken, to make the submarines of our Navy safe for their men in the future against so needless a collision, and so bungled an attempt at rescue.

Only by obtaining a satisfactory answer to this last question and by preventing the loss of more lives can the American people in any way compensate for the 40 lives lost on the *S–4*.

In the wake of the profound emotion brought about by the tragedy, an investigation by other than naval officers was sought in Congress. Certain Senators demanded a congressional investigation. Others fought it and, finally compelled by nation-wide indignation to do something, urged instead an inquiry by a commission which would, in effect, have been picked by the Secretary of the Navy. Public opinion finally forced the abandonment of that plan because of the widespread conviction that for the head of the Navy Department to investigate the department's shortcomings would lead nowhere.

A congressional inquiry was therefore voted in the Senate, despite the wishes of the chairman of the Senate Committee on Naval Affairs, in the matter. The measure went over to the House for conference.

The Navy Department—the administration—obviously does not want an investigation. The real facts—the real responsibility of those higher up—are to be covered up, if possible. Yet with not a move made that would make another such catastrophe impossible, a searching inquiry that would bring to light whatever there may be to prevent another needless sacrifice of young lives as in the *S–51* and the *S–4* becomes a supreme national duty. It is a solemn obligation to those gallant dead, who from their death trap, less than 20 fathoms beneath the surface, tapped out a call for help to the American Nation—and tapped in vain.

Mr. WALSH of Massachusetts. Mr. President, I think that editorial in a very direct and concise way sets forth the reasons why a congressional investigation should be made and why the investigation by the naval board of inquiry from the public standpoint was unsatisfactory.

I simply wish to say, in conclusion, that I have no objection to an investigation by experts being made by and for the Executive; I would be glad to have the Navy Department have the benefit of all the expert advice and technical assistance that it may need; but I do deplore the abandonment by Congress of its plain duty, which I conceive to be that of a safety valve and check upon the bureaus of the Government. I can not imagine anything that the bureaus would welcome more than a sign hung outside the doors of Congress: "Hereafter all bureaus are to be investigated by other bureaus of the Executive department; Congress has given up the business of making any inquiry into the derelictions of public officials."

Mr. HALE. Mr. President, the article inserted in the RECORD by the junior Senator from Massachusetts does not greatly disturb me. The Portland News is a newspaper that was started, I believe, some time last summer in my home city of Portland. I have the good fortune or the misfortune at the present time to be a contestant for renomination to the Senate. One of the principal functions of that newspaper seems to be to oppose everything I do and to laud everything that my oppo-

nent does. So I do not feel very greatly distressed by what this newspaper has published.

Mr. WALSH of Massachusetts. Mr. President, I was aware of the fact that the newspaper appeared to be in opposition to the Senator from Maine, and I had eliminated from the article a short line which, by the way, did not in any way reflect upon the Senator other than to refer to his connection with and mistaken views on this matter. I should like to ask the Senator, aside from the fact of the political opposition of that newspaper to him, is there anything in the paper's analysis of the naval board of inquiry that he finds fault with or criticizes? Is it not a correct and enlightening statement in regard to this accident and its problems?

Mr. HALE. Mr. President, before replying to that inquiry, I should want to consider the article. I simply heard the statement that it was an article from this particular newspaper, but I did not carefully attend to what it stated.

Mr. WALSH of Massachusetts. I am not concerned about the political position of this newspaper, but I am concerned about the fact that it gave an analysis of the report of the naval board of inquiry which seemed to me to be excellent and reiterated solid reasons why a congressional investigation should be made.

Mr. HALE. I have already given my views about what I think should be done.

Mr. GERRY. Mr. President, I am entirely in accord with what the Senator from Virginia [Mr. SWANSON] and the junior Senator from Massachusetts [Mr. WALSH] have said and the action they urge. I greatly regret that the department has seen fit to try to dictate and to have control of this investigation. As a strong supporter of the Navy, and as a believer in the fine body of men that compose it, I feel that they are entitled to have a thorough investigation of the *S–4* disaster, and to have the facts clearly disclosed in a way that will make for public confidence. I do not believe that it is a sound policy or a correct one to allow the department in charge to have anything to say in the control of an investigation into a disaster that has happened under that department.

In the sinking of the *S–4* we have suffered one of the most deplorable calamities that have happened to the Navy in years. The heroism of the gallant men who served on the *S–4* has touched the country deeply, as have the horror and the tragic character of the disaster which overwhelmed them. What the people want to know and what they have a right to know is, Was everything done that should have been done to have prevented the disaster, and after it occurred was everything done that could have been done to raise the *S–4* as quickly as possible?

The President, as Commander in Chief of the Army and Navy of the United States, could appoint—and I wish he had appointed—experts to go into the matter. I have no objection to that whatsoever.

There has been the usual court of inquiry held, and the court of inquiry has submitted a report that is apparently not satisfactory to the Secretary of the Treasury or to the Secretary of the Navy, the heads of the two departments involved. Now, we are faced with the desire of the Secretary of the Navy to have experts on the commission that is to be appointed to investigate this matter further, experts whom he is to pick. That really is the crux of the whole situation. Is a department head going to dominate investigations relative to his department or are the Senate and the House going to assert themselves and to insist on conducting the investigation and bringing out the facts? If Congress shall conduct the investigation, the public, in my opinion, will be satisfied that the work will be thoroughly done. If the department or appointees of the department shall conduct it, the public will not be satisfied.

I can not see how in any way it can be other than harmful to the Navy to have the resolution agreed to, for the public will feel—and with some justification—that the investigation which is proposed will not be as properly or as thoroughly undertaken as it will be, in my opinion, if the Senate or the House shall conduct it. I therefore am going to vote to let this matter go back to the House so as to ascertain if the House conferees are right in their opinion that the House itself does not want to aid the Senate in the investigation.

Mr. BLEASE. Mr. President, I thoroughly agree with the Senator from Massachusetts in reference to this investigation. When men are deliberately robbing and stealing from the farmers of this country, and an investigation is requested, and the Attorney General of the United States refuses to allow the people whom he has under his control to investigate that matter properly, and then refuses to allow what reports they do make to be known to those outside of his office who are very much interested in the matter, I think it should be lesson enough to this body that there will not be a fair investigation made of anything crooked connected with the present administration, whether it be the sinking of the *S–4*, or whatnot.

On the 17th of October, 1927, this letter was written by the Attorney General of the United States:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., October 17, 1927.

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

MY DEAR SENATOR: I beg to acknowledge your letter of the 13th instant inquiring what has been done in the matter of irregularities relating to the business of the Intermediate Credit Bank of Columbia, S. C., and expressing a desire for a copy of the report on the investigation of those irregularities made recently by accountants of this department. You suggest that if the reports are true some action should be taken, either by the Senate or this department, with reference to some certain officers.

The reports of investigators of this department are confidential, and it is against the rules of the department to furnish copies upon request. I beg to advise you, however, that the accountants have been making a very careful examination and that a number of indictments have been returned, which are, of course, on file at the office of the clerk of the United States District Court for the Eastern District of South Carolina. I have no doubt that Major Meyer will prosecute those indictments promptly and vigorously.

Very truly yours,

JOHN G. SARGENT, *Attorney General.*

There have been no such indictments returned as spoken of in that letter of the Attorney General against anybody connected with the Intermediate Credit Bank of the city of Columbia. That letter is a direct, positive dodging of the question at issue in that bank investigation and goes off to a little credit bank down in Beaufort, S. C.

On November 2 the Attorney General wrote the following letter; and these letters are signed, not by any subordinate, but by John G. Sargent, Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., November 2, 1927.

Hon. COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR: I desire to acknowledge your letter of the 24th ultimo, referring further to the alleged irregularities involving the South Carolina Agricultural Credit Co., of Beaufort, the Beaufort bank, and the Federal Intermediate Credit Bank of Columbia, and expressing the hope that I will see to it that the man higher up is properly looked after.

I beg to assure you that that case will have, and is having, the careful attention of this department with a view to the prompt and vigorous prosecution of every person involved who is found to have committed acts prohibited by the Federal criminal statutes. If any information as to persons other than those indicted comes into your possession, may I ask that you furnish it immediately to this department or to the United States attorney?

Sincerely yours,

JOHN G. SARGENT, *Attorney General.*

Mr. President, enough testimony has been furnished to that department and enough testimony has been furnished to the Senate upon which any jury in the world, unless they be bought, would convict Arnold, the ex-superintendent or assistant superintendent of the Atlanta (Ga.) Penitentiary, and put him in the penitentiary, where he belongs. Nothing has been done, however, and the department to-day is not only attempting not to do anything, but they are attempting to keep a Senate committee or the officers under the department from bringing these prosecutions; and the only reason I can see for it is that they are afraid that this rascality and thievery will injure the Republican Party in the coming election, because the institution is under their domination and control.

Now, Mr. President, I propose to furnish some more proof as to what is going on.

On March 24 I received the following letter:

FLORENCE, S. C., *March 24, 1928.*

Senator COLE L. BLEASE,
Washington, D. C.

DEAR SIR: I am wondering if there is anything that could be done to assist the farmers in getting service from the intermediate credit bank at Columbia. My application was filled out for a loan of $3,000 on February 10, 1928. February 20 I received a notice through Mr. Husbands that it had been approved and a check would be down shortly. Two weeks later I received notice that it had been approved but reduced to $2,500, which I accepted as it was so late. March 12 I received notice that it had been approved for the full amount, but required real-estate mortgage, which I prepared and forwarded the same day, in addition to the securities which I had offered. My securities are more this year than they were last and for the same amount.

On March 15 I went to Columbia and talked to Mr. Daniels. He first told me that I would not get any money. I asked to see Mr. Arnold, but he refused to see me. Mr. Daniels told me to get my application back up there and he would try to get my loan through. On March 20 I received notice that my loan had been approved, and on the 24th I received check, though cut to $2,500. Mr. Arnold told Mr. Husbands that the people were standing between him and the Lord; that he would step aside and let the Lord have them. So it seems to me that it is very necessary that something be done.

It seems impossible even when a loan is approved to get the money in time enough to be of much service to the farmers, and my case, of course, is one of several thousand similar ones. I had the same trouble last year. It was the last of March before I got this money, so I had to buy fertilizers and get them in the ground the best way I could, which meant a great loss to me.

I have always paid my obligations on or before maturity.

If I could get my money by February 15 I could save a big bit in my fertilizer bill. For instance, I can buy material and mix 8–3–3 at a cost of $19 per ton. If I do not have this time to do this in, I will have to buy a ready-mixed fertilizer at a cost of $25 per ton, so you can see what a loss it is to be thrown out.

Hoping that you will do something to relieve the situation, I am,

Very truly yours,

——— ———.

The people in South Carolina would like mighty well for Mr. Arnold to "step aside," whether the devil or the Lord gets him makes no difference to them.

On October 22 I received a letter from Beaufort sending in a report sent by the head of this bank to the Atlantic Commission Co., of New York and Philadelphia, instructing that the produce be sold over which this bank was supposed to have a mortgage, and, after its sale, that the money should be deposited in the Atlantic Co.'s bank—sneaking it out of the State of South Carolina into hands where they did not believe that an investigation would reach it. I ask that that letter and a letter signed by the South Carolina Agricultural Credit Co., along with a letter from Pelion, which I received this morning, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BEAUFORT, S. C., *October 22, 1927.*

Hon. COLE L. BLEASE,
Anderson, S. C.

DEAR SENATOR: Inclosed you will find a copy of a letter written to the Beaufort Truck Growers Cooperative Association by R. C. Horne, jr., president of the South Carolina Agricultural Credit Co., which I caused to be recorded in this office owing to my having heard that the president of the intermediate bank was anxious to get the original and later did get it and up to this time has not returned it to the parties in control of the Beaufort Cooperative Association. I understand that certain of the defense counsel have a letter written by Arnold to the Beaufort Truck Growers Cooperative Association ordering them to do identically the same thing that is set out in this letter, so you see they were not as innocent bystanders as they would like people to believe.

You might keep this letter for your files.

With kindest regards to you and Mrs. Blease, I am,

Very truly,

——— ———.

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
Columbia, S. C., April 27, 1926.

BEAUFORT TRUCK GROWERS COOPERATIVE ASSOCIATION,
Beaufort, S. C.

GENTLEMEN: You are hereby requested and directed to have the Atlantic Commission Co., of New York and Philadelphia, make the checks for produce sold for the Beaufort Truck Growers Cooperative Association payable to the order of H. B. Macklin. These checks to be deposited at once in the Hanover National Bank, of New York, to the credit of the Beaufort Bank, Beaufort, S. C., said Beaufort Bank will in turn credit the Beaufort Truck Growers Cooperative Association and its individual members with all the funds turned over to said H. B. Macklin by the said Atlantic Commission Co., of New York and Philadelphia.

This money shall be credited to the accounts of said members of the Beaufort Truck Growers Cooperative Association with the South Carolina Agricultural Credit Co., said South Carolina Agricultural Credit Co. now having crop mortgages over crops of the members of the Beaufort Truck Growers Cooperative Association.

Yours very truly,

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
By R. C. HORNE, Jr., *President.*

PELION, S. C., *March 24, 1928.*

Senator BLEASE,
Washington, D. C.

DEAR SIR: I notice that the Committee on Banking and Currency may not take action at this time on the two resolutions pending in the Senate for an investigation of the land bank at Columbia. They are robbing the farmers under the guise of cheap money. I will mail you evidence if you think it necessary, that will prove what I have said.

Yours truly,

——— ———.

Mr. BLEASE. When one distinguished department, one standing alone, or supposed to be, to bring criminals to justice, to give the people of this country what is due them, not only refuses to act, but conceals in that department that which will prove the guilt of the criminals, and refuses to give it to the people or to those who are most interested in bringing this matter to light, why send this *S–4* matter to a department already choked and fixed—hog tied, if you please—knowing that they will lose their jobs if they tell the truth, and lying, possibly, to get an increase of salary?

I have this morning an article from the Greenville News, of South Carolina, dated Columbia, S. C., March 24, as follows:

Testimony that the Intermediate Credit Bank of Columbia had lost more than a million dollars was given by officials of the bank at the recent trial of seven former officers of the Beaufort bank and the South Carolina Agricultural Credit Co.—

They always dodge off on Beaufort, a side issue—

on charges of conspiracy to defraud the Federal institution. Three of the seven defendants were convicted and sentenced to prison terms.

In their defense the seven on trial sought to show that officials of the intermediate credit bank were aware of the irregularities in the paper which was discounted by the Columbia institution for the Beaufort concern.

Mendel L. Smith—

One of the gentlemen whom I have named here as a witness—

was one of the defense counsel. J. D. E. Meyer prosecuted the case as United States district attorney, while Ernest Cochran presided over the trial as United States district judge. Edgar A. Brown was also of defense staff. R. A. Cooper, of Washington, was chairman of the Federal Farm Loan Board until a few months ago.

Mr. President, there is the proof. What more does Attorney General Sargent want? What more does the Senate want? Why do these committeemen continue to carry that resolution in the committee, thereby protecting those who are charged with robbing the farmers of South Carolina by the officers of this Government under a Republican régime?

I will tell you why. People of one certain kind will protect those of another certain kind. As the Senator from Indiana [Mr. ROBINSON] well said, "Birds of a feather will flock together." I ask the Senate either to see that that resolution comes out of that committee either with a favorable or an unfavorable report, and that we are given the privilege of passing upon it, or that you confess to the people of this country that you are afraid that you might discover another Teapot Dome scandal by reason of that bank in the city of Columbia, and not only in the city of Columbia but possibly all over this Government, absolutely stealing—and I mean that in the meanest sense—from the pockets of the farmers of my State, and being protected by the Attorney General of the United States of America by his own letters, the originals of which I have, and any man who desires to see them can see them.

Yes; send your resolution to the committee; send it to one of the departments, you gentlemen who are interested in the *S–4* matter, and you will find just what I have found here. The further you get, the deeper they will bury it; and after a while it will be so painted and pictured and fixed up that instead of thinking thieves and scoundrels have charge of the bank in Columbia you will actually believe that some of the people that this man says have separated him from the Lord have been converted into angels.

I do not want the investigation to hurt anybody unless they deserve to be hurt; but I want the investigation; and I shall keep bringing it before the Senate until some action is taken on it, to let the people of my State and this whole country have money at a reasonable rate, have money at a proper sum, have money without lawyers' charges, big fees, for the purpose of getting a loan through; have banks that the poor man can go to and get a loan from without hiring some agent to make the deal for him, without hiring some outside lawyer to go to the bank lawyer and pay him a part of his commission to help him get a loan.

Gentlemen talk about helping the farmers of this country. I hear a lot of talk about it, but I have seen very few people who really voted to help them. I do not want to be on the committee, because I do not know a thing in the world about banks and the banking business, except when I use to go and pay interest about every 90 days or six months on a note or two I happen to have in the bank.

I do not want to be on the committee. I want men on the committee who understand the situation, men who can get the truth, and if these men are not guilty as charged in these letters and affidavits and the evidence in the courthouse at Columbia, let them be found not guilty and discharged. At the same time, let the people know that you have an interest in this bank and in them, and that you want the crookedness, if any there, out of this bank. Let the people of my State regain their confidence in this Government so that they may believe the Government is trying to help them, and not trying to rob them, as is accused here.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Ashurst	Gerry	McLean	Shipstead
Barkley	Gillett	McMaster	Shortridge
Blaine	Glass	McNary	Smith
Blease	Gooding	Mayfield	Smoot
Borah	Gould	Moses	Steck
Broussard	Greene	Neely	Steiwer
Bruce	Hale	Norbeck	Stephens
Capper	Harris	Norris	Swanson
Caraway	Harrison	Nye	Thomas
Copeland	Hawes	Oddie	Tydings
Curtis	Hayden	Overman	Tyson
Cutting	Heflin	Phipps	Wagner
Dale	Johnson	Pine	Walsh, Mass.
Dill	Jones	Pittman	Warren
Edwards	Kendrick	Robinson, Ark.	Waterman
Fess	Keyes	Robinson, Ind.	Watson
Fletcher	King	Sackett	Wheeler
Frazier	McKellar	Sheppard	Willis

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Alabama [Mr. BLACK], the Senator from New Mexico [Mr. BRATTON], and the Senator from Georgia [Mr. GEORGE] are detained from the Senate in attendance at the funeral of the late Senator FERRIS.

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

THOMAS W. CUNNINGHAM, RECUSANT WITNESS

The SERGEANT AT ARMS (David S. Barry). Mr. President, I have to report that, acting under the authority of a warrant issued by the Senate, I took Thomas W. Cunningham into custody this morning through my deputy. He appeared before Judge Dickinson and applied for a writ of habeas corpus, which was granted, and he was released on $1,000 bail, returnable on April 5, 1928.

Mr. KING. Mr. President, on the 22d instant the Special Committee Investigating Expenditures in Senatorial Primary and General Elections submitted a special report in connection with Thomas W. Cunningham, a recusant witness who had appeared upon two occasions before said committee and had refused upon each occasion to answer proper and pertinent questions propounded to him by the committee. The questions related to the investigation being conducted by the committee, and among other things were asked for the purpose of obtaining information proper and pertinent to said investigation, and for the purpose of aiding the Senate in the matter of legislation. The report recommended that because of the defiant and contumacious conduct of said Thomas W. Cunningham he be adjudged in contempt of the committee and of the Senate. Following said report the committee offered Resolution 179, which was adopted by the Senate. Resolution 179 is as follows:

Whereas it appears from the report of the special committee investigating expenditures in senatorial primary and general elections that a witness, Thomas W. Cunningham, twice called before the committee making inquiry as directed by the Senate under S. Res. 195 of the Sixty-ninth Congress, declined to answer certain questions relative and pertinent to the matter then under inquiry: Therefore be it

Resolved, That the President of the Senate issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of the said Thomas W. Cunningham wherever found, and to bring the said Thomas W. Cunningham before the bar of the Senate, then and there or elsewhere, as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Thomas W. Cunningham in custody to await further order of the Senate.

Pursuant to the report and Resolution 179 the Vice President issued his warrant in due form, commanding the Sergeant at Arms or his deputy to take into custody the body of said Thomas W. Cunningham and to bring him before the bar of the Senate. The Vice President delivered the warrant to the Sergeant at Arms of the Senate, David S. Barry, who duly served the same by his deputy, John J. McGrain, upon Thomas W. Cunningham in the city of Philadelphia, Pa. The Sergeant at Arms has just reported that he took into custody through his deputy said Thomas W. Cunningham, and that the latter applied for a writ of habeas corpus, which was granted by Judge Dickinson, and said Cunningham was thereupon released upon $1,000 bail, returnable April 5, 1928.

Mr. President, I am directed by the Special Committee to Investigate Expenditures in Senatorial Primary and General Elections to submit a resolution in the form of a motion. Pursuant to such direction I move that the President of the Senate be directed to certify to the United States district attorney for the District of Columbia the report made on March 22, 1928—being Report No. 603—by the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, relating to the contumacy of Thomas W. Cunningham, a witness before the committee, for appropriate action by that officer.

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

Mr. KING. I yield.

Mr. ROBINSON of Arkansas. Does this follow the precedent recently established in what is known as the Stewart case?

Mr. KING. I think it does.

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

The motion was agreed to.

Mr. KING. Mr. President, I offer the following resolution.

The PRESIDING OFFICER. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 183), as follows:

Resolved, That the Special Committee Investigating Expenditures in Senatorial Primary and General Elections is authorized to employ counsel at a cost of not to exceed $2,500, to be paid out of the contingent fund of the Senate, to represent the Senate in any proceedings taken by Thomas W. Cunningham in any court to obtain his release from the custody of the Sergeant at Arms.

Mr. KING. I move the adoption of the resolution.

Mr. WALSH of Massachusetts. Is the resolution in the same form as that offered in a previous case?

Mr. KING. It is, as I recall that resolution.

Mr. WALSH of Massachusetts. It provides the same amount of money?

Mr. KING. The same amount.

Mr. SMOOT. I think under the law it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WALSH of Massachusetts. I may say that the Committee to Audit and Control the Contingent Expenses of the Senate approved of a similar resolution in a previous case.

Mr. SMOOT. I dare say the committee will approve this resolution immediately, but under the law it has to go to that committee.

Mr. KING. I have no objection, and shall ask the reference of the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate. I express the hope that the committee will act as promptly as convenient. When action is reported by the committee I shall renew my motion for the adoption of the resolution. For the moment I shall not ask for its adoption.

The PRESIDING OFFICER. Without objection, the resolution will go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING subsequently said: Will the Senator from Wisconsin suffer an interruption to consider a matter not related to the bill before the Senate? The Senator from Ohio [Mr. FESS], of the Committee to Audit and Control the Contingent Expenses of the Senate, desires to submit a report which will take but a moment to be acted upon.

Mr. FESS. Will the Senator yield for that purpose?

Mr. BLAINE. I yield.

Mr. FESS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back Senate Resolution 183 favorably without amendment, and I ask unanimous consent for its immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to.

INVESTIGATION OF SINKING OF SUBMARINE "S–4"

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4* and upon methods and appliances for the protection of submarines.

The PRESIDING OFFICER. The question is on agreeing to the motion offered by the Senator from Maine [Mr. HALE].

Mr. HALE. Mr. President, I would like to amend the resolution I offered by changing the language "two Senators and two Representatives" to "three Senators and three Representatives."

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state his inquiry.

Mr. CURTIS. The first action for the Senate to take is to ask for a conference.

The PRESIDING OFFICER. That would be the ruling of the present occupant of the chair, if the point is made.

Mr. CURTIS. As I understand it, the only way to handle this properly is to ask for a conference, and if a conference is agreed to, then let the Senator offer his resolution, which will be treated as an instruction.

Mr. HALE. This is not an instruction; it is merely a resolution to get the sense of the Senate. I propose to offer one motion if the resolution is agreed to, and another if it is not agreed to.

Mr. CURTIS. Just a second. If a vote is had upon this resolution and the resolution is defeated, is it then the intention of the Senator to ask for a conference?

Mr. HALE. I am going to ask that the Senate adhere to its amendments.

Mr. SWANSON. That was the understanding.

Mr. ROBINSON of Arkansas. I understand that the Senator is presenting the resolution as by unanimous consent.

Mr. CURTIS. I have no objection if there is an agreement between the two sides, but I think the other course would have been the better one.

The PRESIDING OFFICER. The clerk will read the resolution as modified by the suggestion of the Senator from Maine.

The Chief Clerk read as follows:

Resolved, That it is the sense of the Senate that the compromise proposed by the House conferees on House Joint Resolution 131, providing for the addition of three Senators and three Representatives to the commission provided for in said joint resolution, should be accepted by the Senate conferees in the event that a further conference be ordered.

Mr. HALE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBINSON of Arkansas. Has consent been given for the consideration of the resolution?

The PRESIDING OFFICER. The conference report was adopted some time ago.

Mr. ROBINSON of Arkansas. The resolution is not in order except by unanimous consent.

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

Mr. ROBINSON of Arkansas. I do not object to the consideration of the resolution.

The PRESIDING OFFICER. The Chair understood that consent had been given.

Mr. ROBINSON of Arkansas. But I think that for the preservation of orderly procedure in the Senate it should be understood that this resolution is considered only by unanimous consent at this time.

Mr. HALE. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

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

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. KING. May I inquire by what parliamentary procedure the resolution comes before us in advance of the disposition of the conference report?

Mr. HALE. I do not think it is in the nature of instructions at all. It is simply a resolution to get the sense of the Senate so I can tell what sort of motion to make afterwards, whether to move to insist or to adhere.

Mr. SWANSON. In order to get a vote to adhere and end the discussion and in order to enable us to get a vote in the House on our amendments, which it has been impossible to do, when the pending resolution is defeated, which I hope it will be——

Mr. HALE. And I hope that it will not be.

Mr. SWANSON. And which I shall vote against——

Mr. HALE. And I am going to vote for it.

Mr. SWANSON. Then I am going to move, or the Senator from Maine will move, that we adhere to the amendments of the Senate. Then we can get a vote in the House on the amendments of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Maine, on which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the junior Senator from Alabama [Mr. BLACK] and vote "nay."

Mr. NORBECK (when his name was called). On this question I am paired with the junior Senator from Iowa [Mr. BROOKHART], who is absent. If that Senator were present, he would vote "nay." If permitted to vote, I would vote "yea."

Mr. TYDINGS (when his name was called). On this question I have a pair with the Senator from Minnesota [Mr. SCHALL]. If he were present and permitted to vote, that Senator would vote "yea," and I would vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF], who is absent. Not knowing how he would vote, I transfer my pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

The roll call was concluded.

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. BRATTON], and the Senator from Alabama [Mr. BLACK] are necessarily absent, attending the funeral of the late Senator Ferris.

Mr. PHIPPS (after having voted in the affirmative). I have a pair with the Senator from Georgia [Mr. GEORGE]. On account of his absence and not knowing how he would vote, I withdraw my vote.

Mr. COPELAND. Upon this matter I have a pair with the junior Senator from Rhode Island [Mr. METCALF]. Transferring that pair to the senior Senator from Montana [Mr. WALSH], I vote "nay."

Mr. TYDINGS. The Senator from North Carolina [Mr. SIMMONS] being necessarily absent, I transfer my pair to him and vote "nay."

Mr. PHIPPS. I find that I can transfer my pair with the Senator from Georgia [Mr. GEORGE] to the Senator from California [Mr. SHORTRIDGE], which I do, and vote "yea."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Pennsylvania [Mr. REED] with the Senator from Delaware [Mr. BAYARD];

The Senator from Illinois [Mr. DENEEN] with the Senator from Louisiana [Mr. RANSDELL]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississippi [Mr. STEPHENS].

The result was announced—yeas 24, nays 41, as follows:

YEAS—24

Capper	Gould	McNary	Smoot
Curtis	Greene	Moses	Steiwer
Cutting	Hale	Oddie	Warren
Dale	Jones	Phipps	Waterman
Fess	Keyes	Robinson, Ind.	Watson
Gillett	McLean	Sackett	Willis

NAYS—41

Barkley	Frazier	McMaster	Steck
Blaine	Gerry	Mayfield	Swanson
Blease	Glass	Neely	Thomas
Borah	Harris	Norris	Tydings
Broussard	Harrison	Nye	Tyson
Bruce	Hawes	Overman	Wagner
Caraway	Hayden	Pittman	Walsh, Mass.
Copeland	Heflin	Robinson, Ark.	Wheeler
Dill	Kendrick	Sheppard	
Edwards	King	Shipstead	
Fletcher	McKellar	Smith	

NOT VOTING—28

Ashurst	Deneen	Johnson	Reed, Pa.
Bayard	du Pont	La Follette	Schall
Bingham	Edge	Metcalf	Shortridge
Black	George	Norbeck	Simmons
Bratton	Goff	Pine	Stephens
Brookhart	Gooding	Ransdell	Trammell
Couzens	Howell	Reed, Mo.	Walsh, Mont.

So Mr. HALE's motion was rejected.

Mr. HALE. Mr. President, in accordance with the statement which I made before the vote was taken, I now move that the Senate adhere to its amendments.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

Mr. EDWARDS. Mr. President, I desire to say just a few words before the vote is taken. I have been literally flooded with letters from all parts of the country with reference to the *S–4* disaster. There seems to be a well-founded suspicion, at least, that the disaster was caused by the zeal of the Coast Guard destroyer *Paulding* in chasing what it is said were rum runners. At the time of the disaster the man on the bridge was an inexperienced officer, who admitted that he would not know a periscope if he saw one.

I do not think the country will ever be satisfied with any hybrid investigating committee that will tend to whitewash those responsible. I am thoroughly opposed to any such committee. I am in favor of a real investigating committee which will go to the root of the situation and tell the public the truth. Under no other circumstances will the country be satisfied. I am, therefore, opposed to any compromise with the House or with anybody else. I believe that if we can not have a real investigation by a joint committee of the House and Senate, we should have a real investigation by the Senate itself.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine, that the Senate adhere to its amendments.

The motion was agreed to.

OIL SCANDAL AND CAMPAIGN CONTRIBUTIONS

Mr. ROBINSON of Indiana. Mr. President, I desire to announce at this time that at next Thursday's session of the Senate, as soon as I shall be able to obtain the floor in my own right, I expect to address the Senate on the subject of the naval oil leases and Teapot Dome.

I make this announcement now because I understand the senior Senator from Montana [Mr. WALSH] will not have returned until that time from attending the funeral services of our late colleague from Michigan, Mr. Ferris, but that he will be here on Thursday. I promised him I would not attempt to speak on the subject before his return, and it is necessary for me to leave the city that same evening. So I thought it well to make the announcement at this time.

THE CALENDAR

Mr. CURTIS. I ask unanimous consent that at the conclusion of the routine business to-morrow morning the Senate shall proceed to the consideration of unobjected bills on the calendar until 2 o'clock, unless the calendar is sooner disposed of.

Mr. ROBINSON of Arkansas. I have no objection to that arrangement.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

PROTECTION OF MIGRATORY BIRDS AND GAME

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, Senate bill 1271.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. BLAINE] is recognized.

Mr. BLAINE resumed the speech begun by him on Wednesday last. His speech entire is as follows:

Wednesday, March 21, 1928

Mr. BLAINE. Mr. President, in the consideration I shall give to Senate bill 1271, I hope that I shall be credited with a proper motive in my opposition, for my objections to this bill are in no way facetious or frivolous.

I have no doubt but that the senior Senator from South Dakota [Mr. NORBECK] has a sincere desire to conserve wild life. I do not doubt for one moment that he believes that this measure will conserve wild life. I think the Senator and I will agree to the proposition that in the conservation of wild life there should be a consideration of certain fundamentals that relate to mankind; that there is a relationship between all living things; that there must be a sort of balancing and counterbalancing of nature if we are to conserve and make possible the continuity of human life. Human life depends upon the lower order of animal life, and can not exist without the preservation of all wild life.

We probably will differ as to the method and the procedure to be employed in the conservation of wild life. Life is a precious thing, whether there is a consciousness that arises out of the human soul or out of the instincts of the lower order of life. The taking of life may be justified; but when it is not justified it is a cruel, inhuman, and immoral act to take the life of a single thing that is essential to this well-ordered world of ours, not designed by man, but designed by a Power that has created all things, and the design of whom is to perpetuate all things.

As I conceive this measure to be, and as I think I shall be able to demonstrate beyond the peradventure of a doubt, if this bill is enacted into law, the result will be the destruction of wild life. This is not a conservation measure. This is a measure that promotes vandalism of our wild life. It is a measure that is sailing under false colors; but I want to say in passing now that the author of this bill has no design and no motive to bring about its enactment under false colors. I think, however, that he has been led into error through a limited public propaganda which, if it succeeds, is going to result in the destruction of wild life.

This measure has back of it certain selfish interests with which the Senator from South Dakota has no connection. There have been proponents of this legislation outside of Congresses and outside of legislatures who wanted and who still want to set up a system of game preserves that in effect would result in the exclusion of all others from the enjoyment of these game preserves except those who have the leisure and the funds with which to make use of these preserves.

I am of the opinion—and it is not one drawn from my imagination but one that is written in the very bill itself—that this bill is designed to conserve wild life just for one purpose, and that purpose is to kill, quite regardless of the justification of the killing.

Mr. NORBECK. Mr. President, will the Senator yield? I do not want to interrupt the Senator if he would rather proceed.

Mr. BLAINE. I shall be very glad to yield to the Senator.

Mr. NORBECK. This bill provides mainly for the purchase of land. It provides, further, that there shall be no hunting on those reservations, except that 40 per cent of the land may be thrown open to hunting in case there is a surplus of game. Is that the feature to which the Senator objects?

Mr. BLAINE. I conceive the results that will flow from this bill entirely differently from the way the Senator from South Dakota does. Our difference may be due to a misunderstanding of what flows from the provisions contained in this bill, and which I will very shortly point out.

Mr. NORBECK. In regard to the Senator's reference to wild life, he understands that this bill has been drawn on this theory, that a good deal of the wild life is to be used for the benefit of man. Under this plan we raise ducks and geese for the purpose of killing them, just the same as we do turkeys, and chickens, and domestic animals. In other words, civilization has been striving all the time to raise more animals so as to have more food. The same thought is carried out in this bill; that is, what is the use having a million geese eating up all the farmers raise unless those geese can be secured for human use? I do not want to have any misunderstanding about the purpose of the bill.

Mr. BLAINE. I thank the Senator. I understand the purpose as explained by the Senator, and I will get to that very shortly; but just presently, in passing, if the provisions of the bill will result as the Senator suggests, there is no reason why the little boy in blue jeans should pay a dollar a year toward a fund out of which will be created an army of game wardens, Federal officials, reaching out their strong, heavy hand upon those who really need this wild life for food. I will get to that very shortly. I am going to cover the whole subject.

Mr. NORBECK. May I ask whether the State of Wisconsin charges a license fee of a dollar for hunting at the present time?

Mr. BLAINE. I will get to that also.

Mr. DILL. Mr. President, if the Senator will permit an interruption, not only must the boy pay the dollar license, but that very dollar will be used to employ game wardens, who receive their authority from Washington, D. C., to go around and interfere with people outside the reservation.

Mr. BLAINE. Yes. I want to say, in answer to the question of the Senator from South Dakota, that my State of Wisconsin does require for hunting a license fee of $1 per year, and that the State of Wisconsin has fully and efficiently carried out her duty and obligation under the laws enacted by

the National Congress, and under the treaty with Great Britain, with reference to migratory birds. It is a police power which she exercises, under amendments 9 and 10 to our Constitution, a power which we are exercising effectually. There is no reason for interference by a centralized government 1,000 miles away from the homes of those boys, those farmers, those city workers, those in our villages, who are obeying the laws and conserving the wild life. Here is a bill in which it is proposed to extend the arm of a bureaucratic administration, located here in the city of Washington, far, far away, with the result that those who can least afford to pay, that those who must, through necessity, have this wild life for food, are unable, on account of circumstances or of distance and financial considerations, to approach this king of the wild here in Washington, a bureaucratic organization, to seek relief from the arbitrary acts of a game warden.

Mr. NORBECK. May I call the Senator's attention to the fact that there are no game preserves to be established in any State except in cooperation with the State? It is possible the Senator has reference to the Federal game wardens who are provided in the act of 10 years ago. Wisconsin to-day has a Federal game warden enforcing the laws of Wisconsin, as far as he is able to reach. It is not a new matter. That is provided in the law now.

Mr. DILL. The Senator knows there are only 24 game wardens in 48 States, and this will provide a tremendous fund.

Mr. NORBECK. Will the Senator permit me to ask how many game wardens the State of Wisconsin has?

Mr. BLAINE. All that the dollar license fee will support.

Mr. NORBECK. About a hundred?

Mr. BLAINE. Oh, no.

Mr. NORBECK. About 50?

Mr. BLAINE. About 50 or 60.

Mr. NORBECK. Give us 50 or 60 in the whole United States and we will do some business.

Mr. BLAINE. But we are performing our whole duty.

Mr. NORBECK. But all the States are not.

Mr. BLAINE. Why does the Senator want to empower a Federal organization to interfere with this local police regulation? What is going to be the result of this? There is a constant attempt, and some attempts have been successful, to extend this arm of the centralized government over the States and over our people to such an extent that to-day men and women recognize that there is little respect for law. The time was when Uncle Sam and Uncle Sam's legislation were held in high regard, but never in the history of America has there been such disregard for law. Why? Simply because Congresses have been engaged in a veritable diarrhea of legislation, until no man knows what the law is.

Worse than that, by extending the arm of the Federal Government out over the States, usurping the police power of the States, a psychology is being brought about whereby local enforcement of the law is being discouraged. There can be no effective enforcement of any law, I do not care what it is, unless there is local public opinion back of it, and also unless there is local responsibility as well. Take off the shoulders and conscience of the American people locally this responsibility and duty to enforce law, and there will be no law enforcement. Men and women are willing to bear that responsibility, but when agencies are set up that assume that responsibility, at once the local communities are discouraged, the very force and power that make law enforceable and enforced are disheartened. They are discouraged from continuing to perform their duties and responsibilities, because whenever Government becomes intermeddling with respect to everything, whether it is regarding the freaks of weather or the frills of fashion, we may expect the people to receive more of that kind of interference and that kind of intermeddling and that kind of paternalism, until the moral fiber of our people is destroyed, and it is made impossible to enforce law.

That is the trouble to-day. America is not a disordered Nation. The American people as a whole are law-abiding citizens, decent citizens, but when the centralized Government spreads its hands out all over the United States, getting its fingers into every activity of life, then the man on the street says "Let George do it," with the result that we can not and do not have law enforcement in America to-day.

The States are being deprived of their self-government, their police power guaranteed to them under the Constitution; and if you continue to destroy this responsibility and these rights you will destroy the very thing that makes it possible to sustain and maintain law and order. All that will be left will be an army of public employees, such as there were in the ancient régime of France, and there will be a public official in the shadow of every citizen. He will be followed everywhere. If he has hogs to take to market, there will be a hog inspector. If he has a calf to take to market, there will be a calf inspector. If he has something else to take to market, there will be some other public official controlling in his shadow, and if perchance the sow has a litter of pigs, there will be inspectors of pigs. So it goes all the way down the line, and here it is proposed to have game wardens, to put into the hands of one department 500 or more game wardens, spread out all over the United States to enforce this law, which is not a law for conservation but a law the result of which will mean the destruction of wild life, and the very bill itself so proclaims. I want to read that section at this time.

Mr. NORBECK. Where does the Senator get his figures of 500 game wardens?

Mr. BLAINE. I will get to that very shortly.

Mr. NORBECK. That would be only 10 for each State.

Mr. BLAINE. I will give the figures shortly.

Mr. NORBECK. That would be a very small number compared to what Wisconsin uses in the enforcement of the law.

Mr. BLAINE. Wisconsin can take care of herself. We do not want a single Federal game warden there. The more we have, the less law enforcement we have.

Mr. NORBECK. Under this measure there would be no preserves in Wisconsin unless they were asked for.

Mr. BLAINE. We have them already, and I am going to show the evil consequences that flow from the autocratic administration on the preserve that it forced upon our State.

Mr. NORBECK. The Senator is opposed to the Mississippi wild-life bird refuge, is he?

Mr. BLAINE. I am not, and I will read the provisions in the State law, which I had the privilege to write, designed to preserve the rights of the people of Wisconsin, not only under the Constitution, but as well under the Ordinance of the Northwest Territory.

Mr. NORBECK. I did not understand the Senator, then. I thought the Senator was criticizing that Federal activity up there.

Mr. BLAINE. I am; and when I give the Senator the facts, I know that he, as an honorable Member of this body, will aid me in the denunciation of this arbitrary, autocratic rule which comes from the Capital of our Nation. I have the information here. Privileges under these Federal laws are bought by individuals, and I will show that as well. I think it is a mighty serious proposition.

I said that I would read a provision in this bill. It is the heart of the bill. It is the thing which proposes to preserve, to kill, and to slaughter, not to perpetuate, wild life. Listen to it:

Section 11, which, as I said, and I repeat, is the heart of the bill, provides:

> That the primary purpose of this act is to provide necessary areas for feeding and breeding places for migratory game birds in order that an adequate supply of said birds may be maintained—

For what purpose?

> When, in the judgment of the Secretary of Agriculture, a sufficient surplus of said birds exists—

Then he may, by public notice, provide for the hunting and killing thereof. Yes; the primary purpose of the act is to establish a trap into which these innocent birds will be invited, fed, and bred until the time comes when the game hog will be privileged to build for himself a blind. I have criticism for that kind of sportsmanship. Imagine a strong-armed biped building his blind in the bushes of the lake shore or the marsh, covering himself with a camouflage of vegetation. Into that blind he goes with a Winchester or some other firearm, a repeating shotgun, double-barreled shotgun, or an automatic gun, and a belt of ammunition. Out on the placid waters he places the camouflaged ducks, the wooden decoys. Among them he plants the live Judases to seductively invite this feathered life of ours to alight within shooting distance of his gun. In the moment when this wild life, assuming instinctively that it has some protection, alights it is shot down, not for necessary food, not to sustain life, but for the mere purpose of killing, killing for sport. The bill is an invitation for those who have the money and the leisure to build their blinds, to bring in their decoys and their Judases, and to destroy for no other reason than sport, the joy of killing this wild life which has been preserved and protected by the Federal Government. It will have been fed and bred and induced to inhabit that refuge and that sacred place for the purpose of being killed.

Mr. NORBECK. Mr. President, if the Senator will yield——

The PRESIDING OFFICER (Mr. McMASTER in the chair). Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. BLAINE. I yield.

Mr. NORBECK. I would like to ask him a question. I am anxious to arrive at the understanding of the Senator. I am not at all clear about it. Does he favor bird refuges without hunting? If so, we are not far apart.

Mr. BLAINE. I will make myself very clear on that point before I get through.

Mr. NORBECK. I want to call attention to the argument used in favor of shooting grounds. It is to give the average boy a chance to go into those shooting grounds instead of having duck clubs; that is, having millionaires and wealthy men acquire all the land around the preserves and do the slaughtering there.

Mr. BLAINE. I will answer that in due time.

Mr. NORBECK. The purpose of the bill is to give everybody a chance?

Mr. BLAINE. I think I will be able to answer that to the Senator's satisfaction.

Mr. DILL. Mr. President, will the Senator let me make a suggestion?

Mr. BLAINE. I yield to the Senator from Washington.

Mr. DILL. There is nothing in the bill to prevent those very millionaire hunters who are being talked about from going in and slaughtering all the birds they want to in these reserves.

Mr. NORBECK. But it is hard to say in a bill that a millionaire shall not have the same right as anyone else. The millionaire has a right now that nobody else has. The boys do not have that right now. The millionaire buys land right around these places and owns it. Under the bill it will be possible to have an area there that can be thrown open to the whole public instead of to the exclusive few.

Mr. DILL. If the Senator were sincere in his purpose, then he would agree to a provision that would limit the number of birds or ducks that anybody could take out of these reserves. As it is, they can take out 25 or 50 or as many as they want.

Mr. NORBECK. The Senator has been very desirous to have me agree to let a lot of foreign matter into the bill. If I permit that to go in, he knows the bill will be defeated, and I would rather be accused of insincerity than to kill the bill merely to please the Senator. I do not know that I have any objection to limiting the number of birds that may be killed on the preserve proper.

Mr. DILL. The Senator will agree to almost any kind of an amendment so long as we do not interfere with charging everybody for a license.

Mr. NORBECK. As long as we do not get any money to do business, the Senator is willing to agree to any kind of a bill we want.

Mr. DILL. And the Senator from South Dakota will not agree to a proposal to get money in any other way.

Mr. NORBECK. Because it has been tried and failed in the past.

Mr. DILL. I think it would be well to try it again. The Senate does not always in the first instance pass a bill which is satisfactory to the House.

Mr. NORBECK. But here is a bill which has passed both Houses.

Mr. DILL. This bill has not passed the House.

Mr. NORBECK. No; the bill that passed the House had no inviolate preserves provided for in it. This is a decided improvement over one of the bills that passed the House, providing a dollar license fee.

Mr. DILL. I do not think it will pass again. If the bill had come from the House and the Senator was then forced to accept the House provisions or nothing, there would be something in his position, but he insists that we do the way this bill provides or that nothing can be done.

Mr. NORBECK. Two years ago the Senator insisted that we could get an appropriation for other reserves. When we attempted to do it, and sent it over to the House, they killed it.

Mr. DILL. But we got an appropriation for a bird reserve in the Mississippi Valley of $1,500,000.

Mr. NORBECK. We did that many years ago, and it is the only one we have.

Mr. DILL. We have not spent one-fourth of the money.

Mr. NORBECK. I beg the pardon of the Senator from Wisconsin. I shall not interrupt him again. I am really anxious to hear his discussion of the bill.

Mr. BLAINE. Mr. President, I know the Senator is perfectly sincere in the attainment of the object or the end he is seeking, but I fear that the Senator has misconceived the results which will flow from the enactment of the bill into law. I think I shall be able to convince every reasonable man who believes in the preservation of wild life for life's sake—not for sport, but for the sake of wild life—that the bill is headed but one way, and that is to the destruction of wild life. I do not make that just as a mere declaration. I think I shall be able by logic, drawing from experience, drawing from the past, and pointing out the provisions of law, to establish that statement as true.

Mr. President, the taking of life may occur under certain circumstances. I am going to discuss this philosophy just a little bit, because it goes right to the foundation of the whole question of the conservation of wild life. The State may take human life in the carrying out of its penal laws under certain circumstances. I do not think that the State has any moral right to do it, but it has the legal right to do it. One man may take the life of another with justification in self-defense. That is according to the first law of nature. The individual has a right to preserve his own existence, and when that existence is threatened, when his life is threatened to the point of danger to him, he has the right to take the life of another. This is upon the theory of the right of self-defense, the right to preserve ourselves against the assaults and violence of other men. The taking of human life under those circumstances is, of course, justifiable.

Then there is justification for the taking of wild life under some circumstances. Mankind, being the superior order of life, has the right to perpetuate and conserve mankind in the interests of his own existence and the existence of the race and according to the design of the Maker. But that is a limited right. As I said, all life is precious. The man who crushes, wilfully or wantonly, the life out of a worm under his foot, unless that worm is a menace to mankind, is violating a moral duty. He has no right to do that. However, man may take wild life for certain legitimate purposes. Upon the theory of self-preservation he may take wild life for food. Food is essential to existence and for self-preservation. It takes the lower order of life to preserve the higher order of life under those circumstances, and there is justification for that.

There is justification to take wild life for raiment and protection upon the same theory and for the same reason. There is justification for a man to kill an animal, a bird which is edible, for the purpose of furnishing food for himself and his family as a matter of self-preservation, to take the furs, the wool, the feathers for shelter and raiment for mankind upon the basis of self-preservation. That is self-defense. But there is no moral right to take animal life for the mere purpose of killing. That is wanton killing, unless it is taken in self-defense or self-protection. Any other taking of wild life is not according to the moral law; it is not according to the design of Him who formed the universe, who placed in the air the birds, in the sea the fishes, upon the land mankind and other life.

There is another justification for taking wild life, though it is limited. There are certain forms of wild life which may be a menace to mankind. The justification for the taking of such wild life is self-preservation, self-defense. There is justification for the eradication of certain predatory animals and predatory birds and of certain insects.

It is justified upon the ground of self-defense, self-preservation, and sometimes for the purpose of counterbalancing what we call nature; but the justification is always on the ground of self-preservation and self-defense. Yet here is a bill that proposes to create, by the solemnity of an enactment through the sovereignty of a great Nation, so-called refuges, so-called sanctuaries, in the name of sanctuaries and refuges for the purpose of the feeding and breeding and propagating wild life to the extent where it may become so numerous that there will be sufficient surplus to kill and to slaughter for sport. That is going to be the result of this bill, if it shall be enacted into law.

Then the same section further provides:

> Whenever the surplus migratory game birds decrease so that further public hunting on any such area * * * might prove harmful to the future supply of said birds—

This king of the wild, the Secretary of Agriculture, may stop the shooting and killing for such a period of time as there may be further feeding and breeding and propagating of game birds and wild life, again to be slaughtered, again to be killed for sport.

There is no Senator in this Chamber, I am sure, who is willing to risk his reputation for integrity, who will contend that there is any necessity for propagating and breeding wild life merely for the purpose of furnishing food. The farmers, led by the Senator from South Dakota [Mr. NORBECK], are complaining before this Congress, and have complained for many years, that there has been a tremendous surplus of food; that they want

either to reduce the supply of food or to find some way to dispose of the surplus. The contention, therefore, that we must conserve wild life to furnish sufficient food for our people, of course, is nonsense, in the face of the present situation. This bill is flying under false colors; it is not fair; it is not square with wild life.

The right to kill, as I have suggested, is a very limited right in good morals and in good conscience, and until the necessity arises that there must be killing—justified killing for food, for shelter, for raiment, for self-protection, for self-preservation—the great Government of the United States should not entice and seduce the migratory birds and animals of this continent into refuges, into sanctuaries, in order that they may breed and multiply so that men—"game hogs"—may have the opportunity to shoot, to kill for sport.

Section 11 is the heart of this proposed legislation, and not only the heart, but it is the lifeblood as well. The whole purpose of this measure is to conserve not for the sake of preserving wild life because it is wild life, but, I repeat, for the purpose of affording an opportunity to kill for sport.

I have pictured the biped who is so unsportsmanlike as to sneak into a blind and take unaware members of the feathery tribe which have been induced and seduced by the Judases of their kind into a death trap. As a great conservationist once said:

> Under those circumstances, instead of the gun being in the hands of the man, the gun ought to be placed in charge of the bird.

Again, there are the brant and the wild goose which make their flight northward, especially through the Mississippi Valley, at this very season of the year, going to their summer haunts in Canada, there to feed and there to breed and there to reproduce and later, in the autumn, to make their return flight to more sunny climes. There are those who propose to establish refuges and sanctuaries to which the brant and the wild goose will be enticed and seduced in order that man may hide himself in a blind, camouflaging its appearance according to the color of the surroundings, and kill the brant and the wild goose which may have been induced by the Judases of their kind in captivity to light upon frozen ground. Thus those beautiful birds, some of which live for over a hundred years if they escape the rifle and the shotgun of mankind, are slaughtered seldom for food, but usually for sport.

We propose by this bill to provide sanctuaries for these forms of wild life, the very highest order of the bird tribe, and entice and induce them into a sanctuary that their mating of half a century or more may reproduce their kind to be slaughtered, to be killed for one purpose, and one purpose only, so far as the present necessities are concerned, and that is for sport.

I concede that there are people in America, there are people in this country of ours, who need this wild life for food, and who ought to have this wild life for food; but this bill is not designed to give that great mass of our people that opportunity for self-preservation, the right to take this wild life for food. No! Those people never will get a look-in under the provisions of this bill.

Whom will the bill benefit? Before discussing that problem I want to have placed in the RECORD the wild life that is included within the terms of the treaty with Canada.

Under the treaty between the President of the United States of America, with the advice and consent of the Senate—the treaty having been ratified—and his Britannic Majesty, the King of Great Britain, done at Washington on August 16, 1916, these birds are embraced within that treaty:

Water fowl, including brant, wild ducks, geese, and swans. Of those, the ducks and the geese are game fowl. The swan is protected against any killing for any purpose under our present laws and the laws of the States over which these migratory birds fly in their flight north and south.

There are the cranes, including the little brown, the sandhill, and the whooping cranes. I think they are all protected under existing law against the violence of mankind.

There are the rails, including coots, gallinules, sora, and other rails.

Included within that treaty are the shore birds, including the avocets, the curlews, the dowitchers, the godwits, the knots, the oyster catchers, the phalaropes, the plovers, the sandpipers, the snipe, the stilts, the surf birds, the turnstones, the willets, the woodcock, and the yellow legs—all familiar, of course, to those who take an interest in nature and nature's denizens.

Included also within that treaty are the pigeons, including the doves and the wild pigeons. The only remaining ones of that feathery tribe are the doves. They are all protected under present and existing laws, both State and Federal.

Then come the migratory insectivorous birds—the bobolinks, the catbirds, the chickadees, the cuckoos, the flickers, the flycatchers, the grosbeaks, the humming birds, the kinglets, the martins, the meadow larks, the nighthawks or bull bats, the nuthatches, the orioles, the robins, the shrikes, the swallows, the swifts, the tanagers, the titmice, the thrushes, the vireos, the warblers, the waxwings, the whippoorwills, the woodpeckers, and the wrens, all protected against the violence of mankind for any purpose.

Then come other migratory nongame birds—the auks, the auklets, the bitterns, the fulmars, the gannets, the grebes, the guillemots, the gulls, the herons, the jaegers, the loons, the murres, the petrels, the puffins, the shearwaters, and the terns. All have their place in this general organization of life.

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

Mr. BLAINE. I yield.

Mr. DILL. In connection with the list of birds the Senator is reading, I call attention to how strained is the decision of the court in supporting the migratory-bird treaty when it did it on the basis of conserving the food supply of this country. There is very little food supply in a lot of the wrens and orioles and puffins that are mentioned there.

Mr. BLAINE. I thank the Senator. The only birds furnishing justifiable food supply in that list are the brant and the wild ducks and the geese, under the treaty generally referred to as the treaty with Canada, the migratory-bird treaty.

Before entering upon a discussion of the extent to which our Government has fully performed its obligations under the treaty, I desire to have in the RECORD the fact that the treaty itself makes certain regulations relating to migratory birds.

Mr. TYDINGS. Mr. President, will the Senator yield right there?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I yield to the Senator.

Mr. TYDINGS. Is it not a fact that most of the States in the Union have now provided game sanctuaries, and also have very good and fairly complete laws dealing with that subject?

Mr. BLAINE. I think the Senator is absolutely correct.

Mr. TYDINGS. Is it not rather a duplication of effort to tax the people who already have to pay State taxes in taking out a game license and to compel them to take out a Federal license in addition to that? Does not the Senator really think that our efforts should be directed toward inducing each State to improve and tighten up its game laws, rather than to establish another bureau of the Government with hundreds—yes, thousands—of office holders, all to be paid for by the American people, which will expand beyond any limits we now anticipate?

Mr. BLAINE. There is no question about the correctness of the Senator's position on that point. I wholly agree with the Senator; and before I get through I am going to present, not merely my opinion nor the Senator's individual statement—I know both of them are valuable—but I am going to point out, I am going to give the record, I am going to show how the United States has more than fulfilled her obligations under that treaty; and, over and above that, the various States of the Union have gone far beyond any provisions of the treaty in the protection of these migratory birds.

Mr. TYDINGS. There are just two other observations I should like to make with which I am sure the Senator is familiar. I have no reference to the prohibition question except to illustrate what may be done by the treaty-making power.

The Senator will recall that we entered into a treaty with Great Britain which extended the limits of the ocean over which the United States has jurisdiction from 3 miles to 12 miles. That, in my opinion, is an abuse of the treaty-making power, because, under the guise of making a treaty with England, what we really did was to pass a local law for the United States; but one branch of the Government elected by the people had no voice in the enactment of that law, because the House of Representatives had nothing to do with the ratification of the treaty. If these treaty precedents are to be set up here and there, after a while we shall be able to pass any amount of laws under the guise of treaties upon which the representatives of the people will have no vote.

The second thing I should like to observe—and I am sure the Senator agrees—is this: While it may be very idealistic and very fine to establish game sanctuaries for the protection of game, it does seem to me, sitting here from day to day, that birds and incidental things in the Government are becoming more important than human beings. When our country was established, and our Constitution set up, we gave Congress only 18 general powers, among which was to provide a Navy, and provide an Army, and coin money, and regulate interstate and foreign commerce, and so forth. I should like to say to the Senator—and I think he is in accord with this—that every one of those subjects was an essentially national subject, and something

which no State could do for the whole Nation. Obviously, every State could not have its own Army, with 48 different systems; neither could it have its own system of money, because there would be no uniformity in things that were essentially national. But we seem to have departed from that philosophy, which has been learned on the battle fields of all time, and nowadays, under the authority to regulate interstate and foreign commerce, we use that power for everything that is not essentially national, and which, under close inspection, is found to be essentially local.

I believe that the only way to prevent the abuse of the power to govern in the hands of men, whether the governor be a king, a congress, or a general, is not to give that power; and, if it must be given, it should be so surrounded by checks and balances that beyond the scope of its proper use the ruling agency, whatever its form, has no power to go. But we have abandoned that and by this bill are still further surrendering our philosophy of government.

I would like also to observe at this time that our Constitution did not just happen to be. The men who debated for four months upon the question as to the form of government under which the American people should live did not just choose it in a haphazard way. They went back into all the ruined kingdoms and governments—Greece and Rome and France and Italy and Germany, and all of the governments that had preceded them—and they tried to establish here liberty for men, and liberty for birds was incidental. I do not mean to say that I am not in favor of protecting wild life, because I am, but I am not in favor of having the National Government made the policeman for every incidental activity in our national life.

I simply wanted to observe that this is just another one of the thousand and one bills that are coming here at every session of Congress to enlarge the scope of the National Government and lead us to turn our backs, as we will be doing, upon all the philosophy of the people who brought this Government into existence. I only wish that those who are impelled by these idealistic motives would look a little into history and see that what we are really doing is embracing all the sins and errors of the past, which have brought more than one government down to ruin, because there are so many branches and so many boards and so many commissions regulating the life of the people of this country to-day in every kind of activity of which you can conceive that hardly any man can do anything without consulting his lawyer first to see whether it is legal.

For my part, I do not intend to vote for any single, solitary bill that will expand one iota any of the powers we have already assumed here in Congress, unless they are essentially national matters, and contained in the 18 general grants of power set forth in the Constitution.

Mr. BLAINE. Mr. President, the junior Senator from Maryland has sounded a note of warning and a challenge. The impairment of the powers of our respective States is leading us headlong into an era of violation of law and of disregard for law. I referred to this briefly in the opening of this debate, that centralization—it is the history of the world—has always broken down the moral fiber of the people of nations until there were constant kicks against the pricks of government because more of a paternalistic nature was not done for them, and the people of those nations settled back into a state of indifference and unconcern about the government. Why should they not? It is the logical result. Their apathy was due to the very powers that governed them. They, having no responsibility, all responsibility having been taken off their shoulders, a government officialdom was set up for them to do that which the citizen ought to have done.

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

Mr. BLAINE. Yes.

Mr. PHIPPS. I want to ask the Senator if he contends that there is no national feature in this question of migratory birds. Could all the States, acting separately, have brought about the results which have been accomplished through the treaty of August 16, 1916?

Mr. BLAINE. I think that the substantial accomplishments have been by the States and not by the Federal Government, and while it has become a Federal question because of a treaty, essentially it is not a Federal question.

Mr. PHIPPS. I think the Senator realizes that the treaty itself immediately resulted in the stopping of the taking of eggs from the nests of the migratory birds in Alaska, the great breeding grounds. No State could have accomplished that by treaty or understanding with Canada.

Mr. BLAINE. The Government of the United States could have stopped it so far as its territory was concerned.

Mr. PHIPPS. Yes; but not as to the other Alaskan territory, which was under the control of the Dominion of Canada.

Mr. BLAINE. I would assume that the Dominion of Canada would have taken care of it as readily locally as they did by treaty.

Mr. PHIPPS. But the Dominion of Canada could not enter into a treaty with any separate State; therefore it had to be national, as far as the United States was concerned. The result was accomplished, was it not, the stopping of the taking of the eggs from the nests for sale in commerce?

Mr. BLAINE. I do not know to what extent it has been stopped.

Mr. PHIPPS. To the very greatest extent possible.

Mr. BLAINE. But that does not affect the question I am discussing.

Mr. PHIPPS. I am leading to another question, with the Senator's permission. The Senator is aware of the fact that under the national law the open season on migratory birds has been limited, and the territory of the United States zoned in a way so that the shooting permitted is at the least objectionable seasons of the year. Is not that correct?

Mr. BLAINE. I was proceeding to demonstrate that our Government had fully performed its duties under the treaty, and I am going to proceed to that, and that there is no necessity now for the Federal Government extending its heavy hand over our States, and impairing the power of the States under the ninth and tenth amendments. We have performed our duty under the treaty, and so has Canada. Now, let us stop at that.

Mr. PHIPPS. But we have not gone as far as Canada has.

Mr. BLAINE. I think we have gone further.

Mr. PHIPPS. The main purpose of this bill is to do our share.

Mr. BLAINE. I think we have gone further. Canada is incomparably behind the United States with respect to bird refuges and sanctuaries, and I shall show that.

Mr. PHIPPS. If the Senator has that information, the Senate would be glad to have it. I do not wish to interfere with the course of the Senator's remarks, but I did want to call attention to this, the statement having been made by the junior Senator from Maryland that it was not a national question.

I contend, and I think the Senator would agree, that the States could not have separately limited the shooting seasons so that they would be in accord throughout the territory of the United States. They were not in agreement as to a maximum bag limit, which limit has been set by the Federal authority, and I think properly so; but with that maximum limitation, the States have made further limitations, reducing the numbers that may be taken in the bag limit, and restricting the number of days of shooting in many cases, and I trust the Senator will bear those points in mind in making his remarks.

Mr. BLAINE. I have all those points in mind. When I was interrupted by the Senator from Maryland and then by the Senator from Pennsylvania, I could not proceed. I am now proceeding to a discussion of that very problem.

Mr. PHIPPS. I thank the Senator.

Mr. BLAINE. I think I will be able to demonstrate to the Senator conclusively that we have gone far beyond either the public demands or the moral demands of the treaty on this question, and that we should not further trespass upon the police powers of the States, or impair those powers, because I think it is a dangerous tendency.

As I said, and I am going to repeat, this tendency for intermeddling in everything by Government, by officials, means that the Government must be responsible, therefore, for everything. Since the Government becomes responsible for everything, there is no responsibility left with respect to the individual, and he lapses into a state of indifference to a government that is so paternalistic that it has deprived him of every duty and of every responsibility, with the result that we can not and do not have the enforcement of law. There is no country in the world to-day that has the lack of enforcement that we have in America.

We have increased penalties. We have increased the number of spies and agents of government, and the greater the increase the greater becomes the number of offenses. I do not know how many spies we have in this America of ours. I do know, however, that the Government of Rome for a thousand years permitted her people to live under a system that made the individual responsible. For another thousand years, yes, for 11 centuries, Rome, with her 10,000 spies, was in decay and finally in a complete state of decadence. Any people that are spied upon; any people off of whose shoulders are taken the responsibilities of government, lapse into indifference as to their Government, because when government becomes so paternalistic as to do all, there is no further necessity for the activity of her citizens.

But that is not my objection to the bill. It may be a passing criticism of it. I am going to the fundamentals of the bill with respect to the question of the conservation of wild life and to demonstrate that, instead of it being a conservation measure, it is a measure promoting the destruction of wild life, not for the necessities of man, but for the unsportmanship of some men.

There is no necessity for such legislation. The United States has fully performed its duties under the treaty. The treaty itself contains certain regulatory features which we need not repeat in any proposed measure for the alleged conservation of wild life. Article 2, section 1 of the treaty provides:

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the high contracting powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres, and puffins, and their eggs, for food, and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Those who designed the treaty did not design a system for the conservation of wild life to be killed for sport. It makes two justifications for the taking of wild life, and those are for food and for clothing. Those are the only justifications for the taking of wild life—self-defense, self-preservation—not sport.

Then it is further provided:

ART. 3. The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous closed season on the following migratory game birds, to wit:

Fan-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shore birds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs): *Provided*, That during such 10 years the closed seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

ART. 4. The high contracting powers agree that special protection shall be given the wood duck and the eider duck—

I do not believe there is a State in the Union that permits the killing of either of those two species for any purpose at any time.

ART. IV. The high contracting powers agree that special protection shall be given the wood duck and the eider duck, either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

ART. V. The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the high contracting powers may severally deem appropriate.

ART. VI. The high contracting powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited, except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation, from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

It will be clearly perceived that the framers of the treaty scarcely anticipated any necessity for any legislation. The treaty itself covers every proposition designed for the protection of wild life. All that was reasonably left for our Government to do or for the Government of Canada to do was by legislative declaration to enact the several articles of the treaty, so that they would have the force of law, and our Government has done that. Every single article in the treaty relating to the protection of migratory birds is written in the statutes of the United States in almost exactly the same language as is contained in the treaty, so that we have fully performed our obligation under that treaty. The treaty makers understood the length to which Canada and the United States should go in the protection of migratory game birds. Those treaty makers throughout the treaty conceived the purpose and the only purpose to be that of conserving and perpetuating animal life for the necessities of mankind, food and clothing and shelter, and the effect of the treaty is to deny to the United States or Canada the right to permit this wild life to be killed for the sake of killing, just for sport as is designed by the pending bill.

ART. VII. Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting powers under suitable regulations prescribed therefor by them, respectively, but such permits shall elapse, or may be canceled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

That article has been carried out. It provides for regulation with respect to the destruction of predatory birds. Then Article VIII provides:

The high contracting powers agree themselves to take, or propose to their respective appropriate lawmaking bodies, the necessary measures for insuring the execution of the present convention.

In compliance with that agreement, Canada has enacted its legislation and the United States has enacted her legislation.

I want to review that, so that I may show conclusively that the obligations which America owed under the treaty have been performed. I do not need to discuss the question of whether we had a right to make the treaty or whether it was a wise or unwise treaty; I am not concerned with that now; I may be concerned with it as it affects my philosophy of government; but the treaty is made and until that treaty can be undone it is a part of the law of the land. I am willing to conform to that treaty; I am willing to support legislation to carry out the terms of that treaty to the letter; but I am unwilling to go beyond our obligations in these premises and I am unwilling further to extend the power of the Federal Government for the purpose of creating shooting grounds in America to kill for sport migratory birds, protected by the solemn obligation of the Canadian Government and the United States.

Mr. NORBECK. I am not sure I understand the Senator. Does the Senator contend that this proposed legislation tends to reduce the protection granted by the treaty?

Mr. BLAINE. No; nor does it increase the protection. It is just merely a shifting of things to create shooting grounds.

Mr. NORBECK. Then whatever protection the treaty affords for birds will still remain?

Mr. BLAINE. I do not know whether or not it will, but I doubt it very much. If we shall set up these refuges and sanctuaries for the purpose of feeding, breeding, and propagating birds in order that they may be slaughtered and killed for any other purpose than designed by the treaty, it would be in violation of the treaty.

Mr. NORBECK. The same limitations as to dates and bag limits which the treaty already prescribes will still prevail; in other words, there could be no birds shot out of season, and birds can to-day be shot on all the ground that would be affected by the treaty. Is not that true?

Mr. BLAINE. I presume that is correct, but the bill will merely provide that more birds may be propagated to be killed for sport.

Mr. NORBECK. Exactly so.

Mr. BLAINE. And that is not a compliance with the spirit of the treaty; it is not a compliance with that which ought to be and I believe is the moral consciousness of the American people and of mankind.

Mr. DILL. Mr. President, will the Senator yield for a moment?

Mr. BLAINE. Yes.

Mr. DILL. The Senator has made some examination of the Canadian situation, I take it?

Mr. BLAINE. I have.

Mr. DILL. Has Canada established any bird sanctuaries that have been opened to public shooting at various times as this bill will permit?

Mr. BLAINE. I must be frank with the Senator and state that I am not so certain about that.

Mr. DILL. My information is that Canada has not done that.

Mr. BLAINE. I assume not.

Mr. DILL. I do not know anybody who does that except private sporting clubs which fix up blinds and get the birds

tame, so that they may slaughter them. This bill proposes that the Government shall enter into that business.

Mr. BLAINE. Let me say to the Senator that the private sporting clubs and private game refuges are going to be the beneficiaries of the breeding and propagating of birds in Government refuges. I think I can conclusively show that to be the case.

Mr. NORBECK. I wish to say that Canada has provided both game preserves and shooting grounds.

Mr. DILL. But Canada has not provided shooting grounds in game preserves. She has established shooting grounds entirely separate from game preserves.

Mr. NORBECK. I shall look that up and answer the question later.

Mr. BLAINE. Mr. President, I presume since I made the statement that we have fully performed our duties under this treaty that I ought to proceed to demonstrate that statement to be correct. I have here the Code of Laws of the United States, which contains the laws in force on December 7, 1925. I will use the section numbers observed by this code, as it is the most convenient compilation of the statutes we have. We had laws on this subject before the treaty of 1916. I refer to section 701 of the code, which reads as follows:

SEC. 701. Game and wild birds; preservation.—The duties and powers of the Department of Agriculture include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is authorized to adopt such measures as may be necessary to carry out the purposes of this section and sections 391 to 394 of title 18, Criminal Code and Criminal Procedure, and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this section is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of said sections, and shall expend for said purposes such sums as Congress may appropriate therefor. (May 25, 1900, ch. 553 sec. 1, 31 Stat. 187.)

That was the legislation enacted on May 25, 1900, and is general and broad. I also wish to suggest that under section 702 of the same code it is provided:

The Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes.

That act was passed in 1902. Then came the enactments designed to make effective the treaty. I will not read them at this time, but I will call the attention of the Senate to them.

Section 703, enacted in 1918, relates to taking, killing, or possession of migratory birds. It was enacted to carry out the articles of the treaty which I have read.

Section 704, enacted in 1918, provides when and how migratory birds may be taken, killed, or possessed.

Section 705, enacted in 1918, relates to the transportation or importation of migratory birds.

Then come the provisions with respect to arrest and search warrants. Chapter 9, section 391, of the Criminal Code in the same compilation contains penal provisions relating to the importing of injurious birds and animals and permits for foreign wild animals and specimens for museums.

Section 392 relates to the transportation of illegally killed game, shipments in game season, and feathers of barnyard fowls.

Section 395, which was originally adopted in 1900, relates to the dead bodies of game animals or game or song birds which are subject to the laws of the States.

Some of these criminal provisions preceded the enactment of the treaty, but on the whole the Federal Government has carried out, technically, every single obligation under the treaty. It has done more than that, for the spirit of the treaty has likewise been observed, not only by the Federal Government but by the respective States.

Mr. President, before entering upon a discussion of the performance of the obligations of the treaty in spirit, I wish to say further that the Federal Government should be limited and restricted to a certain field of activity—that is, the field with respect to interstate matters. It should not encroach upon purely local affairs. The Congress has conceived that to be the proper field for Federal legislation with respect to this treaty and has enacted laws covering interstate shipments of all wild life embraced within the terms of the treaty relating to migratory birds. Those laws are complete. The Government has gone beyond that in its regulation of interstate commerce and under the powers of the treaty has regulated the shipment of wild life covered by the treaty in all respects, even providing that the shipments shall not be made contrary to the laws of any State or Territory, and that the shipment of wild life embraced within the terms of the treaty shall not be contrary to the laws of any Province of the Dominion of Canada.

Can you have a fuller, more complete compliance with a treaty than the United States has performed? It has embraced everything within the treaty. Our laws cover every conceivable project to carry out the terms of that treaty. Not a single thing has been overlooked, until within recent years some one has discovered that this treaty can be used, not only for the purpose of conserving wild life for the sake of wild life, but also for the purpose of establishing public hunting grounds to promote the killing and destruction of wild life.

To what extent has America performed in spirit every obligation of the treaty—not only every obligation of the treaty, but every purpose designed by the treaty? Every purpose designed by the treaty has been the preservation of wild life for the necessities of mankind—food, clothing, and shelter—not to establish shooting grounds and hunting grounds for the benefit of private clubs or millionaires. I am going to get to that after a while; but I want to go on further to show what America has done.

The Senator from South Dakota [Mr. NORBECK] the other day suggested that Canada had some extensive sanctuaries. Let me be accurate about this. How many sanctuaries did the Senator say were provided for?

Mr. NORBECK. Inviolate bird sanctuaries, 42, I think. A good many thousand square miles have been set aside by the Canadian Government as inviolate. They have others that are shooting grounds.

Mr. BLAINE. I understand the fact to be that the State of Wisconsin alone has more area of sanctuaries owned by the State for wild life than has the whole Dominion of Canada.

Mr. NORBECK. May I ask the Senator, is shooting entirely prohibited on those sanctuaries?

Mr. BLAINE. It is absolutely prohibited—shooting, trapping, or killing for any purpose.

Mr. NORBECK. At all seasons of the year?

Mr. BLAINE. At all seasons of the year and at all times.

Mr. NORBECK. That is on State-owned land in Wisconsin?

Mr. BLAINE. Yes.

Mr. NORBECK. The Senator realizes that other States have done very little along that line.

Mr. BLAINE. I realize that many of the States have done much. I realize that the State of Minnesota has gone far on this proposition, perhaps further than the State of Wisconsin. I realize that the State of Michigan has gone far on this proposition, perhaps further than the State of Wisconsin. I do not know definitely about that, but I am going to review what the State of Wisconsin has done.

Mr. NORBECK. Will the Senator state the acreage in Wisconsin on which hunting is absolutely prohibited?

Mr. BLAINE. I will state the most important ones. We have a lot of small preserves that I will omit.

The State of Wisconsin now owns the Devils Lake Park, consisting of 1,113 acres—a small territory, but a beautiful lake—situated within those granite-clad hills towering two, three, four hundred feet high.

Back upon those hills, wherever there is any soil upon which the mighty pine might find a grip, pine towers over those hills, back over the wooded ridges, making a perfect sanctuary for wild life of every kind; and, remember, Wisconsin is a gateway for these migratory birds. That is only a small tract of land, it is true, but it is important; for in the season, northward and southward, the brant, the duck, the wild geese there rest without molestation by mankind; and, all honor to the people of the State of Wisconsin, they observe inviolate the sacredness of that wild life.

I do not want a meddling, bureaucratic government, located a thousand miles away from home, selling privileges to private parties upon the public reserve and the sanctuary for wild life upon the public domain; and I will prove before I get through that that is what will happen. I have the testimony here. I have it from the Secretary of Agriculture. I had it first from citizens of my own State, and I will produce it. I am not criticizing from the standpoint of mere criticism, however. I simply want to demonstrate that when the long arms, the Federal tentacles far away from our localities reach out, there

is a temptation to misuse power because the government is far away from the people, and it is not responsive to the people, and therefore not responsive to public opinion. Public opinion, I think, is always in the interest of good government and always opposed to every form of corruption when that public opinion can once be given the facts, and an opportunity to act.

Mr. NORBECK. I was interested in the Senator's pursuing that question of acreage in the State. The Senator promised that he would give us a list of the main preserves.

Mr. BLAINE. Oh, I have not gotten through yet.

Mr. NORBECK. No; but I should like to know about what the total acreage is. The Senator has mentioned only 1,100 acres so far.

Mr. BLAINE. I am going to give it specifically. That is just one beautiful park.

Mr. NORBECK. Canada has done about a thousand times that much.

Mr. BLAINE. Oh, well, we have done several times that much.

Mr. NORBECK. The Senator stated that Wisconsin had done more than Canada, and I simply wanted to get the information.

Mr. BLAINE. I understood the Senator to say that there were thousands of acres of preserves in Canada.

Mr. NORBECK. I said there were 42 preserves there.

Mr. BLAINE. How many acres?

Mr. NORBECK. I can give the Senator that. The Senator must have known, because he asserted the comparison here.

Mr. BLAINE. I want to be accurate, so I am going to take the Senator's figures for it. I am going to assume that they are right. If the Senator's figures are right, then my statement may be incorrect.

Mr. NORBECK. As I get it, about 1,124 square miles.

Mr. BLAINE. How many acres is that?

Mr. NORBECK. I have not made the computation, but I shall be pleased to do so. It is more than a thousand sections of land, though.

Mr. BLAINE. How many acres—about 600,000 acres?

Mr. NORBECK. About seven or eight hundred thousand acres, I take it.

Mr. BLAINE. Perhaps we can not reach that amount; but I will give the Senator the facts and then the comparison will stand out. I understood from his statement that the amount in Canada was less.

We have the Nelson Dewey Park, consisting of 1,651 acres, located where the Wisconsin River empties into the Mississippi River, at a point that is a natural sanctuary for the migratory birds referred to in the treaty, and to which sanctuary those birds go. That is only a small tract.

Then we have the Peninsula Park, in Door County, with its 3,900 acres; and if the Congress will respond to the request of the State for the passage of a bill we will add another 2,000 acres to that.

Mr. NORBECK. Do I understand that the Senator favors the Federal Government buying more land up there?

Mr. BLAINE. No; the State is going to take it. The State of Wisconsin is not asking the Federal Government to buy land for these sanctuaries.

Then we have other parks consisting of 586 acres, 660 acres, 590 acres. Those are separate tracts, but they are located along or near the Mississippi River; and those are important sanctuaries for bird life. It is far better, if you please, to have small areas furnishing sanctuaries for birds than large areas to attract the birds there by thousands. They are better protected; they will breed and propagate and live without the destruction that will come to them through these larger areas and larger sanctuaries.

That is not all. We have the Brule Park, the forest lands of the Brule River of over 4,000 acres, in the very heart of the northern woods of Wisconsin.

We have the Idlewild Game Refuge of 1,100 acres, a most ideal location as a sanctuary. We have, in connection with that, 14,000 acres added to that sanctuary.

We have in the State of Wisconsin not only this Idlewild Game Refuge of about 1,100 acres, but, as I said, attached to that is 14,000 acres.

We have the Forest County Game Refuge of 42,000 acres, a sanctuary for wild life.

We have another sanctuary for wild life 9 miles wide and 16 miles long, containing almost 100,000 acres of land, in which area are included, I think, 42 of the lakes of northern Wisconsin, lakes of extensive area.

These tracts are located at the gateways of the main-traveled paths from Sault Ste. Marie and Hudson Bay and westward. I have seen these migratory birds in thousands in these very tracts I have described, not a single one of which does the hand of man violate. They are just as safe within these sanctuaries as though they were a thousand miles back in the impenetrable forest.

Mr. TYDINGS. In that connection I would like to point out to the Senate that Chesapeake Bay is one of the largest bodies of inland water in the world. At the head of the bay, for about 4 miles south from where the bay begins and about 6 miles in width, are the feeding grounds, known as the Susquehanna Flats. All of the area of the Chesapeake Bay is a game sanctuary for wild fowl, ducks, geese, swan, and so on, except the rivers tributary to it and the Susquehanna Flats. It is probably one of the most frequented spots in the whole world for game of that kind. When we figure game preserves in land we should not overlook the fact that there are many, many square miles of water embraced in the Chesapeake Bay which is really a game preserve.

Mr. BLAINE. Are those sanctuaries owned by the State of Maryland?

Mr. TYDINGS. The State of Maryland has by law prohibited the shooting of wild fowl at any place on the bay except at its head for a distance of 4 miles, and on the tributaries that come into the bay; but the mass of the bay itself is used by ducks to feed in, and it is against the law to shoot them except at the head of the bay, and the area I have described, on the rivers and tributaries. I do not think that even Canada can point to a game refuge where more wild fowl congregate than the point I have mentioned, Chesapeake Bay, which is already protected by State legislation.

In that connection let me also say that Maryland is a very small State in area, but we have a game preserve there, and each year we send out many dozens of pheasant eggs, young partridges, and other kinds of game, all over the State. I can not see a bit of necessity for having the Federal Government come over into Maryland and tell us how to run our game preserves, what regulations we are to live under, and how much money we are to pay to the Federal Government, when we are making a pretty good job of it ourselves, if they will only let us alone.

Mr. BLAINE. Mr. President, I thank the Senator very much for the information.

Mr. TYDINGS. May I interrupt the Senator just once more?

Mr. BLAINE. I yield.

Mr. TYDINGS. The question has been asked me as to how long our season is, and it would be only fair to show another game-preserve measure in connection with that. The season for the shooting of wild ducks opens the first day of November and closes the last day of January. But it is unlawful to shoot wild fowl on the Chesapeake Bay except on Mondays, Wednesdays, and Fridays, three days a week, between sunrise and sunset, except in the month of January, when four days a week are permitted. But as Chesapeake Bay is usually frozen over at that point during the months of January and February, except for limited periods, it practically means that we have one good month of gunning, but only three days a week, and then between sunrise and sunset, and I would like to ask anyone favoring this treaty provision to point out where in all the Dominion of Canada there is a single law which prohibits the citizens of Canada from gunning for wild fowl every day in the week except Sunday on the gunning grounds they may have up there.

Mr. BLAINE. I am sure that other Senators could give the same testimony with respect to their States. I have no doubt but that the States of the Union, especially those located along the passageways and gateways for migratory birds, have ample sanctuaries, far beyond anything the Federal Government ever contemplated, far beyond anything that Canada has done.

I have reviewed just briefly what Wisconsin has done. In fairness to the Senator from South Dakota I will say that I had understood from him that Canada had only about 200,000 acres in sanctuaries, and I said that Wisconsin had as much. We have not as much as Canada has, if his figures are accurate to the effect that Canada has some 700,000 acres in sanctuaries. But here is one State alone that has close to 200,000 acres in sanctuaries for wild life, and in which wild life is not sacrificed. I dare say to the Senator from South Dakota that Canada has not a single sanctuary comparable with the sanctuaries of Wisconsin.

Mr. NORBECK. Mr. President, I challenge the correctness of that statement.

Mr. BLAINE. I want to say to the Senator that it would be interesting if he will submit to this body information respecting that. Remember that on these sanctuaries to which I have referred, located in Wisconsin, we do not permit shooting, kill-

ing, taking or pursuing sanctified wild life described in the treaty.

Mr. NORBECK. I want to say right now that that is true of the sanctuaries in Canada. I have not referred to those preserves that are shooting grounds.

Mr. BLAINE. Yes; but to preserves that are shooting grounds, and sanctuaries that are for breeding purposes which may be shooting grounds.

Mr. NORBECK. But which are not.

Mr. BLAINE. Any time during the year?

Mr. NORBECK. No; that is my information, that they make a distinction between shooting grounds and sanctuaries.

Mr. BLAINE. Do not those sanctuaries include national forests?

Mr. NORBECK. I can not tell the Senator what they include up there, but I can show him a map of them.

Mr. BLAINE. Let me point out what has been done in the United States along that line.

Mr. NORBECK. The statement of what Wisconsin has done is very interesting and I am proud of it for having done that. I wish other States would do as much. If there was more of it done, we would preserve the wild fowl from extinction. I want to say that even South Dakota has given hundreds of thousands of acres, but unfortunately there is very little of it that is adapted to migratory bird refuges, that is, marsh land. We have very little of that in our State.

Mr. TYDINGS. Mr. President, I wanted to point out to the Senator from South Dakota that the Senator from Wisconsin is exactly right in his position as to these game refuges up in Canada. To start out with, Canada has a population of only about 8,000,000 people. It has a tremendous area. Most of the population of Canada is down along the St. Lawrence River and along the Great Lakes, and if Canada had no game preserves at all, all the northerly and westerly part of Canada would be a natural game preserve, because there are very few people there except Indians and a few trappers.

Mr. NORBECK. I share the views of the Senator from Maryland that there is less necessity for game preserves in Canada than in this country.

Mr. TYDINGS. But the point I am making is that even though they set up preserves in Canada it does not really amount to anything, because the laws could be violated with impunity; there is no police force to arrest offenders in those forest reserves, and there is no center of population there. That is where the game goes to hatch the young. All the ducks, all the swans, all the geese, are not hatched in the United States of America. They go north in the spring of the year, and the young are brought into being in the northern part of Canada. That is where the greatest amount of protection is needed, and not here in the United States. What difference does it make if you kill a few birds after they have actually come to life, as compared with gathering eggs from the nests of those birds, as has been done, and was done until recently all over Canada? What good is it for us to protect a few birds that are living, if, when they fly back to hatch their young, the eggs are to be taken from them?

Mr. NORBECK. The Senator has said that the great hatching ground for birds is up there in Canada. I fully agree with him. But this bill does not deal with Canada. The only point I am making is that Canada has done its part, and I hope that before it is too late to save our birds in the United States we will do better than we have been doing in the past. We have the migratory bird treaty, which has been very helpful. It was signed by President Wilson and supported by this side of the Chamber. It was a mighty good beginning. This bill simply seeks to supplement that by providing that we may make inviolate certain preserves. That is the main purpose of the bill; in other words, to do in a national way what Wisconsin has done in a State way. I think the Senator and I have nearly the same view of the matter.

Mr. TYDINGS. But Canada is not asking us to do this.

Mr. NORBECK. Certainly not.

Mr. TYDINGS. We have a treaty with Canada. We owe no obligation to Canada that we have not fulfilled. This is but the work of a few people who probably have never been among birds and wild fowl in their lives, who have conceived an idealistic plan which will cost the people a lot of money, will unloose a horde of officeholders to go into States and participate in the activities of the States whether they are in accord with it or not, when already most of the States have set aside game preserves, and, in addition to that, have enacted laws which are constantly growing more strict. Why destroy the effect of that? I would say to the Senator from South Dakota that whenever the Federal Government takes complete charge of the game laws in my State and in his State, he will find that there will be a movement to repeal the game laws of the States which are now on the statute books, because the restrictions will be so severe, perhaps, from the Federal Government, that the States will say, "Well, we will wipe our hands of it all and turn it all over to the Federal Government." I think what will really happen will be that the Senator from South Dakota will find that instead of the object of his bill being accomplished, in the long run the object of his bill will be defeated.

Mr. NORBECK. I would like to say that in my opinion we would have been pretty near out of migratory birds now if it had not been for the splendid beginning that was made 10 years ago through the migratory bird treaty and legislation in support of it.

Mr. TYDINGS. Mr. President, I would like to call the Senator's attention to the fact that I live next to one of the greatest natural game preserves in the world.

Mr. EDGE. Mr. President, will the Senator yield a moment?

Mr. BLAINE. I yield.

Mr. EDGE. Am I correct in gathering the impression from what the Senator from Maryland just stated that he believes that in the great duck area in the State of Maryland, and I agree with him that it is one of the best, in the East at least, there would have been more ducks at the present time if the Federal Government had not intervened and passed the migratory bird law?

Mr. TYDINGS. I was just about to anticipate the Senator's question. Ever since I have been living alongside the bay, which is about as long as I have been living anywhere, each year there has been a limitation on the number of ducks; but so far as I have been able to observe the number has been about constant. Ducks do not come to the same spot every year any more than people go to the same theater every night. Conditions of atmosphere and climate and the feed that they live on vary over the United States, sometimes bringing to us great numbers in one season, while in the next season we do not have as many.

But I would like to say to the Senator from New Jersey that I have on a number of occasions looked out on Chesapeake Bay and have seen 4 to 5 solid miles of white swan sitting in a single row. We can not kill a swan because there is a closed season all the year around on swan, and yet the swan, which is a very active bird, has dug tremendous holes in the celery beds on the Susquehanna flats and destroyed large quantities of feed, so that the ducks no longer come and use those particular spots as they once did, because the swan sits there all day long, unmolested, and doing nothing but digging up tremendous amounts of duck feed, which floats away down the bay and is destroyed. I believe that it would be an act of conservation to permit a gunner to kill two or three swan every year, and no gunner will kill more than a dozen, because that is one bird which has a very fine college education when it comes to eluding the hunter.

We can not compare this year with last year, but I would say in the main that the number of ducks has been as constant as we could reasonably ask, and that there has been no great decrease and no great increase. Some seasons there are lots of ducks, hundreds of thousands of them. Other seasons there are not quite so many. It is not due so much to gunning, but to the season, the condition of feed, the length of the season, and many other things.

Have I answered the Senator's question?

Mr. EDGE. Yes; very interestingly, indeed. I am glad to have the Senator's views.

Mr. DILL. Mr. President, will the Senator from Wisconsin yield to me a moment?

Mr. BLAINE. Certainly.

Mr. DILL. In the light of the discussion as to the amount of land used in Canada for refuges and reserves, I think it is worth noting that the State refuges in the United States amount to more than 30,000,000 acres of land. I get these figures from the Biological Survey.

Mr. NORBECK. Will the Senator enlighten us as to how much of that is suitable for the nesting of migratory birds?

Mr. DILL. I am not able to give the Senator a description of each piece of the land.

Mr. NORBECK. I asked that question when the Senator talked about it two years ago. What amount of it is suitable for the purposes of the pending bill?

Mr. DILL. I have not been able to go out and cruise the land.

Mr. NORBECK. My State has a very large area of sanctuary, but very little of it is suitable for migratory bird sanctuary, almost nil.

Mr. DILL. I notice there are over 7,000,000 acres of Federal refuges in the United States, making a total of almost 38,000,000 acres of land devoted to that purpose. Certainly out of that 38,000,000 acres there must be a few millions of it good for migratory birds, but because the ammunition makers a few years ago started a program to raise money to buy some more bird refuges and make some more public shooting grounds, and were intending to take it out of a 10 per cent tax on ammunition, which was later abolished, we have this hue and cry to put everybody in the country, who wants to hunt a little bit, under a Federal licensing system. There is absolutely no reason for it and there is no defense for it, in my judgment.

Mr. NORBECK. The Senator certainly did not mean to make that remark. The bill is not applicable to everybody.

Mr. DILL. It is applicable to everybody who wants to hunt off of his own land.

Mr. NORBECK. It is applicable to everybody who wants to hunt migratory birds.

Mr. DILL. The bill says if he shall attempt to hunt them.

Mr. NORBECK. So does the law in the Senator's own State.

Mr. DILL. We have to have a license in my State.

Mr. NORBECK. That is all the Senator would have to do under the provisions of this bill.

Mr. DILL. But the Senator's bill says only to hunt migratory birds. How will the game warden know whether a man is hunting migratory birds or hunting rabbits?

Mr. NORBECK. How does he know under the law existing to-day in the different States?

Mr. DILL. I do not know what the reason is, but I know that the existing law does not provide penalties if a man shall attempt to hunt them.

Mr. NORBECK. Yes, it does. That matter was thrashed out two years ago. We have very large game areas covered under the State laws.

Mr. DILL. The Senator may defend that proposition if he wishes to do so.

Mr. NORBECK. I am not defending it, but there is no use attacking this bill because of something we have had for 20 or 30 or even 100 years. This is not bringing that provision into effect again, because it is something we have had before.

Mr. DILL. There is a vast difference in putting into a Federal bill provisions that may happen to be in State legislation, because the Federal legislation should cover only Federal grounds, but the Senator's bill covers State, Federal, and everything else.

Mr. NORBECK. And so does the migratory bird treaty entered into 10 years ago. In other words, we have had for 10 years that which we are endeavoring to get under the terms of the pending bill.

Mr. DILL. Then why enact it again? Why not strike it out of the bill if it is so terrible?

Mr. NORBECK. I am perfectly willing to strike it out of the bill, except so far as it relates to bird preserves, and I have so indicated before, because that authority rests with the Federal Government and has rested there for 10 years under the Wilson Migratory Bird Act.

Mr. DILL. There is nothing under the Wilson Migratory Bird Act that requires people to take out a license to hunt.

Mr. NORBECK. That is true. That is why there has not been money for bird preserves.

Mr. DILL. We could get money if the Senator would work as hard to get the money as he has worked for the passage of this bill.

Mr. NORBECK. I have worked with the Senator in attempting to get money. I have supported every bill under which the Senator has wanted to get money since I came here.

Mr. DILL. The Senator will not agree to any such thing in connection with this bill, though?

Mr. NORBECK. I do not care to have the bill destroyed.

Mr. DILL. I think it would be saved. I think it is the only way the bill could be saved.

Mr. TYDINGS. Mr. President, will the Senator from Wisconsin yield again to me?

Mr. BLAINE. Certainly.

Mr. TYDINGS. I would like also to call the attention of the Senator from South Dakota, who is the author of the bill, that what the legislation really does is to prevent the poor man enjoying the benefit of the game refuges. Under our present treaty and under the laws passed in pursuance of that treaty a man can not sell any waterfowl that may be killed. The idea back of that is not a bad one if it is properly carried out; but what it really comes down to is that the man who wants to shoot has to have an outfit that costs from $100 to $2,000 or $3,000. Not every man can afford to do that. Furthermore, he has to have a crew of at least one man for a bushwhack boat, and if he guns out of a sinkbox he needs four or five. He has to have a cabin boat. It is the only way he can get any hunting on the bay. I would like to say to the Senator that very few working people, to illustrate, can afford to invest that much money in an outfit.

Mr. NORBECK. That may be true, but in our State they do not have to have those outfits.

Mr. TYDINGS. I am showing the Senator how the game law works out. I have seen people come into my State from New York and Philadelphia, gun on the flats, and kill the bag limit—which is 25 ducks per man—and take them out of the State. Men of means come down there every other day during the season; and yet the people of the town, who would like just once in a season to eat a pair of ducks, can not buy a pair of ducks to save their souls unless they violate the law, and yet they live in Maryland and live alongside the game preserves.

Mr. NORBECK. The Senator is complaining about the laws of his own State.

Mr. TYDINGS. No; that is the Federal law. I am discussing the Federal law.

Mr. NORBECK. That is not the thing I am complaining about. It is not a matter we have under consideration now.

Mr. TYDINGS. Yes; but the Senator is giving the board he creates the right to make rules and regulations governing game preserves, and that is what the other bill did. Under that authority the board made rules and regulations which really took the game out of the poor man's hands and gave to the rich authority to gun wherever and whenever he saw fit, and to do whatever he wanted with the game when it was killed. When we give a bureau the right to make rules and regulations, we give them the right to make law. When we gave them that right under the terms of the other bill, they used that right as I have just explained. It works out just like the prohibition law, letting the wealthy man get everything he wants while the poor man gets nothing.

Mr. NORBECK. Let us not get mixed up in a discussion of the prohibition question at this time.

Mr. TYDINGS. The philosophy of the thing is just the same. It is a law for one class of people who get what they want, while another class not so fortunate have very little or no privilege under it.

I want also to ask the Senator whether he does not think there are enough laws in the country now? I would be delighted to have some candidate for President issue a proclamation and name about 500,000 laws that he would have repealed. Do we want to put people in chains and make ninnies out of them? Do we not want them to have some self-reliance? Talk about the land of the free and the home of the brave—most everything in this country that goes to make a man happy is either unlawful or unhealthy. [Laughter.]

I think we have gone far enough. I think it is time for the Senate to quit delegating its authority to boards and commissions. If we must enact a lot of laws, let us do the thing ourselves and not turn it over to some one who probably knows nothing about the subject, but who issues thousands upon thousands of regulations respecting the liberties of the people.

Mr. NORBECK. During the last week the Senate passed a bill by a unanimous vote conferring that very kind of power.

Mr. TYDINGS. Not with my vote.

Mr. NORBECK. Nor with any protest.

Mr. TYDINGS. It is a brave flea that eats its breakfast on the lip of a lion. I have not been here long enough to reach the stage of protesting. I am just finishing my breakfast, being a new Member, and shall wait until lunch time comes along before I protest, and then I am going to do more of it.

Mr. BROUSSARD. Mr. President, will the Senator from Wisconsin yield to me?

Mr. BLAINE. Certainly.

Mr. BROUSSARD. I would like to ask the Senator from South Dakota a question. I think the United States has been divided into three zones, so far as migratory birds are concerned.

Mr. NORBECK. No; not under the bill now before us; only under the old law.

Mr. BROUSSARD. My understanding is that in the first and second zones; that is, the eastern zone and the middle zone, there are more birds than we have ever had before. Is that true?

Mr. NORBECK. No. The Senator has just asked for my opinion of the matter, and that is all I could give. I will say that the testimony before the committee has shown a constant decrease in birds except the last year. For instance, if we have a year of unusual rainfall, then more birds are destroyed in the United States than when we have better weather conditions, but there has been a gradual drainage of swamps and

polluting of waters, and it has been more difficult for the birds to find nesting places. That is the general condition.

Mr. BROUSSARD. Does the Senator mean breeding places?

Mr. NORBECK. Yes. There would not have been any necessity for a migratory-bird treaty had it not been for that fact. I think in most of the United States the game birds have been protected. I think legislation which has been adopted has tended somewhat to retard destruction.

Mr. BROUSSARD. I am not talking about what happened in the United States, because we have had a 25-bag limit all the time.

Mr. NORBECK. In some States they have less, of course. It is unequal among the States. That is the maximum under the Federal law.

Mr. BROUSSARD. I attended some sessions of the committee last year where it was admitted that there are more birds in the eastern and central zones than ever before. In the western zone it was explained that, due to some poison or other, the birds had been destroyed.

Mr. NORBECK. Due to low water, drainage of swamps, which meant alkali poisoning of large areas.

Mr. BROUSSARD. In the western zone?

Mr. NORBECK. Yes.

Mr. BROUSSARD. My understanding has been that in the eastern and central zones we have had more birds than we ever had before. That was my understanding a year ago. That is an increase under the present law.

I should like to ask the Senator this question: Why would not the Senator be satisfied to permit the acquisition by the Federal Government of the necessary resting places for birds and to appropriate the money for that purpose out of the Federal Treasury, instead of proposing, as the bill provides, to send game wardens and other Federal agents into every State of the Union to sell Federal licenses to those who may wish to hunt? In most cases, I think, that will discourage the enforcement of the State laws and the activities of the agencies set up in the States to protect game. In my opinion, in States such as my own, which have spent a great deal of money and have set aside many hundreds of thousands of acres of land for bird refuges where the birds may remain during the entire winter, the effect of this bill will not be salutary. The birds in the State sanctuaries are under the control of State wardens.

If we are going to permit Federal wardens to go into the various States and sell licenses to hunters, to disarm those who have not taken out Federal licenses, and to bring them to a Federal court, which in most instances, of course, will not be in the county where the offender resides, but many miles away, to answer a misdemeanor charge of violating the game laws, it appears to me it will work an unnecessary hardship.

Would it not be easier and much more convenient to everybody to appropriate the money in order to provide these resting places without requiring Federal licenses and sending into the several States an army of Federal game wardens and other officers to sell Federal licenses and to enforce the game laws? In my opinion, that will confuse the people, and will make it probable that the State law will be more easily violated by those who have Federal licenses. Would it not be easier to appropriate the money directly to do what the Senator in his bill aims to do, without imposing these licenses upon the individual citizens of the respective States?

Mr. NORBECK. Mr. President, I wish to answer the Senator frankly. I recognize his real sincerity in behalf of proper conservation. The Senator, I presume, wants to bring about a condition where more birds will be produced.

Mr. BROUSSARD. I do.

Mr. NORBECK. About 90 per cent of my concern is in regard to that very point. The question of enforcement is entirely secondary. It is always an open question how much of it should be done by the Federal Government, or whether the greater part of it should be left to the State.

We have to-day Federal game wardens who travel over the States. I have noticed when they come into my State that they have a stiffening influence on the local wardens and their presence tends to check violations of the law. There has been no objection to Federal game wardens so far. However, that is a minor thing; the main thing is to acquire ground for nesting places for birds. The Senator and I, I take it, are thoroughly in accord on that point.

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

Mr. NORBECK. Yes.

Mr. TYDINGS. I should like to state to the Senator that just the contrary is true in my State. In Maryland we do object to the Federal Government sending its agents into the State to run our own local affairs.

Mr. NORBECK. South Dakota does not even object to the enforcement of the Volstead Act by Federal agents.

Mr. TYDINGS. I wish to say further that we do not object to the Federal Government providing an Army, providing a Navy, establishing a standard of money and coining it; we do not object to the Government punishing counterfeiting and establishing post offices and post roads, providing for a militia, instituting courts inferior to the Supreme Court, and doing what the Constitution provides that Congress shall do; but we do object to its meddling in every phase of our individual activities, because we feel we have just as much intelligence and just as much right to freedom as have the people of any other State. So that if we are forced to take this law or any other law which is outside of the general functions of the Federal Government, in effect, it is tantamount to saying that the Federal Government knows better than do the people of the States under what local laws they should live.

Mr. NORBECK. The Senator was not listening to me very closely——

Mr. TYDINGS. Yes; I was.

Mr. NORBECK. When I said that, I considered the main part of this question was the acquiring of ground for nesting places for birds. I have much less interest in the other points.

Mr. TYDINGS. The Senator is more interested in game than he is in the human beings who will be affected by this proposed law. I am more interested in the people than I am in the game; that is the difference.

Mr. NORBECK. I am simply trying to save the birds from extinction and to provide more birds for the people. The Senator can draw his own conclusion from that statement.

Mr. TYDINGS. What the Senator's bill would do is this: If a boy up in my end of the State, the northern part of Maryland, should kill a railbird or blue jay, a Federal officer would take him, although he was only 17 years of age, all the way to the United States court at Baltimore, while his poor mother and father were trying frantically to get bond so that he could get home. Then he would have to take his attorney down there and have a trial there, all because he killed a blue jay up in the northern part of Cecil County.

Mr. NORBECK. The Senator is an attorney and I am not. Let me, therefore, ask the Senator if that is not the situation under the present law, instead of a situation which will be created by the bill which I am advocating?

Mr. TYDINGS. And the Senator admits that his remedy for it is to have more of it instead of less.

Mr. NORBECK. My remedy is to have more preserves and to raise more birds.

Mr. DILL. And to hire more Federal game wardens.

Mr. NORBECK. The present Federal law compels one who is charged with an offense against it to go into the Federal court. I might say that this bill, in a way, eases off that situation by permitting the commissioner to deal with minor offenses.

Mr. TYDINGS. What commissioner?

Mr. NORBECK. The United States commissioner.

Mr. TYDINGS. Is the commissioner going to have to travel all around the United States?

Mr. NORBECK. If the Senator will read the bill——

Mr. TYDINGS. I have read it.

Mr. NORBECK. He will find that it tries to ease off the very situation of which the Senator is complaining.

Now, however, I will ask the Senator to permit me to answer the question of the Senator from Louisiana [Mr. BROUSSARD]. He has asked a plain question, namely, why we can not carry out the purposes of this bill by direct appropriation? That gets down to the meat of the bill. Nothing would please me better than to do it by direct appropriation, but progress along that line has been discouraging. A good many efforts in that direction have been made, but all except one have proven futile. A year ago we passed a bill to establish a large game preserve in Utah. That bill went over to the House and it did not become a law. We have felt that if provision were made for direct appropriations to carry out the terms of this bill it might fare very much like the forest purchase law. Under that law appropriations were authorized and a policy was established; the department goes out and secures options on this piece of land and that piece of land, but Congress fails to make the appropriations, and the contracts default. Then the department goes out next year and gets options at higher prices. The hope of those who advocate the Federal license provision of the bill is that it will establish a definite policy under which the necessary money will be available from year to year and that it will be practicable to operate under it. Do I make myself clear?

Mr. BROUSSARD. Mr. President, I wish to say——

Mr. TYDINGS. Mr. President——

Mr. NORBECK. Will the Senator from Maryland, please, let me answer the question of the Senator from Louisiana?

Mr. BROUSSARD. I wish to say, Mr. President, that I would be very glad to vote for an appropriation to provide resting places for game, but I am very much opposed to the creation of additional Federal agencies throughout the States. In my own State, as I am sure the Senator is aware, we have spent much money in providing resting places for birds, where they spend the winter and where they are protected. That has been done at State expense. I am very much opposed to permitting Federal game wardens to come down there and take control of the agencies which the State has created with its own funds and to enforce laws over which the State itself will have no control locally. I should be glad to vote for an appropriation to acquire all the property necessary.

Mr. NORBECK. If I could accomplish that purpose, I would not ask for anything more. If we could establish the policy and secure the funds direct with which to establish bird preserves, I would be entirely happy.

Mr. BROUSSARD. I am willing to go with the Senator that far.

Mr. NORBECK. I appreciate the sentiments of the Senator, and I realize that there is room for a difference of opinion; but I could not resist the temptation of calling attention to the fact——

Mr. BROUSSARD. I can not go further than I have indicated.

Mr. NORBECK. I understand that.

Mr. TYDINGS. Mr. President, I know the Senator from North Dakota is sincere about this proposition.

Mr. NORBECK. I am glad there is no difference of opinion on this side of the Chamber as to whether I am sincere or not.

Mr. BLAINE. Mr. President, I must decline to yield further.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Wisconsin declines to yield further.

Mr. NORBECK. I think he is justified in doing so. [Laughter.]

Mr. BLAINE. Mr. President, my reason for declining to yield further is not because I want to object to the colloquy but I wish to conclude just a thought or two. Then the Senator from Kansas [Mr. CURTIS], I am sure, wishes the Senate to go into executive session, and I want to accommodate myself accordingly.

Before I leave this subject I wish to make these general observations: I have shown conclusively that our Government has met all the requirements of the treaty, and, indeed, has gone far beyond its requirements. It is clear that many of the States have gone much further than the treaty requires or than the Federal Government has gone. I understand from the Senator from South Dakota [Mr. NORBECK] that Canada has about 700,000 acres in preserves or sanctuaries for wild life. I contend that area thus provided by Canada does not compare with the areas set aside in the United States, even by comparison of population.

In Wisconsin alone, according to my understanding, and according to the Senator from South Dakota, the number of acres set aside is about 25 per cent or more of the area set aside by Canada for game sanctuaries. The Federal Government has established national game and bird preserves as follows:

The National Bison Range, the Wind Cave National Game Preserve, the Wyoming Elk Reserve, the Sullys Hill National Park Game Reserve, the Custer State Park Game Sanctuary, the South Dakota Game, Animal, and Bird Refuge, the Ozark National Forest Game Reserve, the Wichita National Forest Game Breeding areas, the Grand Canyon Game Preserve, and the Upper Mississippi River Wild Life and Fish Refuge, a total of 10 of the national parks, all of which are wild life sanctuaries or reserves.

Moreover, just recently there was passed by the Senate a bill, which was introduced by the senior Senator from Arkansas [Mr. ROBINSON], being Senate bill 2456, which provides:

> That for the purpose of providing breeding places for game and fur-bearing animals, game birds and fish on lands in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified areas within said forests as game sanctuaries or refuges, which shall be devoted to the increase of game animals of all kinds naturally adapted thereto, but it is not intended that the lands included in such game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests—

And it is provided that there can be no—

> hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals for any purpose whatever upon the lands of the United States within the limits of said game sanctuaries.

The bill protects those national forests against invasion by man for the killing of wild life, and provides for sanctuaries many hundred times greater in area than Canada has provided. There are 19 national forests for wild life sanctuaries containing vast areas of land and water.

I am in favor of establishing such sanctuaries, but I want them to be inviolate. I am not in favor of establishing sanctuaries for the feeding and breeding and propagation of wild life designed exclusively, if you please, for the benefit of those who can afford the time and the leisure to enjoy them. Before I conclude to-morrow I think I can demonstrate clearly that this bill is to establish public preserves in America that will be as objectionable as were the game preserves created by the ancient régime in France. It is extremely interesting to know that the last great political battle waged by Premier Lloyd George of Great Britain before the World War was an attack, a campaign against the establishment of game preserves designed for the benefit of sportsmen who wanted conservation, not for the sake of wild life, but for the sake of shooting to kill.

I am in favor of sanctuaries that will permit the multiplying of wild life of every nature; but I want to give that wild life a chance for its life, an opportunity for its own defense. I do not want a game preserve or a bird refuge designed for the purpose of enticing these innocent creatures which are the friends of man to a place where they may be slaughtered.

To-morrow or at some future time before I conclude, I shall demonstrate conclusively that this bill is not designed in the interest of conservation; that it is a bill the title of which should read:

> A bill to more effectively defeat the obligations of the United States under the migratory bird treaty with Great Britain by increasing the dangers to migratory game birds from game hogs and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the propagation of such birds for slaughter.

That should be the title of this proposed act.

I think I shall be able to prove conclusively that there can be no other result. I know it was not intended by the Senator from South Dakota; but I have shown conclusively that America has carried out every obligation of the treaty, gone far beyond that, and I think it will be as readily demonstrated that the purposes of this bill are as I have characterized them.

[At this point Mr. BLAINE yielded the floor for the day.]

Monday, March 26, 1928

Mr. BLAINE. Mr. President, some days ago in discussing the migratory bird bill I undertook to define in a rather limited way the right to kill. I had not meant by my former remarks to suggest what meat men should eat. There may be those who choose other flesh in preference to fowl or who choose fowl in preference to fish. If there are those who desire to set up sanctuaries to breed and feed migratory game birds for food, I submit that their project is legitimate. Hunting is a very ancient right, dating back to the days of Nimrod, and I think I am tolerant enough to grant to any man the right to eat what he pleases, drink what he pleases, wear what he pleases, worship his God in the sanctuary of his own choice, pray to his God in the language of his choice, and to do anything else that is personal to himself that does not trespass upon the rights of his neighbor and his community. I therefore do not mean to say that a man has no right to hunt for food because he chooses wild game in preference to the meat of domesticated animals, but I merely want to point out that the establishment of game refuges and game sanctuaries for the mere purpose of propagating, breeding, and feeding game to be killed and slaughtered for the mere joy and sport of killing, in my opinion, is not justifiable.

I have, I think, clearly demonstrated that there is no necessity for this proposed legislation; that there is no obligation upon the United States to go beyond the point which we have gone in carrying out our duties under the treaty with Canada. I am, therefore, to-day intending to analyze this bill for what it is and what it will accomplish.

Mr. DILL. Mr. President, before the Senator from Wisconsin starts on that branch of the subject may I ask him whether or

not he has made an examination of the present law under the migratory bird treaty?

Mr. BLAINE. Mr. President, I have.

Mr. DILL. Does the Senator find any necessity or need of added legislation to control the game situation beyond that which the present law provides?

Mr. BLAINE. Absolutely none whatever, and during the course of debate the other day I pointed out section by section and provision by provision how the Congress of the United States had in all respects performed its obligation under the migratory bird treaty.

The real purpose of this proposed act is not to conserve wild life. The purpose of it is to tax the people of the United States in order to create a fund with which to buy areas of land as sanctuaries for migratory game birds, not for their protection, not for their conservation, but to create public shooting grounds. We might just as well be frank about this subject.

Mr. NORBECK. I wish the Senator from Wisconsin would be frank——

Mr. BLAINE. I will be.

Mr. NORBECK. And state that 60 per cent of the area of the sanctuaries would be inviolate to all hunting.

Mr. BLAINE. Exactly; and section 11——

Mr. NORBECK. I asked the Senator from Wisconsin whether he would favor the bill if we would make the prohibition against shooting apply to the entire sanctuaries and permit no hunting on any of them. I have not had his approval of that suggestion. If I had, we might amend the bill to meet that objection.

Mr. DILL. Mr. President, let me suggest that there is not anything in the bill that provides which part of the sanctuaries may be used for public shooting grounds; whether it is to be along the side or down the middle; whether one portion is to be used one year and some other portion the next year. The bill leaves any part of the sanctuaries open for public shooting purposes or is so written that any part of a sanctuary may be open at any time.

Mr. BLAINE. To which fact I was going to call the attention of the Senator from South Dakota. I thank the Senator from Washington.

A committee amendment to section 11 provides:

> That at no time shall less than 60 per cent of the total acreage of the areas so acquired be maintained as inviolate sanctuaries for migratory birds.

That of itself is a vicious provision; that of itself establishes a trap. Far better, indeed, would it be to throw the entire sanctuary open to hunting and shooting and killing. The very provision making no less than 60 per cent of the total acreage of the sanctuaries for migratory birds inviolate is to set a trap into which the migratory birds are to be induced and seduced. That provision of itself ought to condemn the proposed legislation. What the whole bill proposes to do is to create a trap, and the more acreage which is embraced in a sanctuary the bigger the trap which would be created for migratory birds.

The Senator from South Dakota well knows there are very few migratory game birds covered by the treaty that propagate within the United States, and as to all the others the sanctuaries will constitute but a trap. That trap is to be a sanctified trap. It is to be planted with food for migratory birds so as to attract them there, not that they may breed but that they may be shot and killed. The 40 per cent of the area that is not to be inviolate will constitute the public slaughter ground. That is what this bill proposes.

Mr. NORBECK. Mr. President, the Senator——

Mr. BLAINE. Just a moment. It is worse than that, if you please, for the entire area round and about the sanctuaries to such distances as migratory game birds may go likewise will be a part of the trap; it will constitute the outlying part of the trap; it will be the trap which the private hunting clubs of this country will use for private purposes, to the exclusion of the public. The sanctuary thereby becomes a part and parcel of those private shooting grounds; it is to be supported by public expenditures for the benefit of those who may be able to buy the adjoining land, and there establish blinds and places for hunting and shooting, from which area all other citizens are to be denied the right of ingress.

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

Mr. BLAINE. I now yield to the Senator from South Dakota.

Mr. NORBECK. For the purpose of clearing up this matter, let me say that I recognize the Senator's sincerity upon this question. The Senator does not believe in game sanctuaries in the way others of us do. My view is that the only way to preserve migratory bird life is to have bird sanctuaries. The Senator called my attention to the fact that Wisconsin, his home State, has done a great deal along that very line; that it has set aside large areas for bird sanctuaries; but, if I understand aright, he objects to the provisions of this bill on the ground that the establishment of sanctuaries will permit hunting outside the sanctuaries whether hunting grounds are allowed within the sanctuaries or whether they are not. I wish to ask if in the State of Wisconsin, under the very system which there the Senator recommends so highly, shooting is not permitted right outside of the bird sanctuaries by everybody, and if gun clubs are not established right around those sanctuaries—the very thing we are trying to avoid in this bill? I want to ask the Senator another question. Will there be one additional——

Mr. BLAINE. I can not answer several questions at once. Let me answer the question the Senator has asked before he asks me another.

Mr. NORBECK. Very well. I have asked the Senator one question; let us have an answer to it.

Mr. BLAINE. The migratory game birds covered by the treaty are not found generally adjoining any sanctuaries in Wisconsin. The birds are migratory; they do not stop anywhere, and if you want to hunt geese or if you want to hunt brant——

Mr. NORBECK. According to my understanding, the Senator took the position the other day that Wisconsin had done a great deal for this very purpose. Do I understand that it has done it for some other purpose, instead of protecting migratory birds?

Mr. BLAINE. No; the Senator is trying to twist my argument.

Mr. NORBECK. I am trying to get the Senator's view.

Mr. BLAINE. I argued the other day that Wisconsin has fully performed her duty and gone far beyond her duty under the treaty with Canada. She has gone as far perhaps as any other State. I say let her alone. I do not want to see the Federal Government with an army of game wardens step into Wisconsin and break down the splendid enforcement of the law that we have there. I say "keep out."

Mr. NORBECK. The Senator from Wisconsin will agree that the Federal Government at this time has a game warden who goes into Wisconsin, while the State of Wisconsin has 56 game wardens; that there is nothing in this bill that confers additional powers on going into Wisconsin; that if the Federal Government goes into Wisconsin, under this bill it will go in by the consent and the invitation of Wisconsin; and that is the only way it will get into Wisconsin unless it goes in under the law that is 10 years old.

Mr. BLAINE. I do not understand how this bill prevents the game wardens that are created under this law from going into Wisconsin.

Mr. NORBECK. But they operate under a law 10 years old when they go there.

Mr. BLAINE. If you enact this bill, the same five or six hundred game wardens that you propose to create by this bill can go into Wisconsin——

Mr. NORBECK. Now, be fair.

Mr. BLAINE. Wait a minute, now—they can go into the State of Wisconsin not to protect birds but to get votes, if you please.

Mr. NORBECK. Is that what game wardens are used for in Wisconsin? If so, I am glad to have the Senator enlighten us.

Mr. BLAINE. Your Federal officers are used for that purpose in Wisconsin. You know it, too. This bill provides——

Mr. NORBECK. It provides for their selection through the civil service, without any regard to politics.

Mr. BLAINE. Just wait a minute. I am entitled to answer the Senator's question. Here you have a whole army of game wardens——

Mr. NORBECK. There is no army provided for.

Mr. BLAINE. Wait a minute, now. I will not yield, Mr. President, until I answer the Senator's question. You provide for a whole army of game wardens. If the administration at Washington perchance wants a Mr. Hoover nominated for President, there is nothing in this bill to prevent this proposed army of game wardens from being sent into Wisconsin just at the proper time when the primaries are being held in Wisconsin for the nomination of delegates. There is nothing in this bill that will prevent that army of game wardens from going into Wisconsin just about the time the election is held in November; and I want to tell you, when you throw three or four or five hundred Federal officers into a State——

Mr. NORBECK. Why does not the Senator call it 5,000? He has just as much right to call it 5,000 as 500.

Mr. BLAINE. I will ask the Senator please not to interrupt me while I am making a statement. They can go into any State in the Union, and they become a powerful political machine.

I am going to discuss that question before I get through. I think I can fairly infer from the provisions of this bill how many game wardens are going to be provided for under the bill.

Mr. NORBECK. I call the Senator's attention to the fact that I have repeatedly suggested that I am willing to limit the number to 1 or 2 from each State, instead of the 500 or 5,000 that the Senator talks about.

Mr. BLAINE. I am talking about this bill. There is not any amendment before the Senate for any such purpose. Why, you have set up here a beautiful scheme for political manipulation, a beautiful situation, not to protect migratory game birds. I will say that if this bill were the law now, and had been for the last five or six years, it would have been a splendid scheme to have this army of game wardens going out into these various States where men were candidates for Senator, where the Democratic Party might have an opportunity to succeed, or where the progressive membership of the several States might have an opportunity to succeed—it would have been a wonderful scheme to have sent these game wardens into those States—to protect migratory game birds? No! To nominate and elect men favorable to the administration. It is a wonderful system you have here for the protection of predatory interests if the President or the administration wants to use the power that you are going to give an administration under this bill.

Now let me proceed to the analysis of this bill.

Here is a sanctuary purchased. We will say it is 100,000 acres, or we will say it is 10 miles square. Sixty per cent of it is inviolate. Forty per cent of it is a public shooting ground. Just outside of that sanctuary there are 40 miles of boundary line about which can be and will be set up private hunting grounds, encouraged by the establishment of this sanctuary—a sanctuary to which these migratory game birds are to be induced and seduced by feeding. That is what this bill does. I challenge the Senator from South Dakota to bring in here a bill that provides money out of the Treasury of the United States directly with which to buy these sanctuaries and make them inviolate.

Mr. NORBECK. Mr. President, does the Senator want me to respond to that challenge? Was it made in good faith for the purpose of having a reply?

Mr. BLAINE. You have the remainder of the session to bring out such a bill.

Mr. NORBECK. I thought so.

Mr. BLAINE. You may introduce it as an amendment to this bill, and I will vote for it.

Mr. NORBECK. Because the Senator knows that very few others will.

Mr. BLAINE. I trust the Senator has a little different opinion of my motives in this matter. I am not questioning his motives.

Mr. NORBECK. No; I will amend that, and I will say it is well known that it can not pass. There have been repeated efforts made to do that; so that is futile.

Mr. BLAINE. I do not know whether it can pass or not. That is not a reason why this bill should be brought out here, and a special fund raised at the cost of some 5,000,000 people in America, only a small portion of whom will have the opportunity to enjoy these hunting grounds.

Mr. NORBECK. Where does the Senator get his number of 5,000,000?

Mr. BLAINE. If the Senator will just let me proceed, I will get to that.

Mr. NORBECK. I challenge those statements; and I should like to show that they are wrong, but I can not break in. I will let the Senator proceed now.

Mr. BLAINE. The Senator will have an opportunity to disprove my statements when I get through. I am going to give the reasons for my statements.

Mr. KING. Mr. President, would it disturb the Senator if I should interrupt him at this point?

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

Mr. BLAINE. I yield.

Mr. KING. I left the Chamber a moment ago, in response to a telephone call; and as I was leaving the Chamber the Senator was animadverting upon the fact that this bill provided for a large number of game wardens to be appointed by the Department of Agriculture and by the Biological Survey, and that that army of officials might come from one section or various sections and might be thrust into States at the critical time to aid the administration that happened to be in power.

Mr. NORBECK. Mr. President, may I inform the Senator from Utah that I have just offered an amendment to the bill the purpose of which is to limit game wardens to the States in which they reside; and there is also a civil-service provision under which they can not take part in politics.

Mr. KING. May I say to my friend from South Dakota that what he says about civil-service employees not taking part in politics is an illusion, because we know that many civil-service employees do take part in politics, and are a potential factor in elections. I congratulate the Senator upon offering that amendment, however. I think it is a proper one.

I was about to observe that we have now nearly 800,000 employees in the Government service, possibly more, the greater part of whom are under the civil service. The number is being augmented almost daily. New bureaus are constantly being created. I do not know how many will be created at this session. The President of the United States has recommended the creation of another department. That department, of course, will be the central cell, and will throw off other cells, and those cells still other cells, and there will be bureaus and sub-bureaus and agencies, all attached to the central cell known as the department.

The way we are progressing, in 25 years there will be from a million and a half to two million Federal employees. They will be found by the thousand in every State. In my State, with its limited population, there are now hundreds of Federal employees. They are concerned with every activity of the people. They go into their homes; pry into their business; and often seek to influence the views of the people upon economic, industrial, and political questions. We are literally suffering now from the evils of an omnipotent bureaucracy; and no government in the world is as tyrannous as a bureaucracy.

The Senator from Wisconsin has put his finger upon one of the evils in our Government to-day, because a bureaucracy in a democracy is the worst form of bureaucracy. I submit to the Senator that he is entirely right in his observation that the game wardens, if they are selected as the bill provides they shall be selected, would go into States where they did not live and many of them would actively participate in politics.

Does not the Senator think it is time that we should try to curb Federal bureaucracy, bring the Government back to the people, permit the States to enjoy the sovereignty which belongs to them, develop more local self-government and more individuality, and oppose this movement manifesting itself industrially and politically, which in the end must culminate in a powerful paternalistic and bureaucratic government, and in the growth of trusts and combinations in restraint of trade which will dominate the industrial and economic life of the people?

Mr. BLAINE. Mr. President, there is no question but that the tendency is exactly as described by the distinguished Senator from Utah. It does not appear to me that that tendency is making the strength of our Nation. I am convinced, as I said the other day, that when you take the responsibility of government off a people, off a community, when you relieve them of duties and obligations, you are destroying the sanctity of law, for there is no other sanction for law except that which abides in the people, and when that ceases to abide in the people there ceases to be sanction for law and you then have a government with the responsibility to do all things.

It has been the history of the world that when local responsibility has ceased, when community responsibility has ceased, when there is a public official at the heels of every citizen, commanding, intermeddling, the citizen then has become merely a minor cog and the Government no longer a government of the people but a government by a select few, and the sanctity of law and the sanction for law have ceased. I discussed that matter the other day. I know it can not be emphasized too often or too strongly. We are facing these problems not only in this proposed legislation but in other legislation past and presently proposed.

Here is a proposition to surrender a part of local self-government to centralized government, to surrender a duty and a responsibility of local self-government to the administration of a department operating through game wardens. The very dignity of our government in this proposal is being dragged down, and America and her institutions are becoming mere arms of the police power which should be exercised by the States.

Mr. President, as I said a few moments ago, if this bill were before this Congress making an appropriation out of the general funds for the purchase of these sanctuaries, stripped of all other objections, of course there would be little support for it, because we would not submit to taking money out of the general funds of the Federal Government with which to buy game preserves in the interest of public shooting grounds and private shooting grounds. Here it is proposed, however, with a strong arm to

collect the dollars from the little boys in blue jeans, from the farmers, from the workingmen, from the small business men, from every class of our citizenship who choose occasionally to shoulder their guns, not in the hunting of these migratory game birds, but in the hunting of the game that is in their localities and near their homes. It is proposed that we taken those dollars and invest them in these sanctuaries, which I think I have demonstrated become public shooting grounds and the adjuncts of the private millionaire hunting clubs of this Nation, furnishing them a splendid opportunity to build their blinds and their traps around and about these sanctuaries, whereby they will be afforded an opportunity to kill for sport.

The proponents of this measure do not dare advocate a bill that will take money out of the Public Treasury for that purpose. It is proposed to take it from a large class who have but a small interest in the immediate purposes of this bill.

The other day a map was drawn showing the outline of one of the sanctuaries proposed by this bill. Its area was in length about twice its width. We will assume that it was 20 miles in length and 10 miles in width. Around and about that sanctuary, having a boundary of 60 miles, were located the private shooting clubs of that State and of that section, and that is exactly what is going to occur if this bill is passed, not only as to one sanctuary but as to every sanctuary and as many sanctuaries as the fund proposed by this legislation will purchase.

It therefore at once becomes apparent that these so-called sanctuaries will be nothing more and nothing less than traps into which the innocent wild life is to be enticed, and there fed and there bred, where there may be breeding, to supply hunting privileges upon those innumerable private reserves and private millionaire clubs around and about these public sanctuaries, and the few American citizens who have the time and the opportunity and the leisure and money to buy the equipment to make the trip, may be privileged to hunt upon a portion of these sanctuaries as public shooting grounds.

The great mass of the people will not derive benefit out of the establishment of these public shooting grounds. The greater benefits are going to enure to the private individuals who have the money and the time and the leisure to join the private hunting clubs, who establish the private game reserves, and they, throughout the entire open season for these game birds, will enjoy that which will have been furnished them by the great Government of the United States out of the pockets of those who can not afford either the time or the expenditure.

If that does not bring resentment, then I do not know the American people. It is proposed that we exact from them dollars in order to buy sanctuaries, and pay for their maintenance. Those dollars will be exacted out of the men who will not have the opportunity to enjoy, if there is enjoyment, those public shooting grounds. The millionaire, the man of leisure, is to be the beneficiary of these exactions.

Worse than that, here is a new proposal in America. It is almost the beginning of an attempt to exercise the entire police power that exists in the governments of our respective States. Anyone who has studied this problem knows full well that when the Federal Government once seizes a power, small though it may be—a power that trespasses upon the rights of the States, that trespasses upon local self-government—the time when that power is seized, no matter how small a portion the Federal Government may take, is the first step in the particular field so entered by the Government to occupy that field to the exclusion of the powers and duties and responsibilities of the State. That has been the history we have had in our interstate commerce legislation. It is a well-recognized principle that when the Federal Government once enters a field, if it has any power at all, the Congress of the United States will permit it to enter that field exclusive of all other power and all other jurisdiction.

If we permit the Federal Government to enter the field of policing game preserves in our respective States, policing the whole State—every acre of it—quite without regard to whether or not there is a game preserve in the State, it does not take any stretch of the imagination at once to appreciate that the next step will be to take control of our streams, our rivers, and our lakes, and all those ancient privileges of hunting and fishing, and whatever may be granted to the citizens will then come from the Government of the United States and not from the respective States. Therein, I think, lies the curse of this kind of legislation—the danger that threatens the very existence of our Union, as I have remarked, breaking down local and community interests, destroying local and community responsibility and duty until the citizens lapse into a state of indifference as to their Government, so that instead of the Government being made for the citizen the citizen is made for the Government, and government at once becomes the enemy of her citizens.

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

Mr. BLAINE. I am glad to yield to the Senator from Utah.

Mr. KING. The Senator's observations exhibit a knowledge of the philosophy of government and of the irresistible movements, political and economic, manifesting themselves in the Republic to-day. The Senator is familiar with the attitude of many writers and professors who apotheosize the unitary system of government and look with indifference, if not hostility, upon our dual form of government. They say the gravitational forces of government are so powerful that they will draw to the central orb all local government and overwhelm if not destroy all appreciation of local responsibility.

The Senator has pointed out with clearness the fact that when the Federal Government enters the field of economic, industrial, or political activities it crowds out or submerges the sovereign States or the local government and assumes responsibilities which belong to the latter. The Senator has instanced a number of cases. May I call his attention to the fact that on the question of prohibition—and I do not mean to express any opinion in regard to that matter—when the Federal Government enacted the Volstead law and sent large numbers of officials into the States to enforce it some of the States who had enacted excellent prohibitory statutes which were being enforced with intelligence and zeal experienced a reaction which, in some instances, led to diminished zeal in the enforcement of State laws and in other cases brought almost to a standstill local enforcement. A feeling developed in some localities that the Federal Government had taken over the control of the liquor traffic and had assumed responsibilities which theretofore had been accepted by the States. I might add in passing that when a superior power or authority is invoked the lesser authority usually becomes less active and competent. Divided authority often weakens responsibility and effectiveness. Many States have excellent public health organizations which have accomplished great good in promoting sanitation and health. The Federal Government, with its itch and ambition for further authority and power, has reached out into the domain of the States and is more and more controlling the public health activities which appertain to sovereign States, and many people are not dissuading the Federal Government in its efforts to extend its activities into the States, but, upon the contrary, they are encouraging it so to do.

The result will be that if this Federal policy is continued there will be greater demands for Federal control of the entire Public Health Service of the United States. There are some who demand that our educational system shall be controlled by the Federal Government as was largely the case in Germany. The processes of Federal absorption of States and their political subdivisions is being carried forward with accelerated speed and apparently with resistless momentum. Most of the important measures in Congress seek to transfer from the States to the Federal Government authority and rights and obligations which belong to the States and to the people. The tenth amendment to the Constitution is disregarded and any challenge of Federal invasion of State rights is regarded as only within the domain of academic discussion and unworthy of this practical and utilitarian age. Rights which patriots struggled to secure are fritted away, indeed, are gladly surrendered to the central Government with its all-embracing authority and its unchecked—I was about to say imperial—power. In my opinion the great question before the American people is, "Shall the States be preserved?" Shall local self-government endure? Shall the school of democracy be permitted to live or shall our form of government suffer radical and fundamental changes which will result in a powerful central government unrestrained by constitutional limitations and exercising an unrestrained power?

In the days of Lincoln the question was, Shall the Union be preserved? The issue now is, and it is as important as the issue then raised, Shall the States be preserved? It has often been declared that this is an indestructible Union of indestructible States. It is as great a crime to destroy the States as it is to destroy the Union. No issue in the coming campaign should be more vital or more important than that raised by the question, Shall the States survive or shall local self-government endure? The pages of history record the rise and fall of nations. Liberal governments have degenerated into tyrannies and then have fallen. This Government should rest as a pyramid upon a broad base. If the people surrender their rights, if they are not trained in the school of local self-government, if they barter away the crown of State sovereignty for the glittering bauble of centralized power and authority, then if they are brave enough or thoughtful enough to look into the future they

will witness the consequences of inexorable laws and behold the ruin of a system of government which was the hope of the world. Aristotle chronicled the death of many nations which had come to untimely ends because of the centralizing forces which destroyed liberty and rendered the people incapable of self-government.

Nations have died from hypertrophy; they have taken the blood from the extremities; they have concentrated the vital fluid in the heart. The transfer of political authority from the people and from the States to Washington is not only dangerous but a deadly thing. It leads to the paralysis of the great cells of life and vitality. We must have more local self-government, more vitality and power in the smallest local subdivisions of the States. There must be more active participation by the people in their local affairs, more interest and zeal in their local governmental concerns; there must be developed a greater State pride and greater love of State and city and county and precinct and parish. There must be a love of home, and home ties must be strengthened, and the home must be the great spring of liberty and independence, the great fountain which will pour forth the waters of salvation for our political, economic, and cultural activities. There can be a despotism, though it bears the name of democracy. Perhaps there can be no more oppressive government than a bureaucratic one. The bolsheviks of Russia proclaim their devotion to liberty and claim that they are building a democratic structure. The fact is that the far-off cities and provinces and communities of Russia are within the powerful grasp of a despotic bureaucracy which is controlled by a few individuals sitting in the Kremlin in Moscow.

The Senator from Wisconsin [Mr. BLAINE] is doing the public a service in challenging attention to the growth of bureaucracy in the United States and the evils which must follow bureaucratic triumph and centralization of political power and authority in Washington. The States must not be destroyed. The line of demarkation separating them from the National Government must not be obliterated. This is a government of republics in a Republic, and the 48 republics may not be destroyed by the National Government. If our dual system shall be destroyed, if the gravitational forces draw the States into the arms of a mighty National Government, then the faith and hopes of those who believed that Republican institutions could survive will have been in vain.

Mr. TYDINGS. Mr. President, will the Senator yield for a short observation?

Mr. BLAINE. I will yield in just a moment. I want to stress, in connection with what the Senator from Utah has said, that I am not concerned about the destruction of mere abstract powers. What I am concerned about is the destruction of the duties, the responsibilities, and the obligations of the men and women of America. I think the Senator from Utah has analyzed the situation correctly, and that other governments had reached their decadence because governments persistently and effectually destroy the duties and the obligations and the responsibilities which rest upon the people in whom and in whom alone abide the sanction of the law. There is no other sanction for the law, and when the abiding place for that sanction has been destroyed by the removing of obligations and duties and responsibilities, then, of course, comes the destruction of a government. I am glad now to yield to the Senator from Maryland.

Mr. TYDINGS. This bill, if enacted into law, would create another bureau in the Government; and I want to draw to the Senator's attention an illustration of where the bureaus are leading us. As the Senator knows, we have a Bureau of Animal Industry. Among its various duties is the duty of inspecting meat which is shipped to the people from those killing steers and sheep and other livestock. I take no exception to this proper function. It so happens that last year in my State four or five small concerns wanted to go into the business of selling meat, and before they could go into that business they had to have certain plans for the building of their plants and certain machinery and certain restrictions surrounding their industry all approved by the Bureau of Animal Industry. This before they could sell a pound of meat.

That might be all right in places, but after these gentlemen had built their plants, installed their machinery, and had it all approved by the Federal Government, the Bureau of Animal Industry served notice upon them that they could not sell any meat anyhow. The question was naturally asked, Why? The Bureau of Animal Industry said that the Congress had failed to appropriate sufficient money to permit an inspector to be placed at those points where meats had to be inspected. But, these men said, "The big four packing establishments have between them upwards of 600 meat inspectors. We only require one for all our activities. Is it not in the interest of justice that you take one of those inspectors away from the men who now have 500 or 600, because it will not hamper them much, but if we do not get at least one inspector we will be put out of business." The bureau said they were powerless to act and could not give them an inspector, because they wanted to place the inspectors where they could inspect the greatest volume of meat. Therefore after all the plants in question were constructed at a cost of many thousands of dollars, those men were told they could not actually engage in business when they had done everything that the law required them to do.

Finally, upon my own responsibility, I told the men to go ahead and sell the meat, because the delinquency was that of the Government and not theirs; that they had in every way complied with the law, and that, in my judgment, no jury in the world would convict them when the Government and not they was at fault. They went ahead and sold the meat. The first carload that went out of the State of Maryland into a neighboring State was seized by the policemen of the Federal Government, and those men were haled into court charged with the crime of selling meat which was not inspected by the Government. I immediately took the matter up again with the proper authorities, and I found that while they did not have money enough to supply an inspector for those meat plants they did have money enough to have four or five policemen to catch anybody who violated the law. I suggested that they do away with that one policeman and appoint one inspector with the money, which was done after a delay of over three months in permitting these small packing establishments to operate.

That is a sample of the way bureaucracy works in this Government. The idealistic views which are set forth in legislation, under rules and regulations and red tape and appropriations contingent upon the operation of the law, are not forthcoming, and the citizen is simply bound hand and foot. His natural and honest and competitive rights are taken away from him. For that reason I am very glad the Senator is going into the subject, showing to what bureaucracy leads, the loss of individual freedom, and showing the amount of control and regulation by a lot of people who very often are not in great sympathy with the thing they are regulating, but who simply want a political place. For my part I am ready and willing to leave a lot of these things to the people to settle as they want to settle them, and not have the Federal Government dipping into every activity from the cradle to the grave that surrounds the life and actions of human beings. I thank the Senator.

Mr. BLAINE. Mr. President, in the case to which the junior Senator from Maryland refers he must appreciate that his constituents were only about 40 miles from the Capital. Had they been 3,000 miles away, instead of taking three or four months to adjust the difficulty, it would have taken three or four years, and perhaps even then it never would have been adjusted. The idea of having government far away from the people is the very cause against which our forefathers struggled. I will discuss that briefly before I get through.

I was calling attention to the fact that if it had been the intent of the author, he could not have designed a more perfect scheme for encouraging millionaires' private hunting clubs and game clubs than this bill provides. I think I have shown very clearly that if the bill shall become a law, the bird sanctuaries will not only provide public shooting grounds for the few who can afford the time and leisure but they will afford a source of replenishing the supply of wild life and game on the private hunting grounds and millionaire gun club preserves. I am not saying this merely upon my own opinion. I think it clearly appears to anyone who has made an effort to understand the tendencies that flow from this kind of legislation, that the very condition I have discussed is precisely the one that is going to prevail. I have in my hand a letter written by Professor Shimek, professor of botany, curator of the herbarium of the State University of Iowa, dated Iowa City, Iowa, March 17, 1928. I am informed by the Senator from Iowa [Mr. BROOKHART] that Professor Shimek is a man of integrity, one who has thought long and seriously on the question of conservation of wild life, whose opinion is worthy of consideration, and whose word may be regarded as the expression of an honest motive. Let me say that this letter was written to the junior Senator from Utah [Mr. KING], and with his consent I shall read it, so that it may be made a part of my remarks. Writing to the junior Senator from Utah, Professor Shimek states:

> The so-called game refuge bill (Senate bill 1271 and House bill 5467) is before Congress again, and, if my information is correct, it contains all the old objectionable features which were previously urged under the pretense of "conservation" and "sport."

Under the plan of a dollar "license" the many are expected to furnish shooting grounds for the few. The many surely can not find sufficient game in the "refuges" (?) that could be provided with funds so raised, even if they could afford to travel great distances to visit the grounds.

Any plan which sets up a tract to which game—especially migratory birds—is enticed and then slaughtered by the privileged few is vicious and unsportsmanlike. It will only hasten the total extermination of game, and it is in no sense a conservation measure.

Instead of this, the Government should purchase scattered tracts—not necessarily large—largely in the path of the migrations, which would serve as real refuges, where migrating birds would find feeding and resting places in their journeys, and where local game could breed. Even if the present bill is passed and traps are created in the form of hunting grounds, the Government should secure well-chosen areas which would serve as inviolable game and wild-life refuges. That would be a proper function of the Federal Government. The providing of mere hunting grounds is not.

It is a rather disheartening situation, Mr. President, that we who know that the sanctity of and sanction for law abide in the people must spend hours of time and energy in debating a bill under which it is proposed that the United States shall create hunting grounds. Of course, it is the right of any Member to introduce a bill, and then it becomes the duty of Congress to consider any measure that may be presented; but I am surprised that a measure should find its way into the Congress that proposes, at the expense of the people of America, to establish public hunting grounds—public hunting grounds to serve as adjuncts to the private hunting grounds of millionaires and men of leisure. But there is more than that involved in this bill. If nothing else were involved, I might waive that; but, in addition to establishing public hunting grounds, vicious and unsportsmanlike as that is, as Professor Shimek says, when it goes beyond that and undertakes to destroy the duties and responsibilities and the obligations of local self-government, then, of course, we who believe that the sanction for law and the sanctity of law abide in the people must exert our energies and our time in opposition to that feature of the bill.

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

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

Mr BLAINE. I yield.

Mr. KING. I trust the Senator, if it will not disturb the continuity of his remarks, will elaborate the suggestion as to the Government taxing the people for the purpose of establishing hunting grounds? It strikes me, if I may say so in the Senator's time, that it is unconstitutional for Congress to levy taxes upon the people to furnish hunting grounds for people who desire to hunt migratory game. It would be as great an abuse of the taxing power as it would be to furnish croquet grounds for those who desire to play croquet or golf grounds for those who desire to play golf or fishing grounds for those who wish to fish.

If there is any obligation arising under the treaty which the United States has with the Canadian Government, it is merely to protect the migratory birds named in the treaty. It may be—and yet it is stretching the power of the Federal Government—that the Federal Government may constitutionally acquire ground for game-refuge purposes and impose taxes upon the people for that purpose. I have conceded heretofore in the debate and I will concede now for the purposes of the debate that the Federal Government may acquire sanctuaries for the birds that come within the Canadian treaty; but I have never been able to see where the authority existed for the Federal Government to buy shooting grounds or to furnish shooting grounds for hunters or anybody else. It seems to me to be an abuse of the taxing power and a usurpation upon the part of the Federal Government to tax the people of North Dakota, South Dakota, Wisconsin, or any other State in order to furnish shooting grounds for the happy hunters or those who would like to be hunters, in such States or in other parts of the United States. I shall be glad if the Senator would give his views as to the constitutionality of measures to tax the people to obtain moneys to purchase "shooting" grounds.

Mr. BLAINE. Mr. President, under the Constitution, of course, Congress can not appropriate money except for a public purpose; there can not be a single dollar taken out of the Treasury of the United States except for a public purpose. The expression "public purpose" embraces rather a broad field; and it was only a few moments ago that I was challenging the Senator from South Dakota to present here a bill that would enact into a law a provision whereby public money was to be taken from the Public Treasury to buy hunting grounds.

Those who are back of this bill do not propose to come to Congress with a proposition of that kind and face it squarely; so they provide "that the primary purpose of this act is to provide necessary areas for feeding and breeding places for migratory game birds in order that an adequate supply of said birds may be maintained"; so they come in through the back door in order to get this money and in order to give this legislation some stamp of character as a valid enactment. They do not proceed directly and through the front door to take this money out of the Public Treasury and buy public shooting grounds. They propose it by these indirect methods, and camouflage it with the suggestion that it is in the interest of conservation; and, as Professor Shimek has said, speaking of this bill:

It will only hasten the total extermination of game, and it is in no sense a conservation measure.

Continuing reading from his letter, he says:

If this bill passes, there will be an inevitable increase of cost of maintenance and supervision which will not be fully covered by the license fund. That means that the Government is to help in providing sport for a favored few at the expense of the many, and by doing so will materially hasten the destruction of our wild life.

Under this law, if enacted, another tremendous increase in power will be given to a Government bureau. The police and even law-making powers for which the bill provides would mean a long stride toward complete bureaucratic control of our Government—a danger even now all too evident.

And he, too, sees the danger lurking in this kind of legislation.

The plan contained in the bill has always had the backing of the large arms and ammunition corporations.

That is a matter to which my attention had not been directed. He is, no doubt, correct in his statement. This idea of encouraging the feeding and breeding of more game birds, of course, means the selling of more arms and more ammunition with which to kill living things for sport.

Continuing:

and of that class of "sportsmen"—

He has quoted the word "sportsmen"—

who have the means and the leisure to travel to the shooting grounds, and who are urging that some one else provide cheap sport for them. In both cases the motive is purely selfish, and the effort to represent this as a "conservation" measure is a mere pretense.

I can read nothing else in this bill than a thing that mocks at conservation, clothed in hypocrisy, and if enacted into law is to be carried out in providing cheap sport at the expense of the American people.

He further says:

The inevitable conflict between the Federal and State authorities in the efforts to enforce the game laws, and the power which would thus be given to a Government bureau to determine State policies in this field, should also be considered. The difficulties which arose between State and Federal authorities in connection with the Upper Mississippi Wild Life Preserve—

If the Senator from South Dakota will now give me his attention, I shall not have to repeat what I am going to say about the Upper Mississippi Wild Life Preserve.

Mr. NORBECK. If the Senator from Wisconsin will permit me to answer his questions when he asks them, he shall certainly have my attention.

Mr. BLAINE. The Senator will be given an opportunity to answer them.

Mr. NORBECK. I hope the Senator will not address questions to me unless he wants them answered.

Mr. BLAINE. I have not addressed any questions to the Senator except in a general way. I can not ask a question of these chairs, benches, desks. I have to ask a question which may be answered by the Senator from South Dakota or some other Senator.

Mr. NORBECK. Without joking at all, I shall be delighted to answer the Senator's questions. I want to be helpful in clearing up any matter that may be ambiguous. If the Senator asks questions for the purpose of having them answered, I shall be delighted to try to answer them.

Mr. BLAINE. I have not asked a question that I do not want answered.

Professor Shimek refers to the difficulties which arose between the State and Federal authorities in connection with the Upper Mississippi Wild Life Preserve. He says they "are sufficient to show that these fears are not unfounded"—that is, the conflict between State and Federal authority.

Mr. NORBECK. Mr. President——

Mr. BLAINE. Wait a moment, until I get through with this—

In the present case the dangers of conflict, moreover, would undoubtedly be greater because of the wider exercise of police powers which would be necessary on "public" (for those who pay) shooting grounds.

Now, I am going to conclude reading this letter, so that it may be in the RECORD in a consecutive way, and then I will discuss the Upper Mississippi Wild Life Preserve.

In conclusion I wish to warn you against the recommendations of certain organizations which, while making a pretense of conservation, are in reality helping the special interests to which I have referred by supporting this bill. The bill is not a conservation measure, and it should not be called a "game refuge bill," but rather a "game trap bill" or "game slaughterhouse bill."

I request and urge that you oppose this bill, and particularly those features herein discussed.

There have been some difficulties, and mighty serious ones, with respect to the Upper Mississippi River Wild Life Refuge. There is bound to be conflict between the Federal Government and its citizens, especially when there are certain rights and duties and obligations upon which the Federal Government has been trespassing with respect to our States and our localities. There was created by Congress what was called the Upper Mississippi River Wild Life and Fish Refuge. When the matter was called to the attention of the Wisconsin Legislature it was my privilege and honor to be the governor of our State. The Federal Government wanted blanket power in that valley. I conceived it to be the duty of the chosen representatives of our State to preserve whatever rights the State and her people had on the western boundary of our State. It was my privilege to write the law that gave the Federal Government consent to acquire the land in that valley, and I thought that I had preserved the rights and duties as well of the people of my State; but I have found since that I was mistaken. I had assumed that every conceivable situation that might arise was taken care of, and that there could be no trespassing either upon the laws of Wisconsin or the rights of her citizens; but I have found in the last year that I was mistaken.

I could not at that time have conceived that a Federal department in the city of Washington would create a situation which in effect is a conspiracy to defeat conservation of wild life in Wisconsin. I have found to my disappointment that the Department of Agriculture has defeated and is defeating Wisconsin's efforts in the conservation of wild life in that valley.

There are those who have bought privileges from the Government of the United States through the Department of Agriculture; and I want to say now, in passing, that whenever a government becomes autocratic and bureaucratic you may expect that it will sell privileges, and you may expect that those who can afford to do so will buy privileges from that kind of a government. Bureaucracy and autocracy invite special privileges.

Whenever a department once gets power, it desires to grab more power. Once there is placed in the hands of a department of the Government just a semblance of power, its appetite for more power and more power increases with the meat upon which that appetite is fed. That meat is to constantly grant more and more power.

It has been the history of autocracy and bureaucracy to extend their hands wider and further into the realm of administration, until the departments have embraced all the power that may reside in a centralized government, with the result that that kind of bureaucracy and autocracy is responsible to no one. It certainly is not responsible to public opinion. It is not even responsible to the consciousness of good morals. In order to reach it the process is a long one. There is no single individual who can make the fight; life is too short. So the people become apathetic and indifferent, and then there are privileges purchased by those who have the money and whose interest it is to purchase those privileges.

Section 1035 of the statutes of Wisconsin of 1927 provides, in giving consent to the purchase of the area in the Mississippi Valley acquired for a wild-life refuge, as follows:

(2) The consent hereby given is upon the condition that the United States shall not by an act of Congress or by regulation of any department prevent the State and its agents from going upon the navigable waters within or adjoining any area of land, or land and water, so acquired by the United States, for the purpose of rescuing or obtaining fish therefrom; and the State shall have the right to construct and operate fish hatcheries and fish rescue stations adjacent to the areas so acquired by the United States; and the navigable waters leading into the Mississippi and the carrying places between the same, and the navigable lakes, sloughs, and ponds within or adjoining such areas, shall remain common highways for navigation and portaging, and the use thereof, as well to the inhabitants of this State as to the citizens of the United States, shall not be denied.

Mr. KING. Mr. President, will the Senator yield for an inquiry?

Mr. BLAINE. I yield.

Mr. KING. Is that the amendment which the Senator proposes to offer to the pending bill?

Mr. BLAINE. No; this is what was written into the enabling act by the Wisconsin Legislature with reference to the upper Mississippi Valley wild-life refuge. I am quoting this so that I may show what results from administration by and through a bureaucracy.

Mr. KING. I regret to learn that the Interior Department is now supporting a doctrine which is hostile to the rights and prerogatives of the States and opposed to principles accepted by the American people from the foundation of the Republic. It is claimed by this department that the Federal Government owns, or at least controls, all navigable streams and the beds and banks thereof. Indeed, as I understand its position, it goes further, and with respect to nonnavigable streams it claims that the Federal Government controls them and their waters, particularly in the public-land States. The famous case of Pollard against Lessee, decided by the Supreme Court of the United States more than a hundred years ago, announced the doctrine that the States held in trust for the people the streams and waters within their borders, and that the authority of the Federal Government extended only to navigable streams, and then only so far as was necessary to prevent interference with navigation. This position of one of the departments of the Government illustrates the movement for Federal control over the domestic and internal affairs of the States. The States are the owners of the beds and banks of navigable streams, holding them in trust for the people, and the States have the right to establish the riparian doctrines with respect to water and water rights or the doctrine of appropriation such as prevails in most of the Western States. The adoption of the views of the Interior Department would be an assault upon the integrity and the autonomous sovereignty of the States.

Mr. BLAINE. I want to suggest, so that this matter will appear clear, that in writing these provisions in our laws it was my purpose to conserve the rights of the people of Wisconsin and of the citizens of the United States under the ordinance of the Northwest Territory. It was further provided:

(3) The legal title to and the custody and protection of the fish in the navigable waters leading into the Mississippi River and in the navigable lakes, sloughs, and ponds within or adjoining such areas in this State, is vested in the State, for the purpose of regulating the enjoyment, use, disposition, and conservation thereof.

It would appear that in drafting that legislation the question of the protection of fur-bearing animals was overlooked. It was not overlooked. It was assumed that the laws of the State of Wisconsin would protect them. Let us see what has happened under this bureaucracy.

The Secretary of Agriculture was authorized to purchase these lands in the Mississippi Valley, beginning at some point below the southern boundary of Wisconsin and extending north about 300 miles, at an average rate per acre.

Mr. KING. Not to exceed $5.

Mr. BLAINE. I think it was $5.

Mr. KING. Not to exceed $5.

Mr. BLAINE. Not to exceed $5. The Secretary was unable to purchase some of the land at $5 an acre. In the purchasing of other acreage he purchased it at less than $5. But there was a very large tract of land, and a very desirable tract, I might say, which he desired to purchase, but which he could not purchase within the $5 limitation.

I do not charge the department with corruption, nor do I charge the man who sold the land with any improper motives. I am simply charging that that which the Secretary did in this instance could never be done under State legislation under the influence of public opinion locally. But this situation that is created presents a condition whereby those who are interested are helpless.

The Secretary of Agriculture can not be removed. I am not speaking of the present Secretary; I am speaking of the department. I am not accusing any man or any individual. I am speaking of the bureau which has the power. What power did the Secretary exercise? He purchased that land and gave an exclusive privilege to one individual for the taking of two of the most valuable fur-bearing animals in the United States, the exclusive right to take muskrat and mink upon thousands of acres of land.

Mr. KING. For how long?

Mr. BLAINE. A 10-year period.

Mr. KING. Does the Senator say that is one of the conditions annexed to the deed by which the Government secured the land?

Mr. BLAINE. I said that it appeared that we had overlooked, in the drafting of the enabling act, the protection of fur-bearing animals. It had not been overlooked, because we had assumed that the laws of the State of Wisconsin were sufficient without any reservation, and therefore there was no reservation made, with the result that one individual has the exclusive right for a 10-year period to take the muskrats and the mink from something over 5,000 acres of land, the richest mink and muskrat breeding and producing area in the United States.

Mr. KING. Will the Senator yield?

Mr. BLAINE. Let me add right here that the land was sold for less than the value of it. The individual who received this exclusive right had made the proposition to accept a certain amount per acre with this exclusive right. But there is the objection: If the Government is going to maintain these sanctuaries, special rights should not be granted to any individual.

Under this bill the Secretary of Agriculture can do the very same thing. He can purchase a large tract of land, we will say, at a very small figure and give the hunting privilege to the person from whom he purchases the land, the exclusive hunting privilege for as many years as he sees fit, just the same as was done in this case. Here is a 10-year privilege, which excludes all other citizens from enjoying the trapping of those two very valuable fur-bearing animals. A tremendous profit is to be made out of those furs.

Here is a privilege purchased by an individual, purchased from the Government, on a public preserve, a sanctuary, denied to all other citizens for a period of 10 years. There is no relief from this situation. I do not believe the department had the power, but there is no way by which that question can be tested unless citizens will take a chance of being arrested and dragged into a Federal court to defend themselves in a criminal action—a thing which honorable citizens will not do. They will even sacrifice the rights to which they are entitled, rather than jeopardize their liberty or run the risk of loss of their reputations in a criminal action. Under this bill as proposed, privileges can be granted. The Senator from South Dakota can not say that they have not been granted with respect to other sanctuaries, for they have been. I have the admission of the United States Department of Agriculture. In a letter dated March 6, 1928, the department says:

In the agreement entered into with—

I will omit the man's name because there is no reason why he should be dragged into this debate. There is nothing dishonorable about his case.

dated November 26, 1926, covering 4,936.64 acres, he or his heirs or assigns were granted the right to take certain muskrats and minks—

This is to be in accordance with the State law for a 10-year period beginning November 1, 1926. The agreement of March 17, 1927, for 209.13 acres, contained a similar provision, making over 5,000 acres. These lands are all situated in Crawford County, Wis., and by arrangement were payable at $7 per acre, the two agreements covering a total acreage of 5,145.77 acres.

For the reduction of $2 per acre the privilege was granted by the bureau for a 10 years' exclusive right to trap the two precious and valuable fur-bearing animals. More than that, this exclusive privilege, as anyone who understands the nature of these fur-bearing animals will appreciate, extends far beyond the 5,000 acres. One man planted himself almost in the very center of this splendid sanctuary for wild life with the exclusive privilege to take that wild life. How must he take it? He has no right to come into the State of Wisconsin as a nonresident, but the understanding is with the Secretary of Agriculture that he may hire Wisconsin citizens to do the trapping. I think the situation demonstrates that when a bureau of the Government, possessing the broad and unlimited powers granted to them under the terms of this bill, has functioned in this way with respect to the only sanctuary specifically set aside by Congress, granting such a privilege to a single individual, we may expect that the same situation will result and the same acts will flow from the bill under consideration.

The Secretary of Agriculture is given absolute power and authority under the bill to make rules and regulations, the fines for the violation of which may be collected as a forfeiture. Under the terms of the bill those who are accused of violating the law or the regulations made by a single individual may be dragged hundreds of miles from their homes and taken before a Federal court and subjected to trial before a Federal court.

Not being satisfied with imposing a penalty by act of Congress, it is proposed by the bill to give the Secretary of Agriculture the right to inflict a penalty by and through a regulation or rule. Here we have the very apex of the doctrine of autocracy and centralized government, a doctrine sacred under the autocracy of Italy and Russia and proposed to be sanctified here in America—the right of an individual to make a rule or regulation which imposes a penalty.

When the game wardens believe that a rule has been violated, the innocent boy, never having known of the regulation, never having read it or heard of it, may be hauled three or four hundred miles from his home before a Federal judge or before a Federal grand jury, indicted, and thrown into jail.

Mr. President, we had the Boston Tea Party and Lexington because citizens of the colonies were taken to distant places, far beyond the confines of their home colony, to be tried. Yes; a game warden may seize any citizen who has not his hunting license with him, even for refusing to show a hunting license; and, of course, he could not show it if he did not have it. He could be dragged three or four hundred miles before a Federal judge or a Federal grand jury, indicted and cast into prison because he did not take out a hunting license and pay his dollar to make up a fund with which to buy public shooting grounds in the interest of millionaire huntsmen and clubmen.

The offense is a minor one. The penalty imposed under the terms of the bill is not a large one. The offense and the penalty is characteristic of a violation of a village ordinance and a trial before a village justice. And yet here it is proposed in the name of conservation to dignify such a thing by a congressional act, the enforcement of which will require a game warden to seize the man or boy and haul him three or four hundred miles to be indicted by a Federal jury, tried by a Federal judge, and punished because he did not have his hunting license with him. When we place this power in the hands of these petty officials we may make up our minds that they are going to exercise, as arbitrarily as their narrow-mindedness will permit, all the power that is given them.

They are not few in number either. I understood the Senator from South Dakota was going to limit the number of game wardens. He is beginning to appreciate the danger, but he is not going to limit them in number. He may limit the number at this session of Congress, but he will find that the law will be violated and the demand will be made that there shall be more game wardens. Congress will say, "We have entered upon this project and we must furnish more game wardens. There is more money coming in and, anyway, it does not come out of the public Treasury. It comes out of the pocketbooks of these boys and men. What is the difference? We will give them more game wardens, so that they will uphold the dignity of the United States." Even in the United States perhaps some one would suggest calling out the Army in order to maintain this kind of a law, as I understand they have suggested for the enforcement of some other police regulations.

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

Mr. BLAINE. I yield.

Mr. KING. I may observe that there is no limitation in the bill with respect to the utilization of the 40 per cent; that is to say, the 40 per cent is not the entire sum which may be obtained and made available for game wardens and the administration of the act. Such further portion of the 60 per cent derived from licenses as may "be deemed necessary" for the administration of the refuges which may be secured may be used. So it may be that only 30 or 40 per cent of the 100 per cent will be spent for refuges and the residue of 60 per cent spent in administration of the law, together with the 40 per cent which it proposes shall be used for game wardens and for administration purposes. Then, in addition, the appropriation bill for the Department of Agriculture carries tens of millions of dollars annually. I think it will carry something over $140,000,000 for the next fiscal year.

Importunities will be made to Congress to increase the appropriations directly from the Treasury of the United States as they are made now for the Department of Agriculture and the Biological Survey, so that there will be not only the amount received from the sale of licenses as a fund upon which to draw, but Congress will probably add to the fund large sums which will go to the Biological Survey to be used for so-called administrative purposes. So the Senator can not, in my opinion, with any assurance, assume that the amount derived from the sale of licenses will be the only amount which will be used by the Biological Survey for the acquisition of refuges, the administration of refuges, and the payment of wardens.

Mr. BLAINE. Mr. President, of course, the suggestion to limit the number of game wardens is a mere bait. I am going to discuss the question of the available number of game ward-

ens under this bill. The bill proposes that every person who desires to hunt migratory game birds shall take out a Federal license. The cost of that license is to be $1. The bill also provides that the Department of Agriculture may make regulations respecting the administration of the entire law. What would be the effect? We who have had any experience whatever with law enforcement, and those of us who have observed it without experience, quite clearly understand that there are certain measures taken in the enforcement of law that have no relationship whatever to the violation of some particular statute.

For instance, the Secretary of Agriculture may make a rule or a regulation and enforce it, providing that no one during the open season for migratory game birds shall carry a gun without a license at any place in any State, or at any place in the United States. What will be the result? Every citizen will find himself in a position where he can not hunt wild game birds and game animals within his State during the closed season for migratory game birds unless he shall have a Federal license. Such a rule, I think, will be essential for the enforcement of this proposed law; and the Secretary of Agriculture, no doubt conscientiously believing that he should go the full length in bringing about observance of the law, will make such regulations as that no one shall carry a gun during the closed season or that no one shall hunt any kind of game during the closed season unless he shall have a Federal license.

That is not drawing upon the imagination; that is what these departments do. They make rules which they claim are essential to the enforcement of a particular law under their jurisdiction though those rules may have nothing to do with an offense against the law itself. They are initiated for the purpose of making enforcement complete, effective, and efficient. Therefore, instead of 800,000 licenses being issued, as the Senator from South Dakota has suggested, there will be issued just as many Federal hunting licenses as there are citizens who desire to go hunting for any purpose at any time. There can be no other result. This proposed law can not be enforced effectively unless there shall be rules and regulations relating to hunting in the open season and in the closed season. Moreover, there are few citizens going to take the chance of hunting even for rabbits for fear a migratory game bird may come across their path, when the temptation would be to shoot the game bird, and such a person would need a Federal license.

Ah, the first year there would not be so many. A bureaucratic system of government proceeds step by step. It is not extremely exacting during the first year or so; it feels its way; its exactions are evolutionary; they grow as the years go on. So a slight step is taken the first year or so, and a further step and a further step as the years go by, until the department has succeeded in obtaining exclusive administration within the field it has entered over the subject embraced within the legislation. So the Department of Agriculture, when it once has this power, step by step will feel its way carefully, cautiously, exacting neither too much nor too little, but just enough so that there will not be a public reaction, until it shall have taken the final step and occupied the entire field to the exclusion of all other jurisdictions. I predict that if this bill shall become a law five years will not have expired until there will not be a single citizen in America permitted to hunt at any time without a Federal license.

What will that mean? For the fiscal year closing July 1, 1926, there were issued by the States of this Union hunting licenses to the number of 5,150,000. That was two years ago. On the basis of the average increase the number that will have been issued by July 1, 1928, by the time this bill will go into operation, if it shall become a law, will be 5,600,000 licenses. At a dollar apiece that will mean a revenue of $5,600,000, of which 40 per cent is dedicated by the bill to the employment of game wardens and their expenses. The average cost of a game warden—and I am giving this figure not by guess, I desire to inform the Senator from South Dakota, but from experience over a long period of time with this very subject—a game warden will cost about $4,000 a year.

Mr. NORBECK. Mr. President, is that what a game warden costs in the State of Wisconsin?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. BLAINE. I will not yield now, because I do not want that statement to stand disconnected.

The PRESIDING OFFICER. The Senator from Wisconsin declines to yield.

Mr. BLAINE. Just as soon as I finish the statement I will yield to the Senator. The average cost for the administration of game laws is on the basis of about $4,000 a year per game warden. That includes the game warden's salary, his expenses, and the expenses of administration of the central or administrative office. Therefore, when the time comes that every citizen in America must take out a Federal hunting license before he may hunt at any time there will be $2,260,000 available for game wardens, which will finance a force of 565 game wardens, which is a fair-sized army for political purposes. Now I yield to the Senator from South Dakota.

Mr. NORBECK. Mr. President, I wish to call the Senator's attention to what I think is a misapprehension of the bill on his part. He is in error in speaking of 40 per cent of the revenue being used for game wardens. The bill provides that not over 40 per cent shall be so used. I suggest to the Senator that a game warden or two in each State will be very helpful in promoting the enforcement of the law.

I notice that Wisconsin is very liberal in regard to game wardens. No one can hunt in that State without paying for a license. I find that in Wisconsin there are 56 field wardens; and then they have something that I have never heard of in any other State, namely, six district wardens, and then they have a chief warden. The employment of such wardens of the different classes may be based on wisdom, but the expense comes out of the pocket of the taxpayer. I find no fault with the Wisconsin system, but if sixty-odd game wardens are all right for the one State of Wisconsin how would it do to provide for 60 Federal game wardens for the entire United States? If the Senator will agree to that we can amend the bill accordingly.

Mr. BLAINE. The Senator says there would be only 60 Federal game wardens?

Mr. NORBECK. I say I am willing to amend the bill so as to provide for 60 Federal game wardens.

Mr. BLAINE. But the Senator from South Dakota is not going to administer this proposed law. The Secretary of Agriculture is to do that.

Mr. NORBECK. But if we place such a limit in the bill, then it will be beyond the power of the Secretary to change it.

Mr. BLAINE. What is proposed to do with the remainder of the money which will be collected?

Mr. NORBECK. That can be used for bird refuges.

Mr. BLAINE. Sixty game wardens for the entire United States would have about as much effect in enforcing this proposed law as the proverbial snowball would have in quenching the fires of hades.

Mr. NORBECK. The Senator has complained that the employment of Federal game wardens would have too much effect and now he complains that the employment of 60 would have too little effect. It can not work both ways.

Mr. BLAINE. I do not want to see enacted a law that will not be enforced. That is the trouble to-day. The trouble in America to-day is that we have by law created sins and crimes and there is no enforcement of the laws which create those sins and crimes. I do not want to be a party to the enactment of a piece of legislation designed purposely and deliberately on the floor of this body so that it will not be enforced effectively. We have too much of that already.

Every single dollar of the 40 per cent will be used for game wardens and administration.

But no part of such 60 per cent shall be used for payment of the salary, compensation, or expenses of any United States game warden, and not more than 40 per cent thereof for enforcing this act, the migratory bird act—

And so forth; and you can make up your minds that when a department has a certain amount of money to spend, it will spend it. I do not see very much money being returned to the Treasury from any unexpended balances around Washington. They do not have unexpended balances. They spend every dollar.

Mr. NORBECK. They do not have much unexpended balances in Wisconsin, either.

Mr. BLAINE. Of course not—not recently.

Mr. NORBECK. Three hundred and fifty-six thousand dollars in their game department for one year—a third of a million dollars in one year!

Mr. BLAINE. Unexpended?

Mr. NORBECK. No; that is spent, I guess.

Mr. BLAINE. Oh, no.

Mr. NORBECK. All right. The Senator will correct me if I am wrong. The expenditures of the Wisconsin game department are about a third of a million dollars annually.

Mr. BLAINE. Permit me to suggest to the Senator from South Dakota that I ought to know more about Wisconsin than he does. Let me read the Senator the facts.

Mr. NORBECK. All right.

Mr. BLAINE. The total number of hunting licenses in 1926 was 179,504, in 1907 it was 161,774, and these were dollar licenses largely. That is my understanding.

Mr. NORBECK. Yes.

Mr. BLAINE. What is the Senator talking about, then, when he says "a third of a million dollars"?

Mr. NORBECK. All right. Let me call the attention of the Senator to the fact that the collections from nonresident fishing licenses were $161,873.76 in Wisconsin last year.

Mr. BLAINE. Oh, yes; probably.

Mr. NORBECK. They have another tax which they call the trap-tag tax under which $17,000 was collected.

They have another one called the deer-tag tax under which some $900 is collected.

They have a traveling license of $18,000.

They have a nonresident hunting license of $9,900.

If you add up those figures, you have your $356,000 in Wisconsin.

Mr. BLAINE. We do not spend all of that on game wardens. We spend a large portion of that on constructive work, fish hatcheries, maintaining our State parks, and so forth.

Mr. NORBECK. That is the plan of this bill, too—exactly the same.

Mr. BLAINE. I do not know what you are going to do with fish hatcheries in propagating migratory birds, unless you hatch the fish to feed the birds. I think we are much safer when we keep within our own bailiwicks on what the facts are.

Here is a splendid political organization to be created. I repeat that within five years every single individual in America who desires to hunt will find himself paying a dollar a year to the Federal Government. Everybody knows that. That is the tendency. It always has been the case, and always will be. It is a beautiful system that will furnish 550 game wardens. Well, suppose it furnishes only 500. Suppose it is only 400. Suppose we get it away down where only half of the people will take out hunting licenses from the Federal Government. You have 275 Federal game wardens.

We have a primary election on in Wisconsin the first Tuesday in April. There is another one on in Nebraska a week afterwards. There is another one on in New York, another one in Indiana, another one in Ohio. Migratory birds, of course, are migratory, and so are Federal game wardens; and they become very efficient in campaigns, I have understood. Even the one in Wisconsin to whom the Senator refers has not failed to do his duty as the Department of Agriculture assumed his duty to be; and your Federal prohibition enforcement officers are always on hand when there is a primary or an election.

Add to the present perambulating Federal officers this army of perambulators looking after migratory birds, and there would be no difficulty in throwing an army of two or three hundred game wardens into Wisconsin—if we had this legislation—this week, right up to the time the polls are closed a week from to-morrow. There would be no trouble whatever in marching those game wardens over into Nebraska the next week and back into Ohio and Indiana. They would be the most effective and efficient political machine that could be created. Why, the excuse for sending them would be splendid. There are times, as seasons shift around, when birds are migrating, and so you will have the Federal game wardens following them up so that they will not be killed.

Mr. SWANSON. Mr. President, will the Senator yield for a minute?

Mr. BLAINE. I yield.

Mr. SWANSON. Do I understand that this bill provides for a flying squadron that can be sent anywhere, in time of political distress, to rally the faithful?

Mr. BLAINE. Why, of course. They do not exactly write that language into the bill.

Mr. SWANSON. I mean, it is possible? Of course, they would not write it in the bill. Nobody would swallow it if that were done; but can it be done?

Mr. BLAINE. That is exactly what will flow from this bill.

Mr. SWANSON. A flying squadron for political purposes?

Mr. BLAINE. A flying squadron after the flying birds. The excuse will be, "Why, March and April and May are just the months when the migratory birds must be protected," and the game wardens will be hot afoot for the protection of the migratory game birds. So, if the President wants a Mr. Hoover nominated there would be no trouble in throwing this army into the State of Ohio to defeat the Senator from Ohio [Mr. WILLIS], or in throwing them into the State of Indiana to defeat the Senator from Indiana [Mr. WATSON]. There would be no trouble at all in throwing them into Wisconsin in an attempt to get a delegation that could support the distinguished British statesman who spent the major portion of his adult life under the British flag and British influence. There would be no difficulty at all in taking this army of Federal game wardens and nominating a President of the United States.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. BLAINE. I do.

Mr. HEFLIN. We can not hear on this side the whispered conversation between the two Senators. I was wondering if the Senator from Ohio [Mr. FESS] was making inquiry about Mr. Hoover.

Mr. BLAINE. The whispering between the two Senators was with reference to an agreement to go into executive session. I did not get the comment of the Senator.

Mr. HEFLIN. I was wondering if the Senator from Ohio got it in his mind well that the Senator from Wisconsin was speaking of his friend Hoover.

Mr. JONES. Mr. President——

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

Mr. BLAINE. An election comes on, and the preelection campaign is on, and you have this army of game wardens. That is in the fall, when migratory birds take their flight southward—a most suitable time for the flight of the game wardens. This same perambulating, migrating army of Federal employees can march down into Missouri, if it is a doubtful State, and use their influence there. They ought to be down there, because it is the time when migratory birds are passing southward. Of course, there would be justification for them to go to Missouri, a doubtful State. Kentucky and Tennessee are fruitful fields for these perambulating, migrating game wardens to be thrust into those two States at the very time that an election is in the balance between the two major parties.

Mr. SWANSON. Mr. President, will the Senator yield to me for a minute?

Mr. BLAINE. I yield.

Mr. SWANSON. I have not read the provisions of this bill; but do I understand that the committee has reported a bill here that allows these game wardens to go from one State to another?

Mr. BLAINE. Why, what good is a game warden unless he follows the migratory game birds?

Mr. SWANSON. Does the Senator mean to tell me that the bill permits game wardens anywhere to come into a State and enforce this law?

Mr. BLAINE. Why, certainly. The game warden must protect the migratory game birds, must he not? That is the purpose.

Mr. NORBECK. Mr. President, I will state to the Senator from Virginia that under a law passed when Woodrow Wilson was President that is what they may do.

Mr. SWANSON. You continue that?

Mr. NORBECK. We do not repeal it.

Mr. SWANSON. You do not repeal it?

Mr. NORBECK. No.

Mr. SWANSON. Where Wilson was right you do not follow him, but where he made a mistake you follow him. I do not think that is right. I do not know whether I voted for the other bill or not.

Mr. NORBECK. I want to say to the Senator in all seriousness that I have an amendment pending that will prohibit the very thing the Senator from Wisconsin is complaining about, and I so stated in this Chamber about an hour ago.

Mr. BLAINE. Mr. President, the matter to which the Senator from South Dakota refers is the civil service law. Does he think for one moment that the civil service law, under which most of the postmasters are appointed, prevents them from engaging in political activity? If he does, then he is not of the caliber that I have assumed him to be. Does he think that the prohibition-enforcement officers of this Nation are not engaged in political activities during primaries and election campaigns? They may not in South Dakota, but they have been so engaged in Wisconsin. I have seen them in veritable hordes, and they are under civil service; and, of course, they are directed in such special cases to protect those who vote right and to punish those who vote wrong.

Mr. NORBECK. I thought I had had some political experience, but I have never known the value of a game warden in politics. The Senator from Wisconsin is quite enlightening to me. He has been governor of his State for six years, and I presume he understands what he is talking about—this army of sixty-odd game wardens traveling over Wisconsin in a

political campaign. It had never occurred to me that they were a political asset. Maybe they were.

Mr. BLAINE. Does the Senator from South Dakota charge the Senator from Wisconsin with using a single game warden or State official in a political campaign in his behalf?

Mr. NORBECK. I charge the Senator——

Mr. BLAINE. Now, wait: Does the Senator charge that?

Mr. NORBECK. Will the Senator wait while I answer?

Mr. BLAINE. I want to know whether the Senator charges it?

Mr. NORBECK. I will answer the question if the Senator will give me a chance to answer it.

Mr. BLAINE. The Senator can answer "yes" or "no."

Mr. NORBECK. The Senator can not come any lawyer tricks on me. I am not on the witness stand. I will answer the Senator, however.

Mr. BLAINE. The Senator has made a personal insinuation and I challenge him now to answer.

Mr. NORBECK. Yes; if the Senator will let me answer, I shall be glad to answer. I charge the Senator with having more knowledge of game wardens in politics than any other man I ever met. That is what I charge him with; and I ask him whether that is the way they did in Wisconsin. They do not in South Dakota.

Mr. BLAINE. Does the Senator from South Dakota charge that the Senator from Wisconsin has used game wardens for political purposes?

Mr. NORBECK. The Senator from Wisconsin charges himself, if anybody charges him. Nobody else has charged him with it.

Mr. BLAINE. Then what is the purpose of the Senator's remarks?

Mr. NORBECK. He is always talking about game wardens in politics, and that is something I have never heard about from any other State.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLEASE. Just a word.

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

Mr. BLAINE. I yield to the Senator.

Mr. BLEASE. I want to say to the Senator from South Dakota that in the State of South Carolina, where we have only one party, the game wardens are not only very active but they are very influential in factional politics.

Mr. BLAINE. Mr. President, I want to say to the Senator from South Dakota that there is not a single Federal employee under civil service in the State of Wisconsin who does not engage in political campaigns—not a single Federal employee.

Mr. NORBECK. I do not know anything about that; but I know that in South Dakota they observe the law.

Mr. BLAINE. But, Mr. President, I repeat and say to the Senator from South Dakota that when he interjected his insinuating remarks concerning my experience with game wardens I was talking about Federal employees; and I challenge him to deny the truth of my statements.

Not only do they engage in political campaigns, but they are used to browbeat and beat down citizens because they choose to vote differently from the power which directs those public and Federal officials. Do we want an army of cheap game wardens migrating to any State in the Union during primaries and election campaigns, which they will have the privilege of doing?

I know that sometimes these Federal employees are not effective. I have seen in their trail a good many "lame ducks." They are not successful in my State but they may be. I want to take no chance that this army of game wardens which is proposed to be created by this bill may control our primaries and our elections.

The Senator may limit the number to 20 or 40 or 60, but he will find that at the succeeding sessions of Congress there will be demand for more game wardens on the claim that the law is not being effectively and efficiently enforced. Therefore, demand will come for more and more game wardens until we will reach the time when this army of Federal employees will be migrating from State to State and from section to section of our country in the interest of certain candidates for office or to defeat certain candidates for office, depending entirely upon the administration and control of the Government at at Washington.

PRESIDENT WILSON AND THE VOLSTEAD ACT

Mr. SHEPPARD. Mr. President, the action of President Woodrow Wilson in vetoing a measure which contained both the war-time prohibition act and the Volstead Act is being cited by the opponents of prohibition.

The unqualified statement that Woodrow Wilson vetoed the Volstead Act is misleading. The act which he vetoed contained not only the Volstead Act but the war-time prohibition act. Practically all of his brief veto message was devoted to the war-time prohibition act and not the Volstead Act. He could not under the Federal Constitution separate the two in order to veto one and consequently was compelled to veto both in order to reach one. A perusal of the veto message will show that the veto was directed toward the war-time prohibition part of the act and not toward the Volstead Act; that he objected to the former because he believed at time of his veto, October 27, 1919, the war emergency had passed. It is interesting to observe that in the concluding sentence he referred to prohibition as a great reform. The veto message is as follows:

> I am returning without my signature H. R. 6810, "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries."
>
> The subject matter treated in this measure deals with two distinct phases of the prohibition legislation. One part of the act under consideration seeks to enforce war-time prohibition. The other provides for the enforcement which was made necessary by the adoption of the constitutional amendment. I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy and whose repeal I have already sought at the hands of Congress. Where the purpose of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.
>
> It would not be difficult for Congress in considering this important matter to separate these two questions and effectively to legislate regarding them, making the proper distinction between temporary causes which arose out of war-time emergencies and those like the constitutional amendment of prohibition which is now part of the fundamental law of the country. In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought be accomplished or great reforms of this character be made satisfactory and permanent.
>
> WOODROW WILSON.
>
> THE WHITE HOUSE, *October 27, 1919.*

I ask that there be printed at this point in the RECORD a clipping from the Chicago Herald and Examiner of March 12, 1928.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

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

GERMAN "WET" SEES UNITED STATES AND BECOMES DRY—DOCTOR BERG, TOURING WORLD, TURNS AGAINST RUM; SAYS AMERICA WILL PRODUCE SUPERIOR RACE

A short stay in the United States converted Dr. Walter Berg, of Stuttgart, German scholar and financier, from a wet into a dry. He is traveling around the world and came to Chicago.

Doctor Berg is a student of political science and an associate of Count Hermann Keyserling in the School of Wisdom at Darmstadt. He controls large banking interests in Germany.

"I was opposed to prohibition before I came to the United States," Doctor Berg said at the Bismarck Hotel, "but after two months of observation I completely changed my views.

"Prohibition will enable America to produce a superior race. In the nonprohibition countries alcohol is taking more and more victims. Drunken men are seen everywhere. Here it is comparatively rare.

"Upon returning to Germany I shall advocate laws similar to the Volstead Act."

PUBLIC UTILITIES OF THE CITY OF NEW YORK

Mr. WAGNER. Mr. President, I present a petition from the governing body of the city of New York petitioning Congress to amend the income tax law so far as it relates to their public utilities. I ask unanimous consent that the petition be referred to the Committee on Finance and printed in the RECORD, including a letter to me transmitting the petition.

The PRESIDING OFFICER. Is there objection?

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

BOARD OF TRANSPORTATION OF THE CITY OF NEW YORK,
New York, March 20, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The board of estimate and apportionment of the city voted yesterday in committee of the whole to petition Congress to amend the Federal income tax law, and I am writing you in advance of the secretary of the board of estimate so that the subject will come to your attention immediately. I understand that the Senate Finance Committee will report this bill very soon.

The Finance Committee of the Senate has under consideration certain amendments to the Federal income tax law in the form of a bill passed by the House of Representatives, H. R. 1, entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes." The attention of this board has been directed to certain decisions of the Treasury Department interpreting and construing the meaning of section 116 of the existing revenue law in a manner which imposes a tax upon the revenues of the city-owned railroads, which interpretation appears to be contrary to the intent of section 116 but which may be upheld by the courts on account of the phrasing of the act as it now stands. It appears to the board of transportation that section 116 should be amended to make it clear that the revenues derived from the city-owned railroad should be exempt from income tax.

The Federal income tax law, in section 116 thereof, provides that whenever a State, Territory, or any political subdivision of a State or Territory, prior to September 8, 1916, entered into a contract for acquisition, construction, operation, or maintenance of a public utility and by the terms of such contract the Federal tax on income is to be paid out of the proceeds from the operation of such public utility prior to any division of the proceeds between the person and the State, Territory, or political subdivision, that there shall be refunded to the State, Territory, or political subdivision a proportional part of any income tax collected from such public utility contractor to the extent that "if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of the political subdivision."

There is clearly a limitation in this act as to contracts entered into prior to September 8, 1916, which would preclude any contract or other arrangement which may be made by the city for the operation of the new subways. It is also a matter of doubt and dispute whether the city is now entitled to a rebate of income tax levied upon earnings of the existing subways, because these earnings have not yet been sufficient to permit of any division of profits between the operator and the city, although the imposition of these taxes increases the expenses of the operating company, which are chargeable against the revenues before the city is entitled to share in them and acts to increase the deficits which become accumulative under the existing contracts. All taxes are included in the deductions allowed to the companies as expenses of operation. The elimination of such taxes would, therefore, reduce the deficits from operation and to that extent would be distinctly in the interests of the city.

This board is informed that Boston, Philadelphia, Detroit, Cleveland, and perhaps other cities have an interest similar to that of New York in the amendment of section 116 of the Federal tax law and will cooperate in endeavoring to secure an amendment.

Therefore the board of estimate and apportionment has adopted resolutions petitioning Congress to amend the act so that there may be no doubt that the revenues from railroad operation in which the city is officially interested shall be made exempt from income tax.

Yours very truly,

JOHN H. DELANEY.

Whereas the city of New York, as the owner of an extensive system of rapid transit railroads and subways, entered into contracts dated March 19, 1913, with operating companies for the maintenance and operation of those railroads on behalf of the city, by the terms of which contracts there inures to the benefit of the city certain rights, profits, and interests under the conditions set out in those contracts wherein, among other things, it is provided that the net profits resulting from operation shall be equally divided between the city and the lessee corporations, previous to which, however, there shall be deducted from revenues derived from such operation "all taxes or other governmental charges of every description * * * assessed or which may hereafter be assessed against the lessee in connection with or incident to the operation of the railroad" before the city shall receive any rental or compensation for the rights leased or granted, or receive any payment or amortization on the public debt which represents the cost of constructing said railroads, or any division of net profits from operation of said railroads as aforesaid, and that these prior deductions are cumulative in their priority to the city's participation in profits or its realization of other rights, benefits, or interests under the contracts aforesaid; and

Whereas the realization by the city of such rights, profits, and interests are minimized, decreased, and postponed and a loss or burden thereby imposed upon the city to the extent that deductions are made by the operating companies, on account of increased operating costs due to the imposition of Federal income taxes, before the profits, rights, benefits, or interests of the city can be realized on the property owned by it, and that to such extent the taxes so imposed and paid by the operating companies are in last analysis paid by the city out of the taxes levied by it upon its citizens; and

Whereas the city of New York is now engaged in the construction of additional rapid transit railroads at an estimated cost of $700,000,000, and contemplates the acquisition of other lines or connecting railroads as necessary to the efficient operation of its transit system, the cost of all of which is to be paid out of public funds; and

Whereas upon the acquisition or construction of such railroads as a necessary part of the city's transit system it will become necessary or advisable for the city to enter into contracts for the maintenance and operation of them, and that the methods of operation of such new railroads must be decided upon in the near future before such contracts are executed; and

Whereas the proposed revenue bill now pending before the Congress, H. R. 1, and entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," provides, in subdivision (d) of section 116 thereof, that whenever a State, Territory, or any political subdivision of a State or Territory, prior to September 8, 1916, entered into a contract for the acquisition, construction, operation, or maintenance of a public utility, and by the terms of such contract the Federal tax on income is to be paid out of the proceeds from the operation of such public utility prior to any division of the proceeds between the person and the State, Territory, or political subdivision, that there shall be refunded to the State, Territory, or political subdivision, a proportional part of any income tax collected from such public utility contractor to the extent that "if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of" the city; and

Whereas by and under the construction and interpretation placed upon the corresponding similar subdivisions of the revenue acts of prior years by the governmental agencies, the city of New York is deprived and will be deprived of the benefits of a rebate of income taxes charged against the revenues derived from the operation of the railroads which are owned by the city contrary to the true intent and spirit of the revenue laws; and

Whereas the city of New York will be deprived of any and all benefit which, under any construction of the proposed revenue law it would be entitled to, arising under any contract entered into by it subsequent to September 8, 1916, the object of which contract is the acquisition, construction, operation, or maintenance of a public utility; and

Whereas it has been proposed that subdivision (d) of section 116 of the proposed revenue bill now pending before the Congress, H. R. 1, and entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," be amended so as to make more specific and certain that under such contractual relation having for its purpose the acquisition, construction, operation, or maintenance of a public utility, the amount of any Federal income tax paid by the lessee, grantee, or person operating a public utility under such contract or contracts, or certificates similar to the contracts of March 19, 1913, aforesaid, shall, to the same extent as the amount, but for the imposition of such taxes, would have accrued directly to or for the use of or inure to the benefit of or increase the right, title, interest, or equity in such public utility of such municipality, be refunded to the city or shall not be levied, all of which is more particularly set forth in said proposed amendment as follows:

"Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, enters in good faith into a contract with any person, the object and purpose of which is to acquire, construct, operate, or maintain a public utility—

"(1) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such public utility, prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia; and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of, such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under rules and regulations to be prescribed by the commissioner, with the approval of the Secretary), an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the net income from the operation of such public utility for such taxable year;

"(2) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespec-

tive of the tax imposed by this title, accrue directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title;

"(3) If by the terms of such contract the acquisition, construction, operation, or maintenance of such public utility is for or on behalf of a State, Territory, political subdivision, or the District of Columbia, or the effect of such contract is to enable the State, Territory, political subdivision, or the District of Columbia, to acquire a right, title, interest, or equity in such public utility, no tax shall be levied under the provisions of this title upon the income derived from the acquisition, construction, operation, or maintenance of such public utility, so far as the payment thereof will impose a loss or burden upon, or decrease or postpone such right, title, interest, or equity of such State, Territory, political subdivision, or the District of Columbia"; and

Whereas this board is advised and is of the opinion that the foregoing proposed amendment will be beneficial to the interests of the city of New York under the said contracts of March 19, 1913, and under contracts which may be entered into by it subsequent thereto for the acquisition, construction, operation, or maintenance of such public utilities, and under any plan of consolidation or unification as is now being considered by the transit commission, pursuant to the provisions of the public service commission law:

Resolved, That the board of estimate and apportionment does hereby approve of the proposed amendment aforesaid, and that it does hereby urge upon the Congress the passage of such amendment; further

Resolved, That the secretary of this board be, and is hereby, authorized and directed to transmit to each of the United States Senators for the State of New York and to each Member of the House of Representatives from the State of New York a certified copy of this resolution.

BOULDER DAM

Mr. PITTMAN. Mr. President, I ask leave to have printed in the RECORD a letter I have written to the chairman of the Committee on Irrigation and Reclamation of the House of Representatives.

The PRESIDING OFFICER. Is there objection?

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

UNITED STATES SENATE,
Washington, March 23, 1928.

BOULDER DAM

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: I have just been informed that your committee, or a subcommittee of your committee, are considering amendments to be proposed by your committee on the floor of the House to H. R. 5773, commonly known as the Boulder Dam bill.

I am also informed that you have adopted the Senate committee amendment found on page 6, between lines 4 and 13, to S. 728, being the Boulder Dam bill in the Senate, providing for State revenues, with certain suggested modifications. This is one of the amendments proposed by me in the Senate committee. If I understand the addition that you made to the amendment, it meets with my approval.

I am also informed that on Monday you will take up for consideration the Senate committee amendments found on page 9, lines 12 to 19, inclusive, offered to S. 728, giving preference to States to contract for electrical energy for use in the State. This amendment was also offered by me in the Senate committee on behalf of Nevada and Arizona particularly, although it equally applies to the State of California. It met with no particular opposition in the Senate committee.

Permit me to briefly state the reasons that urged the Senate committee to adopt this amendment. Senator JOHNSON in his bill (S. 728) provided that in the event of conflicting applications for electrical energy the preferences should be decided in accordance with the preferences set forth in the Federal power act. In that act "States and municipalities" shall have a preference over other applicants for contracts or licenses. It was undoubtedly the intention of Congress in making such provision in the Federal power act to place the State prior to the municipality. The reason Congress granted the preference to States and municipalities in such act was because States and municipalities represent a greater number of citizens and have a greater responsibility than a private corporation. It follows from such reasoning that a State, representing a greater number of citizens than a municipality or other subdivision of a State, has a greater responsibility and therefore should have preference in the matter of a conflict in applications between a State and a municipality or subdivision of a State. In the bill under consideration it is a matter of great importance that the preference of the State over a subdivision of a State or a municipality within a State be definitely declared.

The whole theory of the seven-State compact, upon which the bill under consideration is based, was an equitable division of the benefits of the waters of the Colorado River between the seven States. The benefits of water are derived from its use for potable purposes, irrigation, and generation of power.

Nevada is so unfortunately situated that it is impossible for it to get equal benefit of the use of water for any purpose other than power. Nevada, of course, is entitled to equal development with Arizona and California through the use of power. California has a large municipality—Los Angeles—which is capable of contracting for all of the power generated at Boulder Dam. Nevada has no such municipality.

Nevada is the only agency in Nevada that has the credit to contract for power for the use of its citizens within the State. If it is discretionary with the Secretary of the Interior to treat States and municipalities or subdivisions of States as having equal preferences, then he could give preference for all of the power to the city of Los Angeles to the exclusion of the applications by the States of Arizona, California, and Nevada, or either of them. As I say, the amendment under consideration is only a declaration of policy evidently intended by Congress to be established in the Federal power act, but it is indefinite.

If the State of Nevada is assured by the terms of the act upon its approval that it has a preference to contract for electrical energy for use in the State, then it can stimulate its citizens or those engaged in industry in the State to make investigations, even at very large expense, between the date of the approval of the act and the time when contracts will be called for, so that the State may determine the amount of power that can be used in the State when the power is ready for delivery upon completion of the dam.

Under the terms of the act it is evident that there will be a period of 12 to 18 months between the approval of the act and the time when contracts will be called for. It is during this period that such investigations must be made. Unless the act contains the assurance that the State will have such preference, then it will be difficult to induce industries to make the necessary extensive and expensive investigations necessary to determine the amount of hydroelectric energy that may be used in the State and that must be contracted for by the State at the time the contracts are called for.

For instance, there are large deposits of low-grade zinc ores in southern Nevada. If these deposits are sufficiently large and if the values are sufficiently great, and cheap hydroelectric power is assured, then the power will be contracted for. It will probably require an expenditure of several hundred thousand dollars to determine these facts before a contract is entered into for power. Of course, these expenditures will not be made unless there is an assurance in the act that there is a preference to the State to contract for power that is required for use in the State. Mind you, we limit the preference of a State over a municipality to contract for use of power in the State exclusively.

I have only cited you one instance. There are many other conditions that must be investigated at great expense to determine the amount of power that Nevada will contract for, and the same certainty must exist before this large expense can be undertaken.

Nevada is anxious for the development of the lower Colorado River and favors the purpose of the act, but the State of Nevada believes that, in so far as is possible, Congress should equitably divide the benefits of the water allocated to the lower basin between the States of Arizona, California, and Nevada. If this spirit of fairness is manifested, then those who favor the legislation should be enabled to obtain consideration for it at this session of Congress and pass it.

Permit me to congratulate you and your committee upon what I deem to be the wise course of eliminating from conference on the House and Senate bills as many questions as possible.

Nevada is entirely neutral as between Arizona and California and is still working to bring about a compromise on the division of water. I believe I am at liberty to state that such compromise is very nearly effected.

I trust that the deep interest that Nevada has in this matter will excuse me for taking the liberty of writing this letter to you as chairman of your committee.

Sincerely,

KEY PITTMAN.

CONDITIONS IN NICARAGUA

Mr. McKELLAR. Mr. President, I desire to give notice that as soon as I can get the floor to-morrow I shall make a few remarks on the subject of Nicaragua.

EXECUTIVE SESSION

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 50 minutes p. m.) adjourned until to-morrow, Tuesday, March 27, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 26 (legislative day of March 24), 1928

UNITED STATES COAST GUARD

Isaac E. Johannessen to be chief boatswain.

COAST AND GEODETIC SURVEY

To be aides

Laurence Wilbur Swanson.
Gilbert Rolland Fish.
Franklin Rice Gossett.
Ernest Bane Lewey.
John Clarence Mathisson.
Rolland Alson Philleo.
Harold Joseph Oliver.
George Anton Fredrickson.
George Edward Morris, jr.

PROMOTIONS IN THE ARMY

GENERAL OFFICERS

Briant Harris Wells to be major general.
Peter Edward Traub to be brigadier general.

APPOINTMENT, BY TRANSFER, IN THE ARMY

Mark Histand Doty to be first lieutenant, Field Artillery.
Edward Himmelwright Tarbutton to be lieutenant colonel, Infantry.

APPOINTMENT, BY PROMOTION, IN THE ARMY

Edwin Simpson Hartshorn to be colonel.
William Bryden to be lieutenant colonel.
Donald Cowan McDonald to be lieutenant colonel.
Walter Eyster Buchly to be major.
Harold Chittenden Mandell to be major.
Robb Steere MacKie to be captain.
Boniface Campbell to be captain.
Lloyd Marlowe Hanna to be captain.
James Willard Walters to be captain.
Eugene Ware Ridings to be first lieutenant.
Charles Woodford Cowles to be first lieutenant.
Kenneth Eugene Webber to be first lieutenant.
Alexander Davidson Reid to be first lieutenant.
Joseph Richard Koch to be chaplain, with rank of first lieutenant.

PROMOTIONS IN THE MARINE CORPS

Robert Y. Rhea to be colonel.
Joseph A. Rossell to be lieutenant colonel.
Alphonse DeCarre to be major.
John C. Wemple to be captain.
Curtis W. LeGette to be captain.
Joseph H. Fellows to be captain.
James G. Hopper to be first lieutenant.
William R. Hughes to be first lieutenant.
Lawrence R. Kline to be first lieutenant.
John G. Walravan to be first lieutenant.
William W. Paca to be first lieutenant.
Frank O. Lundt to be chief marine gunner.
Henry Boschen to be chief marine gunner.
Robert C. Allen to be chief marine gunner.

POSTMASTERS

CALIFORNIA

Frances L. Musgrove, Arbuckle.
Wilford J. Scilacci, Point Reyes Station.

KANSAS

Ethel White, Merriam.
James M. Lear, Mound Valley.

MISSISSIPPI

Susan R. T. Perry, Tchula.

MISSOURI

John A. Varney, Paris.

NORTH CAROLINA

Joseph B. Harrell, Marshville.
James E. Wallace, Stanley.

OKLAHOMA

Ira A. Sessions, Grandfield.
Thomas H. Gillentine, Hollis.
William H. Jones, Kiefer.
James W. McKay, Stonewall.
Margaret E. Williamson, Wanette.
Bernice Pitman, Waukomis.

VERMONT

Sanford A. Daniels, Brattleboro.
Robert A. Slater, South Royalton.

VIRGINIA

Ludema Sayre, Fairfax.

HOUSE OF REPRESENTATIVES

MONDAY, *March 26, 1928*

The House met at 12 o'clock noon.

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

Blessed, blessed Lord—the Father of us all—in Thee we have a refuge in every time of need. When temptation is nigh and human courage is at the test, Thou art near; when problems perplex and the way is uncertain, Thou dost help us to understand; when the clouds are lowering and earth's pathway is hard and forbidding, Thou art at our side to revive the fainting heart; even when the sky is radiant and there is no cloud to cast a shadow, Thou dost counsel wisdom. O we praise Thee that Thou dost come into the hearts of men, like a happy sunlight, and bid them rejoice and be glad. Whisper words to us to-day that shall teach us lessons of priceless worth. Give us the understanding heart that shall rebuke all wrong and that shall exalt the right. Bless our country, all the States and all our firesides from border to border. May peace, happiness, and prosperity bless every room in our national mansion. As sons of God may we arise in gratitude for all the blessings of life and may we know that there is nothing so royal as truth and there is nothing so kingly as love. Amen.

The Journal of the proceedings of Saturday, March 24, 1928, 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 bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3173. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida;

S. 3174. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Choctawhatchee River at or near a point where State Road No. 10 crosses Choctawhatchee River, State of Florida;

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion;

S. 3558. An act authorizing Point Pleasant & Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.; and

S. 3611. An act to authorize the Board of County Commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2317) entitled "An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes."

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3173. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

S. 3174. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Choctawhatchee River at or near a point where State Road No. 10 crosses Choctawhatchee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

S. 3611. An act authorizing the Board of County Commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west; to the Committee on Interstate and Foreign Commerce.

COMPULSORY UNEMPLOYMENT INSURANCE

Mr. BERGER. Mr. Speaker, I have introduced a bill for compulsory unemployment insurance. I ask unanimous consent to extend my remarks on that subject.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BERGER. Mr. Speaker, in connection with the discussion which is taking place concerning the problem of unemployment, I desire to call the attention of the House to my bill (H. R. 12205), which provides for the establishment of a Federal compulsory unemployment insurance system similar to the one now in vogue in other modern industrial nations.

It is a sad commentary on the state of our social reform legislation that the only time unemployment receives any consideration at all—and then mighty little—is when it reaches such proportions that it becomes impossible for those in power to pretend not to see it, or on the eve of a presidential election, when political capital can be made of the situation by one of the contenders for the nomination raising the issue so that it can no longer be dodged.

As a matter of fact—and any student of industrial and economic conditions will verify this—unemployment is not an accidental condition, nor caused by the laziness of individuals.

Every civilized country where the present capitalist system prevails has recognized that unemployment is an inevitable and inescapable condition of our industrial system, which always requires an army of unemployed, as a sort of reserve.

The size of that "reserve army" will vary, but in the United States it is never less than 1,000,000, and in times of business depression it reaches the staggering proportions of 3,000,000, 4,000,000, or 5,000,000.

The distress in which these millions of people and their dependents find themselves could be relieved if they had saved enough during the periods in which they were employed to keep them in times of unemployment.

But an examination of what it costs for the average-sized family to live, and what the average worker earns while employed, discloses that the large majority of our people—76,000,000 of them, according to official Government figures—do not earn enough to lay anything by for such emergencies as sickness, unemployment, or old age.

And fully between 10,000,000 and 12,000,000 of our people do not get enough to live on while they do work, as I had occasion to show during the discussion on the income tax bill.

If these people and their dependents are not to be permitted to starve, in the face of an abundance which their labors helped create, relief must come either from private charitable institutions, bread lines, and soup kitchens, or it must come as a result of an organized and scientific system of unemployment insurance.

Charity, whether public or private, is degrading to people who are ready and willing to work. There are many who prefer to die of starvation or commit suicide rather than resort to it.

Moreover, public charity is a costly method, as a large part of what charity collects for its activities goes to pay for salaries, drives, and incidentals. And it is inefficient when the demands made upon it become general. At such times it is also impossible for private relief agencies to take care of the situation.

The other method, a system of compulsory unemployment insurance, enables the worker to obtain a claim to come forward as a creditor and no longer to be regarded as an object of charity, since he paid for his share of the insurance. This unemployment insurance is not a dole.

This is the method used to meet the problem by other industrial nations. They know that it must be faced, and that it can only be faced satisfactorily and efficiently by compulsory unemployment insurance. England, Germany, Italy, the Scandinavian countries, Belgium—in fact, every industrial country of Europe—has adopted this method.

My bill establishes a system whereby the obligation of each group in society towards meeting what is a social problem can be discharged on a fair and equitable basis.

The wage earner, while he is employed, contributes one-third of what it will be necessary to raise any one year, to take care of the unemployment relief. The employer of labor, for whose profit the wage earner works and who discharges the worker after he has created a surplus which the employer finds it difficult to dispose of, contributes another third. And the Government, which has a primary interest in preventing widespread distress because of the effect such distress has upon the social fabric, pays the balance.

To avoid the possibility of some depending upon this kind of relief even when work is available, I have provided that the unemployment benefits shall not be paid where suitable employment can be furnished to an applicant by any of the branch offices of the United States Employment Service, which will aid in administering the provisions of the law.

There is also this: The benefits under the act are limited to six months in any one year, and the payments are never to exceed more than 50 per cent of the average earnings of the applicant. There is no inducement in this for men to stay out of work when there is work, no inducement to become lazy, but there is at least sufficient relief provided to keep workmen and their families from starvation when there is no work to be found.

I have been asked by Members of Congress what it would cost the Government to provide the one-third that it will have to pay into the fund. In ordinary times, when the number of unemployed does not exceed more than 1,000,000, I have estimated that the Government's contribution to the fund for six months of the year would have to be between $90,000,000 and $100,000,000 annually. It would temporarily increase in times of depression according to number of unemployed, but it ought never to reach a larger sum than $350,000,000 even in a great and continuing industrial crisis—what is called a "panic" in common parlance.

That ought not be considered a formidable sum by those of this House who have been clamoring for and voting tax relief for the superwealthy every time Congress met. The present House has voted a reduction of about $225,000,000 in taxes of the rich. That money—the loss of which would hardly be felt by the superwealthy—would take care of America's participation in this fund for several years.

And if we take into consideration the fact that the aggregate amount saved to our plutocracy during the Harding-Coolidge administration is more than $3,000,000,000—three thousand million dollars—we can not claim to be too poor to discharge our obligation to those who through no fault of their own are thrown out of employment.

In any event, my proposal has been tried in other countries, where similar conditions prevail, and found workable. These countries, not nearly as rich as ours, can afford to give this relief. It is undoubtedly needed.

I am confident that sooner or later my plan will be adopted, and the sooner it is adopted the less suffering and misery will our people have to undergo in the intervening years.

CALL OF THE HOUSE

Mr. DENISON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absentees, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 57]

Anthony	Curry	Hughes	Oliver, Ala.
Arentz	Darrow	Irwin	Palmer
Auf der Heide	Davey	Jacobstein	Parks
Bacon	Dempsey	James	Quayle
Bankhead	Dickstein	Johnson, S. Dak.	Rainey
Beck, Pa.	Dominick	Kendall	Rathbone
Beedy	Douglas, Ariz.	Kiess	Reed, Ark.
Black, N. Y.	Doutrich	Kindred	Robsion, Ky.
Bohn	Dowell	Kunz	Sabath
Boies	Drane	Kurtz	Shallenberger
Box	Drewry	Larsen	Sirovich
Boylan	England	Leech	Sproul, Ill.
Brand, Ohio	Estep	Lehlbach	Sproul, Kans.
Britten	Fish	Lindsay	Stevenson
Browne	Fitzgerald, Roy G.	Linthicum	Strong, Pa.
Bulwinkle	Frear	McDuffie	Strother
Burdick	French	McFadden	Sullivan
Bushong	Gambrill	McLaughlin	Sweet
Butler	Garrett, Tenn.	McSwain	Thompson
Carew	Gifford	Manlove	Tillman
Carley	Golder	Martin, Mass.	Vincent, Mich.
Celler	Goldsborough	Menges	Vinson, Ga.
Cochran, Pa.	Graham	Michaelson	Weller
Collier	Green, Iowa	Michener	White, Kans.
Connally, Tex.	Hall, Ind.	Moore, N. J.	Wood
Connolly, Pa.	Harrison	Moore, Ohio	Woodruff
Cooper, Ohio	Hooper	Morgan	Woodrum
Cramton	Hope	Morin	Wright
Crisp	Houston	Nelson, Wis.	Wyant
Cullen	Hudson	O'Connor, N. Y.	Yates

The SPEAKER. Three hundred and twenty-five Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

FRANK O. LOWDEN

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Illinois [Mr. HOLADAY] for 15 minutes.

Mr. HOLADAY. Mr. Speaker, ladies, and gentlemen. Illinois has contributed her fair share of the men and of the ideals that have entered into, been a part of, and made possible the growth and development of our country. Permit me to mention only a few of her sons whose work is ended.

From the soil of Illinois Lincoln and Grant reached the White House; Stevenson became Vice President; Douglas, Trumbull, Logan, Yates, and Oglesby served with distinction in the Senate; Cannon and Mann have been powers in this House; and Davis was chosen to sit on the Supreme Bench.

As contributors to the economic progress of the country Armour and Swift, founders of the meat-packing industry, McCormick, as inventor of the first practical reaper, Pullman and his perfection of the sleeping car, and Funk, advocating improved methods of agriculture, take their places among the outstanding contributors to the progress of the Nation.

Really great men have much in common, and these men, classed among the greatest benefactors the Nation has produced, are not exceptions. They were all farm boys, imbued with the determination to achieve high places in their respective lines of endeavor, and the measure of success each attained is evidence of his worth.

When the name of a man is submitted, either by himself or by his friends, for consideration as a candidate for the Presidency of the United States, it is the privilege of the people of this country to survey thoroughly that man's background, to inquire into every phase of his past connections, and to scrutinize carefully the principles he advocates as binding, if elected.

In every State of the Union people are discussing Frank O. Lowden as the Republican candidate for President. Because of my somewhat close association with Mr. Lowden as Governor of the State of Illinois, I believe it entirely proper for me, of my own motion and on my sole responsibility, to speak about Mr. Lowden at this time. [Applause.]

During the later part of my 14 years as a member of the Illinois State Legislature Mr. Lowden served a four-year term as Governor of the State of Illinois. As I was at this time chairman of the committee which framed the Illinois Administrative Code and other outstanding measures of his administration, I came into close personal contact with the governor. About the only way to size up a man for the future is to weigh relatively his accomplishments in the past, and Governor Lowden's record speaks for itself.

Mr. Lowden was born in Minnesota and was reared on a farm in Iowa; taught school, studied law, and was admitted to the bar in Chicago. He built up and enjoyed for many years a large and profitable law practice. However, the love of farm life and an interest in the farmer's problems seem to have remained ever with him, and some 30 years ago he moved to his farm in Ogle County, Ill., where he has since devoted a large part of his time to practical agriculture and the problems of the farmer.

He has not only been interested in livestock breeding and grain growing in the Corn Belt of Illinois. but has been an extensive cotton grower in Arkansas. Still later he acquired farm property in Michigan, Texas, and Arizona. To-day he is one of the most extensive landowners in the United States and is at once one of the largest cotton planters of the South and a prominent dairyman in the North. I dare say he understands the problems of the cotton planter as well as my friends Representatives RANKIN and WHITTINGTON, of Mississippi. [Applause.] The stabilization of the cotton industry has claimed much of his time and efforts.

From 1905 to 1911 he was a Member of Congress, but declined renomination.

From 1917 to 1921 Mr. Lowden was Governor of Illinois. His record as chief executive of the State of Illinois was one of efficient administration during which business prospered and social conditions improved. Governor Lowden initiated the budget system in Illinois and was largely instrumental in the adoption of the same system by the National Government. The Illinois Administrative Code, perhaps the principal achievement of the Lowden administration, has been copied in a large part by a number of other States. It provided for the abolishment of some 125 separate boards and commissions and substituted in their places 9 executive departments.

Frank O. Lowden has never been a candidate for public office except to carry out a definite constructive program of advancement. [Applause.] He declined high office under McKinley. He has been offered Cabinet positions twice since. His State wanted him for a second term as governor, but his program had been carried out. He refused the most exalted diplomatic post in the world—the ambassadorship to the Court of St. James. He was nominated for Vice President over his own protest, and declined because he felt his field for service to the Nation lay elsewhere.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOLADAY. I prefer not to yield at present.

Mr. Lowden's position on the major political issues of the day has been fearlessly stated and is well known. From his past record and his public announcements allow me to briefly summarize his position.

CONSERVATION OF NATURAL RESOURCES

He has long been interested in the conservation of forests and minerals and believes that conservation of our natural resources is one of our major problems.

In order to call attention to his long-standing interest in the conservation of our natural resources, allow me to quote from his message to the Illinois General Assembly under date of January 8, 1919:

> There are many thousand acres of land in Illinois which at the present time produce nothing, but which are suited to tree culture. Without encouragement, however, from the State, the owners of these lands are not likely to devote them to a crop which can not be harvested for possibly 50 years. The taxes upon these lands produce but little revenue to the State. If the State would exempt these lands from taxation upon the condition that they were planted to trees, with the provision that when the trees were harvested a proper tax would be collected upon the product, I believe that much of such land would become permanent forests, a source of revenue to their owners and to the State.

WELFARE OF INDUSTRIAL WORKERS

The true test of a country's greatness is the lot in life of the average men and women—the men and women of the shop, of the factory, and of the farm.

These are they who carry on the work of civilization, and a nation is strong in proportion to their well-being.

Whatever permanently improves their lot in life is best for all and best for the Nation.

As Governor of Illinois Mr. Lowden's attitude toward measures proposed for the betterment of wages, hours of labor, and working conditions of the laboring man and laboring woman was such as to merit and to receive the approval of organized labor in Illinois.

TARIFF

As a Member of Congress and as a private citizen, Mr. Lowden has always stood for the principle of a protective tariff. Addressing a gathering of farmers, he said:

> Interest and taxes are a large part of the cash outgo of the farmer. It seems to me clear that it is therefore much better for agriculture and for the country to bring agricultural prices up to a parity with prices of other commodities than to bring the prices of the latter down to the level of agricultural prices. Now, it is conceivable that a Democratic tariff would reduce the general price level, but it would leave the great burden of interest and taxes untouched. The true policy is not to debase industry but to raise agriculture to the level of industry. That policy can not be maintained without a protective tariff.
>
> For the reasons stated I believe that the farmers of America will work out of their difficulties more surely under a Republican protective tariff than under any tariff law the Democratic Party is likely to write.

[Applause.]

INLAND WATERWAYS

For many years Governor Lowden has been an active advocate of the development of our inland waterways. His work in this direction is a matter of public record in Illinois.

In referring to the development of waterways from the Great Lakes to the Gulf and from the Great Lakes to the sea, he said:

> If we adopt a system of broad and comprehensive development of our waterways throughout all parts of the country, we shall have begun at least to check the rapid trend toward centralization which has been going on ever since the industrial age was inaugurated.
>
> This is too big a proposition for geographical argument to play any part. Its benefits are too obvious and too great for the sole benefit of any part of the country. It affects the country so greatly as a whole, whether we can see it or not, that in the end it will prove itself to be best for every part of our country.

PROHIBITION

On the prohibition question I quote from a public announcement made by Mr. Lowden. While this quotation is from a statement made recently, it is, nevertheless, a restatement of what has long been his stand on this question:

The eighteenth amendment is in the Constitution and is unlikely to be taken out, and as to proposals to permit the States to decide for themselves what percentage of alcohol to permit in liquor—the Federal Government can not abdicate in favor of the State when a mandate has been laid upon it by the Constitution.

It is as unnecessary to ask Frank O. Lowden if he is in favor of law enforcement as it would be unnecessary to inquire if President Coolidge is in favor of economy. [Applause.]

FLOOD CONTROL

In an address delivered in Memphis, Tenn., on October 20, 1927. Mr. Lowden said:

Out of all the discussion which has followed the recent flood, two facts stand out clear. One is that the problem is a national problem of the first magnitude. The other is that the time has come for the formulation of a great, broad, comprehensive policy—a policy that recognizes that the problem is a complex one, involving not only the protection of the lower lands from overflow, but involving as well transportation, reforestation, water power, and soil erosion.

[Applause.]

My own idea as to how this can best be done is to create a mixed commission. And such commission should not be composed exclusively of the Engineer Corps. Able as that body is, it does not contain all the talent in the land. Nor is engineering ability alone required. Upon that commission should be experts in agriculture, in reforestation, in transportation, and in water-power development. The ablest men in these several fields, with the freshness of this disaster upon us, could be drafted to serve. That commission would be charged with a most impressive responsibility. It would be its duty to tame the waters in the richest portions of the North American continent to the uses of man.

In a more recent statement he said:

Flood control is a national problem, not local, and should be paid for by the Nation. The loss from floods is assessed against the Nation as a whole as well as against the particular districts affected, and the cost of prevention also should be distributed.

[Applause.]

FARM RELIEF

Mr. Lowden has stated his position on farm relief in a clear and decisive manner. Said he:

The great problem before the country is the restoration of a proper balance between industry and agriculture in the interest of the sane, healthy development of the country. That means farm relief through some such plan as that contained in the much discussed McNary-Haugen bill, including the equalization fee, or some acceptable substitute.

Several years ago Mr. Lowden sensed the approaching agricultural difficulty. He traveled in Europe, where he studied the cooperative systems of Denmark and other European countries. While he supported vigorously the cooperative movement, he was one of the first to realize the need for a governmental agency to supplement the "cooperative" in the orderly marketing of agricultural products.

In his message to the Illinois General Assembly while governor, he said:

It is generally recognized that something must be done to stabilize the price of farm commodities and to prevent such price from falling below the cost of production. Agriculture is still our great fundamental industry. Unless it flourishes, nothing prospers. Let the price which the farmer receives for his output continue below the cost of production for any considerable length of time, and the volume of farm produce will fall below the needs of the Nation and prices will become abnormally high. Therefore, the consumer is no less interested than the producer in a profitable agriculture.

Farm relief legislation will not be sectional in effect; it will aid the labor and manufacturing of the East by stabilizing the farming industry in the agricultural States. The question of farm relief is quite as vital to the agricultural States as is the matter of protective tariff to the manufacturing States.

A Republican nominee for President who is opposed to farm relief will incite as much enthusiasm in the agricultural States next fall as would a free-trade nominee in New England. [Applause.]

We speak of the availability of a man as a candidate. By availability is meant his ability to secure votes. This ability depends upon the trust and confidence he can inspire in the hearts and minds of the men and women of America.

Let me suggest to the Republicans: Why not nominate a man who, in addition to carrying the East, the West, and the agricultural States of the Middle West, will also be able to carry the border States?

Frank O. Lowden has been a lifelong Republican, always a resident of the United States, and has never been in favor of the League of Nations. [Laughter and applause.]

The record of Frank O. Lowden is in harmony with the principles of the Republican Party. He has consistently advocated all real constructive legislation.

Within the ranks of the Republican Party are many men who can lead the party to success in 1928. With some men leading, the fight will be hard; with others it will be desperate; but with Frank O. Lowden nominated the campaign will be easy and the victory will be assured. [Applause.]

AUTHORIZING THE SETTLEMENT OF CERTAIN SUITS AT LAW

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 1279) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street. This bill is on the Union Calendar, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and empowered to discontinue the prosecution of all claims and suits pending in the Supreme Court of the District of Columbia and entitled suits at law Nos. 63579, 63580, 63581, and 63582, to recover the sum of $58,198.80 expended from public funds in resurfacing, repairing, and restoring to grade First Street east, between B Street south and B Street north, which work was rendered necessary by the subsidence of said street occasioned by the construction of a railroad tunnel under the said street incident to the project of elimination of grade crossings and the establishment of a union railroad station in the District of Columbia, authorized by acts of Congress approved February 12, 1901, and February 28, 1903: *Provided*, That the Philadelphia, Baltimore & Washington Railroad Co., the Pennsylvania Railroad Co., and the Washington Terminal Co., jointly or severally, pay to the collector of taxes of the District of Columbia a sum not less than $30,000 in compromise and settlement of said claim or claims: *Provided further*, That said sum shall be covered into the Treasury of the United States to the credit of the United States and the revenues of the District of Columbia in equal parts.

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

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a part of the report on the bill in explanation of the purpose of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I herewith insert the report of the Committee on the District of Columbia, reporting the bill S. 1279 to the House, which report explains fully the purpose of the bill:

[To accompany S. 1279]

The Committee on the District of Columbia, to whom was referred the bill (S. 1279) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street, having considered the same, report it back to the House with the recommendation that it do pass.

This bill is identical with H. R. 5759, which has also been considered by your committee, and in lieu of which it is reported.

The object of the bill is to enable the District Commissioners to compromise, upon receipt of a sum not less than $30,000, claims aggregating $58,198.80, against certain railway and street railway companies, such claims being the subject of suits now pending in the Supreme Court of the District of Columbia, the outcome of which is considered quite doubtful if carried to trial.

The Commissioners of the District of Columbia urge favorable action upon this bill.

The facts of the case are fully set forth in previous reports of your committee and in Senate Report No. 24, Seventieth Congress, which is appended to and made a part of this report.

[S. Rept. No. 24, 70th Cong., 1st sess.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1279) to authorize the Commissioners of the District of Colum-

bia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street, having considered the same, report favorably thereon with the recommendation that the bill do pass.

This bill is the same as a bill (S. 5552) favorably reported by the committee and passed by the Senate in the Sixty-ninth Congress. It was introduced at the request of the District Commissioners, the purpose being to compromise certain lawsuits the outcome of which is quite doubtful if carried to trial. Full explanation is given in Senate Report No. 1521, Sixty-ninth Congress, second session, appended to and made a part of this report.

There is also appended to and made a part of this report letter from Col. J. F. Bell, former engineer commissioner of the District of Columbia, urging favorable action on the similar bill introduced in the Sixty-ninth Congress.

[S. Rept. No. 1521, 69th Cong., 2d sess.]

The Committee on the District of Columbia, to whom was referred the bill (S. 5552) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in said District, occasioned by the construction of a railroad tunnel under said street, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The object of the bill is to enable the District Commissioners to compromise, upon receipt of a sum not less than $30,000, claims aggregating $58,198.80 against certain railway and street railway companies, such claims being the subject of suits now pending in the Supreme Court of the District of Columbia.

The bill provides that the sum received in settlement of the claims shall be credited equally to the United States and the District of Columbia.

The basis of the claims is the agreement made with the District by one of the defendants at the time of the construction of the railroad tunnel south from the Union Station in the period from 1903 to 1905, to assume responsibility to the District for any damage that might result to public or private property.

The first subsidence of the street, and other property damage occasioned by settling of ground over the tunnel, occurred in 1907; and the claims of the District of Columbia arising therefrom were paid by the railroad company. However, in 1914 the street and adjoining property again subsided, and upon the failure of the railway and street railway companies to pay the cost of the necessary replacements and repairs, the suits which the bill authorizes to be compromised were brought.

Due to the fact that a similar case, involving a smaller amount, was tried in court and lost by the District, and for the further reason that two of the most important witnesses for the District of Columbia are dead, and the delay in hearing the cases in question would be a disadvantage to the plaintiff, the commissioners, acting on the recommendation of the corporation counsel, have advised the acceptance of the compromise offer of $30,000, as proposed in the bill hereby reported. The defense of the railroad company to the District's claim is that it is not responsible for maintenance and that a lowered ground-water level, for which it could not be held responsible, was a contributing cause of damage.

In view of the apparently doubtful outcome of further prosecution of the suits, it would appear desirable to authorize compromise of the claims by enactment of the bill.

The commissioners' report, setting out in detail the origin, nature, and status of the claims, is appended to and made a part of this report.

There is also appended report of the Citizens' Advisory Council of the District of Columbia recommending enactment of the bill.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 31, 1927.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

MY DEAR SENATOR CAPPER: When the railroad tunnel south from the Union Station was constructed from 1903 to 1905 the work was done under permit issued by the Commissioners of the District of Columbia to the Philadelphia, Baltimore & Washington Railroad Co., by the New York Continental Jewel Filtration Co., contractor. The permit was worded with a view to making the railroad company responsible for any damage that might result to any public or private property. The plans for the work were approved by the commissioners. The railroad company wished to do part of the work by the "cut and fill" method, which would have been more economical, but in order to preserve the street surface and public facilities and improvements undisturbed and prevent interruption of traffic the work was required to be done by the "tunnel" method. Engineer inspection service was maintained at all times by the District government.

The danger of settlement over the tunnel was appreciated, because it is difficult to secure compact filling back of a tunnel lining when heavy timbering must be maintained to keep the earth overhead from caging; and then a tunnel is likely to change the ground-water level and loss of water from the soil may cause trouble later by water percolating through the soil from the surface. When the tunnel is far below the surface or is in rock these dangers are small. Orders were issued to use concrete in part of the back filling to reduce this danger of settlement.

In spite of the precautions taken, settlement has occurred and expenditures have been made as shown by the appendixes attached.

Appendix A is a statement of expenditures incurred by the District of Columbia.

Appendix B is a statement presented by McKenney & Flannery, attorneys, of the expenditures made by the Philadelphia, Baltimore & Washington Railroad Co.

Appendix C is a statement by the corporation counsel of the status of the cases at law which have grown out of this settlement.

The Pennsylvania Railroad has offered to pay $30,000 as a compromise settlement of all pending cases, and the commissioners have been unable to secure any better compromise offer. If the matter be pressed in court the result would be somewhat doubtful. The wording of the permit for the construction and the fact that the railroad company recognized its obligations and paid for a considerable portion of the damage would indicate a favorable outcome, but the claim of the company that it is not responsible for maintenance, that a lowered ground-water level for which the railroad company could not be held responsible is a contributing cause of damage, together with the fact that a similar case was lost, would indicate an unfavorable outcome. In addition, two of the most important witnesses for the District of Columbia are dead, and the delay in hearing these cases would be a disadvantage to the prosecution.

On the recommendation of the corporation counsel, and after considerable investigation, the commissioners are of the opinion that the compromise offer of $30,000 should be accepted.

Inclosed is a draft of a proposed bill authorizing the settlement at not less than $30,000.

Very respectfully yours,

PROCTOR L. DOUGHERTY,
President Board of Commissioners, District of Columbia.

APPENDIX A

STATEMENT OF EXPENDITURES BY THE DISTRICT OF COLUMBIA IN RESTORING SURFACE CONDITIONS OVER RAILROAD TUNNEL IN FIRST STREET EAST, BETWEEN B STREET SOUTH AND B STREET NORTH

Settlements appeared in the street about the year 1907. The railroad companies were notified to make repairs. The companies asked that the District of Columbia perform the work and the railroad companies would pay the cost.

Thirty-seven thousand five hundred dollars was deposited by the railroads and the work was done by the District, using all but a small portion of the deposit.

The street again subsided about the year 1914. The steam and street railway companies were notified, but all refused to assume responsibility. The commissioners then ordered the tracks of the street railway companies adjusted, and the street resurfaced. This was done at the following costs:

(a) Raising to grade the tracks of railways		[1] $34,548.32
(b) Resurfacing, including track space		22,535.40
(c) Adjusting and repairing water mains		1,115.08
Total		58,198.80

On the theory that the railway companies were responsible for the upkeep of their tracks and track space, all of item (a), and the part of item (b) falling within the track spaces were billed to the street railway companies as follows:

Adjusting tracks (item (a))—		
Capital Traction Co	$842.63	
Washington Railway & Electric Co	19,730.69	
Both companies (joint tracks)	13,975.33	
		[1] 34,548.32
Paving track space (of item (b))—		
Capital Traction Co	245.88	
Washington Railway & Electric Co	2,394.36	
Both companies (joint space)	1,511.58	
		4,151.82
Total		38,700.14
That part of item (b) outside of the limits of the track space, and the cost of repairing water mains, item (c), were billed to the steam railroads—		
Resurfacing (of item (b))	$18,383.58	
Repairing water mains (item (c))	1,115.08	
		19,498.66
Total		58,198.80

[1] Actual cost of work, $34,548.65; error of 33 cents made in report to corporation counsel.

This total of $58,198.80 comprises all of the expenditures made by the District of Columbia, except some smaller items of work performed subsequent to the filing of suits, and which brings the total to be recovered to approximately $60,000.

APPENDIX B

STATEMENT SUBMITTED BY M'KENNEY & FLANNERY, ATTORNEYS FOR THE PHILADELPHIA, BALTIMORE & WASHINGTON RAILROAD CO.

Statement of expenditures which the Philadelphia, Baltimore & Washington Railroad Co. was required to make in consequence of settlement of First Street over tunnel:

Restoring tracks and structures of the street railway companies

January, 1908. E. Saxon, contractor, restoring tracks between East Capitol and B Streets north		$9,800.00
January, February, March, April, and May, 1908:		
Washington Railway & Electric Co., restoring tracks between East Capitol and B Streets north	$457.01	
Refunded by Washington Railway & Electric Co., on account of error in bill	6.89	
		450.12
January, 1908. 5.32 tons "fit" rail		89.80
February, 1908. Hauling cinders (Drake & Stratton)	28.60	
June, 1908. Digging test holes (Drake & Stratton)	15.00	
July, 1908. Digging test holes (Drake & Stratton)	32.55	
		76.15
May, 1909. Repairing crossings, First and B Streets, and First and C Streets NE		124.81
May, 1909. Restoring tracks between B and C Streets north, Capital Traction Co		2,270.12
June, 1908:		
Judgment of Washington Railway & Electric Co. against Philadelphia, Baltimore & Washington Railroad Co., in action at law No. 50213 in the Supreme Court, District of Columbia, for work done and materials furnished in and about restoring and sustaining the plaintiff's street railway tracks on First Street, between B and East Capitol Streets	$2,019.23	
Amount paid railroad company on account of said judgment by contractor on notice by former to latter that it will look to it to save it harmless	1,855.75	
	163.48	
Interest and costs paid by railroad company in said suit	29.39	
		192.87
Judgment in the suit of Capital Traction Co. and other street railway companies against the Philadelphia, Baltimore & Washington Railroad Co. in Supreme Court, District of Columbia, at law No. 50389, to recover for work done and materials furnished in restoring and sustaining plaintiff's railway tracks and structures at the intersection of First and C Streets NE	4,823.67	
With interest and cost which the railroad company was compelled to pay to avoid execution	323.99	
		5,147.66
February and April, 1908, and February, 1909:		
Deposits made with District of Columbia to defray costs of restoring street surfaces (work done by District of Columbia under current contracts)	37,500.00	
Unexpended balance of deposits	2,008.98	
		35,491.02
Restoring electric light and telephone conduits and cables, which the contractor failed and refused to support, sustain, and restore:		
March, 1908. Potomac Electric Power Co., restoring electric light cables		829.97
July, 1908. Chesapeake & Potomac Telephone Co., rodding ducts at First and B Streets NE		2.68
August, 1908. Potomac Electric Power Co., raising manhole and repairing conduit, First and East Capitol Streets		44.38
Rebuilding wall on east side of United States Capitol Grounds:		
November and December, 1909. E. Saxon, contractor, rebuilding wall which sunk and was damaged		1,200.00
Engineers' services and expenses—Expenses incurred from December, 1907, to February, 1910, inclusive, for services of engineers and inspectors and incidental expenses of same, while supervising all of the above work, including telephone calls, office rent, transportation, etc.:		
Engineer's services	$1,595.00	
Engineer's expenses	107.60	
Labor inspecting	170.63	
		1,873.23
Judgment recovered against Philadelphia, Baltimore & Washington Railroad Co. in the suit of Jacob Karr against it and the contractor in the Supreme Court, District of Columbia, in action at law No. 49845 for damages to property of plaintiff located near the intersection of First and C Streets NE., growing out of the negligence of contractor in construction of tunnel under west side of First Street immediately adjacent to plaintiff's property; the contractor having successfully avoided service of process upon it, and having ignored notices of the railroad company to defend the action, railroad company was compelled, in order to avoid execution, to pay the judgment with interest and costs amounting in all to the sum of		19,085.08
In addition to the judgment, interest, and costs, the railroad company was compelled to pay costs and expenses in defending said suit as follows:		
Typewriting copy of opinion	$3.25	
Cost of testimony	96.25	
Deposit to cover costs	5.00	
Cost of record, docket fee, and depost to cover costs in court of appeals	117.25	
Premiums on bond	33.00	
Cost of printing brief	49.20	
Cost of transcript of record and Supreme Court	27.85	
Cost of certificate of satisfaction, judgment	.50	
		$332.30
Amount paid Washington Railway & Electric Co. in August, 1916, in full settlement of judgment for $4,067.17, with interest and costs, entered Feb. 20, 1915, in action at law No. 55203, Supreme Court, District of Columbia, affirmed by the Court of Appeals, District of Columbia, Mar. 24, 1916 (44 App. D. C. 470), not including legal expenses connected with the litigation, which were considerable		5,325.56
Total		82,335.75

There is also not including in this settlement any of the costs of the railroad company in defending the suit of the District of Columbia *v.* Philadelphia, Baltimore & Washington Railroad Co. et al., at law No. 54839 for damages to water main ($3,936) which resulted in a verdict of the jury and judgment of the court in favor of the defendant April 12–13, 1920.

This statement also does not include payments made by the railroad company for the restoration of street-railway tracks subsequent to the aforesaid decision of the court of appeals.

APPENDIX C

OFFICE OF CORPORATION COUNSEL,
Washington, January 19, 1927.

Memorandum for the commissioners in re cases filed to recover damages arising out of the construction of the First Street tunnel

There were five cases filed by this office involving this matter. The first one, at law No. 54839, was brought against the Philadelphia, Baltimore & Washington Railway Co. and the New York Continental Jewel Filtration Co., the contractor which did the work, for the breaking of a 30-inch trunk water main—damages amounting to $3,936. This case was tried before a jury and lost.

The other cases were:

At law No. 63579, D. C. *v.* Penn. R. R. Co., the P., B. & W. R. R. Co., and the Washington Terminal Co., to recover for restoring the surface of First Street occasioned by the sinking of the tunnel from 100 feet south to B Street south, to a point 100 feet north to B Street north, and the intersecting streets. This suit involved three principal items.

For damages to sidewalk, curb, and roadway, with interest from Sept. 11, 1917	$22,535.40
For restoring the surfaces of the tracks caused by the sinking, with interest from Apr. 15, 1917, and the claims for water mains amounting to $1,115.08	34,548.32

This last claim was made up of three items:

For injury to a 30-inch and 20-inch water main at First Street east, and under East Capitol Street, with interest from June 30, 1917	$733.99
For injury to a 20-inch main on B Street north at East Capitol, with interest from May 11, 1917	358.90
For injury to a 6-inch main on First Street south to C Street north, with interest from June 25, 1917	22.19

At law No. 63580 was brought against the Washington Railway & Electric Co. for the sinking of the street between the tracks and for 2 feet exterior thereto on First Street, between East Capitol and B Street north. This is made up of two items:

For bringing the surface back to grade, with interest from Apr. 5, 1917	$19,730.69
For paving between the tracks and 2 feet exterior thereto, with interest from Sept. 11, 1917	2,394.36

At law No. 63581 was brought against the Capital Traction Co. for the sinking of the streets between the tracks, as in the above suit, on First Street at or near B Street south. This also involved two items:

For raising the surface, with interest from Apr. 15, 1917	$842.63
For paving, with interest from Sept. 11, 1917	245.88

At law No. 63582 (the last suit) was brought against the Capital Traction Co. and the Washington Railway & Electric Co. for raising the street between the tracks, etc., as in the two foregoing suits, on First Street between B Street north and B Street south. This also involved two items:

For raising the surface, with interest from Apr. 15, 1917	$13,975.33
For paving, with interest from Sept. 11, 1917	1,511.58

In the first suit the amount for restoring the street surface and tracks was $34,548.32. In the other three suits these amounts were $19,730.69, $842.63, $13,975.33, making a total of $34,548.65.

The difference between this total and the amount in the first suit was 33 cents, which suggests a duplication of accounts, which is confirmed by the fact that the payments were all made on the same day; that is, the 15th day of April, 1917.

It is impossible to determine with any degree of accuracy from the declarations in these cases what the duplications are or the amounts. The figures submitted by the engineer department are no doubt correct and should be accepted.

F. H. STEPHENS,
Corporation Counsel, District of Columbia.

BONDS FOR COMPENSATION IN CRIMINAL CASES

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia.

The Clerk read the title of the bill, as follows:

A bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia.

Mr. LAGUARDIA. Mr. Speaker, on this bill I raise the question of consideration, and I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLANTON. Mr. Speaker, I make the point of order that on a regular District day the question of consideration is not in order because the District Committee is permitted by the rules to call up any bill it desires.

The SPEAKER. The question of consideration is proper on District day. Is there objection to the request of the gentleman from New York to proceed for five minutes?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, the reason I raised the question of consideration on this bill is not in respect to the merits of the bill at all. It is a good bill, and it ought to pass.

Mr. BLANTON. We could have given the gentleman five minutes without his going to all of this trouble.

Mr. LAGUARDIA. Will the gentleman wait a moment and give me a chance to say what I want to say? This bill should not have been referred to the Committee on the District of Columbia. Under the rules, all matters pertaining to the courts and to the local courts of the District of Columbia and the Territories are to be referred to the Committee on the Judiciary of the House.

Mr. BLANTON. Oh, the gentleman is mistaken about that.

Mr. LAGUARDIA. I am not mistaken about that.

Mr. BLANTON. All judicial matters pertaining solely to the District of Columbia rightfully go to the District Committee.

Mr. LAGUARDIA. I have not yielded.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. No; not now. The gentleman is just as correct in that as he was a moment ago when he raised the point of order. There is a long line of precedents that hold that such a bill, and bills pertaining to the administration of justice, should be referred to the Committee on the Judiciary.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Not now. This bill, surely by erroneous reference, found its way to the Committee on the District of Columbia. I can not raise the question of jurisdiction at this time, because the rules and precedents hold that once a bill has been referred to a committee and reported back the question of jurisdiction can not be raised. This matter first came to the attention of the Committee on the Judiciary when the bill appeared on the Consent Calendar. I am acting by the direction of the Committee on the Judiciary in calling the matter to the attention of the House. The only parliamentary step we are able to take at this time under the rule is to raise the question of consideration and get proper reference of the bill. Gentlemen can readily see that unless there is uniformity with reference to bills it is very easy and possible to create a great deal of confusion, especially in matters pertaining to the administration of justice and to the rules of court.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman from New York is heartily in favor of this bill?

Mr. LAGUARDIA. There is no doubt about that.

Mr. BLANTON. And if it had come before his committee he would have been in favor of reporting it and passing it?

Mr. LAGUARDIA. Exactly.

Mr. BLANTON. And now that the bill is before the House for passage, and it being a good bill, and the gentleman being in favor of it, yet he is trying to put some obstacle in the way of its passage.

Mr. LAGUARDIA. The gentleman himself has raised the question of proper reference many times during our joint services in the House.

Mr. BLANTON. Only when I was against bills.

Mr. LAGUARDIA. Oh, no. The gentleman must admit that in a body of 435 men, with 44 committees, we must follow certain rules.

Mr. BLANTON. Whenever I am in favor of a bill that is good legislation and I believe it ought to pass, I am just as anxious to pass it when it comes on the floor of the House from any committee, no matter who sponsors it or from what committee it comes.

Mr. LAGUARDIA. Oh, the sponsoring of a bill has nothing to do with it. The gentleman follows the rules of the House. I have seen him rise many times and protest against the reference of certain bills, and no one has guarded more jealously than he the jurisdiction of his own committee, the Committee on the District of Columbia. Here is a bill about which there can be no question as to where it belongs, but with very many hundreds of bills dropped in the basket it is, of course, easy for a bill which refers to the District of Columbia to be referred to the Committee on the District of Columbia.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GILBERT. I do not understand why the gentleman says that this bill unquestionably ought to have gone to the Committee on the Judiciary.

Mr. LAGUARDIA. The bill provides for improving the administration of justice in the District of Columbia.

Mr. GILBERT. That is really a sort of surplusage in the title. The Judiciary Committee has never even interfered with the courts or the jurisdiction of the courts of the District of Columbia except the higher courts. This bill only incidentally affects one of the higher courts. I hope the gentleman will address his remarks to this proposition.

Mr. LAGUARDIA. The gentleman will admit that the bill is penal in its character.

Mr. GILBERT. Certainly.

Mr. LAGUARDIA. That brings it entirely under the jurisdiction of the Committee on the Judiciary.

Mr. GILBERT. Lots of penal bills, and most of them affecting the District and the District solely, go to the Committee on the District of Columbia.

Mr. LAGUARDIA. Would an amendment to the Penal Code go there?

Mr. GILBERT. Not to the District Committee.

Mr. LAGUARDIA. Of course not.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I do not wish to allow the statement made by the gentleman from New York [Mr. LAGUARDIA] as to the jurisdiction of the Committee on the District of Columbia to go unchallenged in the RECORD. I call the gentleman's attention to the fact that the District Committee has time and again dealt with matters of legislation affecting not only the minor courts of the District of Columbia but the higher courts of the District. The Committee on the District of Columbia has exercised jurisdiction as to bills relating to executors, administrators, wills, and divorce in the District of Columbia. It has reported a bill to allow foreign executors and administrators to sue in the District of Columbia, as shown by the fourth volume of Hinds' Precedents, section 4289.

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

Mr. ZIHLMAN. Yes.

Mr. LAGUARDIA. If the gentleman will refer to section 4068 of the fourth volume of Hinds' Precedents, he will find a long list of bills there relating to the local courts in the District of Columbia, which have been reported by the Committee on the Judiciary.

Mr. ZIHLMAN. I understand that; and I will say to the gentleman that the jurisdiction of our committee over District matters pertains to both the minor and higher courts, and that has been held for a long time. In many instances jurisdiction over these bills has been exercised by the Judiciary Committee, but in many other instances it has been exercised by the District of Columbia Committee, and that committee has legislated on those matters; also on matters pertaining to the higher courts. As affecting lower courts, all questions relating to

jurisdiction in local courts has been handled by the Committee on the District of Columbia.

Mr. LAGUARDIA. Does not the gentleman think that bills of that kind would be part of the Penal Code and under proper parliamentary order would belong to the Committee on the Judiciary?

Mr. ZIHLMAN. I do not so construe it. The bill before the District Committee has to do with regulating professional bondsmen, who deal not only with bonds in the higher courts, but also in the lower courts.

Mr. BLANTON. Mr. Speaker, will the gentleman yield there?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. Has it not been the case ever since the gentleman from New York [Mr. LAGUARDIA] has been here, that there has been a measure pending before the District Committee to do away with the death penalty in the District of Columbia? Is not that true?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. And that committee had a bill passed here in the House to change the death penalty from hanging to electrocution, did it not?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. And a bill was reported and passed here by the District Committee, providing a complete code on descent and distribution for the people of the District of Columbia?

Mr. ZIHLMAN. That is true.

Mr. BLANTON. The gentleman from New York, having admitted that this is a good bill and that he is in favor of it, and the rules of the House having provided that when a committee reports a bill it has jurisdiction, what other question is there before the House when we shall have disposed of the question of consideration except that we should pass the bill? It is a good bill.

Mr. ZIHLMAN. I wish to make a brief statement.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CHINDBLOM. In order to get the precedents before the House, will not the gentleman cite section 4291 of Hinds' Precedents, following section 4289?

Mr. ZIHLMAN. Yes; I am coming to that. In section 4290 of Hinds' Precedents, fourth volume, I read:

4290. The Committee for the District of Columbia has exercised jurisdiction as to the police and juvenile courts and justices of peace in the District. The Committee for the District of Columbia has exercised jurisdiction of legislation relating to the juvenile court and the police court of the District, and in 1906 reported on the subject of the justices of the peace, although in 1893 and 1895 the Judiciary Committee had exercised jurisdiction over bills relating to those offices.

Now I come to the section referred to by the gentleman from Illinois—section 4291. I read:

4291. The jurisdiction of the Committee for the District of Columbia as to matters affecting the higher courts of the District has been exceptional rather than general. The jurisdiction of the Committee for the District of Columbia over the District courts higher than the juvenile and police court has not been extensive, and such cases as have occurred seem exceptions to the rule that gives the general jurisdictions as to the courts to the Judiciary Committee.

In 1887 and 1891 the Committee for the District of Columbia reported bills relating to the reporter for the Supreme Court of the District, and even a bill for the regulation of the court itself; but in 1880 the Committee on the Judiciary had jurisdiction of the bill (H. R. 1809) to enable the courts to take cognizance of a case in which a citizen of the District of Columbia is a party.

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

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes more.

The SPEAKER. Is there objection?

Mr. SCHAFER. On what subject?

Mr. BLANTON. On the subject the gentleman is now considering.

There was no objection.

Mr. ZIHLMAN. So that matters of a general nature pertaining to the judiciary of the District of Columbia have time and again been considered by the District of Columbia Committee. The jurisdiction of the Committee on the Judiciary, while it has sometimes obtained in matters affecting the higher courts, has been exceptional. The jurisdiction of the District Committee has existed from time to time.

Mr. BLANTON. Mr. Speaker, this is a question that has nothing in the world to do with courts. This is a question having to do only with bonds and professional bondsmen.

Mr. GILBERT. Suppose the bill referred to fiduciary bonds in the District of Columbia. Would the simple reason that they were executed generally before some court affect the court?

Mr. BLANTON. No. The gentleman's question answers itself.

If the Members of this House only knew what scandal there is in this District regarding the business of professional bondsmen, who have tips for them in this town, who in many instances are in league with law violators, and are protectors of law violators, knowing that they violate the law and stand behind them; if they knew half of the scandals that exist here, particularly my friend from New York [Mr. LAGUARDIA], who is one of the best lawyers here in the House, and who I consider to be a good legislator, and who I consider as far removed from bolshevism as our friend from Illinois [Mr. BRITTEN], and who I consider a loyal, patriotic, earnest, industrious legislator for the people, he would be the last man to throw a suggestion in the way of the passage of this legislation.

Our District Committee has been working hard on this matter for several years. We have been trying to get a bill out of our committee to cover this situation, and have been trying to do so for a long time. Our friend from Kentucky [Mr. GILBERT], who is a splendid lawyer, has been working on it; the gentleman from Vermont, Judge GIBSON, has been working hard on it; the gentleman from Michigan [Mr. MCLEOD] has been working on it; and also the gentleman from Maryland [Mr. ZIHLMAN] has been working hard on it; and this bill has been before the committee for some time. My friend from New York [Mr. LAGUARDIA] says it is a good bill and that it ought to pass. He says he is in favor of it. Then let us pass it. Let us vote for consideration of it and pass it. If you vote not to consider it now, do you know how many years it will take to get such a bill here and out of the Committee on the Judiciary?

Mr. LAGUARDIA. About a week.

Mr. BLANTON. Oh, no. My friend from New York [Mr. STALKER], coming from the gentleman's State, has had a splendid bill pending there that has been sleeping the sleep of death for several sessions.

Mr. LAGUARDIA. The Stalker bill has been reported.

Mr. BLANTON. But it has never been brought up here on the floor of the House for passage, and it took several sessions, when it ought to have taken five minutes to have reported it out of the gentleman's Judiciary Committee. What is the use of voting against the consideration of this bill, which the sole objector to it says is a good bill and ought to be passed? He says it is fine legislation and ought to be enacted. What is the use of wasting further time on the question? In my judgment we ought to pass this bill in order to stop this scandalous professional bondsman practice that has been going on in this District, to the detriment of the people, for the last 20 years. [Applause.]

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I listened with a great deal of interest to the keynote speech delivered on the floor of this House a few minutes ago in behalf of the presidential candidacy of the distinguished gentleman from Illinois, Mr. Lowden. The keynoter indicated this presidential candidate's position on certain national legislation. His position, as given to the House, on the prohibition question, did not reflect much light as to where Mr. Lowden stands. We all know that any President who is elected by the people, be he Democrat or Republican, be he wet or be he dry, will see, to the best of his ability, that all of the laws of the Nation are enforced. I would like Mr. Lowden, his supporters and keynoter, to tell us, if Mr. Lowden is elected to the Presidency of the United States, whether or not he will request Congress to enact legislation to modify the Volstead Act so as to permit the manufacture and sale of light wine and beer. The voters of the great State of Illinois a few years ago, by an overwhelming majority, in a referendum vote, indicated their position in favor of modification of the Volstead Act.

Mr. BLANTON. Mr. Speaker, I make a point of order. I want to know upon what subject the gentleman is speaking.

Mr. SCHAFER. Mr. Speaker, I do not yield. In view of the fact that Mr. Lowden's keynoter has informed the House that Mr. Lowden was against the League of Nations I would like to know how Mr. Lowden stands now and how he stood several years ago on the League of Nations' World Court. A great majority of the Members of Congress from Illinois voted for the World Court resolution in this House. I would like to have Mr.

Lowden explain to the workingmen of this country whether the time is near at hand when the Pullman porters will be paid a living wage and not have to depend for the support of their families upon tips contributed by the traveling public. I should also like to have Mr. Lowden give his views on legislation which has been pending before this House for several years; namely, whether he will request Congress to enact legislation to repeal the Pullman surcharge.

There are many other questions, but these have just come to my mind at this time.

If the regular Republicans want a candidate who stands well before the country, I do not think they have to go to Illinois, because if they want a man who is a regular Republican, a man who is strong personally throughout the country, they could unite on the distinguished Speaker of the House, Mr. LONGWORTH. I think he would run stronger than any regular Republican candidate now in the field. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I understand the question before the House to be that of consideration of the bill H. R. 52. Some observations have been made upon the reference of this bill to the Committee on the District of Columbia.

It is well known that I have taken a very consistent position, in the matter of the reference of bills to committees, in insisting that bills should be referred in strict accordance with the rules and precedents of the House. It seems to me, however, that this bill is at least on the border line. It has been shown, by the reading of precedents by the gentleman from Maryland [Mr. ZIHLMAN] that even on bills relating to the higher courts there have been exceptional references to the Committee on the District of Columbia. The bill now before the House—H. R. 52—may be said to relate more to the general welfare of the people of the District of Columbia in the administration of justice than to the organization or to the jurisdiction of the courts. I therefore hope, since the bill is here, and if it has all the merit that is claimed for it, even by the gentleman from New York [Mr. LAGUARDIA] who has raised the question of consideration, that we will not compel this bill to travel the route again but that it will receive consideration at this time.

The SPEAKER. The question is, Shall the House consider the bill?

The question was taken, and the House determined to consider the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the words "bonding business" as used in this act means the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia, and the word "bondsman" means any person or corporation engaged either as principal or as agent, clerk, or representative of another in such business.

SEC. 2. That the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia is impressed with a public interest.

SEC. 3. It shall be unlawful for any person engaged, either as principal or as the clerk, agent, or representative of a corporation, or another person in the business of becoming surety upon bonds for compensation in the District of Columbia, either directly or indirectly, to give, donate, lend, contribute, or to promise to give, donate, loan, or contribute any money, property, entertainment, or other thing of value whatsoever to any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, or other attaché of a criminal court, or public official of any character, for procuring or assisting in procuring any person to employ said bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia; and it shall be unlawful for any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, bailiff, or other attaché of a criminal court, or public official of any character, to accept or receive from any such person engaged in the bonding business any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring any person to employ any bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia.

SEC. 4. It shall be unlawful for any attorney at law, either directly or indirectly, to give, loan, donate, contribute, or to promise to give, loan, donate, or contribute any money, property, entertainment, or other thing of value whatsoever to, or to split or divide any fee or commission with any bondsman, the agent, clerk, or representative of any bondsman, police officer, deputy United States marshal, probation officer, assistant probation officer, bailiff, clerk, or other attaché of any criminal court for causing or procuring or assisting in causing or procuring any person to employ such attorney to represent him in any criminal case in the District of Columbia.

SEC. 5. Five dollars per hundred shall be the maximum fee that it shall be lawful to charge for executing any bond in a criminal case in the District of Columbia, and it shall be unlawful for any person or corporation engaged in the bonding business, either as principal, or clerk, agent, or representative of another, either directly or indirectly, to charge, accept, or receive any sum of money, or other thing of value, other than the regular fee for bonding, from any person for whom he has executed bond, for any other service whatever performed in connection with any indictment, information, or charge upon which said person is bailed or held in the District of Columbia. It also shall be unlawful for any person or corporation engaged either as principal or as agent, clerk, or representative of another in the bonding business, to settle, or attempt to settle, or to procure or attempt to procure the dismissal of any indictment, information, or charge against any person in custody or held upon bond in the District of Columbia, with any court, or with the prosecuting attorney in any court in the District of Columbia.

SEC. 6. A typewritten or printed list of all persons engaged under the authority of any of the courts of criminal jurisdiction in the District of Columbia in the business of becoming surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock, house of detention, and every other place in the District of Columbia in which persons in custody of the law are detained, and one or more copies thereof kept on hand; and when any person who is detained in custody in any such place of detention shall request any person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, said list shall be furnished to the person so requesting, and it shall be the duty of the person in charge of said place of detention to put the person so detained in communication with the bondsman so selected, and the person in charge of said place of detention shall contemporaneously with said transaction make in the blotter or book of record kept in any such place of detention, a record showing the name of the person requesting the bondsman, the offense with which the said person is charged, the time at which the request was made, the bondsman requested, and the person by whom the said bondsman was called, and preserve the same as a permanent record in the book or blotter in which entered.

SEC. 7. It shall be unlawful for any bondsman, agent, clerk, or representative of any bondsman to enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia for the purpose of obtaining employment as a bondsman, without having been previously called by a person so detained, or by some relative or other authorized person acting for or on behalf of the person so detained, and whenever any person engaged in the bonding business as principal, or as clerk, agent, or representative of another, shall enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia, he shall forthwith give to the person in charge thereof his mission there, the name of the person calling him, and requesting him to come to such place, and the same shall be recorded by the person in charge of the said place of detention and preserved as a public record, and the failure to give such information, or the failure of the person in charge of said place of detention to make and preserve such a record, shall constitute a violation of this act.

SEC. 8. It shall be the duty of the police court, juvenile court, and the criminal divisions of the Supreme Court of the District of Columbia, each, to provide, under reasonable rules and regulations, the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the District of Columbia, and the terms and conditions upon which such business shall be carried on, and no person or corporation shall, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in any such court until he shall by order of the court be authorized to do so. Such courts, in making such rules and regulations, and in granting authority to persons to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person shall be permitted to engage, either as principal or agent in the business of becoming surety upon bonds for compensation in criminal cases who has ever been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character. It shall be the duty of each of said courts to require every person qualifying to engage in the bonding business as principal to file with said court a list showing the name, age, and residence of each person employed by said bondsman as agent, clerk, or representative in the bonding business, and require an affidavit from each of said persons stating that said person will abide by the terms and provisions of this act. Each of said courts shall require the authority of each of said persons to be renewed from time to time at such periods as the court may by rule provide, and before said authority shall be renewed, the court shall require from

each of said persons an affidavit that since his previous qualification to engage in the bonding business he has abided by the provisions of this act, and any person swearing falsely in any of said affidavits shall be guilty of perjury.

SEC. 9. It shall be unlawful for any police officer or other public official, in advance of any raid by police or other peace officers or public officials or the execution of any search warrant or warrant of arrest, to give or furnish, either directly or indirectly, any information concerning such proposed raid or arrest to any person engaged in any manner in the bonding business, or to any attorney at law.

SEC. 10. The judges of the police court of the District of Columbia shall have the authority to appoint some official of the Metropolitan police force of the District of Columbia to act as a clerk of the police court with authority to take bail or collateral in criminal cases in the District of Columbia between the hours of 11 o'clock Saturday night and 9 o'clock Monday morning. The official so appointed shall have the same authority at said times with reference to taking bonds or collateral as the clerk of the police court now has; shall receive no compensation for said services other than his regular salary; shall be subject to the orders and rules of the police court in discharge of his said duties, and may be removed as such clerk at any time by the judges of the police court.

SEC. 11. Any person violating any provision of this act shall be punished by a fine of not less than $50 nor more than $100, and by imprisonment of not less than 10 nor more than 60 days in jail; and if the person so convicted be a police officer or other public official, he shall also be forthwith dismissed from office; if a bondsman, or the agent, clerk, or representative of a bondsman, he shall be disqualified from thereafter engaging in any manner in the bonding business; and if an attorney at law, shall be subject to suspension or disbarment as attorney at law.

SEC. 12. It shall be the duty of the police court, juvenile court, and of the criminal divisions of the Supreme Court of the District of Columbia to see that this act is enforced, and upon the impaneling of each grand jury in the Supreme Court of the District of Columbia it shall be the duty of the judge impaneling said jury to give it in charge to the jury to investigate the manner in which this act is enforced and all violations thereof.

During the reading of the bill the following occurred:

Mr. GILBERT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. GILBERT. Mr. Speaker, I move to strike out the last word.

The SPEAKER. This bill is on the House Calendar and the time is in control of the gentleman from Maryland [Mr. ZIHLMAN].

Mr. GILBERT. I want to call the attention of the chairman of the committee to the fact that the several committee amendments are not in this draft. The clerk by a mistake left them out, but they are committee amendments unanimously agreed upon by the committee and I have them here.

Mr. McLEOD. That is correct. I do not know how that occurred.

The SPEAKER. The Chair will call attention to the fact that this proceeding is a little irregular. The bill being a House bill should be read through before there are any amendments offered.

The Clerk concluded the reading of the bill.

Mr. ZIHLMAN. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, I want to offer some amendments. On page 4, line 7, after the word "list," insert "alphabetically arranged."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 4, line 7, after the word "list," insert the words "alphabetically arranged."

The amendment was agreed to.

Mr. GILBERT. And on page 7, line 24, after the word "collateral," strike out the balance of that line and insert "from persons charged with offenses triable in the police court."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 7, line 24, after the word "collateral," insert the words "from persons charged with offenses triable in the police court."

The amendment was agreed to.

Mr. GILBERT. And in the next line strike out the words "Saturday night and 9 o'clock Monday morning" and insert "p. m. and 9 o'clock a. m. and upon Sundays and holidays."

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 7, line 25, strike out the words "Saturday night and 9 o'clock Monday morning" and insert "p. m. and 9 o'clock a. m. and upon Sundays and holidays."

The amendment was agreed to.

Mr. GILBERT. And at the end of section 10, add the amendment which I send to the desk.

The SPEAKER. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GILBERT: At the end of section 10, page 8, line 8, insert: "The Supreme Court and the Juvenile Court of the District of Columbia each shall have power by order to authorize the official appointed by the police court to take bond of persons arrested upon writs and processes from those courts in criminal cases between 4 o'clock p. m. and 9 o'clock a. m. and upon Sundays and holidays; and each of such courts shall have power at any time by order to revoke such authority granted by it."

The amendment was agreed to.

Mr. GILBERT. And on page 8, line 12, after the word "jail," insert "where no other penalty is provided by this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 8, line 12, after the word "jail," insert the words "where no other penalty is provided by this act."

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I have learned that the reason for the objection of our friend from New York [Mr. LAGUARDIA] to the consideration of this bill was because of a procedure in the District Committee concerning which I agree with the gentleman from New York.

The District Committee of 21 members has been divided up into such a large bunch of subcommittees that I honestly believe the chairman himself does not know how many there are. One of these subcommittees is called "the judiciary committee," and it conflicts in name with the great Judiciary Committee of the House of Representatives. I agree with the gentleman from New York and I agree with the gentlemen on the Judiciary Committee of the House that the District Committee ought to abolish its subcommittee that it calls the judiciary committee.

I hope the chairman of the District Committee will see that it is abolished. It is unnecessary and it is ridiculous to have so many subcommittees anyhow, and I will help the gentleman abolish it if he will make any effort along that line.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. McLEOD] may extend his remarks by inserting a part of the report giving the purposes of the bill.

The SPEAKER. The gentleman asks unanimous consent that the gentleman from Michigan may be permitted to extend his remarks on the bill just passed. Is there objection?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia, reporting the bill (H. R. 52):

[To accompany H. R. 52]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia, having considered the same, report it back to the House with the recommendation that it do pass.

Your committee, after having studied the situation existing in the District of Columbia, is of the opinion that public interest demands the enactment of legislation destined to regulate the methods of operation of the professional bondsman and that the measure herewith reported would provide necessary safeguards and prove satisfactory.

The following is a brief synopsis of the various provisions of the bill.

The first section defines words and terms.

The second section provides that the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia is impressed with a public interest.

The third section provides that it shall be unlawful for any person engaged either as principal or agent or representative of a corporation in the business of becoming surety upon bonds for compensation in the

District of Columbia, either directly or indirectly, to give, donate, loan, contribute, or to promise so to do, any money, property, or other thing of value whatsoever to any attorney, police officer, deputy United States marshal, jailor, etc., for procuring or assisting in procuring any person to employ said bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia; and it shall also be unlawful for any attorney or other officer enumerated above to receive or accept from any such person described anything of value for any such purpose.

Section 4 makes it unlawful for any attorney to give, loan, or donate, etc., anything of value, or to split or divide any fee with any bondsman or any representative of a bondsman or with other persons having to do with the execution of such bond.

Section 5 prescribes the maximum fee of $5 per hundred which shall be the charge for executing these bonds. Section 5 further makes it unlawful for any person or corporation engaged in the bonding business, either as principal or representative of another, either directly or indirectly, to accept any sum of money or other thing of value other than the regular fee for bonding, from any person for whom he has executed bond, for any other service whatever performed in connection with any indictment, etc., upon which said person is bailed or held in the District of Columbia. Section 5 also makes it unlawful for any person or corporation engaged either as principal or representative of another in the bonding business to settle or attempt to settle or attempt to procure dismissal of any indictment, etc., against any person in custody or held upon bond in the District of Columbia.

Section 6 requires a typewritten or printed list to be posted in a conspicuous place in each of the police precincts, jail, prisoner's dock, house of detention, etc., of all persons in the business of becoming surety upon bonds.

Section 7 makes it unlawful for any bondsman or representative of any bondsman to enter any police precinct, etc., for the purpose of obtaining employment as a bondsman without having been called by the prisoner for such purpose.

Section 8 makes it the duty of the police court, juvenile court, and the criminal divisions of the Supreme Court of the District of Columbia to provide the qualifications of persons and corporations applying for authority to engage in the bonding business.

Section 9 makes it unlawful for any police officer or any other public officer in advance of any raid to give any information concerning such proposed raid.

Section 10 provides that the judges of the police court in the District of Columbia shall appoint some official of the Metropolitan police force to act as a clerk of the police court with authority to take bail or collateral in criminal cases.

Section 11 provides penalties for violating any provision of the act, which are a fine of not less than $50 and not more than $100, and by imprisonment of not less than 10 nor more than 60 days in jail, as well as dismissal if the convicted person be an officer, and if a bondsman or representative of a bondsman he be disqualified thereafter to act in the bonding business.

Section 12, which is the last section, makes it the duty of the courts to see that this act is enforced, and makes it the duty of the judge upon the impaneling of each grand jury in the Supreme Court of the District of Columbia to give it in charge to the jury to investigate the manner in which this act is enforced and all violations thereof.

CONCERNING LIABILITY FOR PARTICIPATION IN BREACHES OF FIDUCIARY OBLIGATIONS

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 6844) concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto.

The Clerk read the bill, as follows:

[H. R. 6844, 70th Cong., 1st sess.]

A bill concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto

Be it enacted, etc., That the Code of Law of the District of Columbia be amended as follows:

"SECTION 1. Definition of terms: (1) In this act unless the context or subject matter otherwise requires:

"'Bank' includes any person or association of persons, whether incorporated or not, carrying on the business of banking.

"'Fiduciary' includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust, or estate.

"'Person' includes a corporation, partnership, or other association, or two or more persons having a joint or common interest.

"'Principal' includes any person to whom a fiduciary as such owes an obligation.

"(2) A thing is done 'in good faith' within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

"SEC. 2. Application of payments made to fiduciaries: A person who in good faith pays or transfers to a fiduciary any money or other property which the fiduciary as such is authorized to receive, is not responsible for the proper application thereof by the fiduciary; and any right or title acquired from the fiduciary in consideration of such payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

"SEC. 3. Registration of transfer of securities held by fiduciaries: If a fiduciary in whose name are registered any shares of stock, bonds, or other securities of any corporation, public or private, or company or other association or of any trust, transfers the same, such corporation or company or other association, or any of the managers of the trust, or its or their transfer agent, is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or to see to the performance of the fiduciary obligation, and is liable for registering such transfer only where registration of the transfer is made with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or with knowledge of such facts that the action in registering the transfer amounts to bad faith.

"SEC. 4. Transfer of negotiable instrument by fiduciary: If any negotiable instrument payable or indorsed to a fiduciary as such is indorsed by the fiduciary, or if any negotiable instrument payable or indorsed to his principal is indorsed by a fiduciary empowered to indorse such instrument on behalf of his principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in indorsing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is transferred in any transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in transferring the instrument.

"SEC. 5. Check drawn by fiduciary payable to third person: If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, the payee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is drawn and delivered in any transaction known by the payee to be for the personal benefit of the fiduciary, the creditor or other payee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the instrument.

"SEC. 6. Check drawn by and payable to fiduciary: If a check or other bill of exchange is drawn by a fiduciary as such or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, payable to the fiduciary personally, or payable to a third person and by him transferred to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith.

"SEC. 7. Deposit in name of fiduciary as such: If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed with the name in which such deposit is entered, without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 8. Deposit in name of principal: If a check is drawn upon the account of his principal in a bank by a fiduciary who is empowered to draw checks upon his principal's account, the bank is authorized to pay such check without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing such check, or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and

is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 9. Deposit in fiduciary's personal account: If a fiduciary makes a deposit in a bank to his personal credit of checks drawn by him upon an account in his own name as fiduciary, or of checks payable to him as fiduciary, or of checks drawn by him upon an account in the name of his principal if he is empowered to draw checks thereon, or of checks payable to his principal and indorsed by him, if he is empowered to indorse such checks, or if he otherwise makes a deposit of funds held by him as fiduciary, the bank receiving such deposit is not bound to inquire whether the fiduciary is committing thereby a breach of his obligation as fiduciary; and the bank is authorized to pay the amount of the deposit or any part thereof upon the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making such deposit or in drawing such check, or with knowledge of such facts that its action in receiving the deposit or paying the check amounts to bad faith.

"SEC. 10. Deposit in names of two or more trustees: When a deposit is made in a bank in the name of two or more persons as trustees and a check is drawn upon the trust account by any trustee or trustees authorized by the other trustee or trustees to draw checks upon the trust account, neither the payee nor other holder nor the bank is bound to inquire whether it is a breach of trust to authorize such trustee or trustees to draw checks upon the trust account, and is not liable unless the circumstances be such that the action of the payee or other holder or the bank amounts to bad faith.

"SEC. 11. Act not retroactive: The provisions of this act shall not apply to transactions taking place prior to the time when it takes effect.

"SEC. 12. Cases not provided for in act: In any case not provided for in this act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments, and banking, shall continue to apply.

"SEC. 13. Uniformity of interpretation: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

"SEC. 14. Short title: This act may be cited as the uniform fiduciaries act.

"SEC. 15. Inconsistent laws repealed: All acts or parts of acts inconsistent with this act are hereby repealed.

"SEC. 16. Time of taking effect: This act shall take effect upon the date of its passage."

With the following committee amendment:

Strike out lines 3 and 4, page 1, and substitute therefor the following:

"That the following provisions concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto shall be in force in the District of Columbia, namely."

The committee amendment was agreed to.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. MOORE of Virginia. Is this bill identical with statutes now in effect in a good many States?

Mr. ZIHLMAN. Yes. This bill was drawn by a committee of the national conference of commissioners on uniform State laws and is, in effect, the statues which prevail almost verbatim in the States of Alabama, California, Delaware, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Dakota, and Wisconsin.

Mr. MOORE of Virginia. The gentleman says "almost verbatim." I understand the changes do not affect the substance of what is proposed.

Mr. ZIHLMAN. Let me say that this bill is based largely on the statutes of the States I have named. The States that have this law verbatim are Colorado, Idaho, Louisiana, Nevada, New Mexico, North Carolina, New Jersey, Indiana, Pennsylvania, Utah, and Wisconsin.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. MCLEOD] may have permission to extend his remarks by including the report of the committee explaining the purpose of the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia reporting the bill H. R. 6844:

The Committee on the District of Columbia, to which was referred the bill H. R. 6844, concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto, recommend that the bill be amended in the particular following, and as amended that it be passed.

The amendment recommended is the following:

Strike out lines 3 and 4, page 1, and substitute therefor the following:

"That the following provisions concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto shall be in force in the District of Columbia, namely."

The amendment is to correct a clerical error in the drafting of the bill. As originally drawn the bill appeared to propose a substitute for sections 1 to 16 of the Code of Law for the District of Columbia, whereas there was no intention to affect these sections of the code, which do not relate to the subject matter of the bill.

The form of the enacting clause proposed by this committee amendment conforms to that used in enacting for the District of Columbia the uniform warehouse receipts act (approved April 15, 1910, 36 Stat. 301), and accomplishes the intention of the framers of the bill.

There are in the District of Columbia no direct or controlling decisions of the courts upon the field of law covered by the bill. In the several States, however, the decisions are so diverse that the result is that it is not clear to what extent persons dealing with fiduciaries are bound to supervise them in the performance of their duties. In practice, in the ordinary course of banking and commercial transactions it is impracticable for banks and other persons dealing with fiduciaries to make effective inquiries into their conduct. Transfers by fiduciaries of property in their charge as such to themselves in their individual capacity are often held to constitute such constructive notice of a breach of the fiduciary's duty as to make third persons who participate in such a transfer liable for the property or funds so transferred if it is in fact a breach of the fiduciary's trust. Yet in actual practice such transfers need frequently to be made by honest fiduciaries, as, for example, in the payment to the fiduciary of his compensation, and rigid inquiry by persons dealing with honest fiduciaries into every such transaction, and hesitation to act without inquiry, would impede and obstruct the ordinary transaction of business, with no substantial benefit.

The several sections of the bill subsequent to the enacting clause are in the precise form drafted to be pressed for enactment in all the States and Territories. The purpose of the bill is to establish uniform and definite rules in the place of the diverse and indefinite rules now prevailing as to "constructive notice" of breaches of fiduciary obligations. Liabilities of fiduciaries are not dealt with nor affected, but only the liabilities of persons dealing with fiduciaries. At present the law in the several States as to the liability of persons dealing with fiduciaries is uncertain. It is not clear under what circumstances such persons are charged with "constructive notice" of breaches of trust by fiduciaries. The usual result if a third person dealing with a fiduciary is charged with constructive notice of a breach of trust by a fiduciary, is that the person so dealing is held liable along with the fiduciary for the breach of trust.

A dishonest fiduciary can easily cover his tracks by transferring property he intends to convert to his own use first to a straw man and afterwards to himself, so that no reasonable inquiry would reveal his dishonesty. As a practical matter, the delay and expense incident to the inquiry which needs to be made under the existing unsettled state of the law by banks and other persons dealing with fiduciaries would fall in the first instance upon the trust estates, the great majority of which are honestly administered, and falls ultimately upon the beneficiaries for whom the fiduciaries are acting.

Much of the proposed act is merely declaratory of existing law as established in many jurisdictions. Which of the diverse rules established in the several States would be followed in the District of Columbia if this branch of the law were left to judicial development can not with certainty be stated; but some of the decisions in the States set up as a test of the liability of a person dealing with a fiduciary, such as the payee or indorsee of a check drawn or indorsed by a fiduciary, the question whether such person was negligent. The proposed act makes such a person liable only if he takes the negotiable instrument with knowledge of such facts as makes his action amount to bad faith.

In the case of banks which are depositaries of fiduciary funds subject to the order of fiduciaries, if a check of the fiduciary is in fact a breach of his obligation, the bank is made by the act liable to the beneficiary if it receives such a check in payment of the personal debt of the fiduciary, or if the check is payable to the bank itself, and in other cases if it has such knowledge of the facts as amount to bad faith on its part in honoring the check. Under other circumstances a claim of negligence on the part of the bank can not be made the basis of liability on its part under the provisions of this act, though in some jurisdictions banks have been held liable as for a participation in the breach of a fiduciary's obligation where the bank acted in good faith and did not profit by nor participate in the breach of the fiduciary's obligations, upon the ground

that it was negligent in supervising the fiduciary in the performance of his duties. These are illustrations of the substitution made by the bill of definite rules of liability for the test of "due care" or "negligence" which has produced the diversity of decisions among the States.

The bill was drafted by the National Conference of Commissioners on Uniform State Laws, which had its origin in the appointment of a special committee by the American Bar Association in 1889 and the authorization in 1890 by an act of the Legislature of the State of New York of the appointment of commissioners for the promotion of uniformity of legislation in the United States. By successive actions in the several States, the District of Columbia, and the Territories all of these jurisdictions are now represented in the national conference by two or three representatives each. These conferences are held during the week immediately preceding the annual meeting of the American Bar Association, and its actions are reviewed by the American Bar Association. Of the uniform acts proposed by this conference, the negotiable instruments act has been adopted in all jurisdictions, including the District of Columbia, excepting Porto Rico, though with modifications in Illinois and Vermont. The warehouse receipts act has been adopted in 48 jurisdictions, including the District of Columbia, uniform sales act adopted in 25 jurisdictions, uniform bills of lading act adopted in 25 jurisdictions, and uniform partnership act adopted in 14 jurisdictions.

Sections 4, 5, and 6 of the present bill are in supplement of and to carry out the intention of the negotiable instruments act, section 56 (sec. 1360, D. C. Code).

The matter of a uniform act covering the liabilities of person dealing with trustees and other fiduciaries was referred to a committee of the conference in 1919, and drafts of the present act were considered by the conference in 1921 and 1922 and were then unanimously approved. Since 1922 it has been adopted verbatim in Colorado, Idaho, Louisiana, Nevada, New Mexico, North Carolina, New Jersey, Indiana, Pennsylvania, Utah, and Wisconsin. It is being pressed for enactment at the present sessions of the legislatures of other States.

The bill was introduced at the request of the Bar Association of the District of Columbia. At the hearings before your committee it was considered section by section and its passage was advocated by representatives of the Bar Association of the District, of the American Bar Association, of the National Conference of Commissioners on Uniform State Laws, of the Clearing House Association of the District of Columbia, of the American Bankers Association, and of the District of Columbia Bankers Association. No opposition to the passage of the bill has been made known to the committee. The Commissioners of the District of Columbia (who appoint the commissioners for the District of Columbia on uniform State laws) have signified their approval by letter addressed to their appointees to the conference and filed with this committee.

The act is compact and can not be well summarized. The topics treated in the several sections are as follows:

Section 1 deals with definitions. The definition of "bank" is identical with that in the negotiable instruments law, section 1 (D. C. Code, sec. 1304). The definition of "person" is a combination of the definitions in the negotiable instruments law and the warehouse receipts act (D. C. Code, sec. 1304; 36 Stat. 301, sec. 58). The definition of "good faith" is identical with that of the warehouse receipts act (36 Stat. 301, sec. 58).

Section 2 deals with the misapplication by the fiduciary of payments and transfers of money and property to the fiduciary which he is authorized to receive. The contrary doctrine and the inconvenience of the common law on this point is often avoided by careful counsel drawing trust instruments by the insertion of an express provision to the effect of this proposed statute. The language of the section is based upon statutes already existing in England and in Alabama, California, Delaware, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Dakota, and Wisconsin.

Section 3 deals with the transfer of stock which has been legally registered in the name of fiduciaries. It commends itself to persons having practical experience with the transfer of stock. It is based on a Massachusetts statute (St. 1918, ch. 68, sec. 3), and there are somewhat similar provisions in Delaware (Rev. Code 1915, sec. 3396), Kentucky (Stats. 1909, sec. 4169), and Pennsylvania (Purdon's Dig. 13th ed. 4850, sec. 7). Recently Illinois passed a similar statute. There is a similar statute in England (company's consolidation act (1908), sec. 27).

Sections 4, 5, and 6 deal with holders of negotiable paper drawn or indorsed by fiduciaries. These are the sections which are supplemental to and consistent with section 56 of the negotiable instruments act (D. C. Code 1360), and deal with the question whether such holders get good title to the instrument or are liable for using the proceeds of it if in fact the fiduciary has committed a breach of his trust. Under sections 4 and 5 the liability of such a holder is made definite if he acted in bad faith, or if he took the instrument in payment or in security for a personal debt of the fiduciary, or in a transaction known to be for the personal benefit of the fiduciary. The distinction between cases covered by sections 4 and 5 and that covered by section 6 is in accordance with Massachusetts cases cited in review of the subject in 34 Harvard Law Review 454, note 26.

Sections 7, 8, and 9 deal with the liabilities of banks and other depositaries of fiduciary funds. In the several different cases dealt with in these sections liability of the bank is declared where the bank has knowledge of such facts as amounted to bad faith or knowledge that the fiduciary was committing a breach of his obligation, or in the case of deposits in the name of the principal or in the name of the fiduciary as such where the check in question is payable to the bank itself and in payment or security for a personal debt of the fiduciary.

Section 10 applies ordinary business principles to deposits in the name of two or more persons as trustees. This section is made desirable because of a doctrine that trustees may not delegate their duties, excepting as to merely ministerial acts, and it remains doubtful as to whether the drawing of a check is a ministerial act in the eyes of the law.

FALSE INFORMATION REGARDING COMMISSION OF CRIME IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 8558) relating to giving false information regarding the commission of crime in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person or persons willfully or knowingly to give, or send, or cause to be sent, or to make a false or fictitious report to the police of a commission of any crime within the District of Columbia. Anyone violating the provisions of this act shall be liable to a fine of not less than $5 nor more than $100, or to imprisonment not exceeding 30 days, or to both such fine and imprisonment.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LAGUARDIA. I understand the purpose of this bill is to stop the fictitious claims, or reports, being made of crime. For instance that a man has been robbed, to form the basis for a claim against insurance companies. Is that the purpose?

Mr. ZIHLMAN. No. The police department has spent a great deal of time on false information and reports made by some one who may have a grudge against the neighbor or an imaginary grievance against some business firm.

Mr. LAGUARDIA. If we pass such a bill as this will it not make it dangerous for a citizen to make a report which he believes to be true—are we not going to the other extreme? If there is a penalty attached to making a report do not you make it extremely hard for that person, and will he not hesitate to make a complaint? Anyone who has had any experience with the enforcement of criminal law knows the danger that this bill might create.

Mr. HAMMER. If the gentleman will yield, the intended purpose of this bill is to punish persons who willfully or knowingly give false reports to the police of the commission of crime in the District of Columbia. While there may be advantage to have a law that will punish persons who falsely claim they have been robbed, or some other alleged criminal offense, in order to direct attention away from some other crime, will we not do a great injury in deterring people from making correct reports for fear they might be prosecuted. Have we not such adequate laws now? It strikes me that the very intended purpose of the bill may be defeated. I do not mean to say that I oppose the legislation. It is plain that this law exists in other States, but my own idea is that while it may to some extent tend to correct the evil that it seeks to correct, we ought to go very slowly in enacting such legislation.

I fear that it will tend to prevent the administration of justice, and instead of defeating the hardened criminals who do make false reports for the purpose of distracting attention away from their crimes it will deter the honest, responsible persons as well as timid persons from making complaints.

Mr. LAGUARDIA. In the immigration service we get a great many reports from different people, some of which are anonymous.

It becomes hard in weeding out, and some investigation must be made, but surely, if you are going to impose a penalty for ficticious or false reports, the police are going to have very little information given to them.

Mr. ZIHLMAN. Mr. Speaker, this bill was submitted by the Commissioners of the District of Columbia, and I call attention to a letter from the District Commissioners on page 2 of the report.

Mr. LAGUARDIA. What does the police department say about it?

Mr. SCHAFER. That is not a letter from the present Commissioners of the District of Columbia.

Mr. ZIHLMAN. Inspector Pratt, of the Metropolitan police force, the assistant superintendent of police, urged upon the chairman of the committee the necessity for this legislation, and appeared before the subcommittee urging the passage of the bill.

The bill was submitted to the Citizens Advisory Council, and they recommended the passage of the bill.

Mr. HAMMER. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. HAMMER. Yet I notice that while Commissioner Rudolph, for whom I have a very high regard, signed a letter as one of the Commissioners of the District of Columbia, Mr. Rudolph is not a lawyer and has had no experience in the courts, and there is nothing from the courts or from any judicial officers to support his contention. Also Mr. Jesse C. Suter, who is the chairman of the Citizens Advisory Council, is not a lawyer or a judge or a prosecutor, and so far as I can ascertain there is no one in the District of Columbia or elsewhere who has had any experience in the courts or in investigating matters of this kind who supports the bill. The Bureau of Investigation of the Department of Justice could have been called upon to give its opinion. In the absence of the opinion of anyone except the Commissioners of the District, who have nothing to do with actual experience in enforcing the criminal laws of the District, and of Mr. Jesse C. Suter, who is a very fine gentleman, but who has never had any experience as a prosecutor and is not even a lawyer, as I understand——

Mr. ZIHLMAN. No.

Mr. HAMMER. He is a very fine gentleman, of course, but in the absence of any experienced person, judge, or prosecutor, association, or of any court or prosecutor giving us any reason other than that they want to deter people who are hardened criminals from making false reports to divert attention in some instances from their own crimes coming into court, I doubt the wisdom of passing this legislation. There have been 18 instances such as they complain of here in a city of more than half a million people within two months. That is not a very large number, when we consider that 96,000 arrests were made in this city last year. From my viewpoint I do not think it will be calculated to be of general benefit in law enforcement and in detecting crime. I fear that it will deter timid women, for instance, widows, with little influence and large families, as well as responsible citizenship, where crimes have been committed from making reports of criminal offenses. The criminal element will simply say, "We will have you up if you report us."

Mr. ZIHLMAN. I call the attention of the gentleman to the fact that this bill states that they must give this information willfully and knowingly. They must know it to be false.

Mr. HAMMER. The language is "or," not "and." In committee I wanted to change from "or" to "and."

Mr. SCHAFER. Mr. Speaker, I believe that in the consideration of so important a measure as this we should have a quorum, and if this bill is to be considered I think we should have a quorum of the House present.

Mr. BLANTON. It is going to be considered, so get the quorum.

Mr. HAMMER. I do not know whether it is going to be considered or not.

The SPEAKER pro tempore (Mr. TILSON). It is being considered. The gentleman from Maryland has the floor and is yielding to other gentlemen to debate the bill.

Mr. SCHAFER. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. ZIHLMAN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. 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. 58]

Adkins	Bulwinkle	Connolly, Pa.	Drewry
Andresen	Burdick	Cramton	England
Anthony	Bushong	Crisp	Eslick
Auf der Heide	Butler	Cullen	Estep
Bacon	Campbell	Curry	Fenn
Bankhead	Carew	Darrow	Fish
Black, N. Y.	Carley	Davey	Fort
Bohn	Casey	Dempsey	Frear
Boies	Celler	De Rouen	Free
Bowles	Cochran, Pa.	Dickstein	Freeman
Boylan	Collier	Dominick	Gambrill
Brand, Ohio	Collins	Douglas, Ariz.	Garrett, Tenn.
Britten	Connally, Tex.	Doutrich	Gifford
Browne	Connery	Dowell	Golder
Goldsborough	King	O'Connor, N. Y.	Stevenson
Graham	Kunz	Oliver, N.Y.	Strong, Pa.
Green, Iowa	Kurtz	Palmer	Strother
Hall, N. Dak.	Lampert	Prall	Sullivan
Hancock	Larsen	Purnell	Sweet
Harrison	Lea	Quayle	Taylor, Colo.
Haugen	Leatherwood	Rainey	Thompson
Holaday	Linthicum	Rathbone	Updike
Hooper	Lyon	Reed, Ark.	Vincent, Mich.
Hope	McDuffie	Robsion, Ky.	Vinson, Ga.
Houston	McFadden	Rubey	Weller
Hudson	McLaughlin	Rutherford	White, Me.
Hughes	Manlove	Sabath	Wingo
Hull, William E.	Michaelson	Schneider	Wolverton
Irwin	Michener	Sears, Fla.	Woodruff
Jacobstein	Miller	Sears, Nebr.	Woodrum
James	Moore, N. J.	Shreve	Wyant
Jeffers	Moore, Ohio	Sirovich	Yates
Kiess	Morin	Somers, N. Y.	Yon
Kindred	Nelson, Wis.	Sproul, Ill.	

The SPEAKER pro tempore. On this vote 302 Members have answered to their names, a quorum.

Mr. VESTAL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors. The gentleman from Maryland [Mr. ZIHLMAN] has consumed six minutes of his hour. The gentleman from Maryland is recognized.

Mr. ZIHLMAN. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER pro tempore. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Speaker and gentlemen of the House, this bill was sent to the Committee on the District of Columbia by the District Commissioners and by them asked to be passed. I believe our chairman told you that Inspector Pratt, of the police department, asked that it be passed to prevent false information, without warrant, charging people with having committed crime being given to the police. Such acts can not be punished, because not coming within the purview of false swearing or perjury.

I wish you knew how many false affidavits are made against innocent parties here, which force them before the courts, when they are absolutely innocent. For instance, here on the 6th day of March, this month, a policeman got a woman here to make an affidavit against another policeman, charging that he assaulted her sister-in-law in her apartment away back yonder nearly a year ago. As a result the policeman so charged was stripped of his uniform and his pay stopped.

Mr. SCHAFER. Mr. Speaker, I make a point of order. The gentleman is out of order. He is not confining himself to the subject of the bill.

Mr. BLANTON. Yes, I am. I am speaking of false information against people.

Mr. SCHAFER. How about the false information you brought here to the House, which you could not substantiate? If it were not for the privilege of the RECORD, some of your allegations would subject you to the provisions of this bill.

Mr. BLANTON. The gentleman does not know what he is talking about.

Now, concerning this statement which was filed, I wish to read to you this affidavit which was taken yesterday. This is the woman who it was claimed this policeman assaulted.

Mr. SCHAFER. Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. SCHAFER. The gentleman is not discussing the bill. He is discussing a question which is pending before a trial board of the police department of the District of Columbia. I submit that it is out of order to discuss it on the floor of the House.

The SPEAKER pro tempore. The gentleman from Texas is familiar with the rules of the House, and will proceed in order.

Mr. BLANTON. Certainly. I am perfectly familiar with the rules of the House. This is the woman who, this other woman claimed, was assaulted. Listen to what she says. I read:

DISTRICT OF COLUMBIA:

I, Mrs. Virginia Eberhart Hanley, being duly sworn, upon my oath state:

I am the same person who in the affidavit made by Mrs. Louise E. Hanley on March 6, 1928, before H. M. Luckett, notary, is mentioned therein as "Miss Virginia Eberhart." I married on March 17, 1928, and am now the wife of Mr. I. G. Hanley, and we live at 2121 H Street NW.

On the night of March 6, 1928, Mrs. Louise E. Hanley requested that I come to her apartment, and, accompanied by my present hus-

band, we went there and the said Mrs. Louise E. Hanley then told us of the affidavit she had signed trying to implicate my name with Officer Staples, and she asked me if I would go up against Staples. I told her I did not know Staples and I refused to do it.

The next afternoon the said Mrs. Louise E. Hanley, accompanied by Officer Joe Hunt, came to my apartment and tried to induce me to back up the said Mrs. Louise E. Hanley in making a similar affidavit against Staples. This I refused to do. Officer Joe Hunt told me that it would not make any difference as no one would ever know anything about it, but I refused, as I had never seen Officer Staples and did not know him. Officer Hunt then told me that if I decided to do as they wanted me to to let him know about it later. This was the last I heard of it until I saw my name mentioned in the paper in reporting the said affidavit of Mrs. Louise E. Hanley.

Accompanied by my husband, after being unable to find Mr. Staples by telephone yesterday, we went to his house to-day and for the first time in my life I then saw him, and we told him what we knew about the matter.

I voluntarily accompanied my husband to the office of Congressman THOMAS L. BLANTON, a member of the Gibson investigating committee, to relate these facts to him, and in the presence of my husband I am now voluntarily relating such facts to him in his office that justice may be done.

Mrs. VIRGINIA EBERHART HANLEY.

Witness:

I. G. HANLEY.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MONTAGUE. Who wrote that affidavit? Who drafted it?

Mr. BLANTON. This woman came to my office and it was prepared in my office yesterday. She voluntarily and deliberately came there in company with her husband, after finding out that a lie was being told in her name against an officer, and that another police officer was trying to get her to injure a policeman.

Mr. BOWLING. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. BLANTON. I yield to my friend from Alabama. The gentleman from Wisconsin is always buzzing like an ungovernable cyclone. [Laughter.]

Mr. SCHAFER. Mr. Speaker, I make——

Mr. BLANTON. I do not yield. The gentleman should sit down.

The SPEAKER pro tempore. The House will be in order. The gentleman from Texas has the floor.

Mr. SCHAFER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from Wisconsin?

Mr. BLANTON. I do not yield to a parliamentary inquiry.

The SPEAKER pro tempore. The House will be in order.

Mr. BOWLING. I want to ask the gentleman if the making of a false affidavit such as he read about in that affidavit is not punishable by law as the law now stands?

Mr. BLANTON. No. Unfortunately it is not, because it was not in a proceeding before a court. That is what we are trying to reach in this bill.

Mr. BOWLING. Instead of reaching that you go so far as to prevent any kind of misinformation that may be imparted in the best of good faith by a good citizen.

Mr. HERSEY. This bill ought to be amended.

Mr. BLANTON. The gentleman from Maine is a distinguished lawyer. If he thinks that way about this bill, I would be willing that the bill be laid aside until it could be properly amended.

Mr. HERSEY. It is the most foolish bill I ever saw brought into the House. [Laughter.]

Mr. BLANTON. I will say this: I had nothing to do with this bill, Mr. Speaker. It was prepared by the commissioners of this District. It was sent here by the commissioners to be passed.

I have not considered it, even with the subcommittee that reported it. If it is not a proper bill, we ought to make it proper; and since these two active members of the Committee on the Judiciary, Mr. BOWLING and Mr. HERSEY, believe it ought to be amended, I hope the chairman of the Committee on the District of Columbia will recall the bill and ask that it go back to the committee. I suggest that the bill be not considered further and that we take up another bill; otherwise it will be killed here for this session of Congress.

Mr. ZIHLMAN. Mr. Speaker, I would like to yield five minutes to the gentleman from Michigan [Mr. MCLEOD], who reported the bill.

Mr. BLANTON. I think distinguished lawyers here who have studied the bill, the gentleman from Alabama [Mr. BOWLING], the gentleman from Maine [Mr. HERSEY], and our distinguished friend from Virginia [Mr. MONTAGUE], who are careful in looking into these matters from the judicial angle, will join me in the suggestion that the bill be recalled.

Mr. McLEOD. Do they say anything about the bill?

Mr. BLANTON. They say it is a ridiculous bill. [Laughter.] I am not prepared to deny it.

Mr. McLEOD. Will the gentleman point out where it is ridiculous? I reported it.

Mr. BLANTON. I admit that it is ridiculous. [Laughter.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. MCLEOD].

Mr. HAMMER. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. HAMMER. I notice that the gentleman from Texas, after having a roll call of 30 minutes, is seeking to do what I tried to do—have the bill withdrawn. I think the purpose of the bill is good, but it seems to me it goes too far, although I may be wrong in my position. I think it will do much to interfere with responsible persons and timid people who do not care to run the risk of being threatened with prosecutions and with prosecutions for cooperating with law-enforcement officials and who will refuse to do that which is now done. It has a bad tendency and will help to prevent the due administration of the criminal law. I am afraid it will prevent timid people as well as responsible persons from giving information which might be of value in the detection of crime and will have no great deterring effect upon hardened criminals. I think the purpose of the bill was intended for good, but I think its good purposes will be more than overbalanced by its evil tendencies and bad influence upon preventing the public from properly cooperating in law enforcement.

Mr. McLEOD. Mr. Speaker, I admit this is new legislation as far as I can find out. Assistant Superintendent Pratt, of the local police department, has just informed me that there are two States in the country that have similar legislation. He has told me, since this bill was reported, which was March 10 of this year, that at that time there were 18 false reports pending from the first of the year until that date and since that date the number has increased to 42.

We have in the District of Columbia legislation which makes it a crime to give false information, which is called a false alarm in the fire department. As far as the committee has been able to find out this legislation has the same object in mind; in other words, it attempts to eliminate the giving of false information, because it costs the department and the District of Columbia equally as much to investigate a false report as it does a bona fide report.

Mr. SIMMONS. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. SIMMONS. What is the nature of these false reports that this bill deals with?

Mr. McLEOD. Many of them pertain to embezzlement. One case cited by Mr. Pratt was that employees, finding themselves in pretty tight scrapes after having taken money, and in order to cover up, have made complaint to the department that money has been lost or stolen.

Mr. BOWLING. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. BOWLING. As this language is written it is very inclusive and would apply to all reports, whether they were made in good faith or not. A man might see something which he believes is a violation of the law but which would be perfectly innocent and only have the earmarks that a crime was to be committed. Now, if he should give what he thought was true information to the police and it afterwards turned out to be false and fictitious, he would be subjecting himself to a fine. Will the gentleman permit me to suggest this: Do you not think you ought to amend your bill by stating that these statements shall be punishable if knowingly made and with intent to deceive; that it is done with malice or done for the purpose of hiding crime? Certainly some phraseology like that should go in the bill, in order that innocent people could in perfect good faith give information to the police in the event of a violation of the law.

Mr. McLEOD. If the gentleman will read the bill carefully he will see that that exact language is contained in the bill.

Mr. BOWLING. There is no language in the bill of that sort. The bill merely provides for false or fictitious reports.

Mr. McLEOD. The bill provides:

That it shall be unlawful for any person or persons willfully or knowingly to give, or send, or cause to be sent, or to make a false or fictitious report.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. LAGUARDIA. While I do not approve of the bill, to answer the suggestion made by the gentleman from Alabama I would suggest—and I have an amendment ready—that we strike out the word "or" and insert the word "and," so as to make it read:

That it shall be unlawful for any person or persons willfully and knowingly to give, or send, or cause to be sent—

And so on. Then I would insert:

With intent to injure another.

Mr. BOWLING. That is my idea.

Mr. McLEOD. But that is not the idea of the legislation.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, the gentleman from Wisconsin [Mr. SCHAFER] is well able to take care of himself I do not appear as his defender, but as jealously guarding the RECORD I must insist that the gentleman from Texas withdraw the remarks which he made a short time ago with reference to the gentleman from Wisconsin. It does not add to the dignity of this body to have the public read in the RECORD, the official organ of this body, any such remarks as were made by him, and unless the gentleman from Texas voluntarily withdraws those remarks I shall ask that they be stricken from the RECORD.

Mr. BLANTON. What remarks is the gentleman talking about?

Mr. UNDERHILL. The remarks of the gentleman referring to the gentleman from Wisconsin, which were extremely personal.

Mr. BLANTON. I think the gentleman from Massachusetts, in so far as that statement is concerned, is correct. It is personal, and while I do not do it under his threat, I do it nevertheless. I ask that they be withdrawn; in fact, I will leave them out of the RECORD when I revise my remarks.

Mr. UNDERHILL I want them withdrawn.

Mr. BLANTON. I withdraw them. I would have done it in revision without the gentleman's request.

Mr. DEAL. Will the gentleman from Massachusetts yield?

Mr. UNDERHILL. Yes.

Mr. DEAL. Does not the gentleman from Massachusetts think the gentleman from Wisconsin ought to have stricken from the RECORD the remarks he made, which are far worse, in my humble opinion, than the remarks made by the gentleman from Texas?

Mr. UNDERHILL. What were they?

Mr. BLANTON. They will not go in my remarks, because I did not yield to him. I expect to cut them out anyway. [Laughter.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER]. [Applause.]

Mr. SCHAFER. Mr. Speaker, ladies and gentlemen of the House, I raised the point of no quorum on the pending bill because there were but few Members on the floor at that time, and I thought then, and I think at the present time, that this bill is too far-reaching and will have a tendency to prevent citizens of the District of Columbia from reporting actual violations of the law.

In view of the fact that the gentleman from Texas has withdrawn a part of the remarks which he made, I will not at this time bring to the attention of the House certain remarks that appear in the CONGRESSIONAL RECORD of October 27, 1921, but if any Member refers to those remarks he will know the reference which I have made.

Mr. WILLIAMSON. Will the gentleman give us the page, so we can find them?

Mr. SCHAFER. Page 6880.

Mr. BLANTON. Mr. Speaker, I will turn the gentleman footloose. He can refer to them if he wants to.

Mr. SCHAFER. I do not intend to at this time. They speak for themselves.

Mr. BLANTON. All right; the gentleman understands he is absolutely footloose.

Mr. SCHAFER. I refuse to yield—sit down. [Laughter.] So far as trying to run this House of Congress and trying to run every department of the District of Columbia from the police department down, I do not have to mention the party's name, but will know that the full membership of the House realizes who is attempting to do that very thing.

The other day we had the allegation on the floor of this House practically charging high officers of the police department with accepting protection money from bootleggers because they found in Washington a truck with a secret compartment. At that time the evidence purporting to substantiate the charges consisted of affidavits of law violators—confessed law violators. At that time the affidavit of a confessed law violator was right and proper, according to the gentleman from Texas [Mr. BLANTON], but what do we find later on in the RECORD. We find that one of the members of the Metropolitan police force is before the trial board, a police trial board, acting under the provisions of existing law, a board created to try and hear evidence and hear cross-examination, giving a man a chance to be heard and meet his accusers face to face, and we find a Member of this House, the gentleman from Texas, if newspaper reports are correct, asking the Commissioners of the District of Columbia to nullify the provisions of the law and asking them to step in and take original jurisdiction of the case and not let it go before the trial board, which is provided for trying such offenses in the first instance.

Then we find the gentleman from Texas greatly disturbed because some of the charges upon which his friend, the policeman, Mr. Staples, is being tried under the provisions of law by the trial board were made by law violators. At one time the affidavit of a law violator does not mean anything, but at another time it does.

I believe in the enforcement of all laws, and reserve my constitutional rights under the Constitution to ask for the change of any existing law or any existing provision of the Constitution, but I believe while the laws are on the statute books they should be enforced, and a man who says he is in favor of the enforcement of all laws should not deliberately try to ignore the law creating the police trial board.

It is highly improper for a Member of Congress, I believe, to appear on the floor of the House and give a clean bill of health to any man who is under fire and whose case is before the trial board.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes more to the gentleman from Wisconsin.

Mr. SCHAFER. If the charges or any part of the charges which have been preferred against this member of the Metropolitan police force are framed up or untrue or unjust and the trial board is unfair and unjust, then the time to condemn the trial board is after they have acted on the case, and not to attempt directly or indirectly to influence the decision of the board.

Under the law, any member of the Metropolitan police force, including Mr. Staples, has the right of trial by the police trial board and has the right to appeal to the Commissioners of the District of Columbia and has the further right to appeal to the courts of the land; and it is somewhat remarkable that a gentleman of this House who last week came before the House and cried about violations of law and derelictions in the performance of duties by the members of the Metropolitan police force, telling this House and telling the world that if he was in charge of law enforcement in the District how far he would go, should come before the House a few days later and try to acquit and give a clean bill of health to a member of the police force who has been brought before the trial board on a number of charges. I say this is astonishing.

So far as the gentleman from Texas indicating how he felt toward me is concerned, perhaps I feel the same way toward him [laughter and applause], and perhaps many Members of the House feel the same way toward him; but I can take care of myself on the floor of this House, and I can take care of myself outside the floor of this House; and I fear no man, even if he is the alleged great, big, headline, fiery Texan we read about in the papers. I will not be intimidated by any statements the gentleman may make in this Chamber or without it.

I believe the pending bill goes too far. I believe it will have a tendency to curb law enforcement, and I therefore ask that the Members of this body cast their votes in opposition to the bill. [Applause.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, for three weeks I have been after the bootleggers in the District of Columbia. I am not surprised that a man who stands on this floor almost daily and advocates a law permitting beer that would be in violation of the Constitution, should come to their rescue [applause], and make an attack upon me.

When my friend from Wisconsin and I meet each other in gymnasiums or otherwise I will even not compel him to weigh in with me. [Laughter.] I will waive my excess(?) in weight. The gentleman makes a brave speech on this floor against his colleague, who is trying to get decent government in the District of Columbia.

Mr. BOWLING. Will the gentleman yield?

Mr. BLANTON. Yes; I yield to my friend.

Mr. BOWLING. I simply want to ask if it is true that the gentleman has been trying to intimidate the gentleman from Wisconsin?

Mr. BLANTON. Why, I have had him intimidated ever since he has been here. [Laughter.] He has been almost afraid to expectorate without coming and asking my permission. [Laughter.]

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. SCHAFER. The gentleman has a fine opinion of himself and substantiates a certain part of my prior address about egotism.

Mr. BLANTON. Mr. Speaker, I did not seek a place on the District Committee; it was thrust upon me. If you ask the Ways and Means Committee that put me there, they will tell you that I never asked to be put on that committee. I would like to have been left off the committee. I have worked from 14 to 16 hours a day ever since I have been on the committee, and my colleagues know it. I have been working because the Constitution says that this Congress shall run the affairs of this District, and the District Committee is the committee of Congress that has within its jurisdiction the affairs of the District.

Mr. PALMISANO. Will the gentleman yield?

Mr. BLANTON. Not now. I have been trying to do my best under my oath. I am not ashamed of a single act I have performed since I have been in this Congress. I am not ashamed of one act, public, private, or official that I have performed since I have been a grown man, and I am over 50 years of age. I have filled two important positions in my State, and I have the confidence of the people not only of my district but of my State. [Applause.]

The gentleman from Wisconsin can not destroy it in a speech of pique that he may deliver on this floor.

I got the biggest vote that was given any man in Texas in the last two elections. [Applause.] And when the next election comes off I am going to get another one that is going to put me in the other end of the Capitol as sure as the gentleman sits there. And I am going to be watching affairs of this District, and if the gentleman from Wisconsin—God forbid—is ever able to pass a bill in the House that is against the Constitution I will help kill it when it comes to the Senate. [Applause.]

I am for law enforcement under my oath. My oath says that I will support the laws of this country without evasion, without fear, and I have been doing it. Have I not, I will ask my genial friend from Ohio, since I have been here?

Mr. MURPHY. Yes.

Mr. BLANTON. I have been doing it to the best I know how, and it little behooves the gentleman from Wisconsin [Mr. SCHAFER] because he is in favor of beer and light wines, to get up here in behalf of the bootleggers of the District.

I thank the gentleman from Maryland for giving me the five minutes. [Applause.]

Mr. ZIHLMAN. Mr. Speaker——

Mr. HOWARD of Nebraska. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Maryland controls the time.

Mr. HOWARD of Nebraska. In the interest of harmony, Mr. Speaker, I was going to ask permission to make a few observations about aviation. [Laughter and applause.]

Mr. LAGUARDIA. Mr. Speaker, while I do not believe in the bill and doubt its wisdom, while the bill is before the House it should be amended in such manner as to make clear the intent, and in pursuance of that I ask that the Clerk read for the information of the House the amendment that I will offer at the present time.

The SPEAKER pro tempore. Without objection, the Clerk will report the proposed amendment.

The Clerk read as follows:

Page 1, line 4, strike out the word "or" after the word "knowingly" and insert the word "and"; and after the word "knowingly" insert "with intent to injure another."

Mr. DYER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. DYER. The gentleman from New York is a member of the Judiciary Committee of the House and a very able one. This legislation should have been, of course, referred to the Committee on the Judiciary that is charged with the responsibility for such legislation.

Mr. LAGUARDIA. There is no doubt about it.

Mr. DYER. I trust the gentleman will not insist upon his amendment, but will help to defeat the bill, so that it may be considered by the committee responsible for such legislation.

Mr. LAGUARDIA. I shall vote against the bill or to strike out the enacting clause or refer it back to the committee, but if it is to pass, it is our duty to put it in proper shape.

Mr. DYER. I have no criticism to make of the District of Columbia Committee, for I recognize it as an able and efficient committee, but our responsibilities are different, and I would ask the committee or its chairman to take such action as will place this legislation where it belongs, and to do what he can in the future so that such legislation may be considered by the Judiciary Committee. Also that he do another thing, and that is to abolish the subcommittee of his committee known as the judiciary committee, because it does create confusion, which ought not to be had in the orderly procedure of legislation in this House.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, the principles of this legislation are so important and far reaching that we should not consider the bill in a spirit of levity. I concede, as pointed out by the gentleman from Alabama [Mr. BOWLING], that the bill should be amended. The gentleman from New York [Mr. LAGUARDIA] has offered an amendment that will cure the defects referred to by the gentleman from Alabama. There is no reason why this bill should go back to the committee when it can be so readily and easily corrected in the House.

This is a new field of legislation. Several of the States, including my own, have passed laws making it a crime to tell a lie to the injury of another person. That was considered revolutionary, because all through the ages a person thus wronged had been left to his civil remedy of slander or libel. That was because the law had always been based upon a property basis. It has always been against the law to steal a man's dollar or to steal his horse. Why should it not be against the law to steal that which is of much greater value to him, his reputation. There is nothing as insidious, nothing as vicious and as devastating as slander. With the amendment of the gentleman from New York [Mr. LAGUARDIA], all that you will be enacting is that if a person gives false information willfully and knowingly, he has committed a crime, he has violated a law. Then that person lays himself open to deserved punishment. I would go further and make it unlawful, not only to give that false and malicious information to the police, but to anybody. If anyone knowingly, willfully, and falsely, with intention to do a person harm, tells another that such person has violated the law, he should be fined. It was Shakespeare who said:

> But he that filches from me my good name,
> Robs me of that which not enriches him,
> And makes me poor indeed.

I am not in favor of this bill simply because it would save a lot of work for a lot of policemen, but I am in favor of it on a much higher ground, one based not on efficiency but on justice. A person who knowingly, willfully, and falsely reports one to have committed a crime should be fined, and more heavily fined because he has done a greater wrong than if he had merely stolen property.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. DYER. There is a law now punishing perjury in the District of Columbia, is there not?

Mr. GILBERT. But this is not perjury we are discussing. I call up the police and I report that the gentleman from Missouri [Mr. DYER] has been guilty of some outrageous offense. The police investigate that. That is given publicity. It is found that the report is false. If I do that willfully and with intention to wrong the gentleman from Missouri, I should be severely penalized, because I have done him a much greater offense and from a more contemptible motive than if I had merely stolen his hat or overcoat.

Mr. ZIHLMAN. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Speaker, I want to speak of this bill from the standpoint of practical police work, in order to show what a dangerous piece of legislation this may be to the public welfare. Everyone who is conversant with modern police methods knows that a great deal of very practical and very valuable information comes to the police from people outside of the department. It comes sometimes in the way of anonymous communications and sometimes in the way of signed communications. If you require that every person who carries information to the police officials of a great city must follow that information up by prosecution and conviction, in order to save the informer from subsequent punishment by reason of legislation of this kind, you are going to shut off

from the police authorities of the city and country a most valuable source of information. I can speak somewhat from experience along this line. I can see from my practical experience in the years past the danger of enacting a bill such as this is. I am also led by experience to make this observation: If you enact this bill into law and any person does maliciously and knowingly communicate false information to the police, the attitude of mind of that person reporting the information will be this: He will feel that he must follow it up by a conviction in order to be protected from the results of legislation of this kind and will resort to perjury and subornation of perjury to accomplish his purpose.

Mr. BLANTON. Oh, no.

Mr. WELSH of Pennsylvania. Oh, yes. In order to determine that the information is true, it must result in a conviction.

Mr. BLANTON. It will have to be determined that it is false as a definite fact.

Mr. WELSH of Pennsylvania. And the question of falsity will depend upon the subsequent conviction or acquittal of the person charged.

Mr. BLANTON. Until it was shown that it was deliberately and maliciously and falsely made, the person making it would not be amenable to the law.

Mr. WELSH of Pennsylvania. But who is to determine the falsity of the thing? I hope as a matter of public safety that we will not pass legislation of this kind. I would like to have you get the opinion of police officials and district attorneys of the country as to the full effect of legislation of this nature. I think you will find them almost unanimously opposed to this character of legislation.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. GILBERT. If I should willfully, knowingly, and maliciously telephone to the police department that some reputable woman was guilty of some immoral offense, should I not be fined and punished?

Mr. WELSH of Pennsylvania. Yes; and under the law of slander, if oral, and under the law of libel, if the information were written, you would be liable in every jurisdiction in the United States.

Mr. GILBERT. She would be forced to take the initiative in such a step, and the law should protect her without putting that burden upon her.

Mr. ROMJUE. Mr. Speaker, will the gentleman from Pennsylvania yield to me for a question?

Mr. WELSH of Pennsylvania. I yield.

Mr. ROMJUE. I want to call your attention to line 5. The gentleman who has just finished arguing the question [Mr. GILBERT] called attention to the language "unlawfully or willfully." That does not apply to line 5. It applies to the preceding line; but when you get to line 4 it is a crime to make a false and fictitious report, and there is no connection between that phrase and "willfully and unlawfully."

Mr. WELSH of Pennsylvania. I think the gentleman is correct.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. CHINDBLOM. Mr. Speaker and gentlemen of the House, this debate has brought out a proposal for legislation, as expounded by the gentleman from Kentucky [Mr. GILBERT], which is not in the bill. Of course, his argument was persuasive on the broad lines upon which it was based; but this bill comes to us from the Commissioners of the District of Columbia and is designedly for the purpose of reducing the work of the police department of the District. I want to show the authority for it. The Senate committee in the last Congress made this argument in favor of the legislation:

> There have been no less than 18 such false reports to the police within a period of two months, and the proposed law is intended as a deterrent.

Mr. Speaker, if the police department of the District of Columbia, with a population of nearly half a million, has not had more than 18 such cases in a period of two months, there is no necessity for this legislation. [Applause.] Why should we pass a measure here in something of a hurry which is in derogation of the common law, without any precedent under common law, and which has no precedent under statutory law except in two or three States in the Union?

I want to emphasize what the gentleman from Pennsylvania [Mr. WELSH] has said. If you go to the police department of any one of our big cities and if you pass a law like this, which will be a deterrent upon those who would report rumors of crimes, you will never receive information. The police departments get information from people who do not care to reveal their identity. What is the penalty in this bill? A fine of not less than $5 nor more than $100, or imprisonment not exceeding 30 days, or both such fine and imprisonment. Is that a deterrent on a person who has a real purpose to injure another? Nothing of the sort. But it would deter people who might have valuable information which would lead to the detection and prosecution of a crime.

I say this is legislation of an entirely new character in the administration of criminal law, and it should have more consideration than has been given to it, because it writes into the law an entirely new principle; it is not based upon perjury or a proceeding in court, but is based only upon verbal or written statements not even in the form or with the force of affidavits. Such procedure is foreign to our system of jurisprudence as a basis for a criminal prosecution.

Mr. BOWLING. Mr. Speaker, I think this debate has been informative, and without desiring to repeat anything that has been said I wish to call the attention of the House to what would arise if this bill is passed as it is written. The gentleman from Missouri [Mr. ROMJUE] has pointed out that no defense is possible under this bill if a man makes a false or fictitious information without regard to his purpose or intent or means of knowledge whatever.

Let us suppose that false or fictitious information had gone to the police force, and an arrest made when the information is afterwards found to be false. Would it be necessary to make a prima facie case against the defendant who gave that information? Nothing in the world, except to prove that he had given such information and then to have ascertained that it was false. That is all. Your case is made. What would be his defense? Nothing. As this bill is written he would have no defense. The ground is cut out from under his feet. As the phraseology now stands he could not even offer testimony tending to show that he was acting in good faith.

But let us assume that the judge, through his sense of kindness and justice, would permit him to offer a defense. Where would your burden of proof be? It would be on the man to prove he was acting in good faith. This bill would open the doors to the police force to indulge in a vast amount of petty persecution if so minded. This bill ought to be amended. If passed at all, it ought to be practically rewritten.

Mr. MOORE of Virginia. Do you think it ought to be passed?

Mr. BOWLING. No; I do not. It certainly should be recast in language that is accurate and which expresses the purpose and intent of the legislative body.

Mr. COLE of Iowa. Would it not be better to just vote it down and be through with it?

Mr. BOWLING. Well, I would second a motion to that end.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment which I had read for the information of the House. I have modified it slightly. I would like to have it read.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. LAGUARDIA: Page 1, line 4, strike out the words "or knowingly" and insert in lieu thereof the following: "and maliciously, with intent to injure another."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BLANTON. Will the gentleman from Maryland yield to me to offer another perfecting amendment?

Mr. ZIHLMAN. I yield to the genteman if I have that power.

Mr. BLANTON. Mr. Speaker, I offer the following amendment.

Mr. CHINDBLOM. Mr. Speaker, a point of order. Was not the previous question ordered?

Mr. ZIHLMAN. No.

Mr. BLANTON. Mr. Speaker, the amendment offered by the gentleman from New York was adopted, was it not?

The SPEAKER. Yes.

Mr. BLANTON. Mr. Speaker, I offer an amendment. At the end of line 4, after the word "or," insert the following:

> or knowingly and maliciously and with intent to injure another.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BLANTON: Line 4——

Mr. ZIHLMAN. Mr. Speaker, I call the gentleman's attention to the fact that the House has just struck out the word "knowingly," and the gentleman by his amendment seeks to restore that word.

Mr. BLANTON. I make it maliciously and knowingly. Mr. Speaker, I ask to modify my amendment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Mr. Speaker, I offer an amendment; that after the word "or" and before the word "to," in line 4, insert the following:

or willfully, maliciously, and with intent to injure another.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 4, after the word "or" and before the word "to," at the end of the line, insert the words "willfully, maliciously, and with intent to injure another."

Mr. MONTAGUE. Will the gentleman from Maryland yield to me for a moment?

Mr. ZIHLMAN. Yes.

Mr. MONTAGUE. I desire to call the attention of the House to the fact that this is a penal statute of serious moment, and that we are asked here, in this desultory way, to amend it without due and proper consideration. It is impossible to consider an amendment to a criminal statute unless you can get around a table and talk backward and forward until the whole matter is thoroughly considered and threshed out. You can not do it in this form.

I did not rise for this purpose, but I really think we had better let this legislation go by the board.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 3, noes 41.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the District of Columbia Committee.

The SPEAKER. The gentleman from Texas offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on the District of Columbia.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. No. I am in its present form, unless it is properly amended, Mr. Speaker.

Mr. CHINDBLOM. It is too late to amend the bill.

The SPEAKER. The gentleman is a member of the committee, and the Chair will recognize him.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 2, noes 75.

So the motion to recommit was rejected.

Mr. BLANTON. Mr. Speaker, I shall not inflict a roll call on the House, because the House seems to be determined to kill the bill, and not being properly amended, I think it should be killed.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 5, noes 118.

So the bill was rejected.

On motion of Mr. LAGUARDIA, a motion to reconsider the vote whereby the bill was rejected was laid on the table.

THE PROPER REFERENCE OF BILLS

The SPEAKER. The Chair desires to make an observation to the House. In view of the question raised as to the reference of this bill and the one preceding it, the question being that both should have gone to the Committee on the Judiciary and not to the Committee on the District of Columbia, the Chair will state that when these bills were brought before him he thought the reference to the Committee on the District of Columbia proper under the rules of the House.

Under the rule, matters relating to the District of Columbia are referred to the Committee on the District of Columbia, and among the list of bills that have been so referred in the past the Chair will read a few:

Bills proposing legislation as to the general municipal affairs of the District, relating to health, sanitary and quarantine regulations, holidays, protection of fish and game, regulation of sale of intoxicating liquors, adulteration of food, drugs, etc.; taxes and tax sales, insurance, bills for preserving public order at times of inauguration, the Government Hospital for the Insane, harbor regulations and the bridge over the Eastern Branch, executors, administrators, wills and divorce, police and juvenile courts, and justices of the peace—

And so forth.

All these bills either change existing law or enact new law, but they apply solely to the affairs of the District of Columbia. If, as has been claimed to-day, any bill which changes existing law or enacts new law affecting only the District were referred to the Committee on the Judiciary, plainly the Committee on the Judiciary would become the Committee on the District of Columbia, because most of the jurisdiction of the Committee on the District of Columbia relates to changes of law or enactment of new laws.

The Chair thinks the reference was proper, that it complies with the rules of the House and with all the precedents the Chair knows on the subject.

Mr. LAGUARDIA. Mr. Speaker, may I make a statement?

The SPEAKER. Yes.

Mr. LAGUARDIA. The reason that prompted me in making the observation was the authority contained in section 4068 of the fourth volume of Hinds' Precedents, which sets out several bills relating to the police court of the District of Columbia, and my main objection and the objection of the committee was that this affected existing penal law, and clearly all penal law is under the jurisdiction of the Committee on the Judiciary under the rules of the House.

The SPEAKER. But the Committee on the District of Columbia has jurisdiction, for instance, of the laws regulating the sale of intoxicating liquor in the District of Columbia. Surely the gentleman would not contend under the precedents that that matter should be referred to the Committee on the Judiciary, and yet according to the gentleman's statement it would have to be so referred. The Chair thinks the proper rule is that, notwithstanding the fact a bill changes existing law or enacts new law, if it relates only to the District of Columbia, it should properly go to the Committee on the District of Columbia. The Chair could conceive of some cases, perhaps, where the matter in fact only related to the District of Columbia but involved changes of basic law which should go to the Judiciary Committee.

So the Chair will continue, unless otherwise ordered by the House, to refer bills like the ones in question to the Committee on the District of Columbia.

DETENTION OF FUGITIVES IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever any person shall be found within the District of Columbia charged with any offense committed in any State, Territory, or other possession of the United States, and liable by the Constitution and laws of the United States to be delivered over upon the demand of the governor of such State, Territory, or possession, any judge of the police court of the District of Columbia may, upon complaint on oath or affirmation of any credible witness, setting forth the offense, that such person is a fugitive from justice, and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the police court to answer such complaint.

SEC. 2. If, upon the examination of the person charged, it shall appear to the judge of the police court that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the chief justice of the Supreme Court of the District of Columbia, he shall, if not charged with murder in the first degree, be required to give bond or other obligation, with sufficient sureties, in a reasonable sum, to appear before said judge of the police court at a future date, allowing 30 days to obtain a requisition from the governor of the State, Territory, or possession of the United States from which said person is a fugitive, he to abide the order of such judge of the police court in the premises.

SEC. 3. If such person shall not give bond or other obligation, as herein provided, or if he shall be charged with the crime of murder in the first degree, he shall be committed to the District jail, and there detained until a day fixed by the court, in like manner as if the offense charged had been committed within the District of Columbia; and if the person so giving bond or other obligation shall fail to appear according to the condition of his bond or obligation, he shall be defaulted, and the bond or other obligation entered into by him shall be forfeited to the United States.

SEC. 4. If the person so giving bond or other obligation, or committed, shall appear before the judge of the police court upon the day ordered, he shall be discharged, unless he shall be demanded by some person authorized by the warrant of the governor to receive him, or unless the judge of the police court shall see cause to commit him for a further time, or to require him to give bond or other obligation for his appearance at some other day, and if, when ordered, he shall not give bond or other obligation he shall be committed and detained as before: *Provided*, That whether the person so charged shall give bond or other obligation, be committed or discharged, his delivery to any person authorized by the warrant of the governor shall be a discharge of his bond or obligation, if any.

SEC. 5. The major and superintendent of the Metropolitan police of the District of Columbia shall give notice to the police official or sheriff of the city or county from which such person is a fugitive that the person is so held in the District of Columbia.

SEC. 6. A person committed as herein provided shall not be detained in jail longer than to allow a reasonable time to the person receiving the notice herein required to apply for and obtain a proper requisition for such person according to the circumstances of the case and the distance of the place where the offense is alleged to have been committed.

SEC. 7. Nothing herein contained shall prevent the voluntary return, in the custody of a proper official, of a person to the jurisdiction of the State, Territory, or other possession of the United States from which he is a fugitive. And nothing herein contained shall prevent a judge of the police court of the District of Columbia, in his discretion, accepting bond or other obligation for the appearance of a person before the proper official in the State, Territory, or possession of the United States from which he is a fugitive.

SEC. 8. Nothing herein contained shall repeal, modify, or in any way affect existing law concerning the procedure for the return of any person apprehended in the District of Columbia to a Federal district to answer a Federal charge, or repeal, modify, or affect existing law or treaty concerning the return to a foreign country of a person apprehended in the District of Columbia as a fugitive from justice from a foreign country.

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

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed, was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. MCLEOD] may extend his remarks in the RECORD by inserting the report accompanying this bill showing the purposes of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia reporting the bill H. R. 8915:

[To accompany H. R. 8915]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia, having considered the same, report favorably thereon with the recommendation that the bill do pass.

There is appended and made a part of this report the report of this committee in the Sixty-ninth Congress, giving full explanation of the reasons for and purpose of the proposed legislation.

[H. Rept. No. 1977, 69th Cong., 2d sess.]

The Committee on the District of Columbia, to which was referred the bill (H. R. 15208) to provide for the detention of fugitives apprehended in the District of Columbia, having considered the same, report it to the House of Representatives with the recommendation that the same do pass.

This bill was introduced as the result of the survey being made by the special committee, of which Mr. GIBSON is chairman, and to remedy the lack of proper legislation authorizing the authorities in the District to detain fugitives who have escaped from their States and sought refuge here from apprehension for crime committed in their jurisdiction.

At the present time persons who have committed crimes in their States may come to the District of Columbia, and there is no law which will enable authorities here to hold them pending the issuance of extradition papers. If arrested upon the request of the authorities of the State where the crime is committed, the courts here have decided in habeas corpus proceedings that such fugitives can not be held for want of authority of law here. This bill was prepared at the request of the Gibson committee by the office of the corporation counsel of the District, which earnestly requested and urged its enactment into law.

The rights of the prisoners are amply protected by the provisions of the bill.

THE CATHOLIC UNIVERSITY OF AMERICA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 2310) supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the incorporation of the Catholic University of America under chapter 18, Revised Statutes of the United States relating to the District of Columbia, be, and the same is hereby, approved and confirmed.

SEC. 2. That in addition to the rights, duties, and obligations enjoyed and imposed by chapter 18 of the Revised Statutes of the District of Columbia the said university may enter into affiliated agreements with any institutions of learning within or outside of the District of Columbia, for the purpose of giving to students of such institutions the educational facilities of said university, upon such terms as are mutually agreed upon by the said university and the affiliated institutions.

SEC. 3. That said university shall have, and is hereby given, the power to increase the number of its trustees from time to time by a two-thirds vote of the whole number of the trustees at the time such vote is taken to a number not exceeding 50.

In case of the increase of the number of trustees a certificate stating the number of the board and the time when it shall go into effect, and that the action so taken was by a two-thirds vote as required by this act, shall be filed with the recorder of deeds of the District of Columbia.

SEC. 4. The said board of trustees shall have, and are hereby given, full power and authority, by a vote of two-thirds of its members, to adopt and change by-laws for the conduct of the business and educational work of said university, to fix the time of meetings, regular and special, and the form of notice to be given; they may appoint an executive committee composed of trustees, designate the number and chairman thereof, with such powers and authority as are usually exercised by an executive committee, and which shall be conferred by the board subject always to the control of the board of trustees; they may create and establish schools and departments of learning to be connected with and become a part of said university, and establish such scholastic boards and officers as may be required for academic operation and direction in education; they may receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities during the life of the donor, for the maintenance of educational work by said university and by any department or chair thereof, now established or which may hereafter be created or established by said university, and they shall have all of the powers and authority heretofore granted to or invested in the trustees of said university by chapter 18 of the Revised Statutes of the United States relating to the District of Columbia.

SEC. 5. That nothing in this act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same.

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

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. MCLEOD] may extend his remarks in the RECORD by printing the report on this bill for the information of the House.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia, reporting the bill S. 2310:

[To accompany S. 2310]

The Committee on the District of Columbia, to which was referred the bill (S. 2310) supplementary to, and amendatory of, the incorporation of the Catholic University of America, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The purposes of this bill are four:

1. To authorize the Catholic University of America, an institution of learning in the District of Columbia, to enter into affiliated agreements with any institutions of learning within or outside of the District of Columbia for the purpose of giving to students of such institutions the educational facilities of said university, upon such terms as are mutually agreed upon by the institutions concerned.

2. To grant power to the above-mentioned Catholic University to increase the number of its trustees in a certain prescribed manner.

3. To grant power to adopt and change by-laws for the conduct of business and educational work of said university.

4. To clarify certain language of the act of incorporation with respect to the right to administer the property of said university.

The Catholic University of America was incorporated not under the District Code, which was enacted in 1901, but was incorporated April

19, 1887, under chapter 18 of the Revised Statutes of the United States relating to the District of Columbia.

Section 676 of said chapter 18 provides that "Congress may, at any time, alter, amend, or repeal this chapter, saving and preserving all rights which may become vested under the same, and may amend or repeal any incorporation formed or created under this chapter"; * * *

The power to increase, as above stated, its trustees, has also been conferred upon the same institution. Section 1 of said act of March 3, 1905, and the power to change its by-laws for the conduct of the business and educational work of the university, to fix time of meetings, regular and special, is also given to the same institution by act of Congress of March 18, 1898 (30 Stats. 328).

The power to establish such scholastic boards and officers as may be required for academic operation and direction in education, and to "receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities during the life of the donor," is asked for by the Catholic University in order to clear uncertainties caused by section 523, Revised Statutes of the United States relating to the District of Columbia, which provides that "such corporation shall hold the property of the institution solely for the purposes of education, and not for the benefit of themselves or of any contributor to the endowment thereof."

The great growth and development of the Catholic University and its high standing among the educational institutions of the country require the changes asked for in the conduct of its work and business incident to its development as an institution of learning, and there is no way to obtain these changes except by direct application to Congress required by the sections of the Revised Statutes of the United States relating to the District of Columbia above referred to.

CORPORATION COUNSEL FOR THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 9782) to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be, and the same hereby is, amended so as to add a new section thereto, to be known as section 932 (a) and to read as follows:

"SEC. 932 (a) The corporation counsel for the District of Columbia and his assistants are empowered to administer oaths or affirmations to witnesses in criminal cases and in any and all matters and things connected with the performance of their official duties; and if any person to whom such oath or affirmation shall be administered shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined he shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment at hard labor for the first offense for not less than 2 nor more than 10 years, and for the second offense for not less than 5 nor more than 15 years."

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, this bill works for efficiency in the office of the corporation counsel, but in my opinion it ought not to pass. In this country we recognize the wisdom of having separate functions of Government. There are also separate functions for the administration of justice. To my mind it is not proper for either side to have the power to swear witnesses. That power is quasi judicial and should be in the hands of a disinterested officer, either the clerk or the judge or some disinterested person to administer oaths. I can see where it might be abused in the sweating process. The corporation counsel under this bill could sit not only as a lawyer but as a quasi judge, swear witnesses, and intimidate the witness through the oath. My remarks need not be extended in opposition to the bill, for I have explained the objections which go to the fundamentals of justice rather than the details.

Mr. ZIHLMAN. I call the gentleman's attention to the fact that the district attorney has that authority now under the code, and we want to extend it to the corporation counsel.

Mr. GILBERT. It is wrong for the district attorney's office to have that power. We all understand that the prosecuting attorney is supposed to take care of the defendant as well as the State, but in my experience they get interested in the prosecution, wrought up over it, and become almost as partisan as the attorney for the defense.

It is unwise to bestow such power on the corporation counsel merely because it promotes efficiency.

Mr. McLEOD. The gentleman will recognize that the object is to save time. The fact was brought out that on a Monday morning there are from 100 to 400 informations pending, and for that reason the small staff in the clerk's office are not competent to take care of it.

Mr. GILBERT. I said at the outset that the bill worked for efficiency, but at the sacrifice of fundamental justice that should not be sacrificed.

Mr. McLEOD. We have an amendment that perhaps will obviate the gentleman's objection.

Mr. GILBERT. I can see how a lawyer unduly enthusiastic in the prosecution might browbeat the witness and I think it is fundamentally wrong for either side to be able to swear their own witnesses.

Mr. McLEOD. Would the gentleman have any objection to this amendment: Page 2, line 3, insert "wherever the record of such oath or affirmation is made"?

Mr. GILBERT. That would not cure my objection.

Mr. STOBBS. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. STOBBS. Why should the corporation counsel who is, after all, a partisan and a representative of one side of the story—why should he have the power to act in a quasi-judicial capacity and examine under oath witnesses about any crime that comes before the court?

Mr. McLEOD. There is no discrimination.

Mr. STOBBS. You are making the corporation counsel perform the duties of the clerk of a court. The clerk of the court has no interest—he is acting in a quasi-judicial capacity. Here you have a man bound to be counsel on one side or the other representing the District of Columbia, and just as the gentleman from Kentucky has said, taking the testimony of witnesses under oath. It seems to me it is absolutely unfair to the defendant. I would like to hear what the gentleman has to say as to the reason other than that of saving time.

Mr. McLEOD. The opinion came from Mr. Bride, who claimed that the expense to the District of Columbia in the loss of time was great, and that was the main reason for the bill.

Mr. STOBBS. I want to point out that we are dealing with a principle. Before you issue a warrant or information there must be a quasi-judicial officer pass on the question. You can not settle the question of saving time in a bill by violating a fundamental principle.

Mr. McLEOD. That was the reason the Code of Law was changed in order to take care of the district attorney's office.

Mr. ZIHLMAN. If the gentleman from Michigan will permit, I say to the gentleman from Massachusetts [Mr. STOBBS] that for more than 20 years that power has been vested in the district attorney and his assistants. The corporation counsel and his assistants prosecute cases in the minor courts, and it is sought by this bill to extend the same privilege or right or power to the corporation counsel and his assistants in order to expedite the work of the police court and the other minor courts of the District.

Mr. STOBBS. Does not the gentleman realize that when you make a man possibly liable for perjury on some statement he may make to the man who is going to prosecute the case in court, that you are taking away the safeguards with which a defendant ought to be surrounded? The question of whether or not a man is making a wrong oath in those circumstances ought to be confined in a criminal case to the judge himself.

Mr. McLEOD. We intended to confine this only to cases where a record of such oath was made.

Mr. CHINDBLOM. But I call the gentleman's attention to the fact that the corporation counsel for the District of Columbia, Mr. Bride, opposes the adoption of the proposed amendment. He says:

> With no stenographic service available for the purpose of these hearings, and because it would not be feasible to reduce to writing the testimony given at such preliminary hearings, I am of the opinion that the adoption of the suggested amendment would defeat the particular object of the bill.

Of course, that statement everyone can see is true, but I am curious to know how it is that the District of Columbia must have such extraordinary and unusual legislation for the administration of justice. The authorities of the District send recommendations to the District Committee for all of these unusual things, and I am not finding any fault with the committee; but is there any other jurisdiction in the land where district attorneys who are prosecutors and corporation counsel who are prosecutors take the affidavits of witnesses or of informants, or of applicants for warrants? Does anyone know of the existence of any such practice elsewhere?

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. The gentleman from Michigan has the floor.

Mr. McLEOD. I yield.

Mr. UNDERHILL. Does the gentleman not think it would be a pretty good thing for the rest of the country to get some special legislation for its prosecuting officers, in order that we may stop some of these criminal activities that are going on? There are altogether too many safeguards surrounding the criminal and too little power in the States.

Mr. CHINDBLOM. But we have always differentiated as between the clerks of courts and judges of courts and the attorneys who practice before the courts.

Mr. McLEOD. The only reason and the best reason the subcommittee had in making the original report to the full committee was that we were convinced at the time that this is a time saver and a possible money saver, because the same rights are given to the district attorney's office. If it accomplishes that result that was sufficient.

Mr. ZIHLMAN. Mr. Chairman, I yield three minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. I ask the chairman of the committee whether or not in the District of Columbia there is any law which will permit John Doe proceedings to be had in the investigation of any kind of criminal cases?

Mr. ZIHLMAN. The chairman of the Committee on the District of Columbia is not an attorney, and is not familiar with all of the Code of the District of Columbia. I think there is such a thing, but I could not say positively.

Mr. WILLIAMSON. In most States a prosecuting attorney may bring a proceeding before a justice of the peace or other inferior judicial officer, or the county judge, for the purpose of investigating a crime or a supposed crime. In those proceedings the witnesses are put under oath, and examination is had very much after the manner that one proceeds before a grand jury. This bill seems to contemplate that a hearing may be had by the corporation counsel himself sitting in the capacity of a justice of the peace or a county judge in a quasi-judicial capacity.

Mr. CHINDBLOM. Or as an examining magistrate.

Mr. WILLIAMSON. Yes; in the capacity of examining magistrate and prosecutor at the same time. It seems to me that a procedure of that kind is wholly unwise. I can see how a law which will permit John Doe proceedings is a good thing because this permits the investigation of alleged crimes in advance of an information being filed, and often results in no information being issued in cases where otherwise an information might be sworn to and filed and an injustice done to a person suspected of some offense. It seems to me that to give this quasi-judicial power to a prosecuting officer is contrary to proper judicial proceedings. A prosecutor should be armed with some method of getting at the facts when crime is charged, but such investigation, when sworn testimony is sought, should be before some competent and impartial official charged with the functions of a committing magistrate.

Mr. ZIHLMAN. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Speaker and gentlemen of the House, this bill to my mind is very bad legislation. If I am suspected of the commission of a crime at the present time, no one has any right to arrest me unless he can obtain a warrant; and to get that warrant he must go to the clerk of the court or to the judge, neither of whom has any interest in the particular case. In other words, they act in a judicial or a quasi-judicial capacity.

Now, if this bill is passed, it means that if anybody wants to arrest me or get a warrant against me for the commission of a crime, instead of going to court or to the clerk of the court he can go to the corporation counsel, who is going to be the prosecuting attorney to prosecute me in court, who is in the anomalous position of first issuing a warrant for my arrest and then trying me.

The only argument that the committee has to make in behalf of this proposed fundamental change in the principles of our law, taking away that safeguard which is fundamental and which has stood for generations, is simply the saving of time. It is about time, in my judgment, that we did something on the basis of the fundamental principles of government rather than simply to listen to a proposition like this, which is offered to us as a time-saving device.

Mr. ZIHLMAN. The judges have recommended this.

Mr. STOBBS. I do not care whether the judges have recommended it or not. It is we who are legislating here—ourselves—and not the courts of the District of Columbia. There is not a legislative body in any State of the country that would let this proposition go into effect. I myself have been a prosecuting attorney, and I think it would have been preposterous for me, acting as such, to issue a warrant when later I was to be the prosecuting officer who would conduct the case.

Mr. BLANTON. Mr. Speaker, I would like to have five minutes for the purpose of offering amendment.

Mr. ZIHLMAN. I yield to the gentleman five minutes.

Mr. BLANTON. Mr. Speaker, I move to strike out the enacting clause of the bill.

The SPEAKER. The gentleman from Texas moves to strike out the enacting clause.

Mr. BLANTON. The present corporation counsel for this District, Judge Bride, is a splendid lawyer and a fine gentleman. The District ought to be proud of having in its service a man of his high character at the head of that department. But he has a bunch of assistants who ought not to have this power. As I heard a friend say a moment ago, they ought to be preparing their cases instead of swearing witnesses to this or that allegation. There are plenty of notaries scattered all around the District Building. There are plenty of authorities in the District Building who are authorized to swear witnesses. They are accessible at all times. They can be found. They can be used.

I do not think there is any necessity whatever for this legislation. It is dangerous. I agree with the gentleman from Massachusetts [Mr. STOBBS]. What is the use of passing it at present? I think the enacting clause ought to be stricken out. That would end it.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I ask for a vote on my motion to strike out the enacting clause.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. ZIHLMAN. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 23, noes 5.

So the motion to strike out the enacting clause was agreed to.

On motion of Mr. BLANTON, a motion to reconsider the vote whereby the enacting clause was stricken out was laid on the table.

PERMIT FOR OPENING A GRAVE

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to call up House bill 7722, and consider the same in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent to call up House bill 7722, and consider it in the House as in Committee of the Whole. Is there objection?

Mr. SCHAFER. What is the calendar number?

Mr. ZIHLMAN. Private Calendar No. 387.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7722) authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the opening of the grave of the late Nellie Richards, who was interred in the Congressional Cemetery on October 18, 1897, so that the late Gertrude Richards, a sister of the aforesaid Nellie Richards, may be interred in the same grave.

Mr. CHINDBLOM. Mr. Speaker, I would like to ask the chairman of the committee to explain why we must pass this legislation here?

Mr. ZIHLMAN. Under the District Code of Law the health officer has the power to issue permits for the opening of graves of deceased persons except where such persons died from a contagious disease. The health officer informs me he has no power to permit the opening of a grave in the case of death by contagious disease. This body was interred some 30 years ago, but the records of the health department show that this lady was suffering from diphtheria, a contagious disease, and it is necessary to pass a law for the opening of the grave.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia, reporting the bill H. R. 7722:

[To accompany H. R. 7722]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7722) to authorize the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards, having considered the same, report it back to the House with the recommendation that it do pass.

The purpose of the bill is to permit the interment of the remains of the late Gertrude Richards in the grave of the late Nellie Richards in Congressional Cemetery.

The Board of Commissioners of the District of Columbia recommend favorable action on the bill, and state that in the opinion of the health officer the interment can be made with absolute safety and without nuisance.

The Code of the District of Columbia, section 675, provides:

"No dead body of any human being or any part of such body shall in said District be removed from place to place, interred, disinterred, or in any manner disposed of without a permit for such removal, interment, disinterment, or disposal granted by the health officer of said District, nor otherwise than in accordance with the terms of said permit; permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate, signed by a physician registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred." * * *

The SPEAKER. Is there objection to the consideration of the bill in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

ESTABLISHMENT OF A WOMAN'S BUREAU IN THE METROPOLITAN POLICE DEPARTMENT

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to call up the bill H. R 6664, and consider it in the House as in Committee of the Whole.

Mr. CHINDBLOM. Mr. Speaker, may we have the bill reported?

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

The Clerk read as follows:

A bill (H. R. 6664) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall continue to be a women's bureau in the Metropolitan Police Department of the District of Columbia, to consist of one director with the rank of assistant superintendent, who shall be directly responsible to the major and superintendent of police; one assistant director with the rank of captain; one case supervisor; three patrol supervisors; and 61 privates, 6 of whom shall be between the ages of 35 and 45. All officers and members of the women's bureau shall be women, but the major and superintendent of police may, upon the request of the director, detail for service in the women's bureau such number of men from the officers or members of the Metropolitan police force as the major and superintendent of police may deem advisable, and while so detailed such officers or members shall be subject to the direction and control of the director.

SEC. 2. (a) The Commissioners of the District of Columbia shall appoint to office and promote all officers and members of the woman's bureau. All officers and members of the woman's bureau, except the director and the assistant director, shall be appointed and promoted in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States, except that (1) minimum preliminary requirements for appointment shall be graduation from a standard high school or the completion of at least 14 college entrance units of study, and either not less than two years' responsible experience in systematic social service or educational work or not less than two years' responsible commercial experience involving public contact and tending to qualify the applicant to perform the duties of the position, and (2) promotion shall not be made except upon report of the director that conduct, intelligent attention to duty, and improvement through training in special courses justify such promotion.

(b) The director shall be a trained social worker, as evidenced by a certificate of graduation from a recognized school of social work, or the equivalent of such certificate from a college of the first class, and at least two years' executive responsibility in work with individual delinquents.

(c) Except as otherwise provided in this act, the officers and members of the woman's bureau shall be subject to the same rules and regulations and to the same discipline as other officers and members of the Metropolitan police force in so far as such rules, regulations, and discipline are consistent with the special class of work performed by them and shall be possessed of all the rights, powers, benefits, privileges, and immunities now possessed or which may hereafter be possessed by other officers and members of the Metropolitan police force, it being the intent of this act that the officers and members of the woman's bureau and other officers and members of the Metropolitan police force shall, so far as practicable, and according to the period of service and classification, be upon the same footing.

SEC. 3. The annual salaries of the officers and members of the woman's bureau shall be as follows: The director, the assistant director, and the private shall receive the same salaries as other officers and privates of the Metropolitan police force with the same grade and rank; the case supervisor and the patrol supervisors shall receive salaries at the rate of $2,700 per annum.

SEC. 4. The functions of the woman's bureau shall be to do preventive-protective work and to exercise the functions of the police in the cases of women and children, whether offenders or victims of offenses, subject to the laws and regulations of the District of Columbia. Nothing contained in this act shall be construed to limit the authority of any officer or member of the Metropolitan police force, not connected with the woman's bureau, except with respect to women and children who are in the custody of the police.

SEC. 5. The women who are officers and members of the Metropolitan police force at the time of the passage of this act shall be continued in their respective grades as officers and members of the woman's bureau provided for in this act, except that (1) the lieutenant and sergeant in office at the time of the passage of this act shall, as director and assistant director, respectively, of the woman's bureau, hold the rank and receive the pay of an assistant superintendent and a captain, respectively, of the Metropolitan police force, and (2) the privates serving at the time of the passage of this act in the capacity of case supervisor and control supervisor, respectively, shall no longer be known as privates but shall be continued as case supervisor and patrol supervisor, respectively, as herein provided.

SEC. 6. The Commissioners of the District of Columbia are authorized to appoint for duty in the woman's bureau, in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance theerof, in the same manner as members of the classified civil service of the United States, one office secretary, six stenographers, three typists, and such other assistants as may be provided for by the Congress from time to time. The compensation of such employees shall be fixed in accordance with the classification act of 1923.

With the following committee amendments:

Page 1, line 5, strike out the words "to consist" and insert "in charge."

In the same line strike out the words "with the rank of assistant superintendent."

In line 7 strike out the words "with the rank of captain."

In line 9 insert, after the word "and," the words "not more than," and after the word "privates" strike out the words "six of whom shall be between the ages of 35 and 45."

On page 2 strike out all of lines 2, 3, 4, 5, 6, and 7 and insert "Any policeman who may from time to time be detailed to the woman's bureau."

In line 9, after the word "director," insert the words "while so detailed."

In line 20 strike out "(1)."

In line 21, after the word "be," strike out the remainder of line 21 and all of lines 22, 23, 24, 25, and on page 3 strike out lines 1, 2, 3, 4, and 5 and insert "in accordance with the United States civil service standards existing January 1, 1928."

On page 3 strike out all of lines 8, 9, 10, 11, 12, and 13 down to and including the word "act."

In line 15 strike out the word "same"; in the same line strike out the word "and," the words "to the same," and the word "as."

Strike out all of lines 16, 17, and 18 and insert "prescribed in the manual of the Metropolitan police department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926."

In line 22, after the word "and," insert the word "they."

On page 4, line 5, after the word "the," strike out the words "annual salaries of the."

In line 6, after the word "shall," strike out the words "be as follows: The director, the assistant director, and the privates shall."

In line 9 strike out the semicolon after the word "rank" and the remainder of line 9 and all of lines 10 and 11.

Strike out all of section 4, beginning in line 12 and ending in line 20, and insert:

"The purpose and functions of the woman's bureau shall be in accordance with the manual of the Metropolitan police department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926."

On page 5, line 5, after the word "act," strike out the comma, the remainder of line 5, and all of lines 6, 7, 8, 9, 10, 11, 12, 13, and 14.

In line 22, after the word "States," strike out the comma, the remainder of line 22, and all of line 23 and insert "such clerical force."

Mr. BLANTON. Mr. Speaker, I ask recognition on the committee amendments. Mr. Speaker, this bill has been before the District Committee, off and on, ever since I have been a member of it. It is merely to make lawful that which already exists by the will of the commissioners and which has existed for years. In addition it gives the Appropriations Committee the power, whenever they think it necessary, to add additional officers. It makes it lawful for Mr. MADDEN'S committee to provide for additional officers whenever a proper showing is made before the Appropriations Committee. There is the bill.

I want to say this: The bill is approved by the Parent-Teachers' Associations in the District of Columbia, it is approved by the Daughters of the American Revolution, it is approved by the Federated Clubs of the District of Columbia, it is approved by practically all of the citizens' associations of the District of Columbia, it is approved by the District Commissioners, and it is approved by various welfare committees.

Mr. MAPES. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. MAPES. Does the gentleman from Texas approve of it?

Mr. BLANTON. Yes. However, I preferred it without any amendments. I will say this to my friend: There were those on the committee, including the distinguished gentleman from North Carolina and the distinguished gentleman from Massachusetts, who thought it should be materially amended, and the committee agreed to all of their amendments.

Mr. HAMMER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HAMMER. I agreed with the express understanding that it did not in any way change the meaning of the law from the bill as reported at the last session of Congress, and I was assured it did not. I knew nothing whatever about what was in the police manual.

Mr. BLANTON. I think the gentleman misunderstood me. I was telling my friend from Michigan that the gentleman from North Carolina insisted on this bill being amended and that we did amend it, both at his suggestion and at the suggestion of the gentleman from Massachusetts, and the committee then adopted other perfecting amendments offered by Mr. GIBSON.

Mr. HAMMER. It was, as I thought, to be exactly like the bill that was reported favorably last year; and then there was the suggestion that we make one other modification, and that was that the rules of the police manual be observed.

Mr. BLANTON. I wish the gentleman would get his own time.

Mr. HAMMER. I do not want to be misquoted; that is all; and I do not think the gentleman intended to do that.

Mr. COLLINS. Mr. Speaker, this is a very important bill, and I make the point of order that there is no quorum present.

Mr. MAPES. I would like to ask the gentleman from Texas another question.

Mr. BLANTON. I shall be glad to answer it.

Mr. COLLINS. Mr. Speaker, I withdraw the point of order.

Mr. MAPES. I would like to get the gentleman's construction of section 5 as it is proposed to be amended, which reads this way:

> The women who are officers and members of the Metropolitan police force at the time of the passage of this act shall be continued in their respective grades as officers and members of the woman's bureau provided for in this act.

I would like to ask the gentleman from Texas if it is his construction of this language that these women are placed in their positions by statutory law for all time, regardless of subsequent behavior?

Mr. BLANTON. Oh, no; they are subject absolutely to the rules of the manual of the police department and subject to all the regulations applicable to the police bureau, as the gentleman will see from the language of the bill.

Mr. MAPES. Let me ask the gentleman——

Mr. BLANTON. I want first to complete my answer to your question. I want to say with respect to keeping these women in their present positions, subject, of course, to the regulations, your former Commissioner Rudolph told me in his own office that the superintendent of this bureau, Mrs. Mina Van Winkle, had spent $66,000 out of her own money in cleaning up and perfecting the bureau.

Mr. GALLIVAN. Where did she get it?

Mr. BLANTON. She inherited it. It was money out of her own fortune. She is that kind of woman. She was so interested in this work that she spent this amount of her own money, and I have been through her bureau from top to bottom, and it is as clean as it can be all the way through.

Mr. UNDERHILL. Mr. Speaker, I wish to add a few words to what the gentleman from Texas has said. This bill has been before the committee ever since I have been a member, and it has been a thorn in the flesh of every member of the committee. I acknowledge that I have opposed it in season and out. I have fought it to the best of my ability, and for at least three or four sessions have prevented the passage of the bill as introduced in the committee.

Last year the committee amended the bill materially, so that it merely legalized the present status of the policewomen's bureau, which is a recognition of a very efficient arm of the police service. This was reported as being perfectly satisfactory, and when the bill was reintroduced this year it was supposed that that bill as amended would be the bill introduced. Instead of that the old bill became before the committee again with all of its injustices and inequalities and dangers, and the committee sat down and amended the bill and struck out all of those provisions.

It was thought that some of us took a little advantage of our colleagues, and so at a subsequent meeting of the committee this action was reconsidered and the bill again came up for consideration.

Then the suggestion was made that an amendment striking out section 4 be adopted and that we insert four or five lines setting forth that the functions of the woman's bureau should be in accordance with the police manual. Well, at that time it seemed a reasonable proposition, and as no police manual was handy it was accepted by the opponents of the bill—I will call them opponents of the bill—but upon investigation later on, we found that the police manual contained all of the objectionable features that were in the previous bill.

So I shall move, in addition to the committee amendments, that on page 4, lines 21, 22, 23, 24, and 25 be stricken out and that section 4 be reinserted in the bill. In this way it will restore to the bill——

Mr. HAMMER. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. HAMMER. I understand that section 4 of the bill is identical with section 4 of the bill reported in the last session of Congress.

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. Then all we would need to do would be to vote down the committee amendment?

Mr. UNDERHILL. No; let us accept all the committee amendments, but in the meantime, in accepting the committee amendments, unless I can find some parliamentary procedure——

Mr. BLACK of Texas. The gentleman is speaking with reference to section 4 of the bill?

Mr. UNDERHILL. My reference is to all the committee amendments.

Mr. BLACK of Texas. Will not the committee amendment striking out section 4 be submitted separately?

Mr. UNDERHILL. I will ask that that be considered separately and we will strike out lines 21 to 25.

Mr. BLACK of Texas. If I understand the gentleman, his contention is that when the amendment is submitted to carry out his view, the House should vote down the committee amendment striking out section 4 which would leave it as it was in the original bill?

Mr. UNDERHILL. Yes.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WELSH of Pennsylvania. Will the gentleman tell us what kind of police work these women perform?

Mr. UNDERHILL. Yes; the policewomen are doing a very effective work and they have my hearty commendation.

Mr. GALLIVAN. What is the effective work they are doing?

Mr. WELSH of Pennsylvania. Yes; tell us about that. You are providing here for 60 policewomen.

Mr. UNDERHILL. No; not more than 60. This was one of the amendments suggested by the gentleman from Massachusetts, and it leaves this entirely in the hands of the Committee on Appropriations of this House.

Mr. WELSH of Pennsylvania. Tell us what police work they are doing?

Mr. UNDERHILL. The women have charge of what we might call the welfare work—if you know what that is—of the District of Columbia, and it is quite necessary with the cosmopolitan population here, and particularly with the colored popu-

lation, that we should have a corps of welfare workers vested with certain authority which will really give them a standing with a certain proportion of the community.

Mr. DOUGLASS of Massachusetts. What do they do?

Mr. GALLIVAN. Are there any colored policewomen here?

Mr. UNDERHILL. No.

Mr. GALLIVAN. But they work among the colored population.

Mr. UNDERHILL. Yes.

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

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MAPES. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. MAPES. The language on page 3, paragraph (c) of the original bill or paragraph (b) as the committee proposes to amend it, provides that—

the officers and members of the woman's bureau shall be subject to the rules, regulations, and discipline prescribed in the manual of the Metropolitan police department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926.

It seems to me that the language of the committee amendment presupposes at least that the manual of the department now is perfect and will never need revision or perfecting in the future; is that the gentleman's construction of this language?

Mr. UNDERHILL. No; and there might be some objection to writing any portion of the manual into substantive law. But as a matter of fact it simply places the women on the same basis as the men.

Mr. MAPES. Is that true? It says the officers shall be subject to the rules and regulations and discipline described in this manual of this date. It does not seem to me that there is a particle of exception to that, and that it subjects the woman's bureau at least to the regulations of this manual as already provided.

Mr. UNDERHILL. That is not the language of the speaker. The language which the gentleman addressing the House would be the language that was striken out in lines 16, 17, and 18, rather than those inserted in lines 19, 20, and 21—but that is a matter of little moment.

Mr. WELSH of Pennsylvania. Does this bill meet with the approbation of the superintendent of police?

Mr. UNDERHILL. Yes; and the police commissioner.

Mr. WELSH of Pennsylvania. Did he ask for it or merely approve it?

Mr. UNDERHILL. I think he appeared in behalf of the legislation before the subcommittee.

Mr. DOUGLASS of Massachusetts. How many women police officers are there in the District?

Mr. ZIHLMAN. In the neighborhood of 25.

Mr. UNDERHILL. I think there are 30 or 32.

Now, in conclusion, let me say that this bill has plagued us in the past and unless we pass it it will continue to plague us in the future. I do not know what will happen to it in another body, but at least the House can go on record this afternoon as in favor of this bill, drawn in this way and manner, and not in favor of a bill which gives extraordiary powers and separate jurisdiction to women engaged largely in the same endeavor as men.

I am absolutely in favor of and would like to see one policewoman in every precinct station in the District of Columbia. I think that is a wise provision, but when you give extraordinary powers to any one member of that force you immediately create dissension and trouble in the whole department. If we can pass this bill we will be relieved of that trouble.

Mr. MORTON D. HULL. Are these policewomen now recognized by law?

Mr. UNDERHILL. No; they could be fired to-morrow by the chief of police if he saw fit.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I move to strike out the last word. Mr. Speaker and Members of the House, I desire to crave your indulgence for a few moments. I do so for the reason that I want to read an address of about two pages, and then ask you to permit me to incorporate in my remarks excerpts from the articles to which they refer, by Garet Garrett and James M. Thomson, in the Saturday Evening Post, whose enormous circulation makes it speak to an audience in homes, in towns, villages, hamlets, crossroads, and in cities big and little over the continent.

I am mindful of the fact that I might have waited until the end of the consideration of these bills and asked for the privilege of addressing the House for 15 or 20 minutes and of extending my remarks; but it has been deemed by gentlemen who have requested me to deliver this address to speak it on the floor now, and then secure the privilege to which I have referred, for the reason that a point of order will be made soon that will lead to an adjournment. In fact, it will be made, I am informed, as soon as I finish unless further consideration of the pending bill is abandoned. Of course, the flood situation in the Mississippi Valley is of the utmost importance to us.

Mr. UNDERHILL. Does the gentleman from Louisiana realize that he is supposed to confine his remarks to the bill under consideration?

Mr. O'CONNOR of Louisiana. No; I did not realize that. I thought I could discuss other matters on District bills.

Mr. UNDERHILL. That used to be the rule, but it is not now.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana may proceed out of order.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from Louisiana may proceed out of order. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I will tell the gentleman from Massachusetts a story, with another's tongue and another's eloquent pen, which will illustrate forcibly the fact that the Mississippi flood conditions and the solution of that annual problem are of the utmost importance to us of the valley particularly and to the Nation generally.

Mr. UNDERHILL. The gentleman from Massachusetts has been down there and knows all about it.

Mr. O'CONNOR of Louisiana. Then I know you will lend a sympathetic ear to the story my remarks and those of Garet Garrett and James Thomson will tell.

Mr. Speaker and Members of the House, I desire to call the attention of the Congress to an article of extraordinary ability and insight written by Garet Garrett, which appeared in the Saturday Evening Post of March 10, 1928. The article is captioned "A tale of thirteen billions." It is written primarily for the purpose of discussing the policy of the United States Government as relates to foreign loans. It mentions incidentally the very generous policy which our Government has followed in relieving foreign borrowers of some $7,000,000,000 which they owed us at the end of the war. It mentions outright gifts from our great Nation to the suffering and starving people of other nations. I do not care to go into a discussion of this phase of this article, but I do desire to call the attention of the House to the argument set forth clearly and, to my mind, convincingly by this forceful writer for this great magazine that there is a proper outlet for the vast surplus accumulation of capital in our country on projects of undoubted merit; projects which will add to the wealth of our country; projects which are an investment. In order to avoid taking up your time and the burdening of the RECORD, I have attempted to take from Mr. Garrett's article only those parts which present statistics and arguments along this line. Mr. Garrett mentions six projects of national import, one the Mississippi River system, another the Intercoastal Canal, and another the Nicaraguan Canal. It happens that I have introduced a bill looking forward to an investigation of the Nicaraguan Canal; it happens that I have introduced a bill relating to the development of the Mississippi River system; it also happens that I am identified with the development of the Intercoastal Canal. I desire to call the attention of Congress to the other projects mentioned, not that I or anyone else proposes at this time without due and thorough exhaustive investigation that our Government should enter forthwith on the expenditures involved in these projects, but it is well that we in Congress catch the vision of great national development and of an intelligent selfishness in this development of our Nation and the intelligent utilization of capital which we are sending abroad to stimulate industry in foreign lands while unemployment increases in our own country.

In this connection, I desire to state that while I am not always in agreement with the views set forth in the Saturday Evening Post, I do desire to acknowledge and commend the persistent vision shown by the editor of this magazine, Mr. George Horace Lorimer, and by the magazine itself in the constant presentation of intelligent matter regarding all sections of the United States and more particularly regarding the substantial problems of our country. Too many of the publications of national circulation in the East ignore matters of vast and vital interest to that part of our Nation which lies west of the Allegheny Mountains, in the great Mississippi Valley and in the

far West. In the treatment of our own flood problem the Saturday Evening Post, and other publications of the Curtis Publishing Co., have shown an interest in publishing articles of authority on phases of this problem. These have been most helpful in calling these problems to national attention and in aiding in keeping the facts before the country.

This is a vast continent. Problems are many and complex. Congress will shortly consider the flood problem in the Mississippi River. In this connection the House of Representatives may take the credit to itself for having, through its Flood Control Committee, made the most thorough, the most exhaustive, and the most intelligent investigation of this problem during the life of the present Congress that has ever been made on this subject. To the credit of the majority party, it must be stated that its leaders and members have shown every disposition to investigate and treat this flood-control subject on a nonpartisan, nonpolitical, and patriotic basis. The precedent set here regarding the treatment of the flood problem in the lower Mississippi must be followed by the House and by the Senate no matter what changes may come in the political complexion of these bodies in the years to come. We must rise above sectionalism, factionalism, and narrow interest and must consider the Nation's problems for development in times of peace as we considered the Nation's problems for prosecuting the Great War. It is on this basis that we consider the flood problem. Mr. Garrett observes:

One hundred years ago flood control of the Mississippi River was an unimaginable undertaking. We were without the means, the skill, or the capital. To-day the neglect of it is merely a sign of national folly.

While we are lending our wealth in a prodigious manner to other nations, we have in hand of our own no national undertaking at all commensurate with our powers. There has been nothing since the Panama Canal to give us, in time of peace, any sense of putting forth a mighty effort. And this is not for want of works to do.

GREAT NATIONAL NECESSITIES

Imagine seeing this country as a moving photomicrograph, the whole of it in one field of vision. What would appear? Rivers running wild and overflowing, enough power going to waste to absorb all human drudgery, cities fighting for water, not because there isn't plenty but because they have been individually taking it the easiest way, the level of the Great Lakes falling, locomotives struggling over mountains with trainloads of coal that ought to be burned at the mines, commodities moving absurd distances and roundabout because the artificial lines of transportation happen to converge in a few places, terrific congestion in those places, two unexploited empires lying west of the Rio Grande, areas here and there to be reclaimed by irrigation or drainage, each the equivalent of adding another State to our resources.

Knowing what means and tools we had to begin with and how recently it was that all this was wilderness, you would not belittle the wonder of what we have accomplished; but much more you would be struck by the immensity of what we have yet to do. You would realize that our development until now has proceeded along lines of least resistance, one thing upon another, with vicinity vision. That way is at an end. The future will require scientific development under the authority of national vision. That way is opening. We know many things we ought to do and how we ought to do them; we have means in surplus. Yet we procrastinate. Beginnings are involved in disputes between States over prior advantage or between conflicting theories of private and public function. Consider only a few of the great projects that have been definitely visualized.

One is to bring the sea to Chicago and Duluth and make every harbor on the Great Lakes an ocean port. This can be done by raising the level of the Lakes to what it was before they began to shrink, and putting 30-foot shipways in place of the shallow bottleneck connections that now make it impossible for ocean steamships to navigate the most important natural inland transportation system in the world. In this one idea, presenting itself as an engineering problem, complicated by political difficulties, there is endless matter of unmade history, touching the destinies of American agriculture, the migrations of industry westward, and the tides of population; also a by-product of 4,000,000 hydroelectric horsepower.

A second is to make the Mississippi River system a docile carrier, waterer, and turbine slave, by the engineering trick of impounding the wild power of its flood, and then giving it back as tame energy.

"In the great basin of the Mississippi," says Mr. Hoover, "there lies the possibility of a development of the most fundamental economic importance. * * * We have here a drainage upon which, for moderate cost, we can provide a modern transportation system of 9,000 miles of connected waterways, serving 20 States, furnishing a complete north-and-south trunk line across the Nation through the Lakes from Duluth, through Chicago to the Gulf of Mexico, and east and west from Pittsburgh to Kansas City." And of the 3,000,000 hydroelectric horsepower that would be incidentally captured, he adds: "The devotion of a large part of the power to the development of the electrochemical industry is a national necessity for industry, agriculture, and defense."

A third is to develop the natural indications of an intercoastal waterway for barge movements from Boston to Florida, New Orleans, and Galveston. Pieces of such a protected waterway are already made, such as the Cape Cod Canal, but there is no plan for a complete system.

When you read that last year we lent $1,750,000,000 abroad and that this year we may lend $2,000,000,000 more, what do you see? A row of figures. What do you think? Something more or less vague about world trade. Who has ever seen $2,000,000,000? It is a mathematical quantity. How shall one imagine it? With some notion of this difficulty the statistician descends to put his figures through absurd antics. Our loans to foreign countries for a year equal a taxi fare of $4 a mile to the moon and back. So! Well, what of it?

But if you will relate the figures that express our investments abroad to figures that express the estimated cost of such national works as have been enumerated, you will be coming to a sense of value in equivalents. The cost of these works would be $2,500,000,000, distributed as follows:

For the Great Lakes project	$500,000,000
For the Mississippi River system	500,000,000
For the intercoastal canal	250,000,000
For the Colorado River system	250,000,000
For the Columbia River system	300,000,000
For the Nicaraguan Canal	700,000,000
Total	$2,500,000,000

In the year 1927 we increased our foreign investments by $1,750,000,000. In the year 1928 we are expected to increase them by $2,000,000,000 more. Total in two years, $3,750,000,000.

AN INDEFINITE DISTINCTION

This is measurement only. As illustration it would possess a serious fault. A large proportion of the $1,750,000,000 invested abroad last year was in these modern circumstances necessary. That must be said also as to roughly the same proportion of the $2,000,000,000 we are thinking to invest in foreign countries this year. Therefore you can not say literally there is a capital sum of $3,750,000,000 that could be or might have been translated into works of our own.

Take it differently. By the end of this year the total of our private investments in foreign countries will be at least $15,000,000,000. It would be rash to say that as much as two-thirds of this vorticular sum was for what bankers and economists call productive purposes. There is a distinction, theoretically definite but practically indefinite, between uses of capital that are productive and uses that are unproductive.

Capital devoted to the further creation of wealth is called productive. Capital loaned to industry is supposed to have that character generally. Capital loaned to foreign governments may or may not have it. One is never sure. The Government may say it will use the capital to develop electric power, railroads, or waterways, and may, in fact, do so, whereupon the capital is said to have been used for productive purposes. Nevertheless, capital borrowed for those purposes may serve only to release other capital of that Government's own to be spent for unproductive purposes.

WHERE THE MONEY COULD GO

However, suppose two-thirds of all that $15,000,000,000 of American capital invested abroad to represent productive purposes, tending to increase the wealth and trade of the world. Then what of the other third, amounting to $5,000,000,000? It passes through the hands of governments and municipalities, and is spent for all manner of things—in part for subsidies, for doles, in strife, directly and indirectly for armaments, to pay German reparations to the Allies, to build stadiums, to pay old debts, to balance budgets, to restore the value of national currencies, and so on. A great deal of it has been and will be wasted and lost. We shall be very lucky as investors—luckier than we deserve to be—if some of it does not turn out to be unrepayable.

Well, now apply the scale to this $5,000,000,000 loaned abroad for presumably unproductive purposes. Deduct first that $2,500,000,000 worth of works that have been priced, including the Nicaraguan Canal. They are paid for. You have $2,500,000,000 left.

Various housing commissions seek ways and means to provide model tenements for people of small incomes in the cities. Give them the capital necessary to procure this blessing for 100,000 families at $10,000 per family, and still you have $1,500,000,000 left.

The United States Shipping Board, through which we have been trying, with a fumbling, stingy effort, to found a merchant marine, says it needs a lot of big new ships to meet the competition of European ships, not a few of which by our loans we have assisted Europe to build. Give the United States Shipping Board 100 new ships at a cost of $10,000,000 each, or 200 at a cost of $5,000,000 each.

There is still $500,000,000 left. What shall we do with that? With $500,000,000 we might build a motor highway from Texas to Argentina and treat it as a foundation in Pan-American relations. Would it pay? Ask a motor manufacturer, a diplomat, or an exporter if it would pay. Though not one dollar of the capital were ever returned, still it

would turn out to be an economic resource of enormous value. For the ultimate reactions upon industry, commerce, and politics we could well afford to build it and then give a quitclaim deed of it to the separate countries.

Mr. Garrett deals entirely with the loans made by our international and other bankers to private enterprise in Europe. He does not mention the approximately $11,000,000,000 loaned to the allied nations of Europe during the course of and immediately after that titanic struggle which caused England's back to go to the wall and sent her cry of agony over the Atlantic Ocean to her powerful kinsmen in the United States to save her from the destruction which threatened. It was that cry as a principal factor, though we were not unmindful of the tender memories that bound us to France—memories that kindled in our soul during the Revolutionary War and which came back like burning stars to light the appalling gloom that hung over desperate, heart-broken, and prostrate France of 1917. It was that cry in our ears largely that marshaled our blood and our billions behind the Allies and brought them out of the black night of defeat to a sunlit and glorious victory. Eleven thousand million dollars was the money that we put up to Europe to save Europe. And the tears of American mothers and the graves of American boys, for many of our young soldiers rest "over there" with nothing but a cross above the ground in which they will rest forever, carrying the simple inscription "Sacred to the memory of an American soldier." In other words, our war-time investment from the national standpoint to the European governments plus our peace-time investment to private enterprise total the stupendous, the almost inconceivable, the incomprehensible sum of $26,000,000,000 plus. No one has complained of our saving of Europe from the Moloch of war, and no one has ever thought of protesting against our efforts to put Europe upon its feet. We only express our surprise and our grief at the thought that our own kinsmen in some quarters do not extend the same aid and comfort and the justice to which we are entitled to that great section known as the Mississippi Valley. With a proper appropriation—that is, one adequate to the results the students of waterways see in the not far distant future—a controlled river and a protected adjacent and contiguous country. From such a new environment will spring a scene of activity which will test and challenge the genius of industry, commerce, and transportation.

The Mississippi River and its great tributaries, reaching out eastward to the Alleghenies and westward to the ramparts of the Rockies, under the direction of scientific engineering would make for a navigation never known before on all of the waters of the world; a power that would move the factory wheels of every plant in the valley and light the cities and villages to the mountain tops; and furnish water for irrigation purposes to the desert, which would then blossom as the rose. And this El Dorado could be produced by Uncle Sam as a magician waving a wand of not more than a billion dollars—one twenty-fifth of the appraised values of our railroads and about one twenty-fifth of the sum that America has spent and invested in Europe in less than 10 years. Some few question the accuracy of this envisionment and call it a dream. Let me dissipate that statement. The great author of the Age of Reason said that when he wished to demonstrate to a doubting Thomas that the universe is illimitable, boundless, endless that he asked, "Where is the end, and after that, what?" And we who believe in the valley, who in the night of despair saw the glories of the coming day, ask, Would not the completion of our waterways have been necessary to achieve such results if railways had not come into existence and temporarily stayed the great development of our rivers and tributaries? Read the following characteristic utterance of a man who has spent his money and given unstintedly of his time since the great disaster came upon us in the hope that such another tragedy may never overtake us again. He has fought for what he thought is the remedy. The cloud by day and the pillar of fire by night, which has led him in his indefatigable efforts in behalf of the people of the valley has been the sublime words of the Great Evangelist, "Ye shall know the truth, and the truth will make you free."

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THE MISSISSIPPI RIVER SPILLWAYS

By James M. Thompson

If you belong to that aristocracy whose grandfathers owned and used bathtubs, you may know that the old tub was a crude affair. Both the tub and the water were brought into the warm room on Saturday night.

Then, in father's day, the plumber hitched up a tin tub to the new-fangled running-water contrivance—one pipe led to the tub from the cold-water reservoir, another from the hot water. A rubber stopper attached to a chain served to hold the water in the tub. When the stopper was removed the water ran out. But life was complex even in those days, and sometimes father or mother, the nurse or the children left the water running with the stopper left in the drainage hole in the tub, and then the water filled the tub and ran over the top.

This thing happened in many homes and in many hotels, causing sorrow, inconvenience, and loss. Then some wise men evolved the idea of placing an exhaust hole in the bathtub about a quarter of the distance down from the top. And to-day almost all bathtubs are flood-proof and foolproof, for the water can get out through this hole faster than it can run in through both the cold and hot water spigots. Thus the world is safer for bathers, and damaging and destructive floods are avoided in modern homes and hotels.

Now, that last hole which was finally put in the bathtub is, in fact, a spillway. The water in the modern tub is allowed to come up to a certain safe level, then this new safety factor becomes effective. The water is spilled out of the tub so fast that it can not reach a dangerous level. The exhaust pipe takes it away through a safe outlet. Its dangerous tendency to flood is controlled.

Many things are different in Louisiana, and many things about the Mississippi River, particularly the lower part of this great stream, which flows from Arkansas through Louisiana to the Gulf of Mexico, are different from the other parts of the stream, and from other rivers. Accordingly, as people generally do not understand lower Mississippi River conditions, it is not surprising that they do not understand at once how Louisianans propose to control the mighty floods of the Mississippi River by the application of spillways to the levees, or banks, of the river.

THE BEGINNING OF THE RIVER POLICY

In the hearings before Congress regarding the Mississippi River flood problem, in public speeches, and in print, there have been statements to the effect that the adoption of spillways for flood regulations will reverse a river flood-control policy of 50 or 100 years. Others have gone as far as 150 years in their estimate. As a matter of fact, the levee system of Louisiana is more than 200 years old.

The first levee on the Mississippi was begun by the engineer Le Blond de la Tour, who erected a levee a mile long to protect the infant city of New Orleans from overflow.

Levees have been built ever since, so there is historical engineering precedent aplenty for the idea of throwing up a breastwork of earth against Mississippi flood waters. The real trouble with the scheme of Le Blond de la Tour was that it worked. It is probable that his mile-long levee was but 2 or 3 feet high. The eminent father of Mississippi levees is reported to have died in 1725. He doubtless went to his grave confident that he had solved the Mississippi flood problem for all time to come. And who would have believed differently in his day? For, if the floods threatened his little levees, all that was necessary was to build them a little bit higher.

France had to build a city at New Orleans on the banks of the Mississippi. Control of the mouth of the river meant control of the great Mississippi Valley. At New Orleans in the springtime, when the great river went into flood, the river rose 1 or 2 feet. The new city must be protected. What more simple, natural, and logical than to throw up against these floods a continuous mound of dirt 3 or 4 feet high? This first levee stood between the city and the river and protected the city.

The little levee was good and bad. The city was protected and grew, and because the first levee worked other levees were built below the city and for 1,000 miles above the city. They would all have worked if the levees had been built only on the east bank of the river, and the flood waters of the Mississippi had all been allowed to spill over on the west bank. But the trouble was that everybody wanted the water kept off his land; so everybody, east side and west side, built levees. They built them as high as they could and as strong as they could, and they built levees wherever they could build them on the main stem of the Mississippi and on thousands of miles of the 15,000 miles of its navigable tributaries.

The Baron Pontalba was a big man in New Orleans in his day—a century after De la Tour lay high and dry in his levee-protected tomb—and we find the baron writing to France, telling the home folks that he was much discouraged. For after the spring rise of the Mississippi River he finds that he will have to build his levee a foot higher. So, in the centuries which have passed and in the decades which have passed, after each great flood in the Mississippi River, the word has gone back to France, back to Spain, to France again, then to the Governor of Louisiana, and then to Uncle Sam at Washington: "We are much discouraged; we will have to build our levees higher."

But this year, for the first time since De la Tour built the first levee—which worked well for a while—the historic habit and policy of relying on levees alone for flood protection is to be abandoned. The great flood of the spring of 1927 has changed the mind of everyone in the levees-only theory. More levees may be built to hold more flood water in, but great spillways and flood ways are to be built to let more water out.

Building up the sides of the bathtub will no longer do. We don't know how much water may be run into the bathtub from its tributary spigots, but we are going to put holes enough in the sides of the river to let out a great deal more surplus flood water than ever came down the Mississippi River in the spring of 1927. "Will these spillways work?" you may ask. Of course they will work. No engineer and no layman acquainted with the Mississippi River ever has questioned the fact that the spillways will work. The reason for this is that in every great flood of the Mississippi River the levees have broken at some points. The surplus waters of the river have rushed through these breaks, called crevasses, and these crevasses have simply been spillways for the surplus waters of the river.

The only difference between the new spillways which are to be constructed and controlled and the old spillways made by the flooding river at the weakest points in the chain of levees is that the controlled spillways should and will do away with flood danger and flood damage in the lower river.

They will drain the surplus flood waters of the Mississippi out to the Gulf of Mexico as the surplus waters in the bathtub are drained out by the modern plumber's exhaust pipes. They will no longer threaten to break loose where they are not wanted, threatening the lives and property of some millions of American citizens.

TWO ROADS TO THE SEA

Many things regarding the Mississippi River floods in its lower regions in Louisiana are difficult of understanding by those not acquainted with actual conditions there. The waters which contribute to Mississippi River floods come from 31 States, from the Great Lakes, and from Canada. Unprecedented rainfall in Louisiana would have little effect on Mississippi River levels. But Louisiana contains the last four hundred-odd miles of the main stem of the Mississippi. So the river has naturally to handle its greatest volume of flood waters in Louisiana.

About halfway down its course in Louisiana the Mississippi is joined by its main Louisiana tributary, the Red, and just below the point of junction of the Red and the Mississippi the great river splits and empties its waters into the Gulf by two mouths. One of these is named the Atchafalaya. The other—the main stream of the Mississippi—continues by way of Baton Rouge and New Orleans. So there is really about 700 miles of the Mississippi River in Louisiana—500 on the main stream and 160 on the Atchafalaya.

Now, when the great river is in flood in these lowest regions its waters, held in by levees, rise high above the surrounding land. And if its levees break, either along the Atchafalaya or the Mississippi, the water which thus runs out of the river there in its lowest reaches neither can nor does run back into the river.

This water finds its way on easier lines to the Gulf of Mexico. In other words, the levees of the river are the only hills in this lower country. The highest land is next to the river. This land slopes from the river to swamps, lakes, creeks, and bayous and thus finds its way to the Gulf of Mexico. So spillways cut into these levees would spill the waters of the river out into the Gulf. Nearly everyone in America is acquainted with the ordinary formation of the earth around brooks, creeks, and rivers. In Louisiana alone we go up to the river; and when the river is in flood we go way up to the top of the levee and find the swollen Mississippi on top of the levee. In flood time this great river, a mile wide, in some places 200 feet deep, with its current speeded up by flood pressure, is an awe-inspiring and terrifying sight.

We all know the damage to property done by the flood of 1927. Governmental authorities quote estimates of $236,000,000 direct and of $200,000,000 indirect losses—a total of $436,000,000. Yet only two or three lives were lost in this flood in Louisiana, while recently flood waters probably not one-hundredth of the volume of the Mississippi River flood are reported to have killed scores of people in New England. The answer is to be found in the confinement of the New England flood in hills and mountains. I am told that dynamite burns without explosion or damage if it is not confined. The floods in Louisiana spread out over almost flat ground. This lessens their danger to life.

THE SYSTEM BEHIND THE LEVEES

So, to eliminate flood danger in Louisiana, we propose to tap the flood waters and drain them off, and run them into the Gulf. "If it is all so simple, common sense, and easy, why has it not been done before?" you may ask. The reason is partly to be found in the fact that De la Tour's levee worked, that all the other levees have worked after a fashion, and the levees almost always work on one side of the river. For, in flood time, if the levee breaks on the other side of the river, the waters rush out, flood heights are lowered, pressure is relieved, and the man on the safe side blesses the levees and believes in them.

If the levees broke in flood time, it was because they were not high enough and not strong enough. Again, there were rich levee districts which could build powerful levees. These people felt secure in flood time, because they lived behind strong links in the chain, and they felt almost sure that their powerful levees would turn the river floods loose on thin, weaker, and poorer levees across the river a bit downstream.

Then back of the levees there grew up a system. De la Tour was an engineer. He built levees. The next engineer built levees, and the next generation of engineers built them, and so on down. The power of human selfishness, the power of government, the power of money, the power of social interest, and the power of habit and tradition, stood back of the levee system. No one could prove that it would not work, provided the levees were built high enough and strong enough, and, of course, it would have worked if the levees could have been built high enough and strong enough. Undoubtedly it worked in periods of low water in the river, in normal water, and in ordinary high water, and there is unusual or unprecedented high water only once in 10 or 12 years.

Again, levees are the first line of defense in any plan of battle against the floods of the Mississippi River, and as a practical matter, they constitute the only line of defense that could be created against river floods in most sections during the centuries which have elapsed during the fight of the white man against the floods of the river. They are the infantry. No one is yet sufficiently progressive or so fantastic as to suggest the creation of a modern and effective army with the infantry eliminated. The most that anyone urges is that the army be rounded out with cavalry, aircraft, artillery, tanks, and other approved equipment.

De la Tour could throw up dirt embankments along the river, could plan to surround the little military outpost of New Orleans with mud walls, and his scheme did work. Generations had to elapse before men and money enough could be commanded to dig a great ditch, or spillway, along the city from the river to the lakes, and thereby detour the floods away from New Orleans. And if this had been possible then, think of the howl that would have gone up from the gentlemen who owned the lands through which the first spillway was to be built. No one wants a spillway on his property and no one wants a spillway next to his property. Everyone wants the water kept off his property. If it has to be put somewhere else, well and good, but not where it will affect the interests of "me and my wife, and my son John and my daughter Sally."

No one can remember when the first voice of protest was raised against the confinement theory and the confinement practice of fighting these floods. Everyone along the southern reaches of the Mississippi knows that the whole argument was started before his day.

But the fellow with the outlet or spillway theory had only the idea. The men who controlled the Government and the money built the levees.

Values back of the levees were established on the basis of confidence in the levees. To question the levees-only theory was to put yourself in the light of a trouble maker, an opponent of the status quo, a visionary.

You were really questioning the conduct of the war—the war of your own people to protect life and property from Mississippi River floods—and what did you have to offer after all? Only a theory. It is true that it was backed up by the accepted fact that water will run down hill. It was true that the floods mounted higher and higher; that they always broke the levees, flooded the country, creating increasing menace and destruction. It was also true that if the levees had been high enough and strong enough the flood would have been forced on through the river to the Gulf.

THE GOVERNMENT TAKES A HAND

Basically the reason for opposition to spillways and outlets for the river in Louisiana grew out of the limited appropriation of money made by the Federal Government for river control from Cairo down. Take the case of the man at Greenville, Miss., for example. Spillways and outlets in Louisiana would have eaten up a great proportion of the several millions of dollars' appropriation available for Federal purposes for all flood-control work along thousands of miles of levees. If the money went into spillways in Louisiana it would not go into levees at Greenville.

No one then dreamed that spillways and flood ways might relieve Greenville of its flood heights; and to resort to another method of river flood control, in addition to levees, meant an implied reflection on the integrity of levees as a method of flood protection. So up the river Senators, Congressmen, business men, and members of levee boards, and the people generally, fought for the status quo, and fought everyone else who fought for a change.

As a result of the 1912 flood agitation by Louisianians in Washington the House of Representatives took flood control out of the hands of the Rivers and Harbors Committee and constituted a new Committee on Flood Control.

Through the agency of this committee south Louisiana, including New Orleans, finally secured the adoption of a bill by Congress, April 17, 1926, authorizing the appointment by the Secretary of War of a board to survey the lower river sections and report on the construction and maintenance of controlled and regulated spillways in the lower Mississippi. Chief of Engineers Taylor and his successor, General Jadwin, consulted on the naming of this board.

A year from the date of the passage of this act south Louisiana was fighting the greatest recorded flood in her history. The report of this board, popularly known as the spillway board, is now one of the published documents of the Government. The board consisted entirely of

Army engineers. Col. William P. Wooten was chairman. It reverses the old confinement or levees-only theory, recommends in one of its projects a vast spillway or flood way down the Atchafalaya Basin of Louisiana, and recommends spillways above and below New Orleans. Thus the spillway and flood-way theory was adopted by an official agency of the Government.

FOR MODERN FLOOD FIGHTING

In the spring of 1927 Gen. Edgar Jadwin, Chief of Army Engineers, authorized the publication of a statement that spillways would be recommended for New Orleans and the lower river. With the opening of the Seventieth Congress President Coolidge submitted to Congress the report of General Jadwin on the flood problem along the Mississippi from Cairo, Ill., to the Gulf of Mexico. That report, like that of the spillway board, is a revolutionary document in its recommendations for Mississippi River flood control, for it provides flood ways and spillways along the greater part of the length of the lower Mississippi. Simultaneously with the report of the Chief of Engineers the Government published the exhaustive studies and recommendations made in the reports of the Mississippi River Commission. That commission comes out for flood ways along the upper river, for a great flood way running through the Atchafalaya Basin in Louisiana, and recommends spillways in the main line of the Mississippi levees above and below New Orleans.

In other words, when the engineering and scientific world determined that it was no longer practicable to control the floods of the Mississippi by levees and confinement alone, it moved over as a practical unit to the theory of fighting floods with flood ways, spillways, and in taking into consideration all modern flood-fighting weapons.

The layman naturally asks whether the new methods will work. The answer of some millions of laymen as well as of the civilian engineers and river experts who lived in the lower valley is practically unanimous that any one of the schemes proposed will absolutely do away with menace from any known or recorded flood and with the menace of a theoretical flood something more than 20 per cent greater than any Mississippi River flood that anyone knows anything about. All the schemes which come with recent governmental approval will work. Any of them, carried out, will provide safety to those who live along the lower river.

Will the spillways work? Of course they will. They always have worked. When the flooding river has broken through the levees in south Louisiana the water has always run out, and has lowered flood heights for distances above and below the crevasse. A crevasse is generally referred to as a natural break; only once in the history of Louisiana is there record of a crevasse or cut in the levees having been made lawfully, and by man's instrumentality.

When the great flood of 1927 was bearing down on New Orleans the leading men of the city decided that they would not wait for nature to take its course. They knew that the levees of New Orleans were stronger than were the levees in the country districts above and below the city. But they did not want to wait for the accident of the inevitable crevasse which would come somewhere, create a natural spillway, and protect everybody else in the neighborhood except those who were overflowed by the crevasse. So, after negotiation with all the authorities, it was determined to create a cut, or spillway, at a point on the east bank of the river known as Caernarvon. This spillway created at Caernarvon worked just as did the Poydras crevasse a few miles distant. This crevasse was a natural spillway created by the river in a flood of 1922. Both lowered flood heights at New Orleans almost 2½ feet.

Somehow, in the flood of 1927, the fact that New Orleans has evidenced her faith in spillways by her deeds seems to have been overlooked. The city, operating through its levee board, went down the river 50 miles, acquired title to thousands of acres of swamp lands and destroyed the levees on the east bank of the river for a distance of 12 miles. There, below Pointe a la Hache, out of its own funds, it created an experimental spillway. This spillway took from a half to three-quarters of a foot off flood heights at New Orleans in the 1927 flood. And in times of flood every inch of flood height is important.

It would seem to any sensible man who knows the flood problem in the lower Mississippi that it should have been solved long ago. This is the great river of the United States, and nothing appeals more to the imagination of the American people than the doing of a great work in a great way. It takes a big river, operating in a big country, to do four or five hundred million dollars' worth of damage when it goes on the rampage in just one of its many great floods. It's easy to write about it, to talk about it, and to evolve theories and opinions on the question of controlling it, but it has not been easy to get something really done about it.

THE PLAN AND THE MONEY

There must be complete Federal control and complete Federal responsibility for the Mississippi River. New Orleans people can express this opinion without being subject to carping or unfair criticism, because New Orleans has always built and maintained her own levees. Neither Federal nor State Governments have contributed anything material to the millions upon millions of dollars which have gone into the giant fortification of earth which New Orleans has thrown up to protect the city from the river. New Orleans has contributed to the building of levees and spillways in other sections of the State. New Orleans has always protested against the piecemeal system of flood control which has grown up, an evolution based on the policy of doing the best one can with the tools in hand.

The floods in the river can be controlled by some such system as that which enabled the Federal Government to take over the Panama Canal and construct it after vast losses and disastrous failures had occurred as a result of previous attempts to design and build the canal. You can't drive a nail with a tack hammer. Canute couldn't sweep back the tides with his broom, and you can't finally solve a vast engineering and economic problem such as is presented by the floods of this river without a great plan, carried out by men of great ability, with resources ample to do the work when and as it needs to be done. Fighting and conquering the floods of the Mississippi is war.

The plan without the money is of no good to the people of the lower river. The people who might have been induced to contribute were practically wiped out of resources by the 1927 flood. Many of their levee districts were taxed to the limit before 1927. Farming has not been too prosperous an occupation anywhere. These poor people in the overflowed region thought that they were making an investment in taxing themselves to the limit in building levees. Will their neighbors on high ground tax themselves by State bond issues to make material contributions to a national flood plan as part of the Nation? Nationally they will. For a local flood plan they will not. Suppose Mississippi and Louisiana agreed, and Arkansas refused. A flood-control system is a chain. If the links are not supplied in Arkansas, Louisiana would be flooded from Arkansas, and so it would go.

PASSING ON THE FLOODS

Perhaps we needed the vast and disastrous flood of 1927 to concentrate the attention of America and the world on this problem. Surely it was an expensive bit of publicity. Some of us who have struggled with this problem, who realize its vast importance and the terrible potentialities of the river for further havoc, appreciate most keenly the many expressions of kindly feeling and sympathy which have come to us. We appreciate the well-meant intent of some of the advice we receive as to the perils which surround us in legislation at Washington. But what we really need is help in passing a sane bill which will provide money and start the dirt to flying.

The condition of the main stem of the Mississippi River from Cairo to the Gulf undoubtedly creates a national emergency. The executive departments of the Government recognize this, and Congress shows a disposition to recognize this. The river itself is unique; its major flood problem is unique among all national flood problems.

Is there not equal argument for emergency legislation on the tributaries of the river? Yes and no. The great floods in the river may come from any single tributary, or from a set of tributaries flooding simultaneously. They may come from Pennsylvania, Tennessee, Ohio, Montana, the Dakotas, or Oklahoma. But wherever they start, they must come into the main stem of the river between Cairo and the Gulf

Unprecedented rainfall in any one of the 31 States of the Union adds to the flood menace to Louisiana. Rainfall in any place in the valley, except in Louisiana, creates flood heights in the Mississippi in Louisiana. If the rain falls in the lower section of the State it drains away from the river and goes directly to the Gulf.

What makes our flood menace in Louisiana? First, the clearing and draining of the lands in the upper Mississippi Valley. Every possible expedient has been adopted up there for passing the bulk of the surplus water of the upper valley on down the river. Lands are tiled, drained, and leveed. Machinery for shooting floods down on us is perfected. Louisiana has pursued a policy of trying, in turn, to pass these ever-swelling waters along to the Gulf through the narrow mouths of the Mississippi and the Atchafalaya. It can not be done.

Now, the facts are that we in Louisiana don't intend to agree to the construction of more works of any kind which will dump greater floods down on us in a greater lump unless necessary works are intelligently created to aid in getting rid of these waters. In other words, the place to begin taking care of the floods of the Mississippi River is at the mouth of the stream, where the floods accumulate. Build us plenty of outlets here and we can safely take care of all of the flood waters the valley passes to us.

Louisiana lost $60,000,000 directly in the 1927 flood. About 200,000 of her citizens were flooded out and rendered homeless. Tens of thousands were impoverished and consequential losses were almost as great as were direct losses.

If the State could have induced the Federal Government to aid in establishing spillways or outlets for this water, not a dollar of damage would have been done in the State of Louisiana by the 1927 flood. No one in America has ever seen a flood volume equal to that of the 1927 flood. Yet with intelligent and relatively simple engineering works constructed along the Mississippi in Louisiana a flood much greater than the 1927 flood could be controlled without the loss of a single life and without damage to a dollar's worth of property.

Our real trouble with the Mississippi River problem has been a lack of ability to make our problem known to the American people, to impress the country with the need of action at Washington.

Leaders in America's politics and national thought and affairs preach to Louisiana from a distance, without either knowing or understanding the State, its people, and its problems.

As the fight for flood-control legislation opens up in Congress the country is bound to be confused as to whether we along the river have done our share and as to whether we are now asking something unfair.

Have we contributed locally to protect ourselves from the floods the Nation's river brings down on us from 43 per cent of the Nation's area?

Within a given period in Louisiana—since the time that the Nation began to contribute at all—local interests have put up $110,000,000, while the Nation has put up $32,000,000.

As for the river States from Cairo to the Gulf, I quote from an analysis of General Jadwin's report made by ex-Senator Leroy Percy, of Mississippi, for Chairman FRANK REID'S House of Representatives Flood Control Committee. Says Senator Percy:

"General Jadwin gives the expenditures by the localities since 1882 at $167,000,000, and the expenditures prior to 1882 at $125,000,000, making $292,000,000. If to this you add the amount which he estimates to have been the direct loss from the 1927 flood—$236,000,000—you have in contributions and flood losses of a single year $528,000,000, against a contribution for levees by the National Government of $71,000,000, an excess contribution by localities up to this time of $457,000,000."

Senator Percy did not add the $200,000,000 of consequential losses to his staggering total of Nation's losses. But this item created additional reason for the investigation and report on Mississippi Valley flood losses by the National Chamber of Commerce.

Mr. TILSON. Mr. Speaker, it is evident that there is going to be considerable discussion on this bill. A number of amendments are now pending, including some committee amendments. It does not seem practical to finish the bill to-night, unless we run until very late. I wonder if the District Committee would not be willing to let the matter go over as unfinished business until next District day.

Mr. UNDERHILL. Mr. Speaker, it is a matter of indifference to me whether this goes over as unfinished business until next District day, or whether it is voted upon to-day, or whether it is killed. That is a very frank expression, but I say, let us get it out of the way.

Mr. BLANTON. It would be better to have it go over as unfinished business until next District day, and then we can finish it.

Mr. TILSON. It will go over as unfinished business, and it is for the committee to say what it will call up on the next District day.

Mr. BLANTON. We either ought to finish it this evening or have it go over as unfinished business to be taken up next District day.

Mr. TILSON. Let it go over as unfinished business.

Mr. BLANTON. And the chairman will bring it up as unfinished business on next District day?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. Very well, just so long as it holds its place.

TENTH NATIONAL CONVENTION OF THE AMERICAN LEGION

Mr. GARNER of Texas. Mr. Speaker, I call up the bill (S. 3387) to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion. An identical bill to this has been favorably reported from the Committee on Military Affairs and is now on the calendar. The Senate bill has just been sent over and is on the Speaker's desk.

The SPEAKER. The gentleman from Texas calls up the bill S. 3387, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to lend, at his discretion, to the Tenth National Convention Bureau, American Legion, for use at the tenth national convention of the American Legion to be held at San Antonio, Tex., in the month of October, 1928, 10,000 cots, 20,000 blankets, 20,000 bed sheets, 10,000 pillows, 10,000 pillowcases, 10,000 mattresses or bed sacks, and such field kitchens, tables, eating and cooking utensils and appurtenances as may be necessary for use in temporary restaurants: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the general director of said tenth national convention bureau, the American Legion, Mr. Philip B. Stapp: *Provided further*, That the Secretary of War before delivering said property shall take from said Philip B. Stapp a good and sufficient bond for the safe return of said property in good order and condition, and whole without expense to the United States.

Mr. TILSON. Mr. Speaker, I understand that this is a House Calendar bill?

The SPEAKER. This is a Senate bill and a similar House bill is reported and is now on the calendar.

Mr. TILSON. It does not require unanimous consent?

The SPEAKER. It does not. The question is on the third reading of the Senate bill.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 11465) was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Wednesday next, following the special order, the gentleman from Texas [Mr. WURZBACH] be permitted to address the House for 50 minutes.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, on what subject?

Mr. TILSON. I think it is probably on the protective tariff or something of that sort. As I understand, it is a political speech.

Mr. BLANTON. Mr. Speaker, reserving the right to object, our genial colleague from Texas [Mr. WURZBACH] is making that speech on the eve of his leaving for his speaking campaign in Texas.

Mr. TILSON. Possibly that is correct.

Mr. BLANTON. Would the distinguished floor leader mind telling the House whether he and his administration in asking for this time for the gentleman are backing him in his fight down there?

Mr. TILSON. I do not know what his fight is; but I am backing him as a Member of this House, and am asking for him this courtesy as I would for any other Member.

Mr. BLANTON. I shall not object.

Mr. TILSON. And I am impartial in that respect, often making similar requests for those on the Democratic side.

Mr. BLANTON. I would like for the Republicans in Texas to know that the gentleman from Connecticut is backing the gentleman from Texas [Mr. WURZBACH].

Mr. TILSON. I am backing him——

Mr. BLANTON. Good!

Mr. TILSON. To this extent at any rate.

Mr. SPEAKER. Is there objection?

There was no objection, and it was so ordered.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 131) entitled "Joint resolution providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4*, and upon methods and appliances for the protection of submarines," and adheres to its amendments to said joint resolution.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

S. 3007. An act 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.; and

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 27, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 27, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication or control of the European corn borer (H. R. 10377).

COMMITTEE ON IMMIGRATION AND NATURALIZATION—CAUCUS ROOM

(10.30 a. m.)

To permit admission within quota of relatives of declarants who have been admitted into the United States prior to July 1, 1924 (H. J. Res. 234).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To establish uniform requirements affecting Government contracts (H. R. 5767).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To establish the Ouachita national park in the State of Arkansas (H. R. 5720).

COMMITTEE ON ROADS

(10 a. m.)

To authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington (H. R. 4625).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider a bill proposed by the Secretary of the Navy amending an act of June, 1920.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

418. A letter from the Governor of Federal Reserve Board, transmitting the fourteenth annual report from the Federal Reserve Board, covering operations during the year of 1927 (H. Doc. No. 205); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

419. A letter from the Secretary of the Navy, transmitting, in response to House Resolution 137, Seventieth Congress, certain information relative to the United States naval ordnance plant, South Charleston, W. Va. (H. Doc. No. 206); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Naval Affairs. H. R. 8537. A bill for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve; with amendment (Rept. No. 1054). 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. IRWIN: Committee on Claims. H. R. 2481. A bill for the relief of Oliver C. Macey and Marguerite Macey; with amendment (Rept. No. 1046). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4839. A bill for the relief of the Press Publishing Co., Marianna, Ark.; without amendment (Rept. No. 1047). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 10336. A bill for the relief of Nannie Swearingen; without amendment (Rept. No. 1048). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 4111. A bill to correct the naval record of Peter Hansen; with amendment (Rept. No. 1049). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 4827. A bill providing for the promotion of Chief Pharmacist Laurence Oliphant Schetky, United States Navy, retired, to the rank of lieutenant, Medical Corps, on the retired list of the Navy; without amendment (Rept. No. 1050). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on Claims. H. R. 8358. A bill for the relief of the parents of Wyman Henry Beckstead; with amendment (Rept. No. 1051). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 11978. A bill granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased, private, United States Marine Corps, in active service; without amendment (Rept. No. 1052). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H. J. Res. 47. A joint resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps; without amendment (Rept. No. 1053). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. S. 19. An act for the relief of Frank Topping and others; without amendment (Rept. No. 1055). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6774) for the relief of Pitt Smith; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 7445) for the relief of Sheldon R. Purdy; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 9599) for the relief of Jose M. Alcover; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 11497) for the relief of Nelson E. Frissell; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 12362) for the relief of Hattie Harris; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 10184) granting an increase of pension to Lillian V. Manger; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 12404) authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.; to the Committee on Military Affairs.

By Mr. PEAVEY: A bill (H. R. 12405) granting the consent of Congress to the St. Croix Interstate Bridge Co., of Grantsburg, Wis., to construct, maintain, and operate a bridge across the St. Croix River on the Grantsburg Road; to the Committee on Interstate and Foreign Commerce.

By Mr. WURZBACH: A bill (H. R. 12406) to readjust the pay of certain commissioned officers of the Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 12407) to authorize the refund of visa fees in certain cases; to the Committee on Immigration and Naturalization.

By Mr. ELLIOTT: A bill (H. R. 12408) authorizing custodians and acting custodians of Federal buildings to administer oaths of office to employees in the custodian service; to the Committee on Public Buildings and Grounds.

By Mr. HOGG: A bill (H. R. 12409) to grant to the city of Fort Wayne, Ind., an easement over certain Government property; to the Committee on Public Buildings and Grounds.

By Mr. PEAVEY: A bill (H. R. 12410) for securing the uniform grading of fur, preventing of deception in transactions in fur, and regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12411) authorizing the Federal Power Commission to issue permits and licenses on Salt River, Ariz.; to the Committee on Indian Affairs.

By Mr. MORROW: A bill (H. R. 12412) to amend section 500 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 12413) authorizing the erection of a sanitary, fireproof dormitory and infirmary to be used for the housing, maintenance, and treatment of disabled women veterans only; to the Committee on Military Affairs.

By Mr. SELVIG: A bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRIEST: A bill (H. R. 12415) to grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States; to the Committee on the Post Office and Post Roads.

By Mr. GIBSON: A bill (H. R. 12416) to revise, amend, and renact the provisions of the Code of Law for the District of Columbia relating to the acquisition of land in the said District for the use of the United States; to the Committee on the District of Columbia.

By Mr. CARSS: Joint resolution (H. J. Res. 249) granting an easement to the city of Duluth, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 250) to change the name of the Panama Canal; the Gatun Locks, Dam, Spillway, and Lake; and the Pedro Miguel Locks, Dam, Spillway, and Lake; and also the Miraflores Locks, Dam, Spillway, and Lake; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: Joint resolution (H. J. Res. 251) providing for the severance of treaty relations between the United States and Rumania; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. LINDSAY: Memorial of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

By Mr. BOYLAN: Memorial of the Legislature of the State of New York, calling upon Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 12417) granting a pension to Clara L. Dawson; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 12418) for the relief of Julius Goldenberg; to the Committee on Claims.

By Mr. BROWNING: A bill (H. R. 12419) granting a pension to Roxie Coughorn; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 12420) granting an increase of pension to Rhoda Sprinkle; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12421) for the relief of Arthur D. Moore; to the Committee on Military Affairs.

By Mr. GARDNER of Indiana: A bill (H. R. 12422) granting an increase of pension to Cornelia Ann Bailey; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 12423) granting a pension to Mary F. Buckles; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 12424) for the relief of William Fisher; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 12425) granting an increase of pension to Eleanor F. Gillespie; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12426) granting an increase of pension to Amy Lampman; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12427) for the relief of W. R. Adams; to the Committee on the Civil Service.

Also, a bill (H. R. 12428) granting a pension to Henry Stidham; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12429) granting an increase of pension to Norah Barry; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 12430) granting an increase of pension to Elizabeth I. Exceen; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 12431) for the relief of the Squaw Island Freight Terminal Co. (Inc.), of Buffalo, N. Y.; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 12432) granting a pension to Alvin L. Hagood; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 12433) granting an increase of pension to Harriett A. Traynor; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 12434) granting an increase of pension to Charles A. Meese; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12435) for the relief of W. R. McLeod; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12436) granting a pension to Louisa De Buke; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 12437) granting a pension to Louise Jones; to the Committee on Pensions.

By Mr. TARVER: A bill (H. R. 12438) for the relief of Ada T. Finley; to the Committee on Claims.

Also, a bill (H. R. 12439) for the relief of Ambrose R. Tracy; to the Committee on Claims.

By Mr. WINTER: A bill (H. R. 12440) granting an increase of pension to Frances A. Shutts; 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:

5944. Petition of Chamber of Commerce of Pittsburgh, Pa., expressing its opposition to Senate bill 1482, known as the Shipstead bill; and to House bill 7759, known as the LaGuardia bill; to the Committee on the Judiciary.

5945. By Mr. BERGER: Memorial of the Benjamin Tallmadge Chapter, National Society of the Daughters of the American Revolution, of Milwaukee, Wis., approving Joint Resolution 11, establishing a flag code; to the Committee on the Judiciary.

5946. By Mr. BLOOM: Petition of A. W. Pulis, 470 West One hundred and forty-sixth Street, New York City, and hundreds of other citizens of New York, protesting against House bill 78, Lankford Sunday bill; to the Committee on the District of Columbia.

5947. By Mr. BOHN: Petition of citizens of Mackinaw City, Mich., not to pass Sunday observance bill; to the Committee on the District of Columbia.

5948. By Mr. BOYLAN: Petition of the Maritime Association of the Port of New York, urging upon Congress the desirability of the early enactment of House bill 9195, parcel-post agreement with Cuba; to the Committee on Ways and Means.

5949. Also, resolution by Colonel Robert Loghry Post, No. 446, favoring the passage of Senate bill 1896 and House bill 6523; to the Committee on Military Affairs.

5950. By Mr. BULWINKLE: Petition of 38 citizens of Madison County, N. C., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5951. By Mr. BURTON: Resolution of Cleveland Branch of the National Alliance of Postal Employees, Cleveland, Ohio, approved March 18, approving House bill 390, providing an increase in pay for laborers or service clerks in all branches of the Post Office Department; to the Committee on the Post Office and Post Roads.

5952. By Mr. CARLEY: Petition of Board of Estimate and Apportionment, city of New York, to amend section 116 of the Federal income tax law; to the Committee on Ways and Means.

5953. By Mr. CARTWRIGHT: Petition of citizens of Bryan County, Okla., against compulsory Sunday observance; to the Committee on the District of Columbia.

5954. Also, petition of 50 citizens of third congressional district of Oklahoma, urging immediate steps to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5955. By Mr. CRAIL: Petition of the Arkansas State Society of southern California, for the passage of the Boulder Dam bill; to the Committee on Flood Control.

5956. Also, petition of Los Angeles Central Labor Council, for the passage of the Dyer bill (H. R. 390) providing for increased salaries of the laborers in the United States post offices and in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

5957. Also, petition of Mrs. Burt Cole and sundry citizens of Los Angeles County, Calif., for the relief of the disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

5958. By Mr. CULLEN: Resolutions of the Maritime Association of the Port of New York, protesting against the removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

5959. By Mr. CURRY: Petition urging increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

5960. By Mr. ENGLEBRIGHT: Petition of Modoc County Development Board, Alturas, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5961. Also petition of Red Bluff Chamber of Commerce, Red Bluff, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5962. Also, petition of Chamber of Commerce of Oroville, and allied communities, California, favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5963. Also, petition of board of directors of the Grass Valley Chamber of Commerce, Grass Valley, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5964. Also, petition of the board of supervisors of Lassen County, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5965. Also, petition of Westwood Auto Club, of Westwood, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5966. Also, petition of Beverly Hills Chamber of Commerce, Beverly Hills, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5967. Also, petition of Lodi District Chamber of Commerce (Inc.), Lodi, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5968. By Mr. GALLIVAN: Petition of St. Brendan Society, of Boston, Michael H. Murphy, secretary, 91 Marcella Street, Roxbury, Mass., recommending early and favorable consideration of Senate bill 1667, pertaining to the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

5969. By Mr. GARBER: Petition of residents of Pond Creek, Okla., in support of the McNary-Haugen bill; to the Committee on Agriculture.

5970. Also, letters of W. H. Stigall, Tonkawa, Okla.; Dr. D. Frances Kellsy, Enid, Okla.; and J. B. Woods, Tonkawa, Okla., in opposition to the enactment of Senate bill 3107; to the Committee on the District of Columbia.

5971. Also, letter of William Miles, Soldiers' Home, Calif., in regard to abolishing the Veterans' Bureau and transferring its duties to the Pension Bureau; to the Committee on World War Veterans' Legislation.

5972. Also, petition of residents of Woodward and Enid, Okla., in regard to legislation for Civil War veterans and widows; to the Committee on Invalid Pensions.

5973. Also, letter of George N. Suit, secretary Independent Order Odd Fellows, Lodge No. 203, Ames, Okla., in opposition to the passage of Senate bill 1752; to the Committee on the Post Office and Post Roads.

5974. Also, letter of T. J. McNeely, of Goltry, Okla., in support of Senate bill 1729 and House bill 7900; to the Committee on the Post Office and Post Roads.

5975. Also, petition of officers of the Woman's Christian Temperance Union, Billings, Okla., in support of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

5976. By Mr. GRIEST: Petition of Mrs. William J. Rapp, president of American Legion Auxiliary, Paradise, Pa., favoring passage of House bill 6523, proposing to increase monthly allowance of retired soldiers; to the Committee on Military Affairs.

5977. Also, petition of William H. Seidhof, councilor, and Joel A. Bair, secretary, of Intercourse (Pa.) Council No. 650, Fraternal Patriotic Americans, advocating enactment of so-called Johnson deportation bill (H. R. 10078); to the Committee on Immigration and Naturalization.

5978. Also, petition of citizens of Pennsylvania, protesting against the passage of House bill 78, proposing to enforce compulsory Sunday observance; to the Committee on the District of Columbia.

5979. By Mr. GRIFFIN: Petition of Board of Estimate and Apportionment of the City of New York, petitioning Congress to amend section 116 of the Federal income tax law so that the revenues from railroad operation in which the city of New York is financially interested shall be exempt from income tax; to the Committee on Ways and Means.

5980. By Mr. HOFFMAN: Petition of Charles Van Liew and 42 others, of Belmar, N. J., favoring legislation to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5981. By Mr. KVALE: Petition of R. R. Whitney, B. A. Whitmore, and George W. Bullard for General Warren Chapter, Sons of American Revolution, Montevideo, Minn., urging operation of the national-origins clause in the immigration act of 1924 and protesting against any repeal of or modification of said act; to the Committee on Immigration and Naturalization.

5982. By Mr. LINDSAY: Petition of Board of Estimate and Apportionment, city of New York, being a certified copy of resolution adopted on March 22, 1928, petitioning Congress to amend section 116 of the Federal income tax law so that the revenues from railroad operation in which the city of New York is financially interested shall be made exempt from income tax; to the Committee on Ways and Means.

5983. Also, petition of Aviators Post, American Legion, New York, urging favorable reporting out of the Tyson-Fitzgerald bill, without amendment; to the Committee on World War Veterans' Legislation.

5984. Also, petition of metal trades department, American Federation of Labor, praying for support of the Douglass amendment to the naval construction program in order to alleviate present serious unemployment condition and to prevent further release of navy-yard employees; to the Committee on Appropriations.

5985. Also, petition of Sweet-Orr & Co. (Inc.), New York City; Gardner Broom Co.; American Broom & Brush Co.; and Amsterdam Broom Co., of Amsterdam, N. Y., favoring the enactment of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

5986. Also, petition of New York Association of Biology Teachers, urging favorable action on the Copeland-Wainwright bill, designed to acknowledge to those who took part in the Reed yellow-fever experiment, particularly Pvt. John R. Kissinger; to the Committee on Interstate and Foreign Commerce.

5987. Also, petition of William H. Kobbe, 12 East Forty-first Street, New York City, urging the passage of Tyson-Fitzgerald bill; to the Committee on Rules.

5988. Also, petition of the International Association of Fire Chiefs to have the Government set aside a parcel of land in Washington, D. C., for the purpose of erecting thereon a national headquarters for the International Association of Fire Chiefs; to the Committee on Public Buildings and Grounds.

5989. Also, petition of Brooklyn Chamber of Commerce, indorsing legislation to discontinue governmental operation of the merchant marine and the establishment of a constructive program to build up a private American ownership and adequate operation, including encouragement of private shipping through trade-route and mail contracts; to the Committee on the Merchant Marine and Fisheries.

5990. Also, petition of Brooklyn Bar Association, being a set of resolutions favoring House bill 5774, and an increase of judges for the eastern district of New York by at least one; to the Committee on the Judiciary.

5991. Also, petition of Second Division Chapter, National Council of Officials of the Railway Mail Service, New York City, favoring the passage of House bill 11622; to the Committee on the Post Office and Post Roads.

5992. Also, petition of Admiral Schley Naval Squadron, No. 16, Brooklyn, N. Y., favoring, in a resolution, enactment of the Welch bill, granting increase of salaries to Federal employees; to the Committee on the Civil Service.

5993. By Mr. McFADDEN: Petition of residents of Monroeton, Pa., favoring Civil War pension bill; to the Committee on Invalid Pensions.

5994. Also, petition of residents of Mill City, Pa., favoring Civil War pension bill; to the Committee on Invalid Pensions.

5995. Also, petition of residents of North Towanda, Pa., favoring Civil War pension bill; to the Committee on Invalid Pensions.

5996. By Mr. MAPES: Petition of Rev. James M. Martin and 125 others, members of the Third Reform Church at Holland, Mich., recommending the enactment of House bill 78, the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

5997. By Mr. MARTIN of Massachusetts: Petition of Mildred L. Tingley and 23 others, Mrs. James Richardson and 19 others,

and Roger C. Barsey and 17 others, of Bristol County, Mass., protesting against enactment of so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

5998. By Mr. NELSON of Missouri: Petition signed by Lucy Willoughby and others, all citizens of Bunceton, Mo., in behalf of Civil War pension bill; to the Committee on Invalid Pensions.

5999. Also, petition in behalf of Civil War veterans and their dependents, signed by Edward Barchard and other citizens of Chamois, Mo.; to the Committee on Invalid Pensions.

6000. By Mr. O'CONNELL: Petition of the Board of Estimate and Apportionment of the City of New York, favoring amendment to section 116 of the Federal income tax law, so that the revenues from the railroad operation in which the city of New York is financially interested shall be made exempt from income tax, as more specifically set forth in attached resolution; to the Committee on Ways and Means.

6001. Also, petition of Hon. Manuel L. Quezon, president Philippine Senate, opposing the passage of Senate bill 2787 and House bill 10074, for the appointment of governors of the non-Christian Provinces in the Philippine Islands without the consent of the Philippine Senate; to the Committee on Insular Affairs.

6002. Also, petition of the New York Association of Biology Teachers, favoring the passage of the Copeland-Wainwright bills for the placing of the names of certain individuals on the rolls of the War Department and to authorize the Board of Regents of Smithsonian Institution to make certain recommendations; to the Committee on Military Affairs.

6003. Also, petition of the National Association of Manufacturers, New York City, favoring some measure of corporate income tax reduction at this session of Congress; to the Committee on Ways and Means.

6004. Also, petition of the Amsterdam Broom Co., Amsterdam, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

6005. Also, petition of Harriet C. Martin, 131–150 One hundred and seventh Avenue, Richmond Hill, Long Island, N. Y., and 40 other citizens of the ninth congressional district of New York, opposing the Lankford bill (H. R. 78), compulsory Sunday observance; to the Committee on the District of Columbia.

6006. Also, petition of Maurice Stember, adjutant New York Department, American Legion, favoring the Tyson bill without amendment, as the bill passed the Senate; to the Committee on World War Veterans' Legislation.

6007. By Mr. O'CONNOR of New York: Resolutions of the Board of Estimate and Apportionment of the City of New York, petitioning Congress to amend section 116 of the Federal income tax law; to the Committee on Ways and Means.

6008. By Mr. PRATT: Petition of residents of Hudson, Columbia County, N. Y., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6009. Also, petition of residents of Sharon Springs, Schoharie County, N. Y., and 20 members of the Men's Bible Class of the Methodist Episcopal Church of Philmont, Columbia County, N. Y., urging favorable action on House bill 11410; to the Committee on the Judiciary.

6010. By Mr. RATHBONE: Petition from 36 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6011. By Mr. SANDERS of Texas: Resolutions by the Henderson Chamber of Commerce, asking for an appropriation of $6,000,000, or so much thereof as may be necessary, to exterminate the pink bollworm; to the Committee on Agriculture.

6012. By Mr. SELVIG: Petition of Mr. and Mrs. Fred N. Larson, residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6013. Also, petition of Grace E. Craik, resident of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6014. Also, petition of Maude Shave, citizen and resident of Fergus Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6015. Also, petition of Andy Craik and other residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6016. Also, petition of Adelaide Quale, citizen of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6017. By Mr. SWING: Petition of citizens of Riverside, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

6018. By Mr. WELCH of California: Petition from Columbia Typographical Union No. 101, Washington, D. C., favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6019. Also, petition of Merchants and Manufacturers Association (Inc.), Washington, D. C., favoring the passage of the Welch bill (H. R. 6518), to increase the salaries of Federal employees; to the Committee on the Civil Service.

6020. Also, petition from W. L. White, general manager, Yosemite Valley Railroad Co., Merced, Calif., favoring the passage of House bills 5819 and 8549, relating to the exemption of short-line railroads; to the Committee on Interstate and Foreign Commerce.

6021. Also, petition submitted by the United States Employees Association, containing 52 signatures, favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6022. By Mr. WELSH of Pennsylvania: Petition advocating passage of House bill 6518, providing a minimum rate of $1,500 per annum for all Government employees; to the Committee on the Civil Service.

6023. By Mr. WINTER: Petition of Logen Fjallets St. Jarna, No. 236, Vasa Order of America, Rock Springs, Wyo., protesting against the new immigration quota from Sweden and other Scandinavian countries; to the Committee on Immigration and Naturalization.

6024. Also, resolutions from Cody Club, Cody, Wyo.; the Star Valley Commercial Club, Afton, Wyo.; and the board of directors of the Casper Chamber of Commerce, Casper, Wyo., in support of House bill 7343, a bill for increasing appropriation for forest highway construction; to the Committee on Roads.

SENATE

TUESDAY, *March 27, 1928*

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

O Father of all, who art wisdom and beauty and goodness, whose spirit ever strives in the souls of men, we thank Thee that Thou hast made us heirs of Thy creative power throughout the ages and called us to share Thy burden of redemption. Renew in us, we pray, the gift of wonder, the joy of discovery, and the everlasting freshness of experience in every day's most quiet need. Purify our lives and sanctify our homes, that our land may be filled with abundance of peace. Touch with live coals from off the altar of devotion the lips of these Thy servants, that in word and power they may be prophets of the new dawn of righteousness when all mankind shall serve Thee and worship Thee in the beauty of holiness. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE HOUSE

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

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; and

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 52. An act to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;