

## SENATE

TUESDAY, April 17, 1928

6845. By Mr. LEA: Petition of 54 residents of Mendocino County, Calif., and Mrs. E. J. Franquelin, of Sonoma, and 39 other residents of California, protesting against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

6846. Also, petition of 45 residents of Sonoma County, Calif., and 121 residents of Oroville, Calif., urging passage of a Civil War pension bill; to the Committee on Invalid Pensions.

6847. By Mr. LINDSAY: Petition of Pathe Exchange (Inc.), New York City, submitting certain recommendations for clauses to be incorporated in the pending copyright bill, calculated to overcome one of the greatest evils with which motion-picture producers have to contend; to the Committee on the Library.

6848. Also, petition of the National Association of Cotton Manufacturers, Boston, Mass., favoring the Hawes-Cooper bill; to the Committee on Interstate and Foreign Commerce.

6849. Also, petition of Mansfield-Dakin Post, No. 35, Grand Army of the Republic, Brooklyn, N. Y., presenting resolutions favoring measures granting aged veterans of the Civil War \$72, those needing attendance \$125, and the widows \$50; to the Committee on Pensions.

6850. Also, petition of N. C. Kern (Inc.), Brooklyn, N. Y., protesting against the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6851. Also, petition of New York Mercantile Exchange, presenting resolutions representing the dairy trade from every State of the Union, going on record as opposing the passage of the McNary-Haugen bill for reasons set forth therein; to the Committee on Agriculture.

6852. By Mr. LUCE: Petition of residents of Massachusetts, for an adequate Navy and merchant marine; to the Committee on the Merchant Marine and Fisheries.

6853. By Mr. McFADDEN: Petition of residents of Nicholson, Athens, Laceyville, Honesdale, and Bradford County, Pa., to bring to a vote the Civil War pension bill granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

6854. By Mr. NEWTON: Resolution by Lutheran Minnesota Conference, commending efforts of Government to secure abolition of war and pledging support to peace efforts; to the Committee on Military Affairs.

6855. Also, petition by C. E. Powers, signed by Minneapolis citizens, protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6856. By Mr. O'CONNELL: Petition of the Pathé Exchange (Inc.), New York City, making certain recommendations for clauses to be incorporated in the pending copyright bill, with reference to motion pictures; to the Committee on Patents.

6857. Also, petition of the National Association of Cotton Manufacturers, Boston, Mass., favoring the passage of the Hawes-Cooper bill (S. 1940 and H. R. 7729); to the Committee on Labor.

6858. Also, petition of the New York Mercantile Exchange, New York City, opposing the passage of the McNary-Haugen farm relief bill in its present form; to the Committee on Agriculture.

6859. Also, petition of the Mansfield-Dakin Post, No. 35, Grand Army of the Republic, Brooklyn, N. Y., favoring legislation that will grant the aged veterans \$72, those needing attendance \$125, and the widows \$50 per month; to the Committee on Invalid Pensions.

6860. Also, petition of the American Legion Auxiliary, Richmond Hill Post, No. 212, Richmond Hill, Long Island, N. Y., in support of the Butler bill (H. R. 7359) opposing any reduction in the naval building program; to the Committee on Naval Affairs.

6861. By Mr. O'CONNOR of New York: Resolution of the First District Dental Society of the State of New York, favoring support of Senator Robinson's (Indiana) amendment to section 23 of House bill 1, permitting members of the dental and medical professions to deduct traveling expenses incurred by attending meetings of their professional organizations; to the Committee on Weights and Measures.

6862. By Mr. TEMPLE: Petition of Federation of Greene County Women, Waynesburg, Pa., in support of any bill introduced in the House or Senate for the production of motion pictures according to a high standard of morals, and which also prohibits bloc booking and blind booking by the producers and distributors; to the Committee on Interstate and Foreign Commerce.

6863. Also, petition of Woman's Christian Temperance Union of Waynesburg, Greene County, Pa., in support of House bills 9588 and 11410; to the Committee on the Judiciary.

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

Gracious and merciful art Thou, O Lord God Almighty, long-suffering and full of compassion toward the children of men. In Thy wrath Thou thinkest on mercy. In Thy judgments Thou rememberest pity.

We praise and magnify Thy holy name for the revelation both of Thy righteousness and of Thy love that Thou hast vouchsafed to us in Thy dear Son and for the guidance of the spirit of life that Thou hast promised us in Him.

Grant that Thy compassionate dealings with us in this life and Thy sure promises of blessings in the life to come shall fit and hearten us to meet every trial that Thou callest us to bear and to fulfill every duty that Thou givest us to do. We ask it through Jesus Christ our Lord. Amen.

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

## PENSIONS AND INCREASE OF PENSIONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. NORBECK. I move that the Senate disagree to the amendments of the House, ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NORBECK, Mr. FRAZIER, and Mr. STECK conferees on the part of the Senate.

## 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	Frazier	McLean	Shortridge
Bayard	George	McMaster	Simmons
Black	Gerry	McNary	Smith
Blaine	Glass	Mayfield	Smoot
Blease	Goff	Metcalf	Steck
Borah	Gould	Moses	Steiwer
Bratton	Greene	Neely	Stephens
Brookhart	Hale	Norbeck	Swanson
Broussard	Harris	Norris	Thomas
Bruce	Harrison	Nye	Tydings
Capper	Hawes	Oddie	Tyson
Caraway	Hayden	Overman	Vandenberg
Copeland	Heffin	Phipps	Wagner
Couzens	Johnson	Pine	Walsh, Mass.
Curtis	Jones	Pittman	Walsh, Mont.
Cutting	Kendrick	Ransdell	Warren
Dale	Keyes	Reed, Pa.	Waterman
Dill	King	Sackett	Wheeler
Edge	La Follette	Schall	
Fess	Locher	Sheppard	
Fletcher	McKellar	Shipstead	

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate on account of illness.

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

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, communicated to the Senate the resolutions of the House (H. Res. 167) adopted as a tribute to the memory of Hon. WALTER W. MAGEE, late a Representative from the State of New York.

The message also communicated to the Senate the resolutions of the House (H. Res. 168) adopted as a tribute to the memory of Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico.

The message announced that the House had passed without amendment the following bills of the Senate:

S. 754. An act for the relief of certain Porto Rican taxpayers;

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes; and

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field.

The message also announced that the House had passed the bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution of the Senate severally with amendments, in which it requested the concurrence of the Senate:

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States;

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 45. An act to eliminate the renewal of oath of office of Government employees under certain conditions;

H. R. 339. An act to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes;

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty;

H. R. 5527. An act to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes;

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers;

H. R. 5681. An act to provide a differential in pay for night work in the Postal Service;

H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;

H. R. 7900. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes;

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes;

H. R. 11245. An act to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States;

H. R. 11281. An act to authorize the disposition of certain public lands in the State of Florida;

H. R. 11338. An act granting the consent of Congress to the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project;

H. R. 12383. An act to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes;

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States;

H. R. 11475. An act to revise and codify the laws of the Canal Zone;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across the Lake Champlain at or near East Alburg, Vt.;

H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.;

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 11990. An act to authorize the leasing of public lands for aviation, and for other purposes;

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.;

H. R. 12442. An act to provide for the transfer to the Department of Labor of certain forfeited vehicles;

H. R. 12688. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 12821. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes;

H. R. 13039. An act to amend the World War veterans' act, 1924; and

H. J. Res. 239. Joint resolution authorizing the erection in the District of Columbia of a monument in memory of Peter Muhlenberg.

#### ENROLLED BILLS SIGNED

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

S. 3194. An act to establish the Bear River migratory-bird refuge;

H. R. 431. An act to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes;

H. R. 4702. An act for the relief of Benjamin S. McHenry, alias Henry Benjamin;

H. R. 5687. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 7908. An act to authorize the granting of leave to veterans of the Spanish-American War to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 10932. An act for the relief of the widows of certain Foreign Service officers.

#### PETITIONS AND MEMORIALS

Mr. VANDENBERG. Mr. President, I present a letter in the nature of a petition, including resolutions adopted by the board of supervisors of Wayne County, Mich., which I ask may be printed in the RECORD and lie on the table.

There being no objection, the letter and the accompanying resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

BOARD OF SUPERVISORS, COUNTY OF WAYNE,  
Detroit, Mich., April 13, 1928.

HON. ARTHUR H. VANDENBERG,

United States Senate, Washington, D. C.

SIR: I am directed by the chairman of the ways and means committee of the board of supervisors to transmit to you for your information the inclosed copy of a resolution which was unanimously adopted by the board of supervisors of this county at a session held on Tuesday, April 10, 1928.

It was the unanimous request of the ways and means committee that this resolution be brought to the attention of the Michigan delegation in Congress with the express wish of the committee that every effort be made by the delegation, both as individuals and as a delegation, to pass at this session of Congress some measure which will provide definitely for reapportionment of the membership in Congress, as provided for by the Constitution.

As a member of the Michigan delegation, representing the State of Michigan, you are no doubt strongly in favor of a new reapportionment measure because of the increased representation which will be Michigan's, but it was the expression of the committee that outside of the



direct benefit which would fall to Michigan in a suitable reapportionment measure, the provisions of the Constitution should at least be observed by those who constitute the lawmaking body of this country.

Trusting that this action of the supervisors may have your hearty sympathy and your hearty support in bringing the matter to the attention of Congress, I beg to remain,

Respectfully,

BENJ. B. PELHAM,

*Clerk to the Committees, Board of Supervisors.*

Resolution adopted by the Board of Supervisors for the County of Wayne at a session held April 10, 1928

Whereas the past several Congresses of the United States since 1920 have deliberately ignored the constitutional mandate regarding the reapportionment of the representative districts in the several States; and

Whereas Michigan is one of the principal sufferers from this nullification on the part of the several Congresses; and

Whereas over 13,000,000 people in the United States, including Michigan, are being denied their rights as guaranteed to them by the Constitution; and

Whereas the present Congress that is now in session has made a political gesture in the form of a message that purports to give relief on this question to the several States in the year 1931, providing the Congress so desires; and

Whereas this proposed bill continues to ignore the 1920 census and refuses to redistribute not only representatives but the electoral votes in the coming presidential election which, in fact and in substance, is a direct nullification of the constitutional mandate and in violation of all fundamental principles of our constitutional structure: Therefore be it

*Resolved*, That the Board of Supervisors of the County of Wayne, now in session, do by memorial vigorously protest this subterfuge on the part of the present Congress, and that we further urge Congress to make a truthful reapportionment based upon the 1920 census; and be it further

*Resolved*, That a copy of this resolution be forwarded to each United States Senator and each of the 13 Representatives, urging them to use their influence to amend the proposed reapportionment measure so that Michigan, as well as many of the other States, will be benefited by this immediate and honest relief.

Adopted as follows:

Yeas: Supervisors Adams, Ames, Andrews, Bischoff, Bogan, Bowen, Bradley, Brown, Bryan, Bunte, Callahan, Castator, Cassidy, Chalmers, Christian, Cooley, Cramer, Dingeman, Ely, Anthony Esper, Bernard Esper, Ford, Frost, Goodell, Greenwood, Guiney, Gulnan, Hackett, Harris, Hart, Ireland, Jones, Jeffries, Jeup, Karman, Keppen, Kreger, Kronberg, Kronk, Kunz, Lennane, Littlefield, Lodge, Long, Lowe, Mahoney, Maples, Markland, Marr, Megges, Mills, Miotke, Monteth, McLeod, Nagel, Neckel, Nowc, Nugent, O'Brien, O'Connor, Osowski, Pardee, Peters, Pulford, Rathburn, Reading, Reid, Rood, Rutledge, Salliotte, Shear, Sherwood, Shields, Steele, Stevenson, Stockwell, Stricker, Sumeracki, Szymanski, Taylor, Valois, Van Vlear, Vernier, Von Moll, Voorhis, Vorce, Walters, Wardell, Wilcox, Wilson, Wiseley, Ziegler, Mr. Chairman—93.

Nays: None.

Mr. WARREN presented resolutions adopted by the Kiwanis Club of Casper, the Commercial Club of Shoshoni, the Cody Club of Cody, and the Council of Industry of Laramie, all in the State of Wyoming, praying for the passage of legislation to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. WALSH of Massachusetts presented a telegram signed by Edward Spiegel, chairman joint meeting of the Fellowship of Youth for Peace and the Young People's Society of the Community Church, Boston, Mass., containing resolutions favoring a Senate investigation of the American position in Nicaragua, and also the extension of an invitation to the other Central American Republics to join with the United States in supervising the Nicaraguan elections, and further calling for the immediate withdrawal of United States marine forces from Nicaragua, which was referred to the Committee on Foreign Relations.

He also presented numerous petitions signed by members of the Young Women's Christian Associations, of Boston, Mass., Philadelphia, Pa., Lewiston, Me., Niagara Falls, N. Y., and Newark, N. J.; the International Institute, Providence, R. I., Paterson, N. J., and Bridgeport, Conn.; the Visiting Nurses' Association, of New-Haven, Conn.; Buffalo Civic Club, Buffalo, N. Y.; Cosmopolitan Club of Erie County, Kenmore, N. Y.; and sundry citizens of Massachusetts, Pennsylvania, New York, and New Jersey, all praying for the passage of Senate Joint Resolution 122, providing for the reunion of families of alien declarants, which were referred to the Committee on Immigration.

Mr. NORBECK. Mr. President, I present a communication from H. Agor, president of the Aberdeen (S. Dak.) Chapter of the Izaak Walton League of America, containing a resolution in support of conservation bills now before Congress, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

IZAIAK WALTON LEAGUE OF AMERICA,  
ABERDEEN CHAPTER, No. 12,  
Aberdeen, S. Dak., March 31, 1928.

Hon. PETER NORBECK,

*United States Senator, Washington, D. C.*

DEAR SIR: At a meeting of the Aberdeen chapter of the Izaak Walton League held at the Commercial Club March 27 the following resolution was unanimously adopted:

"Be it resolved, That the Aberdeen chapter of the Izaak Walton League heartily indorses the following bills now pending before Congress:

"Bear River marsh bills (H. R. 10473; S. 3194).

"Hope Cheyenne bottoms bill (H. R. 7361).

"Norbeck-Anthony bird refuge bill (S. 1271; H. R. 3467).

"McNary-Woodruff forest purchase bill (S. 1181; H. R. 357).

"McSweeney-McNary forest research bill (H. R. 6091; S. 1183).

"Be it resolved further, That we urge our Representatives in Congress to not only vote for these measures but to actively support them, and particularly the Norbeck-Anthony bill, which we believe to be one of the best of its kind ever introduced in Congress and of the greatest importance in the conservation of wild animal life.

"Be it resolved further, That the officers of the association be directed to send to each of our Representatives in Congress a copy of this resolution."

Very truly yours,

H. AGOR,

*President Aberdeen Chapter.*

Mr. NORBECK. Mr. President, I also present communications in the nature of petitions from two South Dakota people; one is from the American Legion post at Webster, S. Dak., in support of a liberal policy for pensioning Civil War veterans; the other is a petition sent me by Mrs. Anna C. A. Peterson, of Vermillion, S. Dak., bearing the signature of P. W. Peterson and 18 other citizens, in support of the so-called National Tribune Civil War pension bill, which I ask may be printed in the RECORD without the names and referred to the Committee on Pensions.

There being no objection, the petitions were referred to the Committee on Pensions and ordered to be printed in the RECORD without the names, as follows:

Resolution by the Herbert McKennet Post, No. 40, of the American Legion, Webster, S. Dak.

At the regular meeting of the Herbert McKennet Post, No. 40, of the American Legion, Webster, S. Dak., held on the 14th day of March, 1928, the following resolution was unanimously adopted by the members present:

"Whereas the proposed increase of pensions to Civil War veterans and the granting of pensions to widows of Civil War veterans who were married after June 27, 1905, is of vital importance to all members of the Grand Army of the Republic, and the needs of the veterans of the Civil War are immediate and great and action for their relief should not be postponed:

"Resolved, That the Herbert McKennet Post, No. 40, of the American Legion, Department of South Dakota, hereby earnestly urges the Congress of the United States without delay to raise the rate of pensions for Civil War veterans to \$72 per month, with a maximum of \$125 per month for those who require an attendant, and allow the sum of \$50 per month to widows of Civil War veterans regardless of the date of marriage; it is further

"Resolved, That copies of this resolution be sent to the Senators from North Dakota and to the Congressman from the second district, with the request that they use every honorable means to secure favorable consideration of this matter at the present session of Congress; and the publication of this resolution by any member of the Grand Army of the Republic is hereby authorized."

HENRY HOLZMAN, *Commander.*

Attest:

M. A. HOYT, *Adjutant.*

TAPS SOUNDED; LIGHTS ARE OUT; THE SOLDIER SLEEPS

The report of the operations of the Bureau of Pensions shows that 13,989 Civil War veterans answered last roll call during the first 10 months of 1927. The names of 18,047 Civil War widows were removed from the pension roll during that period by reason of death. Very few of these widows received any benefit from the meager increases granted by the act of July 3, 1926.

## THERE IS YET TIME TO AID THE LIVING

That the need of relief is immediate and very great is recognized in the report of Mr. Elliott, from the Committee on Invalid Pensions. This report was made on April 9, 1926, when the committee had under consideration a bill providing higher rates for Civil War survivors than those carried by the act of July 3, 1926, and also a \$50 rate for Civil War widows. Nearly two years have been added to the age figures quoted by the committee. The committee reported as follows:

"The committee regards this bill as an emergency measure that should be promptly passed, in fulfillment of the obligation the Nation owes to the old veterans whose heroic service and sacrifices in the Nation's defense made forever secure the Union of the States and the perpetuity of the Republic.

"Whatever more is to be done for these old veterans and widows must be done soon. They are fast passing to their reward, where a grateful Nation can do no more to pay the debt it owes to them. These veterans were mere boys when they volunteered at their country's call. To-day their average age is more than 80 years, and the average age of the widows is nearly 75 years."

## THE NATIONAL TRIBUNE CIVIL WAR PENSION BILL

The National Tribune has earnestly advocated a bill carrying the following provisions:

Seventy-two dollars per month for every Civil War survivor.

One hundred and twenty-five dollars per month for every Civil War survivor requiring aid and attendance.

Fifty dollars per month for every Civil War widow.

In the light of these facts we, the undersigned, voters of Clay County, State of South Dakota, petition the Congress of the United States and urge that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and the widows, and thus partly repay the living for the sacrifices they have made for our country. And we further urge that the most hearty support on the part of our Senators and Representatives in Congress be accorded this legislation.

## REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, reported it with amendments and submitted a report (No. 825) thereon.

Mr. JOHNSON, from the Committee on Commerce, to which was referred the bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the south mole of San Antonio Estuary, in the county of Alameda, in said State, reported it with amendments and submitted a report (No. 826) thereon.

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

A bill (H. R. 391) to regulate the use of the Capitol Building and Grounds (Rept. No. 827); and

A joint resolution (S. J. Res. 50) providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW. (Rept. No. 828).

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 1458) providing for a survey of the natural oyster beds in the waters within the State of Florida, reported it with an amendment and submitted a report (No. 829) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 10643) authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., reported it without amendment and submitted a report (No. 830) thereon.

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 3919) awarding a gold medal to Lincoln Ellsworth, reported it without amendment and submitted a report (No. 831) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, reported it with amendments and submitted a report (No. 832) thereon.

Mr. LA FOLLETTE, from the Committee on Commerce, to which was referred the bill (S. 2945) relating to the payment of advance wages and allotments in respect of seamen on for-

eign vessels, and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915, reported it without amendment and submitted a report (No. 833) thereon.

## ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the enrolled bill (S. 3194) to establish the Bear River migratory-bird refuge.

## OAKLAND HARBOR, CALIF.

Mr. JOHNSON. Mr. President, from the Committee on Commerce I report back favorably without amendment the joint resolution (H. J. Res. 244) authorizing a modification of the adopted project for Oakland Harbor, Calif. Inasmuch as this is a mere formal measure which has been passed by the House and to which the United States engineers agree and which they approve, I ask immediate consideration of the joint resolution.

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

*Resolved, etc.,* That the project adopted in the river and harbor act approved June 21, 1927, for the improvement of Oakland Harbor, Calif., is hereby so modified as to provide that the requirement "that local interests shall alter or replace the bridges over the tidal canal when, in the opinion of the Secretary of War, such alteration or replacement is necessary in the interests of navigation, and thereafter operate and maintain them," shall apply only to that feature of the project covering the deepening of the tidal canal to 25 feet.

Mr. KING. Mr. President, may I ask the purpose of the joint resolution?

Mr. JOHNSON. It is a House joint resolution which alters in a formal manner the report of the engineers, to which they assent. I have here the report of General Jadwin and the engineers assenting to the modification.

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

## DOUBLE PENSIONS IN SUBMARINE CASUALTIES

Mr. STECK. Mr. President, from the Committee on Pensions I report back favorably, with amendments, the bill (H. R. 10437) granting double pension in all cases to widows and orphans when an officer or an enlisted man of the Navy dies from an injury in line of duty as a result of a submarine accident, and I submit a report (No. 823) thereon. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments were, on page 1, line 4, after the word "Navy," insert the words "is disabled"; in line 8, after the word "paid," to strike out the words "the widow or dependents"; in line 9, after the word "man," insert the words "his widow or dependents"; on page 2, line 4, strike out "\$30" and insert "\$24"; and in the same line strike out "\$6" and insert "\$4"; in line 5, strike out "18" and insert "16"; in line 10, strike out "18" and insert "16," so as to make the bill read:

*Be it enacted, etc.,* That hereafter in all cases when an officer or enlisted man of the United States Navy is disabled, has died, or shall die as the result of an accident to a submarine vessel, said officer or enlisted man having been employed in duty on or in handling the submarine at the time of such accident the amount of pension to be paid such officer or enlisted man, his widow or dependents, shall be double the amount of that authorized to be paid under existing pension laws should death have occurred by reason of an injury received in service in line of duty, not the result of a submarine accident: *Provided, however,* That in any event the widow shall be paid a pension of not less than \$24 per month and \$4 per month additional for each child under 16 years of age of the officer or enlisted man, and in the event of death or remarriage of the widow or forfeiture of title by her, or if no widow survives the officer or enlisted man, the rate of pension herein provided for a widow shall be paid to the minor child or children under 16 years of age of such officer or enlisted man from the date of such death or remarriage of the widow or forfeiture of her title and in other cases from the date of the death of the officer or enlisted man.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

## FORT M'KINLEY, ME., WATER SYSTEM

Mr. REED of Pennsylvania. Mr. President, from the Committee on Military Affairs I report back favorably without



amendment the bill (S. 3057) authorizing the Secretary of War to transfer and convey to the Portland Water District, a municipal corporation, the water pipe line, including the submarine water main, connecting Fort McKinley, Me., with the water system of the Portland Water District, and for other purposes, and I submit a report (No. 824) thereon. I ask unanimous consent for its present consideration.

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

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to transfer or cause to be conveyed to the Portland Water District, a municipal corporation of Portland, Me., organized and existing under the laws of the State of Maine, the Government-owned water pipe line, including the submarine main connecting the Fort McKinley Military Reservation located on Great Diamond Island, Me., with the water system of the said Portland Water District on the mainland and to enter into a contract with the said Portland Water District for the furnishing of potable water to Fort McKinley, upon such terms as the Secretary of War may deem expedient, including payment to the said Portland Water District of an annual charge, payable quarterly, for the putting of the water line in good condition and the relocation of the submarine main so as to furnish at all seasons of the year ample supply of potable water to the Fort McKinley Military Reservation, and that said annual charge to be agreed upon and the rates to be paid for the water furnished shall be paid from appropriations heretofore made and to be made for "Water and sewers at military posts."

Mr. REED of Pennsylvania. Mr. President, I will make a very brief statement of what the bill does. At the present time the United States owns a water main running from the Portland City waterworks to the island on which Fort McKinley is located. The line was laid during war times hastily and somewhat imperfectly. It has repeatedly broken. Every time pressure is put on it the pipes fail and salt water or brine is run into the water service pipes of the Fort McKinley Reservation. There is not enough water to supply the garrison there in the summer when there are training camps on the island. A very favorable bargain has been offered by the waterworks which are owned by the city of Portland. They agreed to take this line, maintain it, and supply water to the Government on the island at the same meter rate which would be charged if Fort McKinley were located in the city.

Mr. McKELLAR. It is a municipally owned company?

Mr. REED of Pennsylvania. Yes. There is no private corporation having anything to do with it. The War Department recommended in favor of the bill, and the report of the Committee on Military Affairs is unanimous. My reason for asking consideration now is that it is a Senate bill, and we are very anxious to have the pipe line in operation for the summer's camp. It will be a great saving in money and a great improvement of service for the Government.

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

#### BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. McKELLAR:

A bill (S. 4094) to correct the military record of James W. Smith; to the Committee on Military Affairs.

A bill (S. 4095) declaring the Obey River, in the State of Tennessee, a nonnavigable stream; to the Committee on Commerce.

By Mr. GLASS:

A bill (S. 4096) to correct the naval record of Bennett H. Wayland, deceased; to the Committee on Naval Affairs.

By Mr. PINE:

A bill (S. 4097) granting a pension to Harry A. Nichols (with accompanying papers); and

A bill (S. 4098) granting an increase of pension to Mary Goetsinger (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 4099) for the relief of Smith Richards; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 4100) for the relief of Martin L. Chandler; to the Committee on Military Affairs.

By Mr. CARAWAY:

A bill (S. 4101) granting a pension to Patrick Maher; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 4102) granting a pension to Anne Shaves Head; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 4103) granting a pension to George W. Cleveland; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 4104) granting an increase of pension to Eliza J. Dickerson; and

A bill (S. 4105) granting an increase of pension to Jennie E. Drake; to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 4106) for the relief of Alvin Hovey King; to the Committee on Claims.

A bill (S. 4107) for the relief of James Aloysius Manley; to the Committee on Military Affairs.

By Mr. SCHALL:

A bill (S. 4109) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.; to the Committee on Commerce.

By Mr. KENDRICK:

A bill (S. 4110) granting a pension to Ada J. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4111) providing for a survey of the natural oyster beds in the waters within the State of Georgia; to the Committee on Commerce.

By Mr. WHEELER:

A bill (S. 4112) to limit construction charges against irrigable lands in the Lower Yellowstone irrigation project in the State of Montana and North Dakota to \$40 an acre;

A bill (S. 4113) to limit construction charges against irrigable lands in the Huntley irrigation project, State of Montana, to \$40 an acre;

A bill (S. 4114) to limit construction charges against irrigable lands in the Fort Peck irrigation project, State of Montana, to \$40 an acre; and

A bill (S. 4115) to limit construction charges against irrigable lands in the Sun River irrigation project, State of Montana, to \$40 an acre; to the Committee on Irrigation and Reclamation.

By Mr. ROBINSON of Indiana:

A bill (S. 4116) granting an increase of pension to Emeline Sawyer (with accompanying papers); to the Committee on Pensions.

By Mr. BLACK:

A joint resolution (S. J. Res. 130) suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest; to the Committee on Agriculture and Forestry.

By Mr. BORAH:

A joint resolution (S. J. Res. 131) providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea; to the Committee on Foreign Relations.

JOSEPH ABEL

Mr. BLAINE. Mr. President, I desire to introduce a bill, but before doing so I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill (S. 3792) for the relief of Joseph Abel and that that bill be indefinitely postponed. I introduce the bill which I now send to the desk in place of the Senate bill 3792.

The VICE PRESIDENT. Without objection, Senate bill 3792 is indefinitely postponed, and the Senator from Wisconsin introduces a bill the title of which will be stated.

The bill (S. 4108) for the relief of Joseph Abel was read twice by its title and referred to the Committee on Claims.

#### AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. ODDIE. Mr. President, I submit an amendment intended to be proposed by me to the deficiency appropriation bill. It is the same amendment which I submitted on January 4 last to the Interior Department appropriation bill, but because of the failure of the Secretary of the Interior to render a report on the amendment the Appropriations Committee did not give the amendment consideration. Hence the necessity for resubmitting the amendment now.

The amendment was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill, insert:

#### "DEPARTMENT OF THE INTERIOR—BUREAU OF INDIAN AFFAIRS

"For paying for the Truckee-Carson Irrigation District, Fallon, Nev., the proportionate share of the benefits assessed by said district against 4,877.3 irrigable acres of Palute Indian lands within the Newlands irrigation project for necessary repairs to the Truckee Canal to restore said canal to its original capacity, \$10,096.01."

## AMENDMENT TO TAX REDUCTION BILL—SALES OF REAL PROPERTY

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

## COLUMBIA BASIN RECLAMATION PROJECT

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, which was ordered to lie on the table and to be printed.

## PRACTICE OF THE HEALING ART IN THE DISTRICT

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia, which was ordered to lie on the table and to be printed.

## AMENDMENTS TO MIGRATORY BIRD BILL

Mr. CARAWAY submitted an amendment and Mr. BLAINE submitted two amendments intended to be proposed by them, respectively, to Senate bill 1271, the so-called migratory bird bill, which were ordered to lie on the table and to be printed.

## INVESTIGATION RELATIVE TO PROPERTY RIGHTS OF AMERICANS IN CUBA

Mr. SHIPSTEAD submitted the following resolution (S. Res. 201), which was referred to the Committee on Foreign Relations:

## Senate Resolution 201

Whereas the Congress of the United States by an amendment (known as the Platt amendment) to the Army appropriation act, approved March 2, 1901, defined the conditions under which the President could turn over to the people of Cuba the government of that island; and

Whereas one of such conditions was that certain parts of the said amendment should be included in the constitution of the Cuban Government and also included in a permanent treaty with these United States; and

Whereas the specified provisions of such amendment were enacted as a part of the constitution of the Republic of Cuba and were embodied in a treaty signed May 23, 1903, and duly ratified; and

Whereas certain of the provisions of the said amendment so enacted in the constitution of Cuba and so embodied in the permanent treaty with Cuba were designed and intended to afford protection to the liberties of the Cuban people and to the property and persons of citizens of the United States resident in such island; and

Whereas American citizens residing in Cuba represent that they have been and are being deprived of their properties contrary to law and in defiance of decisions of the Cuban courts: Now, therefore, be it

*Resolved*, That the Senate Committee on Foreign Relations, acting through a subcommittee or otherwise, is hereby directed to investigate and report to the Senate whether the property and rights of American citizens resident in Cuba and the liberties of the Cuban people have been and are being fully protected under said Platt amendment and in the treaty made pursuant to said amendment, and if in the opinion of the committee such protection is not being afforded to Cubans and American citizens resident in Cuba that the committee report to the Senate the reasons for such failure to protect such property and rights; and be it further

*Resolved*, That in consideration of the foregoing preamble and in further consideration of the following specific charges recently brought to public attention by publicists, educators, and other reliable sources, namely, that—

The present political régime is a virtual dictatorship under which freedom of speech, freedom of assembly, freedom of petition, and electoral freedom have been destroyed.

Numerous assassinations, imprisonments, deportations, and exiles have taken place.

Political opposition to the ruling group has been destroyed.

The National University has been closed, denying to the youth of Cuba the right to higher education and free speech.

Private property of Cubans and of Americans has been seized without due process of law and without the right to recovery.

The Cuban court system has been so gerrymandered that justice has become a farce and the judiciary has been brought under the absolutism of the political powers.

The Cuban criminal code, administered under political pressure, is still the code of the days of Weyler, making it possible to use the law and the judiciary for the unreasonable and unjustified punishment of Cubans for what should be lawful political activity.

Under a parcelling out of agencies for the sale of lottery tickets the National Congress of Cuba is made absolutely subservient to the domination and dictation of the executive department, a condition amazing in its defiance of all decency and political honesty and honor.

That in the course of such investigation the Committee on Foreign Relations is given full power to subpoena witnesses and compel their

attendance before the committee or any subcommittee thereof and to require their testimony and to compel the production of books and papers to the end that the Senate may be fully advised as to the result of such investigation and report as to what further action or legislation is necessary to fully protect Cubans and American citizens resident in Cuba in their persons, property, and rights and to insure the fulfillment of the obligations assumed by the United States under the Platt amendment and the permanent treaty of May 23, 1903.

## HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 339. An act to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes; to the Committee on Mines and Mining.

H. R. 5527. An act to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes; to the Committee on Patents.

H. R. 10799. An act for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project; to the Committee on Irrigation and Reclamation.

H. R. 45. An act to eliminate the renewal of oath of office of Government employees under certain conditions; and

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States; to the Committee on the Judiciary.

H. R. 5465. An act to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty; and

H. R. 5531. An act to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers; to the Committee on Naval Affairs.

H. R. 12821. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes;

H. R. 13039. An act to amend the World War veterans' act, 1924; and

H. R. 12442. An act to provide for the transfer to the Department of Labor of certain forfeited vehicles; to the Committee on Finance.

H. R. 5681. An act to provide a differential in pay for night work in the Postal Service;

H. R. 7900. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; and

H. R. 12383. An act to amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments; and

H. R. 12688. An act to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

H. R. 11245. An act to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States; and

H. R. 11475. An act to revise and codify the laws of the Canal Zone; to the Committee on Inter-oceanic Canals.

H. R. 11281. An act to authorize the disposition of certain public lands in the State of Florida; and

H. R. 11990. An act to authorize the leasing of public lands for aviation, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 11338. An act granting the consent of Congress to the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

H. R. 11692. An act authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, Duval County, Fla., its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near East Alburg, Vt.;



H. R. 11797. An act granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry, Columbus County, N. C.; and

H. R. 11992. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.; to the Committee on Commerce.

H. J. Res. 239. Joint resolution authorizing the erection in the District of Columbia of a monument in memory of Peter Muhlenberg; to the Committee on the Library.

#### PRISON LABOR FOR STATE USE

Mr. HAWES. Mr. President, the Senator from Connecticut [Mr. BINGHAM] on yesterday introduced in the Senate an editorial written by M. G. Osborn, editor of the Journal-Courier, of New Haven, Conn., entitled, "A leap in the dark," in which it is sought to point out that the passage of what is known as the Hawes-Cooper bill (S. 1940) might result in idleness in the penitentiaries of the various States.

It is unfortunate that a man of Osborn's long relationship with prison problems should be willing, unwittingly perhaps, to lend aid and comfort to the movement of the prison contractors to defeat this legislation.

His editorial "A leap in the dark" is based entirely upon theory, and it is the same theory which certain prison officials advanced before the committees of the House and Senate during hearings on this bill.

Incidentally the bill has been reported with but two dissenting votes out of the entire membership of both the House and Senate committees who heard these men first-hand.

The facts are that in the States now devoting the activities of their prisoners to the manufacture of products for State use, idleness is no longer a serious problem.

I would like to insert at this point in the RECORD the facts. They are not theories, they are not hearsay, they are not opinions. They are the cold facts prepared by responsible executives in four populous States in which prisoners are now employed in the manufacture of products for State use. I insert first the facts with respect to Pennsylvania, as prepared for me by Hon. James C. Tucker, general superintendent of industries, department of welfare, Harrisburg, Pa.:

In further reply to your letter of recent date, I am sending you herewith copy of the distribution of population in our four penal institutions for men and boys as of dates indicated:

Western State Penitentiary, Pittsburgh, Pa., Feb. 28, 1928:	
Number employed in productive industries, construction, and maintenance labor activities.....	917
Number reported as unemployed.....	208
Total population.....	1,125
Eastern State Penitentiary, Philadelphia, Pa., Feb. 28, 1928:	
Number employed in productive industries, construction, and maintenance labor activities.....	1,334
Number reported as unemployed.....	327
Total population.....	1,661
New Western State Penitentiary, Rockview, Pa., Feb. 28, 1928:	
Number employed in productive industries, construction, and maintenance labor activities.....	749
Number reported unemployed.....	None.
Total population.....	749
Pennsylvania Industrial Reformatory, Huntingdon, Pa., Feb. 22, 1928:	
Number employed in productive industries, construction, and maintenance labor activities.....	993
Number reported as unemployed.....	None.
Total population.....	993
Grand total.....	4,528

In other words, in the State of Pennsylvania prison officials are satisfied with what Mr. Osborn fears may be "a leap in the dark," because they have tried it out and it works satisfactorily. There is no idleness in two prisons, and only 11 per cent for all causes in all State prisons.

I insert at this point the figures for the State of Ohio prepared for me under the direction of Governor Donahey and submitted to me by the Governor of the great State of Ohio, with this statement:

Ohio people would not think of going back to the old penal contract system.

Following are the Ohio figures:

Ohio Penitentiary:	
Manufacturing and sales (State use, Ohio Penitentiary).....	1,246
Manufacturing and sales (State use, brick plants).....	349
Manufacturing and sales (State use, stone quarry).....	125
.....	1,720
Construction work.....	153
Honor camps.....	153

Ohio Penitentiary—Continued.	
General work around institution.....	651
In school.....	848
Disabled, infirm, and subnormal.....	624
Total.....	4,149
Ohio State Reformatory:	
Manufacturing and sales (State use).....	1,023
On institution farms and general institution.....	849
Honor camps.....	337
In school.....	728
Total.....	2,937
London Prison Farm:	
Construction work.....	275
Tailor department.....	16
General farm work.....	160
General institution work.....	56
Total.....	507
Reformatory for Women:	
Sewing department (manufacturing and sales), State use.....	56
Art class (industrial).....	187
General farm work.....	34
General institution work.....	192
Total.....	469
Recapitulation:	
Manufacturing and sales (State use).....	2,799
Work around institution.....	2,573
Work, honor camps.....	490
In school.....	1,576
Disabled, infirm, and subnormal.....	624
Total in penal institutions.....	8,062

No complaint is received from Ohio that idleness is an insuperable problem or that they are working in the dark. In fact, the senior Senator from Ohio, fully conversant with Ohio's problems, is heartily in favor of this bill, which the opposition calls "a leap in the dark," and the last words of our late lamented associate from Ohio in this body, Senator Willis, were an appeal for the passage of this legislation.

I wrote to the Governor of New York, who directed the prison officials of that State to prepare for me the facts with respect to the State-use system of New York.

Answering my letter, the commissioner of the Department of Correction of New York State made this statement:

I feel that the figures shown above will discredit the statement that institutions where State use is in force are troubled by the problem of idleness.

Following are the facts as submitted by the New York commissioner with respect to New York State:

1. The total number of prisoners in the four State prisons on Mar. 17, 1928, was.....	5,999
2. The number employed on that date, as shown by the labor reports, was.....	5,057
3. Of these employed, the assignments were as follows:	
Industries.....	2,699
Maintenance.....	2,023
Construction.....	294
Road work.....	41
4. The 942 assigned to the nonproductive group were distributed as follows:	
In hospital or idle on doctor's orders.....	670
Musicians.....	82
Schools.....	110
Discipline.....	47
Under observation.....	14
In cells for the condemned.....	11
At court or on escape.....	8

Mr. President, New York's officials are not worried over the passage of the Hawes-Cooper bill, because they have already complied with its principles, and they did not take "a leap in the dark."

Mr. President, I should like to introduce at this time an excerpt from a letter of Commissioner William J. Ellis, of the Department of Institutions and Agencies of the State of New Jersey, where prisoners are employed in the manufacture of products for State use. Mr. Ellis's opinion is more eloquent than anything I could say on the subject:

Under the State-use system, as you know, we have developed manufacturing enterprises of a diversified character, making goods for the various State agencies and departments as well as the counties and municipalities. We have diversified industries, including printing, auto-license tags, sheet-metal work, repairing of shoes, manufacture of shoes, woodworking and furniture, concrete products, and all sorts of agricultural enterprises, including a large farm, dairy, and cannery, the products of which are interchanged among our various State institutions; a large foundry, which makes marking signs for the highway department and for the municipalities; machine shops, book bindery, tailoring, garment making, dressmaking, knitting, etc.

None of these industries is so large as to furnish undue competition with outside industry, while at the same time it is able to supply the requirements of the State-use market.

We have eliminated the old contract labor, which was a vicious form of exploitation of prisoners under bad working conditions involving no training for work after the man left the prison. In fact, men were used largely at sewing-machine jobs under sweat-shop conditions, which involved the prison and prison-labor situation in a succession of scandals. Under former Gov. WALTER E. EDGE this contract labor was eliminated and the State-use system was installed. It has grown, developed, and expanded so that it now employs far more men than were employed under contract labor, under more constructive and beneficial conditions.

It is our contention that New Jersey, which has been able to develop a State-use system, should not have dumped upon its market the products of contract labor from States which are exploiting their prisoners to the advantage of private contractors.

The private contracts, in the main, go in for shirt making, overall making, and broom making. The broom making and shirt making competes so unfairly with outside private manufacture and the free worker outside of prisons that it has a vicious influence upon these industries in the communities in this State. Under the Hawes-Cooper bill it would be possible to protect the New Jersey industries and the New Jersey laboring man and woman from this unfair competition from convict labor under contract systems in other States, just as we have protected it under the State-use system from unfair competition of convict labor in our own State.

I may state at this point that the State of Connecticut, in which Mr. Osborn resides, is one of those States where the prisoners are employed in manufacturing products which are sent out unlabeled, in ruinous competition with the products of free capital and free labor.

I do not know what the actual number of prisoners in the Connecticut institutions is at this time, but in 1923—the date of the last compilation by a Government agency—the total number of prisoners in the three penitentiaries of Connecticut was 900.

It is interesting in connection with Mr. Osborn's fears to compare a total of 900 prisoners with the vast army of more than 8,000 prisoners in Ohio, of nearly 5,000 in Pennsylvania, and 6,000 in New York.

I have merely placed these facts in the RECORD in an attempt to end this campaign of hearsay and theory.

Men, of course, may juggle figures to suit themselves; and I suppose that the prison contractor will find in the figures that I have given him great cause for complaint by showing that too many are employed in maintenance in one place and too many in school in another.

But the fact is that in these great populous States prison officials find they have not leaped in the dark and would not return to the system advocated by the prison contractors under any circumstances.

The passage of Senate 1940 will merely make it possible for all of the States to conduct their prison affairs without lending sympathy and comfort to the prison contractor, who is growing richer each day through the exploitation of prisoners to the detriment of working men and women who have legitimate capital invested in industry.

I desire at this point to insert a letter from the Senator from New Jersey [Mr. EDGE]. New Jersey is a State-use State. Senator EDGE, as governor, helped to put the prison contractor out of business there.

UNITED STATES SENATE,  
COMMITTEE ON INTEROCEANIC CANALS,  
February 4, 1928.

Hon. HARRY B. HAWES,

United States Senate, Washington, D. C.

DEAR SENATOR: You have asked me to advise you the experience I had as Governor of New Jersey, during which time contract prison labor was abolished in the penal institutions of the State upon executive order.

Briefly, the results were more than gratifying and eminently satisfactory. With the abolishment of the prison contracts, so that the prisoners would not be idle we immediately installed machinery for the manufacture of various commodities to be used exclusively by the State or public institutions in the State. We installed in the States prison machines for manufacturing license tags for automobiles; for the manufacturing of shoes, clothing, etc., for the inmates of correction and penal institutions. In one of the reformatories we installed a complete printing plant through which all the State printing is supplied. The prisoners were in no way permitted to live in idleness, although we did arrange a more considerate program of hours and of recreation and opportunity for daylight.

I repeat, the net result of the experiment started in 1917 has been in every way successful and I am sure no element in the State would for a moment return to the contract system.

Very truly yours,

(Signed) WALTER E. EDGE.

I also introduce a letter from Senator EDWARDS, formerly governor of the same State:

UNITED STATES SENATE,  
COMMITTEE ON BANKING AND CURRENCY,  
February 8, 1928.

Senator JAMES E. WATSON,

Chairman Interstate Commerce Committee,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WATSON: As a representative, in part, of the State of New Jersey in the United States Senate, I wish to advise you of my views in regard to the Hawes measure, S. 1940, which seeks to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

I strongly recommend that the Interstate Commerce Committee report this measure favorable to the Senate with the recommendation that it be passed at this session of Congress. I feel safe in saying that the universal sentiment of the State of New Jersey favors the enactment of this bill into law for the reason that it not only offers additional protection to free American labor but also will be a distinct encouragement to private manufacturers who are now forced to compete with convict-made goods.

Every one must realize that no fair and just competition can be entered into by private enterprises with merchandise manufactured by penal institutions at an abnormally low cost.

At the present time New Jersey does not permit convict goods made within her borders to enter into competition with private manufacturers. But, of course, New Jersey is impotent to prevent the importation of prison-made goods within the State for sale and distribution. This condition of affairs seems to me entirely inequitable inasmuch as a State should be allowed to regulate her own affairs without interference from outside sources.

Free American labor is entitled to as high a wage as is consistent with economic conditions, untrammelled by outside influence of a character which can be safely regulated by Federal statute.

Surely no one will seriously contend that if the State of New Jersey wishes to prevent unfair competition between her private manufacturers and contractors of prison labor, she should be thwarted by an unnatural condition which permits the delivery within the State of prison-made goods and the sale thereof without being subjected to the laws of the State.

I do not believe that any Senator or Representative who believes in State rights and the right of the Commonwealth to regulate its own business in its own way can conscientiously oppose the passage of the Hawes bill.

I sincerely trust that your committee as well as the Senate will take early and favorable action on S. 1940, so that the laboring man of this country as well as those who invest their capital in legitimate manufacturing enterprises will feel free to work and transact their business knowing that their interests will not be jeopardized by State penal institutions and the manufactured products thereof.

May I request that this letter be made a part of the record of the hearings of the Interstate Commerce Committee on S. 1940, and that the suggestions therein contained be given the earnest consideration of the committee before final action is taken.

Most cordially,

E. I. EDWARDS.

HONORABLE DISCHARGE FOR WILLIAM G. BEATY

Mr. STEPHENS. Mr. President, I ask unanimous consent for the immediate consideration of calendar No. 751, the bill (H. R. 8983) for the relief of William G. Beaty, deceased. The bill was reported from the Committee on Military Affairs unanimously. I had a conversation with the Senator from Pennsylvania [Mr. REED], chairman of the committee, on yesterday, and it is entirely agreeable to him that the amendment reported by the committee shall be disagreed to.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 12, after the word "shall," to strike out the words "be held to have accrued prior to the passage of this act" and to insert the words "accrue or be allowed on account of the passage of this act," so as to make the bill read:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents William G. Beaty, who was a member of Company C, First Battalion, Mississippi Mounted Rifles (subsequently Company I, Second Mississippi Volunteer Cavalry), shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of May, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall accrue or be allowed on account of the passage of this act.

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

The amendment was rejected.

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



## PROPOSED INVESTIGATION OF LOBBYING ORGANIZATIONS

The VICE PRESIDENT. The Chair lays before the Senate Senate Resolution 197, coming over from a previous day, which will be read.

The Chief Clerk read the resolution (S. Res. 197) submitted by Mr. CARAWAY April 16, 1928, as follows:

Whereas it is charged that the lobbyists located in and around Washington filch from the American public more money under a false claim that they can influence legislation than the legislative branch of this Government costs the taxpayers; and

Whereas the lobbyists seek by all means to capitalize for themselves every interest and every sentiment of the American public which can be made to yield an unclean dollar for their greedy pockets: Now, therefore be it

*Resolved*, (1) That a special committee to be appointed by the President of the Senate consisting of three members is hereby authorized.

(2) Said committee is empowered and instructed to inquire into the activities of these lobbying associations and lobbyists.

(3) To ascertain of what their activities consist, how much, and from what source they obtain their revenues.

(4) How much of these moneys they expend and for what purpose and in what manner.

(5) What effort they put forth to affect legislation.

(6) Said committee shall have the power to subpoena witnesses, administer oaths, send for books and papers, to employ a stenographer, and do those things necessary to make the investigation thorough.

Mr. CARAWAY. Mr. President, I ask that the resolution may go over for the day without prejudice.

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

## FOREIGN TRADE IN POTATOES

The VICE PRESIDENT. The Chair lays before the Senate Senate Resolution 200, coming over from the preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 200) submitted by Mr. GOULD April 16, 1928, as follows:

Whereas under the present duty on potatoes of one-half of 1 cent per pound established by the tariff act of 1922 the quantity of potatoes imported has increased from 44,000,000 pounds, valued at \$1,000,000 in 1923, to over 300,000,000 pounds, valued at more than \$5,000,000 in 1927; and

Whereas differences in costs of production in the United States and in the principal competing country apparently are not equalized by the present duty; and

Whereas the potato-growing industry is widely distributed throughout the United States, and in many regions is the most important source of cash income to the farmer; and

Whereas, because of the greatly increased imports of potatoes, an emergency exists in this industry, particularly among producers of seed potatoes: Therefore be it

*Resolved*, That the United States Tariff Commission be, and hereby is, requested to investigate for the purposes of section 315 of the tariff act of 1922 the costs of production of white or Irish potatoes in the United States and in the principal competing country, and to report its findings to the President of the United States.

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

Mr. KING. Mr. President, I ask the Senator from Maine [Mr. GOULD], in view of the passage of the McNary-Haugen bill, what is the necessity of the adoption of the resolution, because that bill, as I understand, is designed to take care of all agricultural products that come within its terms?

Mr. McNARY. Mr. President, perhaps I can answer that question. The question would not need answering if the Senator from Utah had been present during the debate on the bill to which he has referred. An amendment was adopted to that measure taking fresh fruits and vegetables out of the operation of the bill. I suspect that potatoes come under that classification.

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

The resolution was agreed to.

The preamble was agreed to.

## COLUMBIA BASIN RECLAMATION PROJECT

Mr. JONES. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 1462.

Mr. KING. Let the title of the bill be stated.

The VICE PRESIDENT. The clerk will read the title of the bill.

The CHIEF CLERK. A bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes.

The VICE PRESIDENT. The bill was considered on March 2, and an amendment proposed to it by the Senator from Idaho [Mr. BORAH] was agreed to.

Mr. ASHURST. Mr. President, let the amendment which was adopted on the motion of the Senator from Idaho be read. The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The amendment agreed to on motion of the Senator from Idaho [Mr. BORAH] is, at the end of the bill, to insert the following proviso:

*Provided*, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters. *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho, or the residents or the people thereof, touching any matter or thing or property or property interests relative to the construction of the Columbia Basin project.

Mr. ASHURST. Has that amendment been adopted?

The VICE PRESIDENT. It has been adopted.

Mr. ASHURST. Mr. President, I am much pleased to observe that this amendment has been adopted. It is a brief amendment, but within its scope are assured safety and progress for the States involved. The Senate is to be congratulated and the Senator from Idaho [Mr. BORAH] is to be congratulated and the Senators from Washington, who are the proponents of this bill, are also to be congratulated in that before any work is done or any Federal money expended a compact under the Constitution of the United States must be entered into embodying the assent and express approval of all the States involved. This is a shining example of how to perform a task in a proper way, whereas the Boulder Dam bill introduced by the able Senator from California [Mr. JOHNSON] is a shining example of how to perform a task in the wrong way.

The Boulder Canyon Dam bill does not proceed upon the correct hypothesis upon which this bill proceeds; indeed, the Boulder Canyon Dam bill proposes that, over the objections of the State of Arizona, which State has not yet consented to or ratified the Colorado River compact, the bill shall be driven through and a draft indirectly upon the Federal Treasury shall be made of \$125,000,000 and work shall be started, although the State of Arizona has not ratified the necessary compact, and although the State of Utah, having observed the injustice involved in the present Boulder Dam bill, has withdrawn her ratification of the said compact.

It is seldom in the course of events that a Senator is afforded the opportunity so heartily to congratulate his associates and, indeed, to congratulate those proposing a bill, as I am privileged to do this morning. The Columbia Basin reclamation project, with its amendments, can be justified, and the expenditure will be justified; but where is the man of justice and conscience who could justify voting for the present Boulder Canyon Dam bill over the objections of Arizona, which is one of the States furnishing the water of the Colorado River, over the objection of the Senators representing Arizona, and, indeed, against the Constitution of the United States?

There is pending an amendment proposed by the junior Senator from Montana [Mr. WHEELER], and if I am correctly advised the State of Montana furnishes considerable water to the Columbia River. The amendment is as follows:

At the proper place insert the following:

*Provided*, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Montana, or the residents or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Columbia Basin project."

Mr. WHEELER. I will say to the Senator that Montana furnishes a large part of the water of the Columbia River.

Mr. ASHURST. My esteemed friend the junior Senator from Montana replies that Montana furnishes a large part of the waters of the Columbia River. I knew the junior Senator from Montana in our college days. I then predicted for him a great career. Since he has come to the Senate he has abundantly verified the predictions I made of him. It is a tribute to his statesmanship and to his courage that inasmuch as the State of Montana furnishes a part of the waters for this project he

has offered an amendment which, if adopted, will prevent protracted and expensive litigation in the future over these very waters.

This one act of Senator WHEELER demonstrates that he is a real statesman, worthy to hold a place here, and when the question of the Boulder Dam on the Colorado River comes before us, I ask him and I ask the Senator from Idaho [Mr. BORAH] precisely and courageously to apply for and in behalf of Arizona the same just rule, the same fair principle, and the same high degree of statesmanship that they have here applied in behalf of their own States. If and when the Boulder Canyon Dam bill is considered, they should refuse and fail to extend to Arizona that meed of protection and justice they are to-day asking for themselves, then I shall ask that the remarks I am making this morning commendatory of them be stricken from the CONGRESSIONAL RECORD. [Laughter.]

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

Mr. KING. Mr. President, I think I will have to offer an objection.

Mr. JONES. I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington that the Senate proceed to the consideration of the bill notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes.

The VICE PRESIDENT. The bill has heretofore been considered as in Committee of the Whole and amended.

Mr. KING. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill as heretofore amended, as follows:

A bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes

*Be it enacted, etc.,* That the lands in the eastern part of the State of Washington embraced in what is commonly known as the Columbia Basin project, or all the lands that may be embraced within the boundaries of such project, as may be finally determined by the Secretary of the Interior, be, and the same are hereby, adopted as a reclamation project to be known as the Columbia Basin reclamation project, and the appropriation of the necessary funds to determine and carry on such project is hereby authorized from funds in the Treasury of the United States not otherwise appropriated. This project shall be carried on, developed, and dealt with in every respect and pursuant to the terms and conditions of the United States reclamation act and amendments thereto, except for the appropriation provision herein made: *Provided*, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho, or the residents, or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Columbia Basin project.

Mr. WHEELER. Mr. President, I desire to offer an amendment to the bill. I send the amendment to the desk and ask to have it read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add the following:

That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Montana, or the residents or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Columbia Basin project.

Mr. JONES. I have no objection to that amendment.

Mr. BORAH. I ask pardon of the Senate, but I was interrupted during the reading of the amendment. May I ask to have it reread?

Mr. WHEELER. I will say to the Senator from Idaho that it is identical with the amendment offered by him, except that "Montana" is substituted for "Idaho."

Mr. BORAH. Very well.

Mr. FLETCHER. It does not provide for a compact, does it?

Mr. JONES. Yes; it does for the State of Montana.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. JONES. Mr. President, I thought I would make a brief statement with reference to the bill.

The bill provides for the adoption of a reclamation project in the central part of the State of Washington. It embraces an area of about 1,800,000 acres of land. This land is desert in character and will produce practically nothing without reclamation.

The matter of reclamation in the State of Washington and in this territory is not an experiment. Just across the river from the lands embraced within this project is the Yakima reclamation project, under which there have been developed something like 175,000 or 200,000 acres of land. That land is as productive land as there is anywhere in the United States. The average value of the crops produced on the lands in the Yakima project is from \$75 to \$100 an acre; and the lands embraced in the Columbia Basin project are substantially the same kind of lands as those in the Yakima project. If there is any difference, it is in favor of the lands embraced within the Columbia Basin project.

Climatic conditions, fertility of soil, transportation facilities, and nearness to markets are exceptional in connection with the proposed project. There are four or five transcontinental railroad lines running through this territory, so that, when developed, transportation facilities will be abundant to markets anywhere in the country.

As I said, the reclamation of the lands in the Yakima project demonstrates the character of these lands, their fertility, and their productive character, so that no question can be raised with reference to these features of this project.

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

Mr. JONES. I yield to the Senator from Florida.

Mr. FLETCHER. How was the Yakima project developed? Were advances made out of the Treasury to establish that project originally?

Mr. JONES. No. The Yakima project is a Government reclamation project now. Originally there was considerable private development, but that was under what we might call low-line canals. Finally, after the passage of the reclamation act, the Government decided to enter upon the project in the Yakima Valley. There was a reclamation project that had been undertaken by the Northern Pacific Railroad, or, possibly more accurately, by a subsidiary company of the Northern Pacific Railroad. It was essential for the highest possible development under the Government plan that this canal should be taken over by the Government, and this was done; so that the reclamation of the lands throughout practically the whole Yakima Valley is included under the one Government project, and the reclamation of this project has been proceeding under the reclamation act, and the moneys for its development have come from the reclamation fund.

Mr. FLETCHER. How have the purchasers operating in the Yakima project been keeping up their payments? Have they been able to keep up the payments under their contracts?

Mr. JONES. Until the acute agricultural depression came on, the settlers under this project were paying up practically in full on their lands. With the acute agricultural depression they were affected like everybody else, but possibly not to such a great extent, and so there were some delinquencies there; and, of course, after we passed the general acts for the relief of people on these reclamation projects, these people took advantage of them, too. I think, however, that the settlers under the Yakima project have paid up better than those under any other project in the United States; and there is no question whatever as to their ability and capacity to pay under ordinary agricultural conditions. My understanding is that for the last year the payments are practically up to date.

Mr. FLETCHER. Have those lands been fairly well taken over and occupied, or are there still vacant lands in the Yakima project?

Mr. JONES. In the case of the units that have water furnished practically all the land is taken.

Mr. FLETCHER. The Senator feels, does he, that this project is a successful undertaking?

Mr. JONES. Oh, I think there is no question about it.

Mr. FLETCHER. Under this bill the funds are to be advanced out of the Treasury of the United States for the development of this project?

Mr. JONES. Unless we provide some other method hereafter.

Mr. FLETCHER. Of course, if we provide now for these moneys to come out of the Treasury, that probably will not be changed.



I should like to ask the Senator what is the estimated cost. I see that the gravity plan will involve something like \$300,000,000. Does the Senator think that is the limit of the draft on the Treasury?

Mr. JONES. I think \$300,000,000 will cover the draft on the Treasury for the reclamation of these 1,800,000 acres of land.

Mr. DILL. Mr. President, will my colleague yield there?

Mr. JONES. I will.

Mr. DILL. I may say to the Senator from Florida that the plans do not contemplate taking that much money from the Treasury, but an initial draft on the Treasury, and after that the payments from the lands developed will finance the development of other units of the project. So that probably \$100,000,000, or at most \$125,000,000, would be all that would ever need to be advanced originally out of the Treasury, because this land would not be put under cultivation or under water all at one time, but by units and by parts.

Mr. JONES. That is a feature that, of course, will have to be worked out in the future; and, as my colleague has said, under the plan for this project the first unit will contain about 400,000 acres of land. That will be the part that will be reclaimed first. That will be reclaimed possibly out of appropriations made directly from the Treasury, unless we should hereafter develop some other plan, by way of the issuance of bonds or something of that sort.

Mr. FLETCHER. May I ask the Senator how that is to come back to the Treasury, if at all?

Mr. JONES. It is to come back to the Treasury just as the funds come back under the reclamation projects as they are to-day.

Mr. FLETCHER. I see that the language is very broad. It says:

and the appropriation of the necessary funds to determine and carry on such project is hereby authorized from funds in the Treasury of the United States.

Mr. JONES. Yes.

Mr. FLETCHER. There is no limit at all provided there; but all that may be necessary to accomplish this result and develop this project is to be paid out of the Treasury as it may be required.

Mr. JONES. Of course, that is subject to amendment or change by legislation hereafter.

Mr. FLETCHER. Yes.

Mr. JONES. And, of course, if it is found advisable to follow some other plan, that will be adopted; but, as my colleague [Mr. DILL] has said, the development is gradual. It will come about by units.

What our people really have in mind is what my colleague says—that when we reclaim the first unit—400,000 acres—we can then work out a method by which moneys will be received on that unit, and possibly not have to make drafts upon the Treasury thereafter; but whatever expenditures are required from the Treasury are to be repaid in accordance with the terms and provisions of the reclamation act. In other words, the settlers will have to repay this money.

Mr. COUZENS. Mr. President—

Mr. FLETCHER. I see that the estimated cost per acre is about \$159, and then the cost of maintenance is \$2.12 per acre per annum. In other words, the cost of this reclaimed land will be about \$161 per acre.

Mr. JONES. It is stated that about \$150 an acre is the cost of the reclamation. The other item is maintenance each year.

Mr. FLETCHER. Is not \$159 per acre a pretty high cost for agricultural lands on which to grow wheat and alfalfa, to say nothing of the cost of the land?

Mr. JONES. It is a pretty high cost when you look at the figures; but the Senator will note the productive character of these lands, and the fact that they are not going to produce the ordinary agricultural production. They will be put to special production, just as in the Yakima Valley. It has cost over \$100 an acre to reclaim the lands of the Yakima Valley, and yet they get at least three fine crops of alfalfa a year from that land. This land will produce not less than that, and possibly even more.

Mr. FLETCHER. I observe that the growing season is about six months, and that the main crops will be wheat and alfalfa and potatoes and livestock and grasses and that sort of thing.

Mr. JONES. And fruit and every sort of Temperate Zone product.

Mr. FLETCHER. With a growing season of six months it will necessarily be limited. I do not know; perhaps that is a wise thing to do; but I can sell the Senator a million acres of land at \$25 an acre where the growing season is 12 months of the year.

Mr. JONES. Yes; but the Senator will not do it.

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

Mr. JONES. I yield to the Senator from Michigan.

Mr. COUZENS. The Senator made an estimate a while ago of the average income per acre, as I understand, as being somewhere about \$100.

Mr. JONES. From \$60 or \$75 to \$100.

Mr. COUZENS. How is that arrived at? I mean, on what kind of a crop can you get that return per acre?

Mr. JONES. That has been actually demonstrated out there, as I said a while ago. Under the Yakima project there is what is known as the Sunnyside unit. That unit produces general agricultural crops, and the Reclamation Service keeps a record of the production. Of course, they get the returns from the farmers; and my recollection is that the average production under the Sunnyside unit over a period of years has been nearly \$70 an acre.

Mr. COUZENS. Is there plenty of market for the product in that territory?

Mr. JONES. Possibly not in that immediate territory; but they ship their surplus production to the different markets.

Mr. COUZENS. Will that product have to come under the McNary-Haugen bill to equalize the cost?

Mr. JONES. I am not prepared to say just how far the McNary-Haugen bill would apply. Our fruits and vegetables, I understand, are excepted; and while, of course, we would not expect this 1,800,000 acres to go to fruit, and so forth, there will be a great amount of fruit produced in that territory, because it is good fruit land.

Mr. COUZENS. What is the estimated time that it will take to complete the project?

Mr. JONES. As I figure it, Mr. President, in my judgment there will be no substantial production brought about on the first unit of this project short of 20 or 25 years. There are those who estimate it at 15 years; but I have lived in that country for 40 years, I have seen reclamation developments, and in my judgment there will be no substantial production under that project short of 20 or 25 years. The great work connected with this project will have to be completed before the first unit can be brought under cultivation.

That is the reason why I say that in my judgment there will be no substantial production short of 20 or 25 years, and in my judgment it will take 50 years to reclaim the entire 1,800,000 acres.

Mr. COUZENS. Has the Senator an estimate of what the Government will have spent in 20 years, when we will first commence to get production?

Mr. JONES. My recollection is that the estimate of the cost of building the canal and the tunnels to get to the first unit of 400,000 is about \$130,000,000.

Mr. COUZENS. About \$130,000,000?

Mr. JONES. I think it is about \$130,000,000.

Mr. COUZENS. If we become committed to the project, can we stop at that time, or will we have to continue on and on? Can we stop at the first unit?

Mr. JONES. I think if we could get to the first unit we should go on, because in getting to the first unit we will construct the main canal, and it must be constructed, of course, of sufficient size to carry water for the whole 1,880,000 acres. So that while we could stop, I do not think we should, and I do not think we would, I will say frankly to the Senator.

Mr. COUZENS. Is the Government to get a return on this investment of \$130,000,000 over this period of 20 years in any way; or is to be loaned without interest?

Mr. JONES. No; there would be no return on that during that period of time. That would all have to be repaid ultimately, however, by the settlers on the project. We would have to spend about \$130,000,000 before we would begin actually to reclaim and provide means for cultivation of the land. Then we will have a unit of about 400,000 acres.

Mr. COUZENS. And when that is done the Senator believes that the Government would be reimbursed?

Mr. JONES. I have no doubt about it.

Mr. SACKETT. Suppose we should stop at the end of the first unit; then what does the Senator figure the land would cost?

Mr. JONES. If we should stop at the end of the first unit, of course, we would have about 400,000 acres reclaimed, at a cost of about \$134,000,000.

Mr. EDGE. How much is that an acre?

Mr. JONES. That would not be a paying proposition at all. I could not advocate a proposition of that sort, with the idea that we were going to stop with the reclamation of the 400,000 acres.

Mr. SACKETT. Then it means that if we start, we will have to go on through with the whole thing?

Mr. JONES. We certainly should go through with it if we start. As I have said, it is 1,800,000 acres of as productive territory as can be found anywhere in the United States.

Mr. SACKETT. Three hundred million dollars is not quite as large an amount as we would spend reclaiming the Mississippi Valley, is it?

Mr. JONES. How is that?

Mr. SACKETT. We would get more land saved from flood in the Mississippi Valley for about the same amount that we would spend on this, would we not?

Mr. JONES. I doubt that. I do not think it is so much.

Mr. SACKETT. Pretty close to it.

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

Mr. JONES. I yield.

Mr. EDGE. I want to get a little clearer idea of this proposition from a business standpoint. Following the question of the Senator from Kentucky, if the project should be stopped at the end of the first unit, with \$130,000,000 involved, the land would cost approximately \$350 an acre.

Mr. JONES. I have not figured that out.

Mr. EDGE. Something over \$300 an acre. As I understand it—and the Senator will correct me if I am mistaken—if it went on to completion, the Government would be involved to the extent of about \$300,000,000.

Mr. JONES. That is the estimate, I think, about \$300,000,000.

Mr. EDGE. In other words, that would reduce the value to something in the neighborhood of \$150 an acre.

Mr. JONES. It would cost per acre about \$150.

Mr. EDGE. Just one more question or two. The Senator has referred several times to reclamation projects repaying the Government for funds advanced. I frankly must admit my lack of intimate knowledge of the provisions of the reclamation act. How is that money repaid? What are the requirements or regulations surrounding the repayments to the Government, briefly?

Mr. JONES. Briefly, now, the payments are made over a period of about 40 years. We have been amending the reclamation act, and just two or three years ago we made an amendment along those lines, giving about 40 years for these repayments.

Mr. EDGE. Without interest?

Mr. JONES. Without interest.

Mr. EDGE. Can the Senator say offhand, from his intimate knowledge of the reclamation projects, whether those who have become interested in the average projects have met their obligations to the Government along reasonable lines, or have they met them at all, generally speaking?

Mr. JONES. As I said a moment ago, under our project out there—and I speak of that because I know more about it than about any other—until this acute agricultural depression came on our people had kept their payments substantially up to date, both for maintenance and for construction charges. Of course, when Congress passed legislation suspending payments, relieving our people from payment, they, like everybody else, did not pay up. But now they are paying, and I was advised by the Reclamation Bureau just a short time ago that the payments for last year are substantially up to date. There is no question in my mind but that the people under this project will pay up in full. There are some of the other projects, possibly, throughout the country where they have not paid up as the people on our project have. I have often said, and I think I can say it now without fear of any successful contradiction, that the best reclamation projects in the country are in our State.

Mr. EDGE. Then the Senator's State does offer what might be termed the most flattering result of the reclamation policy, and the other sections of the country are not on that plane.

Mr. JONES. I think that is true. Our climatic conditions, our soil conditions, our market conditions, and our transportation facilities give us a special standing.

Mr. EDGE. One other thought comes to my mind, and I can not reconcile it with the debates to which we have listened in recent days. That is as to the constant leaving of the farm for the city, and the tremendous handicap which I have been inclined to agree exists in regard to farming. Does the Senator really feel that it is a good business proposition for the Government to obligate itself to an investment of \$300,000,000 to develop an acreage at a very high price per acre in comparison with fertile land all over the country? Does the Senator really believe that such acreage will ever be applied for and occupied and cultivated by the farmers to-day; and if so, what is the answer?

Mr. JONES. The Senator must appreciate this. As I said a moment ago, there will be no substantial production, no land brought under actual reclamation under this project short of 15 or 25 years.

Mr. KING. Let us wait 25 years, then.

Mr. JONES. It will take probably 15 or 25 years to get the first main canal constructed and the land actually cultivated and brought under protection.

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

Mr. JONES. I yield.

Mr. CURTIS. As I understand it, this money is not to come out of the reclamation fund, but is to be paid direct from the Treasury.

Mr. JONES. This project, of course, is too large to be carried on out of the reclamation fund; it would be absolutely impossible. Hence we provide that it shall be carried on by appropriations made out of the Treasury. Of course, we may adopt some other plan hereafter in order to get the money to pay for the project; but that is the way we provide in this bill.

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

Mr. JONES. I yield to my colleague.

Mr. DILL. I want to make a suggestion in answer to the Senator from Utah about waiting 15 or 20 years. The fact of the matter is that this project is so big that it must be begun within a few years in order to be able to bring it under production within 15 or 20 years. It is not an ordinary project. If we wait 15 or 20 years, when land must be had, other projects that more quickly can be developed would be considered.

Mr. KING. Mr. President—

Mr. JONES. I yield.

Mr. KING. May I have the attention of the Senator from New Jersey? I have the report as to Federal reclamation by irrigation transmitted to Congress by the President of the United States. It is a report made by a commission selected by the Secretary of the Interior, and deals in a comprehensive manner with all reclamation projects. If I understood the Senator from Washington, this report is not in harmony with his statements. It shows that losses have been sustained by the Government in the reclamation projects. There has been charged off more than \$25,000,000 in losses out of appropriations approximating \$143,000,000, and a number of the projects have proven to be failures.

The Secretary of the Interior, who is favorable to reclamation, and under whose direction reclamation projects are carried on, does not report in favor of the Columbia Basin project. In my opinion the Government should not embark upon reclamation projects without the approval of the Bureau of Reclamation, or at least until a survey has been made and a complete investigation of all questions involved conducted by competent engineers. This has not been done in the scheme before us, and the Secretary of the Interior has given what amounts to an adverse report. Nevertheless, we are asked to authorize a great project which admittedly will cost \$300,000,000. I inquire whether it would be wise to commit the Government to this project and this enormous expenditure without further information and an investigation by skillful and competent engineers?

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

Mr. JONES. I yield.

Mr. ODDIE. I have been a strong supporter of reclamation projects for a long time, and have been following the workings of the western reclamation projects. I know the desires of the western people for reclamation projects quite well, and I beg to differ with the Senator from Utah in his statement just made, which intimates that it is necessary to have the approval of the Secretary of the Interior for all these projects. Some of us differ very materially from the Secretary of the Interior. We do not consider that he has been altogether friendly to reclamation projects. In fact, we consider, and from our experience we can say, that he has been distinctly unfriendly to some of our reclamation projects.

Mr. JONES. Mr. President, I concede that this is a big project. Of course it is. It involves a million, eight hundred thousand acres of land. I suppose this is the biggest reclamation project not only in the United States but in the world. We contend that the experience of reclamation in the State of Washington has actually demonstrated the capacity of our land, and the feasibility and the success of reclamation in our State. When I say that, as far as I am concerned, I am not talking about reclamation anywhere else.

As I said a moment ago, I think the actual results have demonstrated that the reclamation projects in the State of Washington are better than those anywhere else in the United States, and possibly anywhere else in the world.

Mr. BORAH. Hear! Hear!

Mr. JONES. The State of my friend from Idaho is substantially the same territory, and they have the same climatic conditions in Idaho that we have in the State of Washington. Their reclamation projects have been successful, too; but I am willing to put up the Yakima Valley and the Yakima project



with any project anywhere in the United States, or in the world, for that matter.

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

Mr. JONES. I yield.

Mr. PHIPPS. Can the Senator give us the approximate figures covering the expenditures already made in the investigation of the possibilities of this project?

Mr. JONES. Practically \$500,000 has already been expended in investigating this project.

Mr. SMOOT. By whom?

Mr. JONES. Largely by State appropriations and contributions by local people. Congress has appropriated, my recollection is, about \$125,000, which has been used in cooperation with State and local funds; but our people estimate that in round numbers, with the investigations, surveys, and all that sort of thing, there has been spent practically \$500,000 already in determining the character of these lands.

Mr. PHIPPS. Can the Senator tell us what the contemplated expenditure for the coming year will be in the matter of carrying on investigations along engineering lines to determine the feasibility of the canal, or other plans for irrigation?

Mr. JONES. The bill adopts the project. If it is passed, the reclamation people and the Interior Department indicate that they would want further money to investigate soil conditions, and I would expect that we would expend for that purpose, and also for investigating the matter of reservoirs and things like that, possibly \$250,000, spread over a period of four or five years—probably \$40,000 or \$50,000 a year—in order to get such information as they deem necessary to work out the details of the proposition, and that we would not call for appropriations for the actual construction of the project for possibly four or five years yet. I think we would expend in the next year about \$50,000 for the investigation.

Mr. NORRIS. Mr. President, I would like to ask the Senator a question.

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

Mr. NORRIS. The Senator was speaking of the cost. Is the land similar to the lands contained in the Yakima project?

Mr. JONES. It is. It just adjoins that project.

Mr. NORRIS. Will the Senator tell us, in that project, which seems to have been a success, what was the cost per acre which the farmers had to return to the reclamation fund?

Mr. JONES. There were different units where the cost was different. On the Sunnyside, my recollection is they had to pay a little more than \$50 an acre. On the Tieton unit it is something over \$90 an acre. On the Kittitat unit, which is now under construction, it is estimated the cost will be about \$140 or \$150 an acre.

Mr. NORRIS. With land of that price, has there been a demand for it, and have the farmers taken it?

Mr. JONES. Oh, yes; the Tieton unit contains only about 30,000 acres, and every foot of it is taken. That cost was nearly \$100 an acre. On the Kittitat unit, where the estimated cost is about \$140 per acre, the construction is not yet completed. They are now constructing the canal. The lands are not taken yet.

Mr. NORRIS. The cost per acre of this contemplated project is how much?

Mr. JONES. About \$150 per acre, with a possibility that, under State legislation passed a year or two ago, it may be reduced to about \$100 an acre, with a system of taxation so that the communities, the cities and towns, and city and town property, will bear a part of the burden, as they get a tremendous benefit.

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

Mr. JONES. I yield.

Mr. KING. I find in an advertisement put out by the Columbia Basin Irrigation League, headquarters Spokane, Wash., which the organization kindly sent to me, that the cost of water delivered to farmers will be about \$119 per acre on the Columbia Basin project, but the engineers estimated the acre cost, based on construction, at \$157 per acre.

May I digress to remark that in nearly every irrigation project the cost has been 40 per cent or more higher than the estimates of the Government engineers? I know of projects where the engineers estimated \$40 or \$50 per acre and the cost was nearly double the estimates.

Mr. JONES. Let me suggest to the Senator that I think the reduction in the figures to which he calls attention was brought about under State legislation.

Mr. KING. By taxing other property?

Mr. JONES. Yes.

Mr. KING. Secretary Work, of the Interior Department, wrote a letter to the Senator's committee in which he stated:

I have your request for report on S. 1462, a bill for the adoption of the Columbia Basin reclamation project, and for other purposes, for

which the bill proposes to authorize the necessary funds from the General Treasury. The importance of the project to the Nation will make advisable a complete investigation of the feasibility and the cost, extending over several years. This should include the extent of irrigable area, with the classification of soils in the area, measurement of water supply, determination of the cost of the work for storage and distribution, and working out plans for settlement and farm development. All of this information would be necessary in order to make a final and safe determination of the feasibility as a prerequisite to recommending authorization of the project. I am, therefore, unable to recommend favorable consideration of the bill in its present form, but would recommend a reasonable appropriation to further and complete our investigations to determine feasibility.

The bill was referred to the Director of the Budget, who states the proposed legislation is in conflict at this time with the financial program of the President.

This report indicates that the Secretary of the Interior and the Reclamation Service have not the data to enable them to report upon this project, and consequently the Secretary submits what is equivalent to an adverse report.

Mr. JONES. Of course, the Senator knows that I have not made any statement to the effect that the Secretary of the Interior had recommended the adoption of the project.

Mr. KING. No; I know the Senator has not.

Mr. JONES. It is true the Secretary of the Interior sent that letter to the committee. The committee, however, looked into the matter very carefully. Many of the members of the Senate committee and many members of the House committee visited the section last fall and summer, and they felt justified in recommending the passage of the bill. I think it was done largely on the theory that the bill simply adopts the project, because of the general information that we have had with reference to it, and contemplates that further investigation, to which the Secretary refers in his letter, will be made before actual construction is undertaken.

Mr. DILL. Mr. President, I call attention to the fact, in connection with the complaint raised by the Senator from Utah [Mr. KING], that the charge offs which have been made on reclamation projects are a result largely of beginning construction before such a complete and thorough investigation had been made which should have been made and which is now required by law to be made of all projects.

Mr. KING. And several projects, even after full investigation had been made, resulted in failure because the project would have to be abandoned.

Mr. DILL. The purpose of having the project adopted now is to have the investigations and surveys made with a view to construction. The project is so large and will require so much careful investigation that we believe it should be adopted now, although we say frankly there is no possibility of bringing it into production under 15 or 20 years. It is estimated by those who are friends of the project that it will be four or five years before we can begin construction. We all know it will be more nearly double that time. We all know that the project, immense as it is, will require a great deal of investigation and planning before construction can be begun.

There are many things I might say regarding this bill, but I do not want to take time further than to say that this is the biggest project of its kind in America and in the world. We are trying to take the steps now which will make it possible some day for the country to have this land available for development and use when land will be needed, because when the time comes that new land must come under cultivation, as it will necessarily come, it should be land that is worth developing and can produce as this irrigated land can produce. I hope this authorization may be made now, that the project may be recognized as an established project, and that we may systematically and carefully go about making the investigations and surveys which are needed before actual construction begins. There is an abundance of water, the project is feasible, the time has come to adopt the project and proceed with the surveys looking to construction.

Mr. PHIPPS. Mr. President, it was my privilege to go over this project last fall in company with several members of our Committee on Irrigation and Reclamation. I was most favorably impressed with the character of the country. There is no reason to believe that soil conditions are unfavorable. On the contrary, the proximity of other successful irrigation districts indicated that the country could be made very attractive and that, with the application of water, farming could be very successfully carried on. In fact, there were many evidences that large sections of the territory have been farmed from time to time under the dry-farming method, but one dry season succeeding another led to failure so that there are to-day many ruins of farm improvement scattered throughout this immense dis-

tract. Where water is available\*the yields appear to be very much above the average. In more than one instance we saw orchards of various kinds of fruit indicating that at least some portion of the territory is fruit country.

Mr. President, I regret to say that I did not find myself in accord with other members of the Committee on Irrigation and Reclamation in favoring the bill in the form in which it has been presented to the Senate. My feeling was that we could more safely adopt and follow the suggestion of the Department of the Interior, that appropriations should be made for further investigation so that the development might be begun, or at least demonstration made that would indicate that development could be carried on successfully.

There is a vast engineering problem in connection with the enterprise, and that is readily realized when we consider the extent of the acreage, amounting to practically 1,900,000 acres, which it is proposed to bring under cultivation. Of course, as the Senator from Washington said, it is not reasonable to expect that much of that territory or any great portion of it can be brought into bearing, even to yield crops, within the next few years. But the enterprise should be projected and carried on as a whole, as it seems to me, because of the great distance that the water must be carried before it can be applied to any of the land that is to be reclaimed.

Before proceeding with such a vast undertaking it seems to me that the engineering feature should be most carefully and adequately worked out. It will take perhaps three years, or possibly a little longer, to determine the best method of conserving and conducting the water to the point where it will be put into beneficial use.

While Senators say they are merely asking for the adoption of the project as a Government reclamation project, it seems to me that a moral obligation would be implied at least that people would go ahead in confidence that the Government, having adopted the project, would carry it to conclusion in any event. To my mind the time has not yet come when the Congress could properly adopt this as a Government project. I am strongly in favor of advancing the money that may be necessary to complete the surveys that should be made to carry out the plan to a point where it can be definitely stated that a certain amount of money will be required for construction, and that that will mean so many dollars per acre for the land to be reclaimed. The figures to-day are high, the estimates being about \$159 per acre, but with the prospect that they may be materially reduced. I am hopeful that they can be reduced. I think the investigation should be carried on to determine that fact.

I feel that the bill should be modified before being passed. I do not see how it can be well amended merely to give authority, which I think should be the limit at the present time. I feel impelled to vote against the passage of the measure, but I would be heartily in favor of an amended bill that would enable us to go ahead with the investigation that appears to be desirable and necessary.

Mr. FESS. Mr. President, I have not had time to examine the bill in detail. I have had, however, an enormous amount of correspondence that has emanated evidently from some source of propaganda, all of it on behalf of the bill. I have only had opportunity to give it a cursory examination. I have read the bill pretty carefully and have read the report; in fact, I have studied the report, but I have not had any opportunity to go over the hearings. I know that there is very great interest in the measure, especially locally in the West; that is inevitable. I have friends who live in the vicinity of the project who are quite interested in the bill, and quite naturally that would be one source of the correspondence that has come to me.

I am always sympathetic with any project that looks to constructive and creative action; in fact, I think the Senate as a body is apt to yield too much to that sort of solicitation. I recall that I voted with considerable reluctance for the construction of the Alaskan Railroad, but I had come to the conclusion that there was a possibility of great good from that undertaking, and I was definitely convinced that the railroad never would be constructed by private enterprise. Alaska being a Territory under the legislative authority of Congress, and listening to the possibilities that had been pictured to us, I voted for that tremendous governmental enterprise. I must confess that I have been considerably concerned about the additional appropriations that we are constantly called upon to make for it. I was told that \$35,000,000 would be the limit; that that amount would be the maximum. I voted for the bill in the belief that those who knew were giving us in good faith the facts, but everybody conversant with the Alaskan Railroad construction realizes how far afield those estimates were; we are not as yet anywhere near the end of our expenditures for that purpose; and every time we vote we are wondering whether the additional appropriation we make is not thrown away.

As to irrigation, I have consistently supported the various enterprises that have been presented by the West. In relation to Boulder Dam, as to which there is considerable controversy, I have rather been convinced, in my own mind, that that is a project which should receive my approval, not so much on the basis that it is going to increase the tillable acreage as because of the flood-control element involved in it, which is more or less emergent, and also water-power development, which a great many people find to be the chief objection to it. However, that has not had the effect upon my mind that it has had upon the minds of some others. I mention these things merely to indicate my general attitude.

I think, Senators, in view of the problem of the agricultural surplus, the proper handling of which every Senator must agree is a subject that is giving us our greatest concern, it is a pertinent question to ask how far the Government should go in the expenditure of public money further to magnify that problem.

I know the answer will come that this work on the Columbia Basin project is not going to be done immediately, that by the time we are realizing upon it the surplus problem will be solved, in that the growth of population may be sufficient to absorb the surplus of agricultural products. However, that does not appeal to me at all. The fact is, Mr. President, that for the last 25 years we have placed emphasis upon production in agriculture. We have employed scientific methods in the production of crops. We have been impressed with the fact that the acreage is more or less fixed, while the population is an unfixed element and will increase constantly without limit, and that the demand, therefore, for agricultural products will be on the upward scale, while the supply of agricultural products, in a sense, will be limited. I believe we shall see the time when the United States will be importing some of the food that we now produce as a surplus; I have no doubt that time will come; but we have, as I have stated, put the emphasis for the last 25 years upon making the acre produce more, employing the best scientific methods possible to that end.

I recall when the Agricultural Department of the Government was established; it was not long ago. I recall when the first appropriation was made, and although it was only a few million dollars, it was regarded as more or less exorbitant and excessive. To-day, however, we are appropriating \$140,000,000 for the work of the Agricultural Department. A considerable portion of it, of course, goes to the building of public roads, but we have in the Agricultural Department to-day the largest aggregation of experts and scientists engaged in research that can be found in any unit not only of this Government but anywhere in the world. It is only a very short time, comparatively speaking, since that service was inaugurated. With that body of experts we are making a limited acreage produce vastly beyond what originally it did produce. I admit that we will get to the limit of that production, but we are not to the limit of it as yet.

When the World War came and the order went forth to produce more, millions of acres of grazing lands were plowed up which ought not to have been plowed up; millions of acres of forests were cut off. Since that time we have abandoned 31,000,000 acres of land that had been brought under cultivation under the emergency demand of the war, and there are great areas in various States that are no longer under cultivation that could be cultivated if it were at all profitable to cultivate them. However, there can not be profit in agriculture so long as we have a surplus on our hands, and I am asking the question as one sympathetic to proposed legislation of this character, in the face of an already overaugmented surplus, and with acres upon acres, running up into the millions, which have been abandoned because they can not produce to a degree of profit, how far should we go in the expenditure of public money further to increase the tillable acreage until we have handled the surplus problem? It does not seem to me that it is at all in accordance with sound legislative procedure.

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

Mr. FESS. I yield to my friend from Montana.

Mr. WHEELER. As the Senator has pointed out, we are becoming more and more an industrial nation, and it will not be so very many years, in my judgment—and I gather from what he has said that that is the Senator's opinion also—before it will be necessary to import commodities of which we have a surplus to-day. Furthermore, a great deal of our land is wearing out in this country because of the fact that certain elements are being taken from the soil which it is very hard to replace.

Under the Columbia Basin project it is not proposed to take money from the Government which is never to be paid back, but the farmers who may settle on that project will be paying



it back; and it is going to take some years to put the project in operation and secure its development.

Mr. FESS. I recognize the force of what the Senator is stating both as to the time which will be reached when we probably will be importing and also as to the time it will take to place this project in operation.

I do not agree with the Senator, however, in the statement that the land is wearing out, meaning by that that we are going to abandon it permanently. There is no doubt that the land which is being worn out will be replenished by a better type of agriculture. I think it is more or less criminal that we are allowing our land to be worn out by bad methods of cultivation.

Mr. WHEELER. But the fact is that it is happening at the present time. Of course, it is a waste—

Mr. FESS. That is true.

Mr. WHEELER. In this case, however, while the project is not in my State at all, it is in the adjoining State, and I am only interested in it—

Mr. FESS. The Senator knows that locality does not mean anything so far as I am concerned. If it is a national project, I would not oppose it.

Mr. WHEELER. The thought that occurred to me was that we ought to be looking forward to the time when great projects of this character are going to induce people to settle on the soil and to take up the land and cultivate it, because we are going to need the production as our industries in this country grow, so that we will not have to depend upon imports from other countries.

Mr. FESS. I appreciate what the Senator says. There is one thing in the item that ought to have our attention, and that is the estimate of the cost which is fixed here at \$159 an acre. I have never known a case where the ultimate cost was held within the bounds of the first estimate; as a rule, it goes away beyond that; and I think we ought to think of the possibility of that in this case.

Mr. JONES. Mr. President—

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

Mr. JONES. I agree with the Senator that the estimates for reclamation projects have heretofore been generally much less than the ultimate cost, but I think that very fact has led those who have investigated this project to be extremely careful and conservative. I feel very confident that the estimates made in relation to the Columbia Basin project are well within what the cost will be. Of course, I am not an engineer, but I am only judging by the existing state of affairs.

It is true, as the Senator says, that the cost years ago was generally greater than the estimate. I have talked with some of the engineers who investigated this project and studied it, and they have assured me that they have been extremely liberal in making estimates so as to be sure to cover all possible contingencies.

Mr. FESS. I hope the Senator is correct in his belief that this estimate is within the limit. I have been afraid that the original practice would be followed. I think, though, the Senator from Washington will agree with me that it is the height of inconsistency that only a few days ago this body voted \$400,000,000 to take care of a troublesome agricultural surplus, and now we are proceeding immediately to authorize the expenditure of \$300,000,000 more to add to the tillable acreage at least 400,000 acres, and later on the possibility of nearly 2,000,000 acres. I think that is the height of inconsistency.

Mr. JONES. If this area were to come under cultivation within the next year or two, I concede that; but I do not think it is possible to bring any considerable amount of this land into production inside of 20 or 25 years. The population of this country is estimated to be increasing at the rate of 2,000,000 a year; and if that is true—and I think it is—in 20 or 25 years we will have 50,000,000 more people to be fed and taken care of.

Mr. BROOKHART. Mr. President, will the Senator yield to me in that connection?

Mr. FESS. I yield.

Mr. BROOKHART. We are importing now in agricultural products considerably more than we are exporting. It was shown by the Senator from Idaho in the debates that we are importing nearly two and a half billion dollars' worth of agricultural products at this time. The development of this agricultural territory out there would produce some of those things that are being imported into this country at this time; and with a constantly diminishing surplus it does not occur to me that it is an argument against the agricultural situation at all to develop some local spot in the United States.

Mr. FESS. I recognize the fact that we do import a very great quantity as measured by its value; but if the Senator will go into the details of those products he will find that they are

not the agricultural products that are the chief basis of food to us.

Mr. BROOKHART. Many of them are. I think the Senator from Idaho could give a list of them.

Mr. FESS. It is stated here that what we will produce on this land will be wheat—that is one item—

Mr. BROOKHART. We have a surplus of that.

Mr. FESS. Alfalfa—

Mr. BROOKHART. We have no surplus there.

Mr. FESS. But we can have a surplus. The productivity of the area is such that we can have a surplus.

Mr. BROOKHART. I think not.

Mr. FESS. I rather think we can. Another item is corn—

Mr. BROOKHART. Our surplus of corn is practically gone.

Mr. FESS. Potatoes—

Mr. BROOKHART. We import potatoes.

Mr. FESS. It is not necessary. Whenever we import them, it is to the disadvantage of the producer here. We have the ability to produce vastly more potatoes than we can consume.

The next items that are mentioned here are hay, seeds, and livestock. Those are the items that are going to be produced in that country; and the Senator knows that the great importations we are compelled to make are not of those items.

Mr. BROOKHART. Mainly not; that is true.

Mr. FESS. In reference to the statement of the Senator, the growth of the population from now on, of course, will not be as much as it was in the decade before the war, because then we were allowing by immigration about a million people to come here every year. That is reduced almost to a minimum now—2 per cent of the nationals that are already here. So that the growth of the population from now on will be very largely through natural increase, and not, as has always been the case heretofore, through tremendous immigration from other countries; for it goes without saying that we are never going to resume that practice as we used to observe it.

Mr. JONES. I agree with the Senator with reference to immigration; but I take it that the natural increase in our population is over a million a year. In 25 years that will be 25,000,000. That is a fair estimate.

Mr. FESS. There are a great many people living now who will not be living at the end of 25 years. The Senator must keep that in mind.

Mr. JONES. Yes; but they will be replaced.

Mr. DILL. Mr. President, the estimates of those who have been studying the subject of the growth of population from year to year are that the increase will be about 2,000,000 a year, because, although immigration may be shut off, the fact that there is a bigger basic population will keep the increase about 2,000,000 per year. That is the estimate.

Mr. FESS. I doubt the increase of 2,000,000 a year, but that is neither here nor there. I do not think that goes definitely to the core of the problem. The big feature that the proponents of this bill have in the argument is the time it will take to get the project in operation. I think that is a feature that must be considered; but I will say to my friends who are back of this project that I can not avoid thinking of this fact:

We have a large amount of land that heretofore was tillable that has been largely abandoned. According to the records of the Agricultural Department, 31,000,000 acres that had been under cultivation have been abandoned because of the stress of the war. We brought under cultivation about 45,000,000 acres then, and now 31,000,000 acres of it has been abandoned; and that does not take into consideration a large amount of New England land that was cultivable that now is not very productive.

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

Mr. FESS. I yield.

Mr. DILL. The Senator recognizes, of course, that that land was only brought under production because of the unusual demand for foodstuffs.

Mr. FESS. Precisely.

Mr. DILL. The Senator also recognizes that much of it has been abandoned because it is of such poor productive quality that it probably will not be again taken up, even though there were a need for food production, unless that need was very acute. This land, however, is very rich. Its soil is very fertile, and it affords unusually fine opportunities for the production of food, and, may I say also, the production of people, because there are no finer communities in America to-day than the irrigated areas of the West.

Mr. FESS. I admit that.

Mr. DILL. We have more nearly a combination of the good things of city and country life there than can be found in any

other place in the world, and without the objections against life in the city alone or life in the country alone.

Mr. FESS. My friend from Washington was an advocate of an effort to handle the agricultural surplus which developed a very sharp difference of opinion on this floor as to the proper method.

As a sincere advocate of that method of solution of that problem will he not agree that it is rather out of the ordinary that with that condition facing us we are proceeding now to increase to rather an unlimited degree the acreage of tillable country that the Senator says will produce tremendously because of its richness of soil, and thus further increase the problem of surplus?

Mr. DILL. This increase of land, with all its rich production, would not supply one-tenth of the increase in population that will occur between now and the time when it will be available for production. May I remind the Senator further that this area lies in the western part of the country and is in touch with the great oriental trade? The trade across the Pacific is fast becoming the growing commerce of the world, and the opportunity to sell products—aye, the demand for products by the commerce on the Pacific—will be greater and greater each year; and this area will afford a production with that outlet without long-distance transportation.

Mr. FESS. Will not the Senator agree that since in the future ahead, some years removed, we may need this source of agricultural product it would be wise to enter upon a further investigation of the plan, so that we may have a little more assurance as to the wisdom of our entering upon it?

Mr. DILL. Let me say to the Senator that it would be impossible to construct this project without several years of surveying and investigation and study to know how to construct it economically and scientifically. In order that these investigations and surveys may go forward on a big scale, with a view to actually constructing the project some day, we believe it is wise to adopt it as a project, and then secure the appropriations as they are needed to make these investigations year by year, instead of being compelled to come here every year and prove that the project some day will be built in order to get an appropriation for that purpose.

Mr. FESS. That would be a matter of safety on the part of the people there who are interested; but what about the Government? Suppose we enter upon this completed project of \$300,000,000 authorization and later on we find that it is not tenable?

Mr. DILL. We have done that before. Nothing would be lost by adoption and much might be gained by it. In other words, we are not bound by this authorization to appropriate the money to build this project. We are only saying that the project is authorized, and we will go ahead with the investigations and work necessary on the theory that it is to be constructed. No money can be spent under the law until the feasibility of it from an economic standpoint is demonstrated. May I say that it has been proved feasible and declared feasible from an engineering standpoint already; but until its feasibility has been established through the office of the Secretary of the Interior—namely, through the Bureau of Reclamation—no money can be appropriated for construction anyhow.

Mr. FESS. I think the Senator will readily see my point of view. Under the stress of a great emergency this body voted almost unlimited authority here the other day, and did it unanimously, in regard to flood control. I suggested that we vote immediately on that bill when I learned that those in the stricken district were satisfied with the proposed legislation. I have since gone into that project further, and I think the authorization there is quite unlimited. I can not imagine what might be the call upon the Treasury under the authority of that bill. I doubt very much whether I would have voted for it, as I did, if I had known the possibilities involved. There is no limit to it that I can see now. We can even go up to the sources of the Mississippi and include rivers the inclusion of which probably would not be warranted at all; and yet the authority seems to have been given.

Mr. JONES. Mr. President—

Mr. FESS. I have been somewhat distressed over that measure, although I voted for it.

Mr. JONES. I do not want to bring that into this discussion; but the Senator is entirely wrong in that. I am not going to take his time now to show him that he is wrong, but I shall be glad to talk with him further about it. The Senator is entirely wrong in that idea.

Mr. FLETCHER. The bill says specifically "beginning at Cairo and extending to New Orleans." It is specifically limited.

Mr. JONES. That is all we have adopted.

Mr. FESS. There is a pertinent illustration here in reference to the Alaskan Railroad.

Mr. DILL. May I suggest to the Senator, since he brought up the Mississippi flood situation, that the purpose of that measure is to protect land in order that it may produce.

Mr. FESS. Yes.

Mr. DILL. I voted for that bill and I have no regrets over my vote. Its purpose is to keep water off land; and the money is to come out of the Treasury and never be repaid. This is for the purpose of reclaiming land that was settled and developed and found to be impossible of producing enough to support a family without more water, and we will pay back the money. This plan looks to a long future and is fully justified.

Mr. FESS. Yes; the two are different. The one is on the irrigation basis.

Mr. DILL. And certainly the irrigation proposal has the advantage over the flood proposal from the standpoint of the Treasury.

Mr. FESS. Yes, it has; and I will say to the Senator that it appeals to me. If you can take a desert country and make it blossom as the rose, as is the case with many places out in the West, I am for it; and I do not regret voting for any emergency legislation if we have not lifted the lid and gone to the skies on it.

I have an inclination to vote for a matter which comes up that appeals to me, without giving it sufficient attention to know whether we are placing any limit on it. That is why I have hesitancy about this Columbia Basin proposition. I am not opposed to irrigation at all; I have sympathy for it, but with this problem of surpluses on our hands and with the possibility that the problem will be continued because of bringing into use land that has been abandoned, it does strike me that it is rather inconsistent that we proceed on such an elaborate, ambitious program as this right at the time when we are most concerned about the problem of surplus.

If the Senators interested in this would be willing to put it in shape so that we can have further investigation and report within a reasonable time, I think I could give it my sympathetic support, but under the present circumstances I do not believe that I can vote for it.

Mr. FLETCHER. Mr. President, very much in line with what the Senator from Ohio has suggested, it seems to me that now we have not sufficient information and data before us to justify us in voting for this draft on the Treasury to an almost unlimited extent. We do not know where we may go in that direction.

The Senator has spoken about the number of acres of abandoned farm land in this country. There is undoubtedly splendid farm land in the country where a greater variety of crops can be produced and where there is a longer growing season, which could be had for very much less than the cost of these lands. There has been enormous waste with regard to our agricultural lands because our people cultivating them have failed to take proper care of them. That is a matter they must learn about, because we know that in Europe there are lands devoted to agriculture and which have been cultivated for a thousand years, that are yielding to-day more than they ever did before. We could have the same condition if we would go about taking care of our land.

I am going to offer a suggestion by way of laying the foundation for the adoption, eventually, of this project, if it is found to be feasible. We ought to keep in mind something of our experience with regard to reclamation. I have generally voted for reclamation bills.

Under the act of May 26, 1926, we authorized a charge off on various products of \$14,668,065. There is suspended \$12,593,329. The projects abandoned or sold are Buford-Winton, Garden City, Hondo, and Williston, aggregating a loss of \$1,870,014. That is not a very encouraging experience.

The total expended for construction on all Federal reclamation projects to June 30, 1927, amounted to \$183,887,241. There are in cultivation to-day 1,313,830 acres—that is, lands furnished with primary water supply. The construction debt repaid to June 30, 1927, was only \$28,482,289, as against a total cost of \$183,887,241. The amount of operation and maintenance charges repaid to June 30, 1927, was \$26,093,767.

It seems to me these figures demonstrate that we ought to move with some caution before we undertake to create new lands—millions of acres—at this enormous cost, and especially when we are without sufficient information, it seems to me, to warrant us in authorizing that tremendous draft upon the Treasury.

So I am going to propose for consideration this amendment, to strike out all after the word "be," in line 7, page 1, and to insert "investigated as to feasibility and cost, including the extent of the irrigable land, the classification of soils and their areas, measurements and sources of water supply, and determination of the cost of works for storage and distribution,



working out plans for settlement and farm development; and there is hereby authorized to be appropriated the sum of \$100,000 to further and complete the investigations herein authorized."

I will make that a larger amount if the Senators think it ought to be larger, but it seems to me we ought to have that sort of report before we can be justified in adopting a project calling for such an enormous expenditure.

That would not mean the adoption of the project, but it would authorize the investigation. I have followed in this proposed amendment the language of the Secretary of the Interior, where he specifies things that are needed before he could recommend the project. I have tried to follow these things he specifies that he ought to have information about before he could recommend the project.

I offer that amendment.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. McNARY. Mr. President, I am not in charge of this bill, but I am familiar with the project, and without further information from the committee or some one who has knowledge of the subject, I certainly would not permit an amendment of that kind to be affixed to the measure. That is the only reason why I shall occupy the remainder of the time until 2 o'clock.

I have found from experience that we can not frame legislation on the floor of the Senate. The proposal made by the Senator from Florida is quite unique and different from that which was considered by the committee. Ultimately it may be the solution of the problem, but one would be recreant who would permit an amendment of that kind to be written into a bill without further thoughtful consideration.

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

Mr. McNARY. I yield.

Mr. DILL. I wanted to ask, if I might, whether the Senator from Florida would permit his amendment to begin in line 9 after the word "project," instead of beginning in line 7?

Mr. FLETCHER. That would change the character of my amendment. I would not like to adopt such a project before we had this information.

Mr. DILL. We have already spent \$500,000 investigating, and there is certain feasibility that is required before construction can begin; but the other feasibility has been determined. If the Senator would agree to that amendment, I should be inclined to accept it.

Mr. FLETCHER. I understand; the investigations, though, are not complete, and it is necessary to get further information before we can adopt the project. I would hesitate to provide for the adoption of the project until we have this information, and the fact that some of it has already been obtained, of course, makes it unnecessary to provide a large sum to get what is further required. I did not expect this amendment to be adopted without some consideration. It is open for debate, I will say to the Senator from Oregon.

Mr. McNARY. Mr. President, I regret the absence of the distinguished Senator and keynoter from Ohio, who attempted to discuss certain phases of this bill as applied to the farm problem. I concede that there is no economic demand for the cultivation of this area to-day. There is nothing in the bill which suggests such a thing.

Some one has said—and it was a reputable Secretary of Agriculture, Mr. Meredith, in the Cabinet of Mr. Wilson—that there are 550,000,000 acres in cultivation through the country. This project involves an acreage of 2,000,000, which is a little less than one-half of 1 per cent of the cultivable area. That is so small as not to make any indelible impression upon the acreage if it were placed upon the market to-day as cultivable land.

Furthermore, anyone familiar with this project must realize that this is merely a preliminary step. All the things necessary to go through, like the estimates of the Interior Department and of the Director of the Budget, and favorable action by the Congress, and reports by committees, are prerequisites to legislation in this field.

Consequently, it may be 20 years, or it may be 25; but I do not measure the time in years at all. It may be 50 years. I can say for those who will succeed me and others present here in the Halls of Congress that this land will never come under cultivation through Government aid until there is an economic demand for its use. The population, perhaps, will bring that about. The worn-out conditions of other areas, perhaps, may contribute to that end. But in this body and in the House we will have to find expression of desire for the appropriation of money to bring this land under cultivation, and the House and this body will never act until there is need for this land.

Mr. President, the distinguished Senator from Ohio spoke about surpluses. The bill which passed a few days ago contemplated surpluses mainly among the staple basic crops of the country, and knowing the character of the land, and being familiar with the soil conditions and the climate, I am sure those settlers in that great basin would limit that area to the intensified agriculture which is found and embraced under terms of fruit and vegetables, of which there is not a surplus in this country.

In my opinion, there would be very little wheat raised there, if any. Some one suggested that wheat would be raised. It is impossible to pay a high water charge in the cultivation of wheat in competition with the area devoted to that crop throughout the country.

Hence, hastening along, if one would consider the agricultural possibilities of the great Columbia Basin area, having any knowledge of the problem, he would know that the products that would be raised in that area would in no wise contribute to the surpluses of the country; and neither this Congress nor any future Congress in its wisdom would permit appropriations of money to bring it into completion and development until there was a real economic demand well known by the legislators and economists of the country.

I rose only to prevent hasty action upon the amendment offered by the Senator from Florida, and I hope that at some future time we may consider that particular amendment further.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 1271, the migratory bird bill.

#### NAVAL APPROPRIATIONS—NICARAGUAN AFFAIRS

Mr. HALE. Mr. President, I understand that the report from the Secretary of the Navy, asked for by the resolution of the junior Senator from Wisconsin [Mr. BLAINE], has come to the Senate?

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Navy transmitting, in response to Senate Resolution 198, agreed to yesterday, information relative to the operations of the naval service in Nicaragua, together with a statement giving data as to cost of maintenance of Marine Corps personnel in Nicaragua from May 4, 1927, to April 16, 1928.

Mr. HALE. Mr. President, in view of the fact that the report has not yet been printed and Senators have not had time to examine it, I shall not call up the naval appropriation bill this afternoon, but will do so to-morrow at the first available opportunity.

Mr. CURTIS. Mr. President, I suggest that the report be printed, so that Senators who want to examine it may have an opportunity to do so.

Mr. HALE. I ask that the report be printed.

The PRESIDING OFFICER. The report will be printed and lie on the table.

Mr. HALE. I wish to make a statement about a matter appearing in yesterday's RECORD. On page 6761 of the RECORD the senior Senator from Wisconsin [Mr. LA FOLLETTE] asked me the following question:

As I understand the Senator from Maine, there have been no additional expenditures for the Navy in connection with the transporting of troops to Nicaragua or to China?

I understood the Senator was referring to Nicaragua alone, and not to China, and I replied:

No; there have been no additional expenditures.

I will say in this connection that while there were no additional expenditures in Nicaragua, in China there was an additional expenditure of about \$210,000. The transports at that time were not available for China, and the Navy had to hire a private transport. The *President Grant*, of the Dollar Line, was used for that purpose.

#### LAW LIBRARY OF THE LATE ELBRIDGE T. GERRY

Mr. BAYARD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 3640) authorizing the acceptance from Peter G. Gerry of the gift of the law library of the late Elbridge T. Gerry.

Mr. NORBECK. I have no objection if there will be no prolonged discussion.

Mr. BAYARD. There will be no discussion, I am quite sure. The bill authorizes acceptance by the Supreme Court of the gift by the senior Senator from Rhode Island [Mr. GERRY] of a library which formerly belonged to his father. It is a very fine collection of law books and the bill merely authorizes acceptance by the Supreme Court.

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

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

*Be it enacted, etc.,* That the Chief Justice of the United States is authorized to accept on behalf of the United States, for the use of the Supreme Court, the gift of PETER G. GERRY, a Senator of the United States from the State of Rhode Island, of the law library bequeathed to him by his father, the late Elbridge T. Gerry.

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

#### DELAWARE RIVER BRIDGE, NEW JERSEY

Mr. EDGE. Mr. President, on the desk there is a message from the House of Representatives which came over this morning, which I ask may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill (H. R. 350) to extend the time for completing the construction of a bridge across the Delaware River to Trenton, N. J.

The bill was read twice by its title.

Mr. EDGE. Mr. President, I ask unanimous consent for the immediate consideration of the bill. It is identical with Senate bill 3814, now on the calendar, providing for extension of the time for the construction of a bridge over the Delaware River. As the bill has passed the House, I ask unanimous consent for its immediate consideration and that it may supersede and take the place of Senate bill 3814.

Mr. CURTIS. It is in the usual form of a bridge bill?

Mr. EDGE. It is the usual form for a bridge bill providing for the extension of time to complete the construction of a bridge.

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

*Be it enacted, etc.,* That the time for completing the construction of the bridge authorized by act of Congress approved August 24, 1912, to be built by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. across the Delaware River near the city of Trenton, N. J., which has heretofore been extended by Congress to August 24, 1928, is hereby extended for a further period of three years from the last-named date: *Provided*, That it shall not be lawful to complete or commence the completion of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War.

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

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

Mr. EDGE. I now ask for the indefinite postponement of Calendar No. 786, the bill (S. 3814) to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.

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

#### SHOSHONE AND ARAPAHOE INDIANS OF WYOMING

Mr. KENDRICK. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 816, the bill (S. 3366) to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 7, to strike out "Thirty-fifth" and insert "Thirty-ninth," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much of the money credited to the Shoshone and Arapahoe Indians of Wyoming under the act of August 21, 1916 (39 Stat. 519), as may be necessary to make a \$25 per capita payment to said Indians, and to pay or distribute the same to all recognized members of the tribes under such rules and regulations as may be prescribed.

The amendment was agreed to.

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

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

#### ACOMA PUEBLO INDIANS, VALENCIA COUNTY, N. MEX.

Mr. BRATTON. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 831, the bill (H. R.

11479) to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians.

Mr. CURTIS. Let the bill be reported.

The legislative clerk read the bill.

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

Mr. CURTIS. Mr. President, I do not know enough about the bill to consent to its consideration at this time. Will the Senator let it go over until some other time and I will talk to him about it?

Mr. BRATTON. Very well. I withdraw the request.

#### VIEW OF THE POLITICAL SITUATION

Mr. SHIPSTEAD. Mr. President, I have an editorial from the Times, of Reading, Pa. It is a very thoughtful article. I ask that it may be printed in the RECORD.

The PRESIDING OFFICER (Mr. CUTTING in the chair). Without objection, it is so ordered.

The editorial is as follows:

#### LOOKING FOR A LEADER

Senator BURTON K. WHEELER, the energetic young man from Montana who drove Harry Daugherty out of the Cabinet, is discouraged about the American people.

The Nation, he believes, is selfish and inert. If Lincoln himself were to appear to-day, the Senator declares, he could do nothing because the people would be too indifferent to follow him.

It is hard to blame the Senator for being pessimistic. He courageously made war on corruption in high places, and was rewarded by being indicted on trumped-up charges; nor was there any great outcry of popular indignation over the treatment he received.

Yet it is possible to disagree with him.

It is true that we seem far more interested in baseball, criminal trials, airplane flights, and new flivvers than in our governmental leaders and their problems. But this may not be our fault so much as the fault of our leaders.

As a matter of fact, there is no country on earth where the average man looks so longingly for a capable leader as in America. Our trouble is that too often, of recent years, we have learned that our idols had feet of clay. We have grown somewhat suspicious; we have become clever at detecting shams. But let a really great man arise, or even a half-great man, and we are ready to go wherever he asks.

This explains, undoubtedly, our tendency to idolize our industrial captains. We look up to men like Ford, Sloan, Farrell, and du Pont because we recognize that here, for all their shortcomings, are men who are in their own way genuinely big. They may move in narrow fields, but in those fields they loom large. We are hungry for leaders, and since our politicians so often have failed us we are turning to the business man.

The American does not readily lose his capacity for giving himself to great leaders. There is grounded in every heart an inarticulate idealism, shy but ardent, eager to take command if only there will arise a captain capable of making the right appeal. On every battle field from Lexington to Chateau-Thierry there are American bodies to testify to this.

Sir Bertram Hayes commanded the big liner *Olympic* during the World War, and helped transport many English and American troops to France. In his recently published book of reminiscences he comments on the contrast between the troops of the two nations. The English soldiers, he said, were care free and jovial en route to France; the Americans were sober, serious, "like crusaders."

That was it. "Like crusaders." Whatever the historians may have discovered regarding the causes of the war; whatever may have happened since then in the rooms where treaties have been signed; the fact remains that we entered the war because the common American was convinced that by so doing he was serving a loftier cause than he could know otherwise. We were asked to give ourselves for an ideal, and we responded.

Is that spirit dead, then? Have we lost our capacity for rising to high ideals? We have not. We are still looking for leaders. We have had a dearth of them of late. But we are ready for them.

Let a man arise again—a man of genuine greatness, with a call to real service on his lips—and there will be a response to shake the world. America is waiting now as always. Let every politician remember it.

#### JAMES A. DE LOACH

Mr. BLACK. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 779, the bill (H. R. 9902) for the relief of James A. DeLoach. If there is objection, I will withdraw my request.

Mr. CURTIS. Let the bill be reported.

The legislative clerk read the bill.

Mr. CURTIS. Is it a unanimous report from the committee?



Mr. BLACK. It is; and the bill has passed the House.

Mr. CURTIS. I have no objection.

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

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, from any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$2,500 to James A. DeLoach for injuries received by him while attending a citizens' military training camp at Camp McClellan, Ala.

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

#### INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

Mr. WALSH of Montana. Mr. President, I have the second partial report of the Federal Trade Commission, in accordance with Senate Resolution 83, on the electric power and gas utilities inquiry being prosecuted by that body. I am not advised whether the first report, which was submitted on March 15, was printed or not. I ask unanimous consent that this report be referred to the Committee on Printing, together with the preceding report, with a view to printing the same.

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

#### PROTECTION OF MIGRATORY BIRDS

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.

Mr. NORBECK. Mr. President, in explanation of the bill now before the Senate I will state that several objections were made to the bill in the form in which it was previously pending. I think the most serious objection was made to the plan for a considerable number of Federal wardens. Other objections were made to the granting of power to the Secretary of the Treasury by which rules and regulations could be provided, which would be law in effect. A third objection was made to having 40 per cent of the sanctuaries considered as shooting grounds. I have met all three of those objections by the substitute bill which is now pending as an amendment. Those were the principal changes made in the bill.

Mr. TYDINGS. Mr. President, are we to understand that the substitute bill does not retain the license feature?

Mr. NORBECK. Oh, yes; it does retain the license feature as a matter of revenue. That is the only matter to which any objection was raised which I am still retaining in the bill. I do not know how else to get the money.

Mr. SMITH. Is there any restriction placed on the matter of licenses? In other words, would one have to take out a license in the State and would he then be subject to the restrictions of that license no matter where he might want to do his hunting or shooting? As I understood the objection was that the bill was so comprehensive in its original form that a citizen of a State would be restricted in all of his hunting privileges by virtue of there being a game asylum within that State. If one proposes to go within the game asylum, I could see how he might be restricted, but we ought not to have a license so worded that the presence of the preserve would affect the whole hunting condition in that State.

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

Mr. NORBECK. I yield.

Mr. CARAWAY. As I understood it, of course, it would require every one who hunted off his own property to have a license. But the theory of the bill is that the hunting is not to be upon the preserves. The preserves are very largely breeding places. The game that is bred there will scatter out over the State. I would imagine that nearly anybody would rather pay a dollar for a license to hunt when there is something to hunt than to hunt all day and find nothing. The theory that we are going to multiply the game, and that it can be done, has been demonstrated in the State of Pennsylvania.

Besides, there is an amendment to which the Senator in charge of the bill was good enough to say he had no objection, which will be offered at a later time, providing that whenever the State is ready to take over the bill and its enforcement it may do so, and the Federal Government, with all its regulations, except the general regulations laid down, goes out of the business. There will not be a single Federal employee in the State under those conditions.

Mr. SMITH. Provided the State accedes to the legislation,

Mr. CARAWAY. Yes; if the State is willing to preserve the game. All of us that know anything about the matter know it is not worth anything to South Carolina to preserve wild life that goes into other States, because in one State alone we may destroy most of the migratory wild life. It used to be so in my State. There was one lake—I have a plantation that borders it—where 60 per cent of the ducks and wild geese that went through that State used to rest. The pot hunters swarmed there from everywhere, and they almost destroyed the game as it came and went over that one lake. It was made a Federal game preserve, and the hunting has been better in all the country around because of the impossibility of destroying it all in that one refuge.

Mr. SMITH. So the bill, as it would apply to the southern section of the country and the migratory bird life that goes over the northern section, would not apply to it as a breeding place, but an asylum where all game would be immune from being disturbed during the migratory period.

Mr. CARAWAY. It affords both breeding places and asylums. It is the hope of those who so long have fostered the principle of the bill that it is going to make more plentiful the wild life in all the States. Any wild life that is migratory can not be protected in any one of the several States through which it passes, because it may be preserved in one State and destroyed in the adjoining State. It is to make it possible for this kind of wild life to find sanctuaries and for it to have breeding places, so that it will become once more plentiful in the country.

Mr. SMITH. Are we to understand that the terms of the bill operate entirely or are put into effect at the option of the Federal Government?

Mr. NORBECK. Absolutely, and when it comes to buying land in the State for that purpose, the head of the State game department sits in with the commission and acts with them.

Mr. TYDINGS. Mr. President, will the Senator from South Dakota yield?

Mr. NORBECK. Certainly.

Mr. TYDINGS. What does the Senator propose to do in those States which already tax the people to carry out the idea embraced in his bill? For example, in Maryland we have resident and nonresident licenses; everybody who hunts there must take out a license. With that money we have bought land and established game sanctuaries where game breeds, and is then distributed over the State. The Senator, as I understand, proposes that in addition to our own tax in Maryland, which under the law we are supposed to pay and do pay, the Federal Government is to come along and duplicate that tax and duplicate the work which Maryland is doing. Why do not those who are in favor of creating game sanctuaries concentrate on the various States? Why do they not try in Arkansas or in Minnesota or in Maryland or any other State to accomplish the result desired by local legislation rather than to establish another bureau of the Government in Washington, and under the guise of enforcing a treaty with a foreign country really make local legislation for every State in the Union?

Under the present treaty the Federal Government does protect wild life. There is a uniform system for the shooting of ducks and geese and swan. There are Federal policemen that go into the various States to enforce that law. The Federal courts have tried and convicted many who have broken the regulations adopted by the department. Now, as I understand, the pending measure merely widens the scope of the powers of the department and really takes over game regulation in its entirety by the Federal Government, so that even though the people of Maryland wanted to have their own game sanctuaries and their own laws within the treaty the whole thing would, more or less, be wiped off the map and the Federal Government would be regulating the entire matter.

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

Mr. NORBECK. I think the Senator from Maryland is mistaken in some of his assumptions.

Mr. TYDINGS. I hope I am.

Mr. CARAWAY. The Senator from Maryland, I take it for granted, is mistaken in every one of his suggestions. This bill could not prevent Maryland doing whatever she saw fit in the effort to conserve game. All it could do would be to prevent the destruction of game under certain conditions; but, so far as the conservation policy of Maryland is concerned, it would not touch it.

Mr. TYDINGS. Let me interrupt the Senator right there to say that what the Senator has said is but a restatement of what I stated; in other words, in addition to our local legislation protecting game, the Federal Government can pass still further legislation.

Mr. CARAWAY. Of course, the Federal Government has other regulations now.

Mr. TYDINGS. Certainly.

Mr. CARAWAY. It has regulations to define within what period and under what conditions one may shoot migratory birds.

Mr. TYDINGS. That is true.

Mr. CARAWAY. In addition to that it now offers to furnish the means of supplying game sanctuaries and breeding places.

Mr. TYDINGS. But we have them already.

Mr. CARAWAY. The bill will not preclude Maryland keeping those that it has.

Mr. TYDINGS. But it will duplicate the cost of them. Should we be penalized for our progressiveness in protecting birds and appropriating our own money therefor by being compelled to pay a double tax to the Federal Government?

Mr. CARAWAY. Maryland has possibly got more out of the preservation of wild life than has any other State in the Union.

Mr. TYDINGS. No; we have gotten less out of it, because we have a natural resource, as it were, there, and other States are attempting to tell us how to handle our own local affairs.

Mr. CARAWAY. No; we are hoping to prevent the people of Maryland trying to kill everything that flies.

Mr. TYDINGS. The Senator is absolutely wrong in his statement, because the regulations of Maryland, which are within the treaty, restrict the killing of game just as do the present Federal regulations.

Mr. CARAWAY. If so, Maryland will not have any cause to complain of this bill.

Mr. TYDINGS. Yes; Maryland will, because this bill will duplicate the taxes which we already pay, and we do not propose to pay, without protest, a tax to the Federal Government in order to regulate our own affairs.

Mr. CARAWAY. This bill does not regulate local affairs.

Mr. TYDINGS. I should like to say to the Senator, just to clear up that point before I lose the chance to reply, that in most of the States wild fowl may be legally killed six days in the week, whereas in the State of Maryland wild fowl can be killed on Mondays, Wednesdays, and Fridays only, so that the ducks can come back to the feeding grounds between gunning days every other day when there is no gunning on those grounds. In most of the other States one may legally gun six days in the week. When the other States and the Federal Government place themselves in the position in which we have placed ourselves, we will be very glad to sit down and talk this over with them, but when we pay a local tax and establish our own game sanctuaries and make and enforce restrictions to preserve game further than the Federal Government has done, we do not propose, without protest, to pay a duplication of that tax to the Federal Government for the benefit of game preservation in other States.

Mr. CARAWAY. May I ask the Senator a question?

Mr. TYDINGS. Certainly.

Mr. CARAWAY. What good will it do to preserve game in Maryland if they kill it in other States before it gets to Maryland?

Mr. TYDINGS. In what States will it be killed before it gets to Maryland?

Mr. CARAWAY. I do not know. I am asking the Senator that question.

Mr. TYDINGS. What is the use of talking about a proposition concerning which we do not know? Let us talk about the facts.

Mr. SWANSON. Mr. President, let me see if I correctly understand the purport of this bill. As I understand from what has been said, the pending bill does not impose any greater penalties and does not increase the Federal jurisdiction in connection with shooting, does it?

Mr. NORBECK. No, sir.

Mr. TYDINGS. May I interrupt the Senator to say that I do not think that is correct?

Mr. SWANSON. If that be true, the Senator from Arkansas is not correct in urging that this bill will increase the protection to birds. As I understand, it does not increase the present powers in any way at all. All it does, as I understand, is to impose a \$1 tax—

Mr. NORBECK. To produce more birds.

Mr. SWANSON. And the dollar so collected is to be used for what purpose? To hire agents to enforce existing law, as I understand.

Mr. CARAWAY. No.

Mr. NORBECK. To buy land.

Mr. SWANSON. To enforce existing law, and, secondly, to buy land.

Mr. CARAWAY. No.

Mr. SWANSON. Where is the land which is to be purchased going to be located?

Mr. SMITH. And who is going to pay for it?

Mr. SWANSON. If there should be collected \$200,000 a year in Virginia from such a tax, in five years it would amount to a million dollars. Can any assurance be given to me that that money will be applied in any manner to provide a refuge in Virginia? Can any assurance be given that the money collected from Maryland will be applied to the location of a game refuge in Maryland? Who is to locate the places where the game refuges are to be under this bill?

Mr. NORBECK. Canada has established 50 of them, of which we get the benefit.

Mr. SWANSON. I am asking who determines where this money shall be spent?

Mr. NORBECK. The board which is created is to determine that, in conjunction with the wardens in the States.

Mr. SWANSON. Why does not the Senator provide in the bill that the money shall be spent on refuges in the States where it is collected?

Mr. NORBECK. Of course, the theory is that one place may be better than another. For instance, we passed a bill here a day or so ago establishing a game refuge in Utah.

Mr. TYDINGS. The bill of the Senator from South Dakota proposes to tax the people of Maryland, to take money from the people of Maryland, and spend it in some other State and to build a game refuge with it?

Mr. NORBECK. It may be that money of South Dakota will be taken to build a refuge in Maryland. For all I know, if that shall be the best place for the location of a refuge, that is where it ought to go.

Mr. TYDINGS. All we in Maryland want is to keep the money which belongs to the people of Maryland for use in that State.

Mr. NORBECK. The Atlantic coast has a concentration of wild fowl that the rest of the country has not. The last birds will be killed on the seaboard, if they are killed at all. It is the depletion of the bird life that affects the interior, rather than the contrary being true.

Mr. SWANSON. Mr. President—

Mr. NORBECK. Just a moment. I do not think the bird refuge the Senator is speaking of has any direct relation to migratory birds. It is for the birds that continue to live in Maryland the year around.

Mr. TYDINGS. I will be glad to vote for the Senator's bill if he will eliminate the license feature and make a direct appropriation. Then there would be no complaint anywhere.

Mr. SWANSON. Mr. President, the Senator from South Dakota has convinced me that we ought to have bird refuges. I have heard him with pleasure and profit on that feature of the proposal. However, I do not think it is right to tax the people of the various States by requiring licenses of them and making them pay the Federal Government for the privilege of shooting in order to create a fund such as is proposed. If a national interest is to be subserved, if the purpose is to aid the entire Nation, and to protect the birds everywhere, the money ought to come out of the Treasury. I am willing to vote for funds to be applied to the creation of bird refuges and wild game sanctuaries where needed, in a broad way, for the entire country, but I am not willing to supplement the system we already have by another system of enforcement and another system of taxes, in order to furnish funds to provide refuges. Particularly is that true, so far as I am concerned, with reference to Virginia.

I do not know where the money is going to be spent. I do not think that the theory on which the bill is based is the right one. If, as I have said, a great national interest is to be subserved, it ought to be provided for out of the National Treasury and by national funds. I will vote for such a measure; and I am satisfied if the Senator will introduce a bill which does not require a Federal license, to harass and worry the people of Virginia and the other States who desire to hunt birds, and which takes the necessary money out of the Federal Treasury by a direct appropriation, he will gain much support for it. I would not object to a measure of that kind, even though the money were used in the State of the Senator from South Dakota or some other State and none of it were used in Virginia, if the national interests required such an expenditure. I do object, however, to harassing the people of Virginia and compelling them to furnish a fund when no one knows where the fund is going to be spent.

Mr. SMITH. Mr. President, it would be bad enough if each State were to be the beneficiary of the tax collected within that State for a refuge for domestic birds that are native to the State, but there is not a man on this floor who can not see the palpable injustice of laying a tax on all the States and then leaving it to the Federal Government as to where the refuges or sanctuaries may be located. As the Senator from Maryland



has pointed out as to his State, so also in my State we have a resident and nonresident license, and we are strictly conforming to the international treaty in reference to migratory birds. It seems to me that each State could at least be left to decide whether or not, in conjunction with its strict hunting regulations, it would be to its benefit to have a bird refuge within its borders.

Mr. NORBECK. May I make a suggestion to the Senator?

Mr. SWANSON. I yielded to the Senator from South Carolina, and should like to proceed a moment longer. I do not think the people of South Dakota ought to be taxed to furnish bird refuges that will benefit half a dozen or a dozen States farther south. I think it would be unjust to the State of South Dakota to compel it locally to furnish the funds to protect birds in order that they may breed in that State and fly to a dozen other States. I am willing for the Federal Government to decide where the refuges shall be located; I am willing for the people of Virginia to pay their pro rata part of the taxes to support a refuge that is for the entire country; but I am not willing to have the citizens of Virginia harassed in the effort to furnish revenue which ought to come out of the National Treasury under the ordinary system of taxation.

I ask the Senator from South Dakota not to press this bill. I give him my assurance, so far as I am concerned, that if he will bring in a bill that recognizes that the establishment of refuge for wild life is a national necessity and of importance to all the States and makes a direct appropriation out of the Federal Treasury to provide the means, I shall be willing to consent that the Federal Government shall locate the refuges where it may please, and I will be pleased to support such a bill. I think that would be the right way in which to handle this matter, and I am satisfied the Senator would get possibly a unanimous vote for a bill of that kind on the part of those who want to defeat the pending bill.

If there are those who will oppose such a measure, let them come on the floor and fight it, if they are not willing to have bird refuges and sanctuaries established under such a plan. However, I am not willing to have created the antagonisms that would come from taking care of bird life in the manner proposed, which would result in harassing everybody who wants to obtain a license to shoot any kind of game.

Mr. TYDINGS. Mr. President, I do not believe the people in the State of the Senator from Virginia, and certainly not the people of my State, want in their midst a greater number of Federal agents than is absolutely necessary, enforcing their local laws, because it always makes for ill feeling and a bad situation.

Mr. NORBECK. The Senator knows that I have taken the provision with regard to Federal agents out of the bill, except as they are to be stationed at the bird refuges.

Mr. TYDINGS. Yes; but the bill provides that the Department of Agriculture may issue regulations, and so on, governing the game refuges.

Mr. NORBECK. Just on the ground on which the refuges are located; and the Senator, being a lawyer, knows that that is quite necessary.

Mr. TYDINGS. If the department can do that it can appoint any Federal agent it wants to appoint, so long as the law may be in effect.

Mr. NORBECK. The activities of the agents are to be limited to the particular areas.

Mr. SWANSON. We have in Virginia a good game law, and we have a game commissioner. We have regular refuges, where game life is protected and developed and grows and makes increases. Now, the people in Virginia are interested in it; but if they have to come here, and Federal licenses are required for everybody in Virginia that wants to engage in any little matter of shooting or hunting, and they are to be tried for every little infraction of a Federal statute, that is not a wise way to accomplish the result that is sought by the Senator from South Dakota.

It seems to me, as it is a matter of great national interest to preserve, protect, and take care of this game, that it ought to be treated in a national way. The right way for national interests to be treated is to be sustained out of the National Treasury and not by a license system that will be disturbing, injurious, and repulsive to the people when it is administered.

Mr. NORBECK. Mr. President, I just want to say in reply to that that I think there is considerable confusion between game and bird refuges, it being recognized that migratory birds are very seldom shot in the State where the game refuge is. It is not important to South Dakota that they have game refuges. It is important to South Dakota that there shall be birds flying across the State. We are entirely indifferent as to where the game refuges are located. As I said before, I

think we get a great deal of benefit out of those located in Canada.

I just want to say further that the experience of forty-odd States in the Union—I think 46—that have State departments of game is that they are doing something in the game-conservation line. As far as I have been able to find, they are all taxing it back to the man that hunts, because the taxpayers refuse to bear that kind of a burden. They take the attitude, "If the sportsman wants game, let him pay for it through his license."

In proposing this plan we are following the experience of nearly 48 States in the Union, a long experience in the same line, except that the States have found themselves unable to deal with the migratory-bird problem. We are trying to do for migratory birds what the States have done for the birds that nest and remain within the State borders.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from South Dakota wish formally to present a substitute?

Mr. NORBECK. Yes, Mr. President; I want to offer this amendment in the nature of a substitute. I have made the changes in it as outlined and I have taken out from under the provisions of the bill the dove and the woodcock and the yellow-legs, so as to narrow down the number of birds on which there will be any requirements of Federal license. I ask unanimous consent that it be adopted at this time, and be before the Senate just the same as though it had been reported in that way, and that amendments may be offered to the measure as it will then be pending.

Mr. McNARY. Mr. President, I was interrupted for a moment. Does the Senator offer an entirely new bill?

Mr. NORBECK. It is rewritten, with certain changes, and is offered as an entirely new bill, in the nature of a substitute.

Mr. McNARY. Does it in substance change the bill at all as reported by the committee?

Mr. NORBECK. The Senator was not in the Chamber when I explained it.

Mr. McNARY. No.

Mr. NORBECK. It does away entirely with shooting grounds. My friend the Senator from Utah has been very insistent on that, and the Senator from Washington.

Mr. McNARY. If the Senator explained it, the explanation will appear in the Record, and that is all right.

Mr. NORBECK. Yes; it has been fully explained. That is the main change in it.

The PRESIDING OFFICER. The Senator is asking unanimous consent to make the substitution?

Mr. NORBECK. Yes, Mr. President.

Mr. TYDINGS. As I understand, the Senator's purpose is just to get the matter before the Senate, not for final passage.

Mr. NORBECK. Oh, yes; it is just to get it before the Senate in its new form.

Mr. SWANSON. I hope that consent will be granted. This is an improvement on the bill as originally offered. I have no objection to substituting it.

The PRESIDING OFFICER. Is there objection to the substitution? The Chair is advised that it can not be amended after the substitution.

Mr. DILL. Just a moment, Mr. President.

Mr. CARAWAY. That is exactly what the unanimous-consent request was—to let it stand as the original bill.

Mr. DILL. As the original bill.

Mr. NORBECK. To have it appear before the Senate as the original bill, and to be subject to amendment.

Mr. SWANSON. I understood that the Senator's unanimous-consent request was that this should be taken as a substitute for the original bill and treated in the Senate as if it were the original bill.

The PRESIDING OFFICER. Without objection, the request will be agreed to.

Mr. NORBECK's substitute is as follows:

Strike out all after the enacting clause and insert:

That this act shall be known by the short title of "Migratory bird conservation act."

SEC. 2. That a commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman; the Secretary of Commerce, the Postmaster General, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. The members of the commission hereby created

shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as for original appointment: *Provided*, That the ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this act, of areas in his State.

SEC. 3. That the commission hereby created shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year.

SEC. 4. That the Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this act except such as he shall determine is necessary for the conservation of migratory game birds.

SEC. 5. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated by Congress from the migratory bird conservation fund: *Provided*, That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this act.

SEC. 6. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this act; but such rights of way, easements, and reservations retained by the grantor or lessor, from whom the United States receives title, shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations.

SEC. 7. That no deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this act unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

SEC. 8. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned.

SEC. 9. That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal law.

SEC. 10. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof, on any area acquired under this act, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

SEC. 11. That no person shall take any wild ducks, geese, brant, swans, rails, coots, gallinules, curlews, black-bellied or golden plovers, snipe, willet, or other migratory game birds (except woodcock, doves, wild pigeons, or greater or lesser yellowlegs), or nest or eggs thereof, included in the terms of the treaty between the United States and

Great Britain for the protection of migratory birds, concluded August 16, 1916, the taking of which is now or may hereafter be permitted under Federal law, nor shall any person take for scientific or propagating purposes any migratory bird mentioned in said convention, or nest or egg thereof, unless and until he has a license pursuant to this act, and then he may take any such bird, or nest, or egg thereof, respectively, only under the provisions of the Federal law; such license, however, shall not be required of any minor under 16 years of age, nor shall such license be required of any person or member of his immediate family resident with him to take in accordance with such law any such migratory game bird on any land owned or leased by such person and occupied by him as his permanent abode, nor shall such license be required of any employee of the Federal or State government authorized by the Secretary of Agriculture, or of any other person so authorized to take in accordance with such law any migratory birds which have become seriously injurious to agricultural or other interests, nor of any employee of the Federal Government or of any State who is authorized by the Secretary of Agriculture to collect migratory birds and their nests and eggs for official scientific or educational purposes, nor of any person to capture migratory birds for banding in cooperation with the United States Department of Agriculture under permit of the Secretary of Agriculture for this purpose, and nothing in this act shall be construed to exempt any person from complying with the laws of the several States relating thereto.

SEC. 12. That each applicant for a license shall pay \$1 therefor and shall sign his name in ink on the face thereof, and each license shall be dated the day of issuance and shall expire and be void after the 30th day of June next succeeding its issuance. Every licensee shall have his license on his person at the time of exercising the privileges thereunder and he shall exhibit it for inspection upon request of any person authorized by the laws of the United States or of any State to enforce the provisions of this act.

SEC. 13. That licenses required by this act shall be issued, and the fees therefor collected, by the Post Office Department under regulations prescribed by the Postmaster General, and such licenses shall be available at post offices throughout the United States. The provisions of the act of January 21, 1914 (38 Stat. L. 278), as amended by the act of July 2, 1918 (40 Stat. L. 754), shall apply to such licenses and funds received from sales thereof in possession of postmasters.

SEC. 14. That all moneys received for such licenses shall be reserved and set aside as a special fund in the Treasury to be known as the migratory-bird conservation fund, of which not to exceed \$1,000,000 annually is hereby authorized to be appropriated by Congress, and when so appropriated shall be available until expended, for the acquisition of suitable areas of land, water, or land and water, for use as migratory-bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory game birds and under the administration of the Secretary of Agriculture, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wild-life conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of licenses, circulars, posters, and other necessary matter, for the enforcement of the provisions of this act, and for the repayment of the \$50,000 as provided for in this act; and the Secretary of Agriculture and the Postmaster General, respectively, are authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects: *Provided*, That no part of such appropriation shall be used for payment of the salary, compensation, or expenses of any United States game warden, except reservation wardens, for the administration, maintenance, and protection of such reservations and the birds thereon: *And provided further*, That reservation wardens appointed under the provisions of this act shall be selected, when practicable, from qualified citizens of the State in which they are to be employed.

SEC. 15. That no person shall alter, change, loan, or transfer to another any license issued to him pursuant to this act, nor shall any person other than the one to whom it is issued use such license.

SEC. 16. That no person shall imitate or counterfeit any license authorized by this act, or any die, plate, or engraving therefor, or make, print, knowingly use, sell, or have in his possession any such counterfeit license, die, plate, or engraving.

SEC. 17. That for the efficient execution of this act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the migratory bird treaty act upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this act, when seized shall be disposed of as provided by section 5 of said migratory bird treaty act.



SEC. 18. That in order to pay initial expenses, including personal services in the District of Columbia and elsewhere, supplies, printing and distributing of licenses, circulars, posters, and other necessary matter, and all other expenses that may be necessary to carry into effect the provisions of this act, the sum of \$50,000 is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and when so appropriated shall be available until expended, which sum shall be covered into the Treasury by the Secretary of the Treasury in five equal annual payments from the migratory-bird conservation fund.

SEC. 19. That any person, association, partnership, or corporation who shall violate any of the provisions of sections 10, 15, or 16 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both; and any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of \$10 for the first violation, \$25 for the second violation, and \$50 for each subsequent violation, to be collected in a civil action in the name of the United States: *Provided, however,* That any person desiring to relieve himself from such action may pay such sum to the Secretary of Agriculture, and said Secretary is authorized for good cause to mitigate or remit the liability hereby created; and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden, to be held until said liability is discharged, whereupon it shall be forthwith returned to such person. All sums so received by the Secretary of Agriculture shall be deposited in the Treasury to the credit of miscellaneous receipts.

Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of sections 10, 15, or 16 of this act, or of the migratory bird treaty act, or of title 18, sections 145, 391, 392, 393, or 394 of the United States Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not exceeding the maximum fines prescribed by said acts and sections, respectively, as may be fixed by said commissioners, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing, the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force, and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

SEC. 20. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

SEC. 21. Nothing in this act shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of Agriculture, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this act, except by and with the consent of the legislature of the State wherein such forest or power site is located.

SEC. 22. That the patrol for the protection of migratory birds on Federal migratory bird reservations established hereunder in any State may be carried on by such State, through its agency or agencies charged with the administration of its game laws, concurrently with the Secretary of Agriculture whenever so authorized by its legislature.

SEC. 23. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$5,000, is hereby authorized to be appropriated out of the migratory bird conservation fund. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

SEC. 24. That if any provision of this act or the application thereof to any person or circumstance is held invalid the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 25. That this act shall take effect upon its passage and approval, except the provisions requiring the use of licenses, which shall take effect on the 1st day of July, 1929.

Mr. DILL. Mr. President, I desire to ask the Senator from South Dakota a question. I was not in the Chamber for a while, and I want to be clear about the matter. I have not had time to study the bill.

My understanding is that the new bill limits the authority of the Federal game wardens to the migratory-bird reservations.

Mr. NORBECK. Exactly so.

Mr. DILL. They have no authority outside of the reservations?

Mr. NORBECK. No.

Mr. TYDINGS. Mr. President, may I interrupt the Senator? That may be in the bill, but that obviously can not be so, for this reason: Already numbers of regulations governing migratory birds have been adopted. Already there are appointed Federal game wardens; and, naturally, if a new Federal game warden is sworn in, the very fact that in this bill his jurisdiction is confined to the reservations created for game does not stop him from going ahead and enforcing the other Federal regulations, because he is a Federal game warden; and, even though that is put in the bill, it is just *hocus pocus*. It does not mean anything.

Mr. DILL. Why not? Does not language mean anything?

Mr. TYDINGS. Do I understand that it is the contention of the Senator from South Dakota that we have one set of Federal game wardens who can enforce all the game laws, and we have another set of Federal game wardens who are only to enforce those laws applying to the reservations?

Mr. DILL. I do not know. I am trying to get clear just what this new measure provides.

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

Mr. TYDINGS. Yes; I yield to the Senator from Wisconsin.

Mr. BLAINE. The Senator from Maryland suggested that there were how many Federal game wardens—20?

Mr. TYDINGS. I say that we have already appointed and have in existence now numerous Federal game wardens.

Mr. BLAINE. Let me give the Senator the exact information on that point.

Mr. TYDINGS. It does not make any difference. The principle of the thing is what I am contending for, not the number.

Mr. BLAINE. I think it is very important.

Mr. TYDINGS. No; because they could be increased tomorrow morning 500 per cent if it was desired to do so.

Mr. BLAINE. If the Senator will permit me to give the number, I know he will be interested.

Mr. TYDINGS. All right; I will.

Mr. BLAINE. This information comes to me from the Civil Service Commission. This is the language they use:

Referring to the allusion to the activity of Federal game wardens in politics, attention is called to the fact that there are only 23 United States game wardens serving full time in classified positions. There are 630 deputy United States game wardens serving part time in the unclassified service.

Mr. TYDINGS. That seems to be even better than I thought it was—

Mr. BLAINE. I thought the Senator would be interested.

Mr. TYDINGS. Because here you admit that you have not only the privilege of appointing permanent game wardens but any amount of deputy game wardens that you care to appoint. Of course, game wardens can not arrest anybody when the game has gone out of the State.

Mr. BLAINE. Certainly not.

Mr. TYDINGS. There are no ducks in Maryland, for instance, in July and August. The fact that there are no game wardens there then does not amount to anything. The point I make is that you can put on 50,000 game wardens if you want to. You can take the entire jurisdiction of this question out of the hands of the State, and lodge it all in the Federal Government. I really do not understand the philosophy of government anyhow, it seems.

Mr. BLAINE. Mr. President, I suggest the lack of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Couzens	Hawes	McMaster
Bayard	Curtis	Hayden	McNary
Black	Cutting	Hellin	Moses
Blaine	Dill	Johnson	Neely
Blease	Edge	Jones	Norbeck
Borah	Fess	Kendrick	Norris
Bratton	Fletcher	Keyes	Nye
Brookhart	Frazier	King	Oddie
Bruce	Gerry	La Follette	Overman
Capper	Glass	Locher	Phelps
Caraway	Greene	McKellar	Pittman
Copeland	Harris	McLean	Reed, Pa.

Sackett  
Schall  
Sheppard  
Shipstead  
Shortridge

Simmons  
Smith  
Smoot  
Stelwer  
Stephens

Swanson  
Tydings  
Tyson  
Vandenberg  
Wagner

Walsh, Mass.  
Walsh, Mont.  
Warren  
Waterman  
Wheeler

Mr. CURTIS. I desire to announce that the Senator from Oklahoma [Mr. PINE], the Senator from Kentucky [Mr. THOMAS], the Senator from West Virginia [Mr. GOFF], and the Senator from Rhode Island [Mr. METCALF] are detained on business of the Senate.

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

Mr. TYDINGS. Mr. President, the main objection that many of us have to this bill is due to the Federal license feature. We do not want to defeat the main purpose of the bill, which is, of course, to protect wild life, and in order that our good faith may be a matter of record, I am going to yield to the Senator from Washington, who has an amendment which will eliminate any objection that we may have to that phase of the bill.

Mr. DILL. Mr. President, I want to say, in the first place, that I have been a consistent opponent of this bill because of certain provisions that have been in it. The Senator from South Dakota has eliminated the public shooting ground feature, and I think the amendment of the Senator from Arkansas [Mr. CARAWAY] will remedy certain other objections.

My objection to the bill as it still stands is that it requires everybody who wants to hunt anywhere in the United States to buy a Federal license. I have prepared an amendment which I think will bring the matter to issue, and I want to offer it to the bill as now before the Senate.

On page 6, line 23, after the word "abode" in the provision that designates who is not required to buy licenses, I would add the words "nor shall any license be required of any person not hunting upon or within the boundaries of a Federal migratory-bird sanctuary or reserve."

That amendment, if adopted, would make it unnecessary for anyone to buy a Federal game license unless he were permitted to shoot on some Federal reserve or sanctuary. I should like to have the amendment taken up for immediate consideration, if the Senator from South Dakota will permit this amendment to be taken up first.

Mr. BRATTON. Mr. President—

Mr. DILL. I yield.

Mr. BRATTON. I merely wanted to ask the Senator to repeat the language.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Washington proposes to insert after the word "abode," in line 23, page 6, the following words:

Nor shall any license be required of any person not hunting upon or within the boundaries of a Federal migratory-bird sanctuary or reserve.

Mr. NORBECK. Mr. President, the reserves created under this bill are inviolate; there can be no hunting on them. Therefore whatever reference there is to hunting on reserves in the amendment relates to one or two reserves created otherwise than under this bill.

This amendment would take out the only provision there is in the bill for getting money, and I do not think that the sportsmen of the United States should ask the taxpayers to pay for bird refuges for the breeding of game for them to hunt. I think hunters are willing to pay a license for the privilege. I have no doubt on that point.

The Senator from Maryland protested violently in the name of the State of Maryland, and I have no doubt that he speaks the sentiments of a good many people in that State, but the conservation department, the game department, in his State has a different view in the matter from that of the Senator, and highly recommends this legislation. That is how Maryland speaks officially to this body.

Mr. TYDINGS. Mr. President, I would like to say to the Senator that that was true until the merits and demerits of the bill were explained, whereupon the State game department of my State took a different viewpoint from the one expressed to the Senator earlier.

Mr. CARAWAY. Mr. President, I do not know how the State game department of Maryland got a thorough explanation of the bill, because it was not before the Senate until about five minutes ago. But I am not going to worry about that.

I am free to confess that there is a natural hesitancy upon the part of the Senate to intrude the Federal Government into the regulation of affairs within a State. The amendment before the Senate now, however, does not touch that point at all. Of course, if the amendment offered by the Senator from Washington should prevail we would have a bill authorizing the purchasing of breeding grounds for game without provision for the

raising of one penny to carry out the law. Then either we would have a wholly useless piece of legislation or we would have to go to the Federal Treasury and ask it to put up money to provide sanctuaries to breed game for people to hunt. In other words, we would be putting the burden, not upon the people who enjoyed the sport, but we would be laying it upon everybody in the United States.

I would be very loath, if I wanted to hunt, to ask somebody who was a cripple and could not hunt to pay a fee for me to hunt. Hunting and fishing have always been in the nature of a privilege, and therefore the States have never hesitated to lay the cost of the conservation of game upon the people who enjoyed the sport, and I have never known a sportsman to object to that. It would be a rather small man who wanted to hunt but wanted to lay the burden of the payment of a dollar upon some widow in his State while he went out and enjoyed the privilege of doing the shooting.

That is all there is in this proposition. It undertakes to say that the Federal Government will aid in trying to establish breeding places and conservation places so that game and wild life may be restored to the States. It is no longer an experiment; it is now a demonstrated fact that that can be done.

On the other hand, it is equally well demonstrated that, unless there be some kind of protection, when wild life goes below a certain percentage it will go on to extinction. If our children who are to come after us are to have any of the joys of hunting, we must now have some kind of wise legislation which will protect and preserve wild life so we may transmit it to them. If there is some one who is willing, if the game shall last out his lifetime, that he does not care if it perishes with him, I would say he is like Louis XVI of France, who said, "After us the deluge," and of course such a man would naturally oppose this legislation.

There is no provision in the bill, however, that the State itself may not take over and regulate and run the matter, under an amendment to which I presume there will be no opposition, because the Senator in charge of the bill has no opposition to it, which will provide that whenever a State prefers to administer the provisions of the bill it may make provision for doing so, and take it over, and it will put on its pay roll every person who is on the Federal pay roll in that State for the enforcement of the bill, and the price will be paid by the fees which are collected under the bill.

Mr. DILL. Does it provide that the Federal license will no longer apply in that State?

Mr. CARAWAY. Oh, no; that is the source of revenue.

Mr. DILL. And they get their share of the revenue?

Mr. CARAWAY. They get every dollar of revenue that is necessary to enforce the law.

Mr. DILL. And the State draws money from the Federal Treasury for that purpose?

Mr. CARAWAY. Yes.

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

Mr. CARAWAY. Certainly.

Mr. BRUCE. The Senator made reference a moment ago to Louis XVI of France. If he does not regard my interruption as an impertinence, I would like to say that if Louis XVI was a Member of the Senate he would most assuredly vote for the bill, because it is recorded of him that he was so fond of hunting that when for some reason he could not go out and shoot he would simply enter in his diary for that day, "Nothing." When he went out shooting he would say he had been to Fontainebleau, or some other shooting resort, and when for some reason or other he could not go to Fontainebleau or Champigny, or some other resort of that description he would simply enter in his diary, "Nothing." I think the Senator is not exactly fair to Louis XVI when he speaks of him in a slighting, depreciatory manner.

Mr. CARAWAY. Of course, Louis does not need any defense. He lost his head more than a hundred years ago and, therefore, all I say about him will not very much concern him now. He would have been saved the necessity of writing "Nothing" in his diary if there had been some provision for the protection of wild life. If there had been none, he could have written on the first page of his diary "Nothing" and there would have been "nothing" from the beginning to the end of it. I rather suspect that Louis was not entirely devoid of some intelligence, although he does not need any defense at my hands.

Mr. President, this bill, like the one which preceded it, known as the McNary-Haugen bill, proceeds at least in one respect along the same line, that those who are to have the benefit of the bill are to pay for it. Everybody who was against the McNary-Haugen bill, in other words, against the farmer having the right to protect his own products, voted to strike out the equalization fee. Everybody who wants this bill defeated will vote to strike out the license fee.



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

Mr. CARAWAY. Certainly.

Mr. DILL. The Senator understands, of course, that there is an appropriation or an authorization for appropriation which would be made—

Mr. CARAWAY. Would the Senator be willing to put upon the backs of the general taxpayers this burden? Governments do not create wealth. Government never created a dollar since governments have been created. We merely take dollars out of the people's pockets in the way of taxes and apply them to certain useful or nonuseful purposes.

Mr. DILL. The Senator asked me a question?

Mr. CARAWAY. No; I do not think so.

Mr. DILL. The Senator said, "Would the Senator from Washington be willing?"

Mr. CARAWAY. Very well; I yield.

Mr. DILL. I can not find anything in this particular game refuge bill that makes it any different from any other game refuge bill we have passed. We authorized an appropriation of \$1,500,000 to buy migratory-bird refuges in northern Mississippi Valley. We passed a bill here the other day authorizing the appropriation of money out of the Treasury to buy a migratory-bird reserve in Utah. I do not find anything in this bill that differentiates it and makes it necessary to go out and charge everybody for a Federal license in addition to the State license, when in the other case we would be taking money out of the Treasury of the United States.

Mr. CARAWAY. The difference is this: The other bills were to protect wild life in its movement from one section of the country to the other. The provisions of this bill are to establish breeding places, sanctuaries where wild life may replenish itself. There will be no hunting in these sanctuaries. It is the belief of those who have advocated it that wild life will multiply and replenish itself and that it will scatter out over the States and be available to people who want to hunt.

Now a dollar is a dollar, and I do not deprecate its 100 cents' value. I have a good deal of respect for the Scotchman that the Senator from Washington [Mr. DILL] told about who went to a bank and asked to borrow \$10 and wanted to put up \$10,000 in Government bonds as security. The bank at first hesitated, and he said, "If you will not accommodate me, somebody else will," so he finally got them to take his note and borrowed the \$10 and paid 80 cents interest. The bank asked him why he did it, and he said, "If I had put these bonds in a safety deposit box you would have charged me \$1 a month. Now, you care for them for 80 cents for a year and I get the use of the \$10." I have some respect for that Scotchman.

I do not know a man who hunts, who enjoys sport, who is not willing to put up the money that will bring something worth hunting for into the territory where he hunts. There are two things about a sportsman. He usually has a very great deal of respect for the game he hunts; he does not want to destroy it. He is always willing to pay the price of his own sport. It does not run in the tribe of sportsmen to want to make somebody else pay the price of seeking game so he can hunt it. I never knew one that did it. He is willing to pay. Somebody has to pay if wild life is to be replenished and preserved in America. Which is the more generous thing to do, to let the man who does the hunting and gets the sport and the game pay for it or make the men and women who are not privileged to hunt and do not get the game, pay and let the hunter have it? That is all there is to it. We can vote it up or down.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. DILL].

Mr. DILL and Mr. NORBECK asked for the yeas and nays.

The yeas and nays were ordered.

Mr. NORBECK. Mr. President, I desire to explain that those voting "yea" will be voting to leave us without funds; that is, they are voting against the license feature.

Mr. DILL. Mr. President, the roll call was ordered, but if we are going to debate the question further I would like to say something.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I do not know how he would vote on this question. I transfer that pair to the Senator from Massachusetts [Mr. GILLET] and vote "nay."

Mr. MOSES (when his name was called). Has the Senator from Louisiana [Mr. BROUSSARD] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. MOSES. I have a pair with that Senator. In his absence I withhold my vote.

Mr. SACKETT (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BARKLEY]. Not

knowing how he would vote on this question, I transfer the pair to the Senator from Illinois [Mr. DENEEN] and vote "nay."

Mr. WHEELER (when his name was called). On this matter I am paired with the junior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. McNARY. On this question I am paired with the senior Senator from Mississippi [Mr. HARRISON]. I am unable to obtain a transfer, and therefore withhold my vote.

Mr. BRATTON (after having voted in the affirmative). I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the Senator from New Jersey [Mr. EDWARDS] and allow my vote to stand.

Mr. SMITH (after having voted in the affirmative). I have a pair with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from Iowa [Mr. STECK] and allow my vote to stand.

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

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Maine [Mr. HALE] with the Senator from Missouri [Mr. REED]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from Texas [Mr. MAYFIELD].

Mr. GERRY. I desire to announce that the Senator from Tennessee [Mr. McKELLAR] is necessarily detained on official business. He has a general pair with the junior Senator from Maine [Mr. GOULD].

Mr. SHEPPARD. I wish to announce that my colleague [Mr. MAYFIELD] is detained from the Senate by illness. He has a general pair with the Senator from Oklahoma [Mr. PINE]. If present, my colleague would vote "yea" on this question.

Mr. WALSH of Montana. I wish to announce that the Senator from Virginia [Mr. GLASS], the Senator from Georgia [Mr. GEORGE], the Senator from Louisiana [Mr. BROUSSARD], the Senator from West Virginia [Mr. NEELY], the Senator from Louisiana [Mr. RANSDELL], the Senator from Mississippi [Mr. STEPHENS], and the Senator from New York [Mr. WAGNER] are necessarily detained on official business.

Mr. OVERMAN. I desire to announce that my colleague the senior Senator from North Carolina [Mr. SIMMONS] is detained from the Senate on official business.

Mr. REED of Pennsylvania (after having voted in the affirmative). I inquire whether the senior Senator from Delaware [Mr. BAYARD] is recorded as having voted.

The VICE PRESIDENT. The Chair is informed that the senior Senator from Delaware has not voted.

Mr. REED of Pennsylvania. I have a pair with that Senator, but I am advised that, if present, he would vote as I have voted, and, therefore, I allow my vote to stand.

Mr. McLEAN (after having voted in the negative). I inquire if the junior Senator from Virginia [Mr. GLASS] has voted.

The VICE PRESIDENT. The Chair is informed that the junior Senator from Virginia has not voted.

Mr. McLEAN. Then I shall have to withdraw my vote, as I have a pair with that Senator.

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness in his family.

The result was announced—yeas 31, nays 25, as follows:

#### YEAS—31

Ashurst	Couzens	King	Steiwer
Black	Dill	La Follette	Swanson
Blaine	Fletcher	Overman	Thomas
Bleas	Gerry	Pittman	Tydings
Borah	Harris	Reed, Pa.	Vandenberg
Bratton	Hawes	Sheppard	Walsh, Mass.
Bruce	Hayden	Smith	Walsh, Mont.
Copeland	Heflin	Smoot	

#### NAYS—25

Brookhart	Greene	Norbeck	Shipstead
Capper	Johnson	Norris	Shortridge
Caraway	Jones	Nye	Tyson
Curtis	Kendrick	Oddie	Warren
Edge	Keys	Phipps	
Fess	Locher	Sackett	
Frazier	McMaster	Schall	

#### NOT VOTING—38

Barkley	Gillett	McNary	Simmons
Bayard	Glass	Mayfield	Steck
Bingham	Goff	Metcalf	Stephens
Broussard	Gooding	Moses	Trammell
Cutting	Gould	Neely	Wagner
Dale	Hale	Pine	Waterman
Deneen	Harrison	Ransdell	Watson
du Pont	Howell	Reed, Mo.	Wheeler
Edwards	McKellar	Robinson, Ark.	
George	McLean	Robinson, Ind.	

So Mr. DILL's amendment was agreed to.

Mr. NORBECK. Mr. President, the Senate has now acted on the migratory bird bill for the preservation of birds for the purpose of buying large areas in each State and making them inviolate to hunting, and has provided further that not one dollar shall be raised for the purpose. If the amendment had failed, there would have been under the bill as drafted approximately \$1,000,000 with which to buy land in the different States. There has been such a claim here that we ought to vote money out of the Treasury that I have an amendment prepared—in fact, I have had it prepared for some time—so as to test the question, in case the vote should turn as it has turned. The amendment provides that the money shall be appropriated out of the Treasury that we would otherwise have gotten under the bill as originally drawn from license fees. The amendment has, at my request, been prepared by the Bureau of Biological Survey, which is thoroughly familiar with this matter. The amendment is rather long, because it involves several changes in the bill, but I desire to offer it at this time in the form in which it is prepared. I first ask, however, for reconsideration of the vote by which the amendment which has just been adopted and which was offered by the Senator from Washington was agreed to. I do not think he will object to that. I make the request in order that I may offer the amendment I have suggested.

Mr. DILL. I understand the Senator is desirous of reconsideration for the purpose of perfecting the amendment and not for the purpose of changing it.

Mr. NORBECK. Yes; the amendment I propose to offer provides no license fee. The Senator's idea will prevail even though his amendment shall be withdrawn.

Mr. DILL. I do not want to withdraw the amendment, but if the Senator will perfect his new form of amendment, I will be very willing to accept that, if it strikes out the license-fee provision.

Mr. NORBECK. Of course, it is difficult to rewrite the amendment in a hurry, but I shall do just as the Senator suggests. I offer the amendment. I do not think it will create any real conflict with the amendment of the Senator from Washington.

Mr. SWANSON. Mr. President, there is no necessity for reconsidering the vote by which the amendment was agreed to.

Mr. NORBECK. The amendment provides that the money shall come out of the Federal Treasury to the amount of \$1,000,000 a year.

Mr. SWANSON. Mr. President, as I understand, the license provision contained in the measure has been eliminated by the vote just taken. Consequently that provision disappears from the bill, and the bill itself is still open to any amendment any Senator may wish to offer. So there is no necessity for reconsidering the vote by which the amendment just adopted was agreed to in order to accomplish that purpose.

Mr. NORBECK. Was there objection, Mr. President?

The VICE PRESIDENT. The statement of the Senator from Virginia was to the effect that in order to vote upon the amendment proposed by the Senator from South Dakota it is not necessary to reconsider the vote by which the other amendment was agreed to.

Mr. NORBECK. I shall be satisfied with leaving the other amendment in; I do not think they will conflict; but the other amendment makes no provision for anything, while the amendment I have offered does.

Mr. HARRISON. Mr. President—

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

Mr. HARRISON. Mr. President, do I understand the Senator withdraws his motion to reconsider the vote by which the amendment just adopted was agreed to?

Mr. NORBECK. Yes; I withdraw that.

Mr. DILL. Let us have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend section 5, on page 3 of the amendment, in the nature of a substitute offered by the Senator from South Dakota by striking out in lines 15 and 16 the words "by Congress from the migratory-bird conservation fund" and inserting in lieu thereof "hereunder by Congress from time to time," so that the clause beginning in line 15 will read:

from moneys to be appropriated hereunder by Congress from time to time.

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

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from South Dakota will be stated.

The CHIEF CLERK. It is also proposed to strike out section 11 and insert in lieu thereof the following:

SEC. 11. That for the purposes of this act migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

Mr. FESS. Mr. President—

Mr. NORBECK. I wish to ask for one change in that amendment.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. FESS. I yield.

Mr. NORBECK. I desire to have inserted the words "(except woodcocks, doves, wild pigeons, or greater or lesser yellowlegs)."

Mr. DILL. Mr. President, if agreed to the Senator's amendment would strike out section 11, which is the section that was just amended on my motion. If the Senator intends to strike out all relation to the license feature—

Mr. NORBECK. I propose to strike that out all the way through.

Mr. DILL. I have no objection to the amendment.

Mr. FESS. Mr. President, my attention was diverted from the amendment when the Chair put the question on it. I am not sure whether we have voted a direct appropriation out of the Treasury or not.

Mr. NORBECK. We have not voted for a direct appropriation but for an authorization.

Mr. FESS. We have not voted for a direct appropriation?

Mr. NORBECK. No.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. It is proposed to strike out section 11, and in lieu thereof to insert the following:

SEC. 11. That for the purposes of this act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds (except woodcocks, doves, wild pigeons, or greater or lesser yellowlegs), concluded August 16, 1916.

Mr. FESS. That has nothing to do with the appropriation. The question I had in mind was as to the first amendment.

The VICE PRESIDENT. The first amendment will be stated.

The CHIEF CLERK. In the substitute of the Senator from South Dakota, on page 3, it is proposed to strike out, in lines 15 and 16, the words "by Congress from the migratory-bird conservation fund" and to insert in lieu thereof the words "hereunder by Congress from time to time," so that the clause, beginning in line 15, will read:

from moneys to be appropriated hereunder by Congress from time to time.

Mr. FESS. Mr. President, I take that to mean an authorization for an appropriation out of the Treasury.

Mr. NORBECK. That is what it means, to the amount of a million dollars a year.

Mr. FESS. We are not ready to vote on that.

The VICE PRESIDENT. The amendment has already been agreed to.

Mr. DILL. Mr. President, the Senator from South Dakota speaks of a million dollars a year.

Mr. FESS. A parliamentary inquiry, Mr. President. It is stated about me here that we have already adopted that amendment.

The VICE PRESIDENT. The Senator is correct.

Mr. FESS. Then, I shall call for a separate vote on the amendment when the bill gets into the Senate.

Mr. BRATTON. Mr. President, may I ask the Senator from South Dakota a question?

Mr. NORBECK. Certainly.

Mr. BRATTON. In connection with the amendment, which is proposed by the Senator from South Dakota, is it his intention after we have voted on that to strike out the first and second lines of section 12, which provide for a license fee of \$1?

Mr. FESS. Yes; all that will be stricken out.

Mr. BRATTON. As I understood the amendment proposed by the Senator, it strikes out all of section 11. Section 12 begins with this language:

That each applicant for a license shall pay \$1 therefor—

Mr. NORBECK. The Senator will find that a later amendment wipes that all out. The amendment has been prepared so as to harmonize the provisions of the bill with the policy of an appropriation without a license fee.

Mr. BRATTON. I ask that the clerk restate the amendment. As I understand, it strikes out section 11.



Mr. TYDINGS. There is another amendment to follow that.

Mr. BRATTON. That is what I am intending to ask the Senator from South Dakota.

The VICE PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. It is proposed to strike out section 11, and in lieu thereof to insert the following:

SEC. 11. That for the purposes of this act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds (except woodcock, doves, wild pigeons, or greater or lesser yellowlegs), concluded August 16, 1916.

Mr. BRATTON. Mr. President, that strikes out section 11 and substitutes new language. Section 12 expressly provides for a license fee of \$1.

Mr. NORBECK. There is an amendment to section 12.

Mr. DILL. That is what I have been endeavoring to ascertain—if there is another amendment dealing with that.

Mr. McLEAN. Mr. President, I should like to ask the Senator from South Dakota, in charge of the bill, if any of this \$1,000,000 to be appropriated is to be devoted to the enforcement of the act or whether it all goes for the purchase of refuges?

Mr. NORBECK. It all goes to bird refuges and the enforcement of the law on the refuges.

Mr. McLEAN. I desire also to ask the Senator how much the annual appropriation is for the enforcement of the law at this time.

Mr. NORBECK. I can not tell the Senator that. There are 23 regular game wardens and there are quite a number of part-time game wardens in the whole United States.

Mr. McLEAN. Is not more money needed for the enforcement of the migratory bird law?

Mr. NORBECK. Decidedly; but the Senate objects to it, so I had to withdraw it.

Mr. TYDINGS. Mr. President, if the Senator will yield, I should like to make a unanimous-consent request. I know the Senator is actuated by the best of motives, but it is very hard in amending the whole bill for many of us to follow the sequence of the different sections and to see whether they are all in proper order.

I should like to ask that the whole bill be referred back to the committee, with instructions to eliminate the license fee, put in the amendment the Senator now has in his hand, and report the bill to the Senate as soon as possible, and not have it lose its place on the calendar.

Mr. NORBECK. Oh, Mr. President, we have had motions of that kind for seven years. This amendment has been prepared by the bureau at my request to leave out the license and substitute the appropriation, and I think we had better take a vote on it.

Mr. TYDINGS. But the Senator will realize that this is a bill of some 15 pages.

Mr. NORBECK. Yes; but the clerk will read it section by section and the Senator will note the amendments. It will take only a few minutes to go through the bill.

Mr. TYDINGS. I can not read a bill in half a minute and tell what it means, as the Senator can. I really should like to look it over a little bit; and I hope the Senator will let the bill go back to the committee. Of course, if he objects to it, I will withdraw my request. My motive is the best, I will say to the Senator. I do not want to delay the measure, but I should like, at least, to read it in its complete state.

Mr. NORBECK. I have been assured here for years and years of good motives, and all that; and when I get a vote I get just the kind of a vote that I got now. I have been assured that Senators were all anxious to take the money out of the Treasury. Now I propose to act.

Mr. TYDINGS. I will vote for the Senator's amendment to appropriate money for this purpose, but I certainly should like a little time to read the bill. I hate to have it done in sections in this way.

Mr. BLAINE. Mr. President, I should like to ask a question for information. A great deal has been said about a million dollars a year. We have not come to that amendment yet, have we?

Mr. JOHNSON. That was agreed to.

Mr. BLAINE. That did not fix any amount.

Mr. NORBECK. It authorizes that as a maximum.

Mr. BLAINE. As a maximum?

Mr. NORBECK. Yes.

Mr. SMOOT. Mr. President, the Senator has used words in the amendment that are not generally used in any kind of an authorization for the appropriation of money. That is, he

makes it available until expended. Therefore, if it is not expended in one year, it will go over into the next year, and there will be added to the million dollars that much more.

Mr. NORBECK. I think the Senator will agree with me that the experience on bird refuges was that the money could not be spent in any one year or two years or, on the upper Mississippi, even at the end of four years. It seems to me necessary, in order to administer the matter, to have the money remain available until expended.

Mr. SMOOT. I will say to the Senator that that only happens in cases where there is a deficiency, and another appropriation is made. Then we provide that it shall be made available until expended. This, however, is not for one year. This will be for year after year, as long as the act is in operation; and it is the first time I have ever seen an authorization for an appropriation made in that way. I was wondering if the Senator had not better make it just a straight million dollars a year.

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

Mr. NORBECK. The trouble is, the first of the year arrives before the abstract comes in, and the money can not be used, and it is necessary to wait for another appropriation. That is one reason why I tried to get the license fund. Otherwise, we will be in the same fix as certain other activities of the Government that have attempted that, and have fallen down utterly for that very reason.

Mr. SMOOT. It could not affect any other than the first year. That would be the only year that would be affected by the wording of the appropriation.

Mr. NORBECK. I am told that there have been abstracts up here in the Attorney General's office for two years. That is, they have not yet been able to finish the title and get it fixed, and so the money reverts to the Treasury. Then another appropriation is asked for, and it reverts to the Treasury again, before it can be expended.

Mr. SWANSON. Mr. President, if the Senator will yield, as I understand, when an appropriation is made it can provide that the money shall be available until expended.

Mr. SMOOT. Yes. This simply authorizes that.

Mr. SWANSON. But such a provision is not usual in an authorization.

Mr. SMOOT. Never. This is the first time I have ever seen it.

Mr. SWANSON. In bills in which I have been interested, for matters that take some time, when the appropriation is made it is very frequently provided that we shall appropriate so much money, to be available until expended.

Mr. SMOOT. Certainly.

Mr. NORBECK. If the Senator feels that the matter can be taken care of in the appropriation bill, I am willing to have the change made.

Mr. SMOOT. I am quite sure it can be.

Mr. NORBECK. I ask unanimous consent that the clerk be authorized to perfect that amendment.

Mr. TYDINGS. Mr. President, will the Senator from South Dakota yield for a moment? I will say to the Senator in all good faith that there are some Members on this side of the Chamber who would like to vote for his amended bill, but who probably will not vote for it because they had not had an opportunity to read it. I am sure, if he would let my unanimous-consent request go through, that the bill could be brought back in two days, and could be disposed of in five minutes.

Mr. BORAH. Mr. President, it is not necessary to send it back to the committee, even if we wish to do that. The bill can be reprinted with the amendments incorporated in it.

Mr. TYDINGS. I ask unanimous consent that the bill be reprinted in line with the amendments that the Senator from South Dakota has offered and be restored to the calendar in its proper number and not lose its place.

Mr. NORBECK. If the Senator will add to that a unanimous-consent agreement that we vote at 3 o'clock to-morrow, I will accept it.

Mr. TYDINGS. As far as I am concerned, I will agree to that.

The VICE PRESIDENT. Is there objection?

Mr. BLAINE. I should object to the unanimous-consent agreement.

The VICE PRESIDENT. Objection is made. The question is on agreeing to the amendment.

Mr. TYDINGS. Mr. President, I move that the bill be reprinted in line with the amendments offered by the Senator from South Dakota and be restored to its regular place on the calendar.

Mr. SWANSON. I do not see why there need be any restoration to a place on the calendar. The reprinting of a bill by the

Government Printing Office does not deprive it of its position on the calendar.

Mr. SMOOT. Not in the least.

Mr. SWANSON. I presume the amendments will be printed under the general rules of the Senate. We can have a reprint of the bill, with the amendments adopted, if it goes over until to-morrow, in the regular order; but the reprinting of the bill does not interfere with its position on the calendar. It seems to me that if we discuss it to-day, and make all the amendments we desire, and do not complete it, we can have a print of everything to-morrow and then dispose of it.

I think the Senator who has charge of this bill has shown a great deal of patience and forbearance in dealing with the opposition of Senators and is entitled to have this matter disposed of; and I am disposed to help him, with the fee eliminated.

The VICE PRESIDENT. The question is on the motion of the Senator from Maryland that the bill be reprinted with the amendments that have been adopted.

Mr. BORAH. Does that fix the hour for a vote at 3 o'clock to-morrow?

Mr. TYDINGS. No; I did not include that in the motion.

The VICE PRESIDENT. You have heard the motion.

The motion was agreed to.

The VICE PRESIDENT. The bill will be reprinted with the amendments that have been adopted.

Mr. JOHNSON. Mr. President, will this bill retain its status?

Mr. DILL. Let us have the amendments stated.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. DILL. The amendments of the Senator from South Dakota have not been adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota to section 11.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the remaining amendments.

The CHIEF CLERK. The next amendment is to strike out sections 12 and 13, on page 7.

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

The amendment was agreed to.

The CHIEF CLERK. Amend section 14 by striking out, in lines 7 to 12, page 8, the following words:

That all moneys received for such licenses shall be reserved and set aside as a special fund in the Treasury to be known as the migratory-bird conservation fund, of which not to exceed \$1,000,000 annually is hereby authorized to be appropriated by Congress, and when so appropriated shall be available until expended.

And inserting in lieu thereof:

SEC. 12. That in order to effectuate the provisions of this act, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000.

The Senator from South Dakota has already stricken out the words "and when so appropriated shall be available until expended."

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The CHIEF CLERK. Amend section 14 by striking out, in line 1, page 9, the word "licenses," and in lines 3 and 4, page 9, the words "and for the repayment of the \$50,000 as provided for in this act"; also by striking out, in lines 4 and 5, the words "and the Postmaster General, respectively, are" and inserting the word "is," so as to read "and the Secretary of Agriculture is authorized and directed"; and by inserting in line 2, page 9, after the word "matter," the word "and."

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

The amendment was agreed to.

The CHIEF CLERK. Strike out sections 15 and 16 of the substitute.

The amendment was agreed to.

The CHIEF CLERK. Renumber section 17, page 10, as section 13; and insert after the word "act," in line 9, page 10, the following:

(Title 16, sec. 706, of the U. S. C.)

The amendment was agreed to.

The CHIEF CLERK. Strike out section 18.

The amendment was agreed to.

The CHIEF CLERK. Renumber section 19, page 11, as section 14.

The amendment was agreed to.

The CHIEF CLERK. Amend section 19, page 11, in line 2, by inserting after the word "violate" the words "or fail to comply with."

The amendment was agreed to.

The CHIEF CLERK. Amend in lines 2 and 3 by striking out the words "of sections 10, 15, or 16."

The amendment was agreed to.

The CHIEF CLERK. Amend by inserting a period after the word "both," in line 6, and striking out the balance of the paragraph down to and including line 22, so that the first paragraph shall read:

SEC. 14. That any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both.

The amendment was agreed to.

The CHIEF CLERK. Strike out in section 19, line 25, the words "of sections 10, 15, or 16," so that the clause shall read:

Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of this act—

And so forth.

The amendment was agreed to.

The CHIEF CLERK. And amend section 19, page 12, by inserting in line 1, after the word "act," the following:

(Title 16, secs. 703 to 711, inclusive, of the U. S. C.)

Mr. DILL. Mr. President, will the Senator explain what the reason for that insertion is, and what it means?

Mr. NORBECK. I was not following it.

Mr. DILL. It is inserted twice in the bill, a certain reference to title 16.

Mr. NORBECK. I am unable to answer that question, except that the whole purpose is to harmonize it with the thought that it would provide for the same enforcement.

Mr. DILL. I wanted to know whether that was another designation of the same provision.

Mr. BLEASE. I would like to know if that amendment means that a United States commissioner is to try a man.

Mr. NORBECK. The original bill, which was pending here for years, provided a method by which offenders could go before a commissioner instead of a judge, and accept a nominal fine in settlement. It is to ease off that disagreeable feature of dragging a man before the nearest Federal judge, perhaps a hundred miles away.

Mr. TYDINGS. Mr. President, the Senator from South Dakota has admitted that he does not know what those sections which have been inserted in the bill mean, and therefore I do not feel that we can take his explanation in regard to them. I think we ought to have time to see what those sections do mean.

Mr. NORBECK. If the Senator will read the part of the section—

Mr. TYDINGS. I mean these parts of the Federal Code which are now being inserted in the bill. What do those sections provide. If anyone here knows what they provide, I would like to know it. I can not believe the Senate is going to pass a bill when not a Senator on either side knows what it means.

Mr. NORBECK. They can vote it down if they do not want to vote for it.

Mr. BLAINE. Mr. President, I suggest to the Senator from Maryland that there is going to be a reprint, as required by the action of the Senate of a few moments ago.

Mr. TYDINGS. All the amendments are being adopted, and the bill may come up and be passed.

Mr. NORBECK. I am not going to insist on the bill passing to-day. The Senator from Maryland has protested against that. For the ninth time I am doing it the way he wants it.

Mr. TYDINGS. All right.

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

The amendment was agreed to.

The CHIEF CLERK. The next amendment is to renumber the section.

The amendment was agreed to.

The CHIEF CLERK. In section 18, to amend the section in line 23, page 13, by striking out the words "the migratory bird conservation fund."

The amendment was agreed to.

The CHIEF CLERK. The next amendment is to insert in lieu thereof the words "any money in the Treasury not otherwise appropriated."

The amendment was agreed to.



The CHIEF CLERK. Renumber section 25, page 14, as section 20, insert a period after the word "approval," in line 9, and strike out the balance of lines 9 and 10, so that the section shall read:

Sec. 20. This act shall take effect upon its passage and approval.

The amendment was agreed to.

Mr. BLAINE. Mr. President, I desire to offer an amendment, which I rather assume will be accepted by the Senator from South Dakota, at the end of line 14, on page 4, to insert the words:

*Provided*, That no person shall take, hunt, or kill any game birds described in section 11 within the area between the boundary line of any sanctuary herein provided for and a line 10 miles distant from the boundary line of said sanctuary and which are not in the permanent abode of the person taking, hunting, or killing said migratory bird.

Mr. NORBECK. Mr. President, the effect of that amendment, of course, will be to make private lands bird sanctuaries, and I do not have any objection to it, except that I do not think that we can get anywhere with it. I do not want to accept the amendment. I suggest that it be printed and lie over until to-morrow.

Mr. BLAINE. I suggest that this proposed amendment is not intended to make private property bird sanctuaries, but is intended to prevent private hunting clubs from establishing their clubs next to and adjoining a bird sanctuary which will be paid for by the people of the United States. I discussed this very feature when I was engaged in the debate upon this bill a few days ago. The purpose of this is to exclude private hunting grounds immediately adjoining these sanctuaries.

Mr. NORBECK. Mr. President, I can understand the motive that prompts the Senator, and I think it is worthy. But there are a good many objections to it. One objection is to going into a State and passing game laws for the State. It is hardly a Federal matter, for one thing. I believe enough in State rights to think that we should reserve such a power to the States. I wish it could be worked out in some way, but I think there is too much objection to it. Furthermore, it will prevent the boy in a county who buys a dollar license from hunting anywhere within 10 miles of where a bird refuge is. I think it is too broad entirely, for one thing.

Mr. BLAINE. Mr. President, the distance may be greater than necessary, but it has been suggested by conservation organizations that the distance be fixed all the way from 5 to 10 miles. I thought 10 miles would be the proper distance from the sanctuary.

I have another amendment I want to suggest, on page 2, in line 8, after the word "prices," to insert the words "at an average cost per acre not exceeding \$5." That has reference to the maximum amount that may be paid for the acreage that is to go into the sanctuary.

Mr. NORBECK. I certainly will not favor that, because the experience in the State of Wisconsin in establishing the upper Mississippi game refuge has shown that the estimate of \$5 an acre was wrong, and there has been offered or has passed here a bill to increase that maximum. What is the use of tying our hands at the start?

Mr. BLAINE. I think the Senator is unfamiliar with that situation in Wisconsin.

Mr. NORBECK. I am not unfamiliar with the fact that they are here trying to get legislation to raise the maximum to \$10.

Mr. BLAINE. The land which the Federal Government is buying in that region is not worth more than \$5 an acre, on the whole, and when the department pays more than that they are paying an excessive price. I feel that \$5 an acre is the limit that should be offered for the type of land that is going to be embraced within these refuges. It is not prairie land that we would buy, it is not irrigated land. It is, to a large extent, waste land, and I do not want to make this bill or any other legislation an instrument for somebody to profit unreasonably out of the pocketbook of the people of the United States.

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

Mr. BLAINE. Yes.

Mr. CARAWAY. If a man would not take \$5 an acre for the land, how would you get it away from him?

Mr. BLAINE. The Government has recourse to condemnation proceedings.

Mr. CARAWAY. Then the Senator would have us go to court, and what if the jury should return a verdict for a greater amount from that? How would we get it?

Mr. BLAINE. The same question might be asked with reference to the purchase of any property the Federal Government gets.

Mr. CARAWAY. I would be amazed to find anybody arguing that if we provide that no man shall receive in excess of a certain amount for his property, we will get it for less than that price. That would be introducing something entirely new.

Mr. BLAINE. I think under the circumstances \$5 an acre is the amount that has usually been fixed in legislation of this type, at least with respect to the upper Mississippi Valley wildlife refuge; that is the average maximum. I shall offer the amendment at the proper time.

Mr. CARAWAY. If there is no amendment pending I wish to offer one.

The VICE PRESIDENT. Will not the Senator from Wisconsin send up the amendments so that they can be printed? Without objection, the amendments will be temporarily passed over.

Mr. CARAWAY. I wish to offer one amendment, and then a second one to perfect the first.

Mr. NORBECK. They are simply offered to be printed?

Mr. CARAWAY. I will ask the Senator to wait until he hears the amendments. I think the Senator will have no objection.

Mr. NORBECK. Not if they fit in with all the other amendments that have been adopted, so that we will not have a conflict. I suggest that the Senator offer them and have them printed.

Mr. CARAWAY. I offer an amendment on page 9, line 17. It will really be a new section, because of the change in the language. I want the Senator to hear the amendment.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 9, after line 17, insert the following:

That when any State shall, by suitable legislation, make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act.

Mr. CARAWAY. Before the Senator passes upon that, I offer another amendment to perfect it.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. To add the following:

The said State may and shall, so long as it shall enforce the said act and regulations made in pursuance thereof, be reimbursed from said funds for the costs of said enforcement to the extent such services shall have cost had the service been performed by the Federal Government.

Mr. CARAWAY. May I have the attention of the Senator from South Dakota? Those are the two amendments that were agreed upon with reference to the bill when it was before the Senate before, and which we discussed recently. If there is any objection to that, I am perfectly willing for it to go over.

Mr. NORBECK. If I am assured that this does not amend the migratory bird act—

Mr. CARAWAY. It does not.

Mr. TYDINGS. Mr. President, the Senator has been kind enough to present his amendment in a very fair way and I hesitate to object to it, but as a matter of principle I would like to see the amendments go over, because, in my judgment, under them there would be a national law with States in some cases enforcing it exclusively, and the National Government, in other cases, enforcing it. In other words, Maryland would be the National Government for this law, if it complied, but California would not have the right of enforcing the same law, and the Federal Government would enforce it in that State. I think that is a pretty bad practice to have half a Federal law enforced by some States and the other half by the Federal Government.

Mr. CARAWAY. Of course, if the Senator would be willing to let the State do it when it wanted to, that would be a valid objection. It only provides that when the State has a game department and wants to enforce the law there will be no duplication of service, that the State will be permitted to take over the enforcement of it all, and every employee enforcing the law would be an employee of the State.

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is upon agreeing to the amendment.

Mr. CARAWAY. The Senator objects, and I am willing that it go over.

Mr. TYDINGS. I am willing to withdraw the objection. I do not want to delay action on the amendment.

Mr. NORBECK. I thought it was agreed that the amendments offered by the Senator from Arkansas should lie over until to-morrow, the same as the amendments offered by the Senator from Wisconsin.

Mr. CARAWAY. If the Senator from Maryland feels that he would like to read the amendments, I will just let them go over with the others until to-morrow.

The PRESIDING OFFICER. The amendments will go over.

Mr. BLEASE. Mr. President, I would like to call the attention of the Senator in charge of the bill to the fact that, in my opinion, he had better consult some lawyer in regard to the question of United States commissioners. A United States commissioner has no power to try anybody. He has no power to impose a fine on anyone. He is quite a different person from a magistrate in a State court. The only jurisdiction conferred by law on a commissioner of the United States is that when certain information is brought before him he can issue a warrant, and under that warrant he can have a party arrested. The only power he has is either to have a hearing and bind the defendant over to court or dismiss him for want of proper evidence. This bill attempts to make a trial court out of a United States commissioner, and if such a provision should be adopted, it would be in direct conflict with the duties now prescribed for United States commissioners.

Who is going to pass on the question of the amount? The bill says the amount shall be from \$25 to \$500 and that the money shall be paid to the commissioner. Who is to decide what amount it is to be, whether it is to be \$25 or more? A commissioner has no such authority. I call the Senator's attention to this fact in order that he may himself look into it, or have it looked into, before he incorporates such a provision in the bill.

There is another question in connection with the matter to which I desire to call the Senator's attention. Commissioners all over the country are complaining that they are not receiving enough pay. They are now making an effort to have the fees and commissions paid to the United States commissioners increased. I have very frankly written to the commissioners in my State that I think they already get too much for what they do and that I would not vote for any increase in their pay. But if we are going to put this additional duty on the United States commissioners they certainly should be allowed more pay than they are getting to-day. This, I believe, is another matter to which the Senator should give consideration. Unless he wants to increase the salaries and fees in every State in the Union, then there is no use to put such a provision in the bill. Such a provision can not be incorporated in the bill unless it conflicts with the present law relating to the duties of United States commissioners. I have no special objection to trying a case before a United States commissioner. My experience with most of them is that they are about as easy to handle as anybody else, even a Sinclair jury, but I would like to have it made plain so that we lawyers who have to practice before them may know what we are doing.

#### AGRICULTURAL RELIEF

Mr. McMASTER. Mr. President, I am in receipt of a communication from F. W. Murphy, who is chairman of the legislative committee of the Corn Belt Federation. I ask that the letter and the accompanying resolutions may be read at the desk by the clerk.

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

The legislative clerk read the letter and resolutions, as follows:

AGRICULTURAL LEGISLATIVE COMMITTEE,  
HAMILTON HOTEL,  
Washington, D. C., April 17, 1928.

Hon. W. H. McMASTER,  
United States Senate,  
Washington, D. C.

MY DEAR SENATOR McMASTER: For your information I am handing to you herewith a copy of some resolutions adopted on April 3, 1928, at a regular meeting of the Corn Belt Federation of Farm Organizations held at Des Moines, Iowa.

A partial list of the farm organizations included within the Corn Belt Federation is also inclosed.

I am the chairman of the legislative committee of the Corn Belt Federation.

Very truly yours,

F. W. MURPHY.

The Corn Belt Federation of Farm Organizations met in Des Moines, Iowa, April 3, 1928, and passed the following resolutions:

"Speaking for more than a million organized farmers reaching from Indiana to Montana the Corn Belt committee hereby serves notice upon the leaders of the Republican Party that if by any chance Herbert Hoover should be nominated for President at the forthcoming Kansas City convention, that the great Corn Belt States will be found solidly against him. The farm vote easily constitutes a balance of power in such States as Indiana, Illinois, Missouri, Iowa, Minnesota, North

Dakota, Nebraska, and the Northwest, and remembering the perfidy of Hoover to the farmer during the World War, and the sinister and relentless attitude he has maintained toward farm-relief legislation during the Harding and Coolidge administrations, nothing is more certain than that in the event of his nomination the farmers of the above States will utterly ignore party lines in their determination to consign this man to private life for all time to come. Therefore we not only protest against his nomination but we give fair warning to the Republican leaders of what they may expect if such an affront is offered to the farmers of the Nation.

"We have not forgotten the shout that 'Food will win the war,' and the manner in which the farmers of America responded to that appeal will ever stand as an imperishable monument to their patriotism. And yet no sooner did the producers of wheat and livestock and of other farm commodities go to the rescue of their country in its hour of peril, when through the activities of Mr. Hoover as food administrator, prices were controlled or depressed to an extent that defrauded these producers out of hundreds of millions of dollars which justly belonged to them—and this at a time when gunmakers and powder manufacturers and other suppliers of war material were rewarded on the notorious and indefensible plan of 10 per cent plus cost. That under these circumstances intelligent and responsible party leaders should seriously propose Mr. Hoover as a presidential nominee is hardly believable, and can be reconciled only upon the assumption that the farmers of this country possess neither memories nor self-respect."

Following is a partial list of the farm organizations included in the Corn Belt Federation:

American Council of Agriculture, Equity Cooperative Exchange of Minnesota, Kansas Farm Bureau Federation, Kansas Farmers Union, Minnesota Council of Agriculture, Minnesota Farm Bureau Federation, North Dakota Wheat Growers Association, South Dakota Wheat Growers Association, Minnesota Wheat Growers Association, Iowa Farm Bureau, Iowa Farmers Union, Nebraska Farm Bureau, Nebraska Farmers Union, Missouri Farmers Association, Indiana Farm Bureau Federation, Montana Farmers Union, North Dakota Farmers Union, Oklahoma Farmers Union, South Dakota Farm Bureau, South Dakota Farmers Union, South Dakota Council of Agriculture, South Dakota Agricultural Equality Commission, Illinois Farmers Union, Farmers Union of Wisconsin, Farmers Union Terminal Association of Minnesota, Farmers Union Shipping Association of Chicago, National Producers Alliance, Iowa State Grange, Iowa Trasher's Association, Iowa Ottumwa Dairy Marketing Association, Minnesota Farmers Union, South Dakota Producers Alliance, Central States Soft Wheat Growers Association, Chicago Milk Producers Association, Wisconsin Cooperative Creamery Association, Wisconsin Farm Bureau, South St. Paul Farmers Union Live Stock Commission House, Chicago Farmers Union Live Stock Commission House, Sioux City Farmers Union Live Stock Commission House, Kansas City Farmers Union Live Stock Commission House, Omaha Farmers Union Live Stock Commission House, Illinois Agricultural Association, National Corn Growers Association.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills and joint resolution:

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 8550. An act to amend the national defense act;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.; and

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923.

#### INJURIES TO CIVILIAN COMPONENTS OF THE ARMY

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate the amendments of the House of Representa-



fives to the bill (S. 2948) to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes, which were, on page 2, line 2, after the word "injury," to insert "or contract disease"; on page 2, line 3, after the word "while," to insert "en route to or from and while"; on page 2, line 7, after the word "injury," to insert "or contract disease"; on page 2, line 13, after the word "injury," to insert "or disease"; on page 2, line 15, after the word "injury," to insert "or disease"; on page 2, line 19, after the word "suffered," to insert "or disease contracted"; on page 2, line 21, after the word "hospital," to insert "; they shall also be entitled to such further medical treatment for such injury or disease as is reasonably necessary after arrival at their homes under such regulations as may be prescribed by the President"; on page 3, line 3, after the word "homes," to insert "and further medical treatment after arrival at their homes"; on page 3, line 13, after the word "homes," to insert "and further medical treatment after arrival at their homes"; on page 3, line 17, after the word "suffered," to insert "or disease contracted"; on page 3, line 18, after the word "injury," to insert "or disease"; on page 3, line 22, to strike out all after "expenses" down to and including the word "hereby" in line 25; on page 4, line 2, after the word "while," to insert "en route to or from and while"; and on page 4, line 6, after the word "homes," to insert "and further medical treatment after arrival at their homes."

Mr. REED of Pennsylvania. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar until 5 o'clock, beginning where we left off on the last call.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Ashurst	Edge	Locher.	Sheppard
Black	Fess	McKellar	Shortridge
Blaine	Fletcher	McMaster	Steiwer
Blease	Frazier	McNary	Stephens
Bratton	Gerry	Metcalf	Swanson
Brookhart	Harris	Moses	Thomas
Bruce	Hawes	Norbeck	Tydings
Capper	Heflin	Norris	Tyson
Caraway	Johnson	Nye	Vandenberg
Copeland	Jones	Oddie	Walsh, Mont.
Couzens	Kendrick	Overman	Warren
Curtis	Keyes	Phipps	Waterman
Cutting	King	Ransdell	
Dill	La Follette	Reed, Pa.	

The PRESIDING OFFICER. Fifty-four Senators having answered to their name, a quorum is present. The clerk will state the first bill in order on the calendar.

The bill (H. R. 11022) to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard was announced as first in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over, under objection.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will go over, under objection.

#### LOAD LINES FOR AMERICAN VESSELS

The bill (S. 1781) to establish load lines for American vessels, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, a number of persons came to see me to-day who are very much interested in this bill. They desire to have an amendment to it offered. I know nothing about the bill at all, but I told them I would speak to the chairman of the Committee on Commerce and ask that the bill go over so that the amendment might be offered.

Mr. JONES. Mr. President, did the persons to whom the Senator from Utah refers indicate the character of amendment they desired?

Mr. KING. Yes.

Mr. JONES. The bill has been pending for a long time; it was before the committee a long time, but nobody asked the committee to have an amendment made to it.

Mr. KING. I will say to the Senator from Washington that one of the amendments desired was to provide that the provision of the proposed act should apply to ships engaged in the coastwise and intercoastal trade.

Mr. JONES. The committee considered that matter very carefully a year or two ago. The bill has been reported about three times. There were objections to that, and the committee finally, as a sort of compromise, eliminated that part of the bill and thought that that could be dealt with as a separate proposition.

The main reason why this proposed legislation has been urged so strongly is the situation existing between this country and foreign countries. They have load lines on their vessels, and they are threatening to apply their load lines on our vessels going into their ports. We eliminated vessels in the coastwise trade, as we thought that phase of the question could be dealt with in a separate measure.

Mr. KING. I have no objection to the bill being taken up on the next calendar day, but I promised the gentlemen who came to see me to object to its consideration should it come up to-day.

Mr. JONES. I hope the Senator from Utah will permit us to get the bill through the next time the calendar is called, because it is important to American shipping that the bill should be passed.

Mr. KING. May I say that the contention of the persons to whom I have referred was that the bill was discriminatory and was in the interest of a number of shippers in the United States?

Mr. JONES. That is not correct.

The PRESIDING OFFICER. The bill will be passed over.

#### DETENTION OF FUGITIVES IN THE DISTRICT

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia, which was read, 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 reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FORT PECK INDIAN RESERVATION, MONT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3593) to authorize the leasing or sale of lands reserved for agency, school, and other purposes on the Fort Peck Indian Reservation, Mont., which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to lease or sell any of the tribal lands on the Fort Peck Indian Reservation, Mont., the lands that were reserved and title thereto reinvested in the Indians by the act of March 3, 1927 (44 Stat. L. 1402), and now reserved for agency, schools, and other purposes, upon such terms and conditions as he may prescribe with the consent and approval of the Indians through the general council of the Fort Peck Indians in the State of Montana at general council meeting when duly called and assembled: *Provided*, That no part of said tribal lands shall be sold until the Secretary of the Interior shall determine that said lands are no longer required for such purposes with the consent and approval of the said general council, and in case of the sale of said tribal lands the mineral rights, including oil, gas, and other minerals, shall be reserved to the Fort Peck Indians: *Provided, however*, That this act shall not be construed to make any such tribal lands available for allotment purposes: *Provided further*, That the proceeds derived from the sale or lease of said tribal lands shall be deposited in the Treasury of the United States to the credit of the Fort Peck Indians under the title of "Fort Peck 4 per cent fund," and shall be subject to disposition under the act of May 30, 1908 (35 Stat. L. 553).

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

#### BILLS PASSED OVER

The bill (H. R. 6669) fixing the salary of the Public Printer and of the Deputy Public Printer was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over under objection.

The bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Mr. President, there are several amendments that I have to offer to that bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will go over, under objection.

#### LANDS IN LASSEN VOLCANIC NATIONAL PARK

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11685) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes, which was read, as follows:

*Be it enacted, etc.,* That the provisions of the act of the legislature of the State of California (approved April 20, 1927) ceding to the United States exclusive jurisdiction over and within the territory which is now or may hereafter be included within the Lassen Volcanic National Park are hereby accepted and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saying, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park, and the

right to fix and collect license fees for fishing in said park; and saving also the persons residing in said park now, or hereafter, the right to vote at all elections held within the county or counties in which said park is situated. All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of California.

SEC. 2. That said park shall constitute a part of the United States judicial district for the northern district of California, and the district court of the United States in and for said northern district shall have jurisdiction of all offenses committed within the boundaries of the said park.

SEC. 3. That if any offense shall be committed in the said park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of California in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of California shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of any of the waters of the said park in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities or wonderful objects within said park, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this act, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guide post, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the Northern District of California shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law, or of the rules and regulations made by the Secretary of the Interior for the government of said park and for the protection of the animals, birds, and fish and objects of interest therein, and for other purposes authorized by this act. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park, and for the protection



of the animals, birds, and fish in said park, and to try persons so charged, and if found guilty to impose punishment and to adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Northern District of California and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeals to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said park of any criminal offense not covered by the provisions of section 4 of this act, to hear the evidence introduced, and if he is of the opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Northern District of California and certify a transcript of the record of his proceedings and the testimony in such case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the northern district of California but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said park without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Lassen Volcanic National Park at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States District Court for the Northern District of California.

SEC. 12. That the Secretary of the Interior shall notify in writing the Governor of the State of California of the passage and approval of this act, and of the fact that the United States assumes police jurisdiction over said park as specified in said act of the State of California.

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

#### LASSEN VOLCANIC NATIONAL PARK, CALIF.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11023) to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California, which was read, as follows:

*Be it enacted, etc.*, That the lands hereafter described, to wit: The southwest quarter of the northwest quarter, section 25, and the southeast quarter of the northeast quarter, section 26, township 29 north, range 3 east, Mount Diablo meridian, in the State of California, are hereby added to and made a part of the Lassen Volcanic National Park for use as an administrative headquarters site.

SEC. 2. That the provisions of the act of August 9, 1916, entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes," the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the rivers and harbors appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

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

#### GRANT OF LAND TO MENDON, UTAH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8724) granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city, which was read, as follows:

*Be it enacted, etc.*, That, upon payment of \$1.25 per acre, there is hereby granted to the city of Mendon, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of

Mendon, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: The west half of section 12, township 11 north, range 2 west, Salt Lake meridian, and containing approximately 320 acres; more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and the right to prospect for, mine, and remove the same: *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted. The conditions and reservations herein provided for shall be expressed in the patent.

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

#### GRANT OF LAND TO BOUNTIFUL, UTAH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8733) granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city, which was read, as follows:

*Be it enacted, etc.*, That upon payment of \$1.25 per acre, there is hereby granted to the city of Bountiful, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Bountiful, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: The north half, and the south half of the southeast quarter, of section 14; the north half of section 22; and the south half, and the south half of the north half, of section 26, all in township 2 north, of range 1 east, Salt Lake meridian, United States Survey, and containing approximately 1,200 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right of claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and the right to prospect for, mine, and remove the same: *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted. The conditions and reservations herein provided for shall be expressed in the patent.

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

#### GRANT OF LANDS TO CENTERVILLE, UTAH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8734) granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city, which was read, as follows:

*Be it enacted, etc.*, That upon payment of \$1.25 per acre, there is hereby granted to the city of Centerville, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Centerville, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: All of section 12, township 2 north, range 1 east, Salt Lake meridian, United States Survey, and also the west half of the west half, the northeast quarter of the northwest quarter, the north half of the northeast quarter, and the southeast quarter of the southeast quarter of section 10, township 2 north, range 1 east, Salt Lake meridian, United States Survey, and containing approximately 960 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and the right to prospect for, mine, and remove the same: *Provided further*, The said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore

described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted. The conditions and reservations herein provided for shall be expressed in the patent.

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

#### PATENTS FOR LANDS HELD UNDER COLOR OF TITLE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3776) to authorize the Secretary of the Interior to issue patents for lands held under color of title, which was read, as follows:

*Be it enacted, etc.,* That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract of public land, not exceeding 160 acres, has been held in good faith and in peaceful adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of not less than \$1.25 per acre, cause a patent to issue for such land to any such citizen: *Provided*, That where the area so held is in excess of 160 acres the Secretary may determine what particular subdivisions, not exceeding 160 acres, may be patented hereunder: *Provided further*, That coal and all other minerals contained therein are hereby reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits: *And providing further*, That no patent shall issue under the provisions of this act for any tract to which there is a conflicting claim adverse to that of the applicant, unless and until such claim shall have been finally adjudicated in favor of such applicant.

SEC. 2. That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant.

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

#### BRYCE CANYON NATIONAL PARK

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3824) to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes," which was read as follows:

*Be it enacted, etc.,* That the tract of land described in section 1 of the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," be, and the same is hereby, amended to read as follows:

"Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter, and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17, and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian in the State of Utah."

SEC. 2. That the tract of land described in section 2 of the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes," be, and the same is hereby, amended to read as follows:

"The east half east half section 25, township 36 south, range 4 west; the east half and southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24

and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian."

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

#### GUNNISON NATIONAL FOREST, COLO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7223) to add certain lands to the Gunnison National Forest, Colo., which was read, as follows:

*Be it enacted, etc.,* That the following-described public lands be, and the same are hereby, added to and made a part of the Gunnison National Forest, Colo., and are to be hereafter administered under the laws and regulations relating to the national forests:

Township 14 south, range 85 west, sixth principal meridian: North half northeast quarter, southeast quarter of section 26; all of section 35.

Township 15 south, range 83 west, sixth principal meridian: West half northeast quarter, west half southeast quarter, northeast quarter southeast quarter of section 7; south half northeast quarter, southeast quarter, east half southwest quarter of section 8; all of section 17; northwest quarter, west half northeast quarter, southeast quarter northeast quarter, south half southeast quarter, northwest quarter southwest quarter, south half southwest quarter of section 18; all of section 19.

Township 15 south, range 84 west, sixth principal meridian: East half of section 7; all of section 13; south half of section 14, southeast quarter of section 15; east half of section 22; all of section 23; all of section 24; northeast quarter of section 27: *Provided*, That the inclusion of any of the aforesaid land in the Gunnison National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act.

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

#### WILFORD W. CALDWELL

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10038) for the relief of Wilford W. Caldwell, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent under the homestead entry of Wilford W. Caldwell for the southeast quarter of the southeast quarter of section 35 and the southwest quarter of the southwest quarter of section 36 in township 1 south of range 1 east, Uintah meridian, Utah, upon compliance by said Wilford W. Caldwell with the homestead laws of the United States: *Provided, however*, That in addition to the usual fees and commissions payable under existing laws said entryman shall pay the sum of \$1.25 per acre for the land so entered, which latter sum shall be deposited in the Treasury of the United States and disposed of in the same manner as other proceeds derived from the sale of lands within the former Uintah Indian Reservation, Utah.

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

#### LOUIS H. HARMON

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1588) for the relief of Louis H. Harmon, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Louis H. Harmon, Grand Rapids, Mich., the sum of \$500, representing the amount paid by him as surety on the estreated bond of Charles Corey, who failed to appear for trial in the Federal court of that city and who was subsequently returned to the custody of the United States marshal at Grand Rapids, Mich., through the efforts of Louis H. Harmon.

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

#### UNITED STATES TARGET RANGE, AUBURN, ME.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2463) to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926, which had been reported from the Committee on Military Affairs with an amendment, on page 2, at the end of line 13, to strike out the numerals "1928" and to insert the numerals "1927," so as to make the bill read:

*Be it enacted, etc.,* That the act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926, is amended by inserting after the figures "\$3,000," where they appear in said act, the words "and the sum or sums necessary to be expended for the investigation of title, and



for the required survey and plan of said tract of land," so that said act as amended shall read as follows:

"That the Secretary of War be, and he is hereby, authorized to purchase the tract of land adjoining the United States target range at Auburn, Me., comprising 84 acres, more or less, the property of the heirs of John Barron, for the purpose of adding to said rifle range, and to purchase said property the Secretary of War is authorized to expend a sum not to exceed \$3,000 and the sum or sums necessary to be expended for the investigation of title, and for the required survey and plan of said tract of land, from funds allotted to the State of Maine by the United States from the appropriation 'Arming, equipping, and training the National Guard,' for the fiscal year ending June 30, 1927."

The amendment was agreed to.

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

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

#### CROMWELL L. BARSLEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6152) for the relief of Cromwell L. Barsley, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 2, after the word "shall," to strike out "be held to have accrued prior to the passage of this act," and to insert "accrue or be allowed on account of the passage of this act," so as to make the bill read:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Cromwell L. Barsley, who was a member of Company D, Fifth Regiment United States Volunteers, and Thirty-fourth Regiment United States Volunteer Infantry, and Company D, Nineteenth Regiment Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Nineteenth Regiment Infantry, United States Army, on the 23d day of December, 1907: *Provided*, That no bounty, back pay, pension, or allowance shall accrue or be allowed on account of the passage of this act.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### DENNIS W. SCOTT

The bill (H. R. 1970) for the relief of Dennis W. Scott was considered as in Committee of the Whole. The bill was read, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Dennis W. Scott, who was a member of Company B, Thirty-second Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 31st day of October, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

#### JAMES M. E. BROWN

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1646) for the relief of James M. E. Brown, which had been reported from the Committee on Claims with an amendment, on line 6, after the words "sum of," to strike out "\$5,000" and insert "\$2,500," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James M. E. Brown and Lena Belle Brown, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500, in full and final settlement of all claims against the Government for damages resulting from a raid made on December 20, 1923, by internal-revenue agents upon the premises of the said James M. E. Brown and Lena Belle Brown at 1954 Columbia Road NW., Washington, D. C.

The amendment was agreed to.

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

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

#### WILL J. ALLEN

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2473) for the relief of Will J. Allen. It proposes to pay to Chief Yeoman Will J. Allen, United States Coast Guard, \$80 in settlement of a supplemental claim for differences

in pay and allowances due him because of his services in the World War, this sum having been erroneously omitted from the statement submitted to the Court of Claims.

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

#### BILL PASSED OVER

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. COUZENS. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### MESA VERDE NATIONAL PARK

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8744) to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes, which was read, as follows:

*Be it enacted, etc.,* That the provisions of the act of the Legislature of the State of Colorado, approved May 2, 1927, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Mesa Verde National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tracts; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

SEC. 2. That said park shall constitute a part of the United States, judicial district for the State of Colorado, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Mesa Verde National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Colorado in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Colorado shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, and timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guilpost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay

all costs of the proceedings: *Provided, however,* That any person or persons who may, without permission from the Secretary of the Interior, in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization from said park shall upon conviction before any court having jurisdiction of such offenses be fined not more than \$1,000 or imprisoned not more than 12 months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the State of Colorado shall appoint a commissioner, who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and if found guilty to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the State of Colorado, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 4 of this act to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the State of Colorado and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided,* That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Colorado, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided,* That the said commissioner shall reside within the exterior boundaries of said Mesa Verde National Park, at a place to be designated by the court making such appointment: *And provided further,* That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the State of Colorado.

SEC. 12. That the Secretary of the Interior shall notify in writing the Governor of the State of Colorado of the passage and approval of this act.

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

#### HOMESTEAD AND DESERT-LAND ENTRIES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 475) to permit taxation of lands of

homestead and desert-land entrymen under the reclamation act, which was read, as follows:

*Be it enacted, etc.,* That the lands of any homestead entryman under the act of June 17, 1902, known as the reclamation act, or any act amendatory thereof or supplementary thereto, may, after satisfactory proof of residence, improvement, and cultivation, and acceptance of such proof by the General Land Office, be taxed by the State or political subdivision thereof in which such lands are located, in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

SEC. 2. That the lands of any desert-land entryman located within an irrigation project constructed under the reclamation act and obtaining a water supply from such project and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located.

SEC. 3. That all such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership: *Provided,* That the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said act of June 17, 1902, whether accrued or otherwise, but the holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee under the provisions of the act of June 23, 1910 (36 Stat. 592).

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

#### ISSUANCE OF PATENT TO ZACCHEUS P. BARBER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 852) authorizing the issuance of a certain patent, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to issue patent to Zaccheus P. Barber for land described as homestead entry now Visalia 011955, formerly Independence 05027, for the east half of section 14, township 25 south, range 38 east, Mount Diablo meridian, containing 320 acres.

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

#### FOREST RESEARCH

The bill (S. 3556) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics and related subjects, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Agriculture and Forestry with an amendment, in section 1, page 3, after line 15, to insert "*And provided further,* That the provisions of this act shall be construed as supplementing all other acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary under sections 2 to 10, inclusive, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided,* That in carrying out the provisions of this act the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from cooperators under such conditions as he may impose, such contributions to be covered into the Treasury as a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this act, and in making refunds to contributors: *Provided further,* That



the cost of any building purchased, erected, or as improved in carrying out the purposes of this act shall not exceed \$2,500, exclusive in each instance of the cost of constructing a water supply or sanitary system and of connecting the same with any such building: *Provided further*, That the amounts specified in sections 2, 3, 4, 5, 6, 7, 8, and 10 of this act are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are hereby authorized: *Provided further*, That during any fiscal year the amounts specified in sections 3, 4, and 5 of this act making provision for investigations of forest tree and wood diseases, forest insects, and forest wild life, respectively, may be exceeded to provide adequate funds for special research required to meet any serious public emergency relating to epidemics: *And provided further*, That the provisions of this act shall be construed as supplementing all other acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority.

SEC. 2. That for conducting fire, silvicultural, and other forest investigations and experiments the Secretary of Agriculture is hereby authorized, in his discretion, to maintain the following forest experiment stations for the regions indicated, and in addition to establish and maintain one such station for the Intermountain region in Utah and adjoining States, one in Alaska, and one in the tropical possessions of the United States in the West Indies:

Northeastern forest experiment station, in New England, New York, and adjacent States;

Allegheny forest experiment station, in Pennsylvania, New Jersey, Delaware, Maryland, and in neighboring States;

Appalachian forest experiment station, in the southern Appalachian Mountains and adjacent forest regions;

Southern forest experiment station, in the Southern States;

Central States forest experiment station, in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, and in adjacent States;

Lake States forest experiment station, in the Lake States and adjoining States;

California forest experiment station, in California and in adjoining States;

Northern Rocky Mountain forest experiment station, in Idaho, Montana, and adjoining States;

Northwestern forest experiment station, in Washington, Oregon, and adjoining States, and in Alaska;

Rocky Mountain forest experiment station, in Colorado, Wyoming, Nebraska, South Dakota, and in adjacent States; and

Southwestern forest experiment station, in Arizona, and New Mexico, and in adjacent States.

There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000 to carry out the provisions of this section.

SEC. 3. That for investigations of the diseases of forest trees and of diseases causing decay and deterioration of wood and other forest products, and for developing methods for their prevention and control at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000.

SEC. 4. That for investigations of forests insects, including gypsy and browntail moths, injurious or beneficial to forest trees or to wood or other forest products and for developing methods for preventing and controlling infestations, at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$350,000.

SEC. 5. That for such experiments and investigations as may be necessary in determining the life histories and habits of forest animals, birds, and wild life, whether injurious to forest growth or of value as supplemental resource, and in developing the best and most effective methods for their management and control at forest experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$150,000.

SEC. 6. That for such investigations at forest experiment stations, or elsewhere, of the relationship of weather conditions to forest fires as may be necessary to make weather forecasts, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$50,000.

SEC. 7. That for such experiments and investigations as may be necessary to develop improved methods of management, consistent with the growing of timber and the protection of watersheds, of forest ranges and of other ranges adjacent to the national forests, at forest or range experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$275,000.

SEC. 8. That for experiments, investigations, and tests with respect to the physical and chemical properties and the utilization and preservation of wood and other forest products, including tests of wood and other fibrous material for pulp and paper making, and such other

experiments, investigations, and tests as may be desirable, at the Forest Products Laboratory or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000, and an additional appropriation of not more than \$50,000 annually for similar experiments, investigations, and tests of foreign woods and forest products important to the industries of the United States, including necessary field work in connection therewith.

SEC. 9. That the Secretary of Agriculture is hereby authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State of the United States, and either through them or directly with private and other agencies, in making a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States, and of timber supplies, including a determination of the present and potential productivity of forest land therein, and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000: *Provided*, That the total appropriation of Federal funds under this section shall not exceed \$3,000,000.

SEC. 10. That for such investigations of costs and returns and the possibility of profitable reforestation under different conditions in the different forest regions, of the proper function of timber growing in diversified agriculture and in insuring the profitable use of marginal land, in mining, transportation, and in other industries, of the most effective distribution of forest products in the interest of both consumer and timber grower, and for such other economic investigations of forest lands and forest products as may be necessary, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000.

MR. KING. Mr. President, it seems to me this is a very important bill, and I should be very glad to have some information regarding it. We made an appropriation a short time ago of \$40,000,000 for the acquisition of forest lands. I will be very glad to have the Senator from Oregon explain it.

MR. McNARY. Mr. President, the bill in question, about which the able Senator from Utah inquires, is in nowise related to the bill which was passed by this body some three weeks ago, which authorized an appropriation of \$40,000,000 for the acquisition of denuded and cut-over land in the watersheds of navigable streams. The bill now before the Senate has been introduced and its passage is asked for the purpose of coordinating the various activities of the Department of Agriculture in order to enable it to do more effective research in the promotion of reforestation in our country. It has had the support of those interested in forestry throughout the country; it has had the support of the Department of Agriculture, and has been unanimously reported by the committee after study.

MR. KING. I understand the amount appropriated for the Forest Service is not adequate and this is to supplement the activities of that service?

MR. McNARY. It proposes to coordinate all such activities under one great head in order to prevent duplication, in order to assist in the promotion of reforestation, and in order also to promote research work which has been neglected at the expense of the extension work of the service.

MR. KING. If I may ask another question, will the forest lands owned by the Indians be able to get any advantage of this activity?

MR. McNARY. Of course, the able Senator knows that the jurisdiction of the Department of Agriculture does not extend to Indian lands; they are under the jurisdiction of the Department of the Interior; but I will say as a proposition general in its nature that the Indian lands would profit through the promotion of forestry and through the success of the efforts in combating diseases and insects affecting forests. To that extent only will it affect Indian lands.

THE PRESIDING OFFICER. (Mr. STEWART in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

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

GEORGE H. GILBERT

The bill (H. R. 2294) for the relief of George H. Gilbert was announced as next in order.

MR. KING. I ask that the bill go over.

MR. REED of Pennsylvania. Mr. President, may I explain that bill?

MR. KING. I should be very glad to have the Senator do so.

Mr. REED of Pennsylvania. The pensionable status of the soldier who is the beneficiary of the bill was impaired by the fact that on May 17, 1861, he is reported as having enlisted, and he is recorded as having deserted three days later. The reason for that seems to have been some dispute with his company commander. He enlisted again early in 1862 and served with great credit until June, 1865, when he was honorably discharged as a sergeant. He served through most of the war, as the Senator will see, and it is only those three days in his early service that stand against him.

Mr. KING. I have no objection to the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George H. Gilbert, who was a member of Company C, Fourteenth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of May, 1861: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

MAJ. GEN. HUNTER LIGGETT AND ROBERT L. BULLARD

The bill (S. 3269) providing for the advancement on the retired list of the Army of Hunter Liggett, major general, United States Army, retired, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, after the name "Liggett," to insert "and Robert L. Bullard"; in the same line, after the word "major," to strike out "general" and insert "generals"; and on page 2, after the word "act," to insert "Said Robert L. Bullard shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from January 15, 1925, to the date of the passage of this act," so as to make the bill read:

*Be it enacted, etc.,* That on and after the date of the passage of this act, Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired, shall have the rank of lieutenant general on the retired list of the United States Army, and shall receive pay and allowances determined as provided by law for other officers on the retired list, and based upon the active pay and allowances provided for lieutenant generals during the World War. Said Hunter Liggett shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from March 21, 1921, to the date of the passage of this act. Said Robert L. Bullard shall also be entitled to receive an amount equal to the difference between such pay and allowances and the pay and allowances of a major general, retired, from January 15, 1925, to the date of the passage of this act.

Mr. McKELLAR. May I suggest to the Senator from Pennsylvania that the title ought to be changed so as to conform with the amendments to the bill?

Mr. REED of Pennsylvania. Yes; the committee recognized that an amendment to the title was necessary and so reported the bill.

Mr. McKELLAR. I think it very proper that the bill should pass.

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

Mr. REED of Pennsylvania. Certainly.

Mr. CARAWAY. Does this bill propose to give the retired pay of lieutenant general to the two officers mentioned?

Mr. REED of Pennsylvania. The bill does give the retired pay of lieutenant general to the two officers mentioned.

Mr. CARAWAY. The reason I asked the question is this: When the bill passed the Senate giving the grade of brigadier general to General Nicholson and General Barrette, who were then on the retired list as colonels, it made no provision for increasing their pay.

Mr. REED of Pennsylvania. That is so, Mr. President; but these two officers, General Liggett and General Bullard, are the only two who commanded an Army corps in action in the World War as lieutenant generals. It was felt by the committee that we ought not to give any special relief to lieutenant generals other than these two.

Mr. CARAWAY. I am not objecting to that. I was just wondering, though, why the same thing should not be done for these other generals, who had also very distinguished records of service. One of them, I think, was about the only general who received a medal for bravery under fire in the last war. I simply felt that they ought to have had the same proportionate increase as these generals.

Mr. REED of Pennsylvania. I sympathize with the Senator's question. The reason why they were not given it was that they themselves did not want to benefit in a money way from the recognition.

Mr. CARAWAY. I thought the reason was that they realized that they could not get the legislation, and I felt that it was an injustice.

Mr. REED of Pennsylvania. I do not think that was the reason, Mr. President.

Mr. BRUCE. Mr. President, I simply desire to say that I think it is a decidedly anomalous thing that we should be providing for the advancement on the retired list of these two major generals, and yet, so far as some Members of the Senate at any rate are concerned, be unwilling, apparently, to make proper provision for the situation of Mrs. Leonard Wood, notwithstanding the fact that a most admirable precedent for doing it has been set to us by a foreign country.

I am not going to oppose this bill, but I do trust that when the time comes the Senate will be fully advised as to the claims that the widow of one of the most celebrated soldiers and one of the most illustrious administrators in the history of the United States has on the generosity of the people of the United States.

Mr. McKELLAR. Mr. President, I just want to say that it seems to me this bill is entirely right and proper. Surely men who commanded Army corps in France with such signal success as Gen. Hunter Liggett and Gen. Robert L. Bullard are entitled to this reward, if it may be so designated.

Mr. KING. Mr. President, I should like to ask the Senator from Pennsylvania a question. This does not bestow upon their families any gratuity or bounty?

Mr. REED of Pennsylvania. No, Mr. President.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired."

#### EXCHANGE OF LANDS WITH PENNSYLVANIA RAILROAD CO.

The bill (H. R. 9368) to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania was considered as in Committee of the Whole.

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

#### FORT WADSWORTH, N. Y.

The bill (H. R. 11762) to authorize an appropriation to complete construction at Fort Wadsworth, N. Y., was considered as in Committee of the Whole.

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

#### BILL PASSED OVER

The bill (H. R. 239) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard staff officers, and for other purposes, was announced as next in order.

Mr. BLAINE. Mr. President, I should like to have that bill go over. It was the understanding that that would be done.

The PRESIDING OFFICER (Mr. McNARY in the chair). The bill will be passed over.

#### PACIFIC BRANCH, SOLDIERS' HOME, CALIFORNIA

The bill (H. R. 6990) to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes, was considered as in Committee of the Whole.

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

#### BILL PASSED OVER

The bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia was announced as next in order.

Mr. BRUCE. Mr. President, I should like to call attention to the fact that I offered an amendment to that bill only a few minutes ago. It is on the table. I should like to call it up.

Mr. BLACK. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.



## LEWIS H. EASTERLY

The bill (H. R. 6431) for the relief of Lewis H. Easterly was considered as in Committee of the Whole.

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

## SALLIE STAPLEFORD AND OTHERS

The bill (S. 343) for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sallie Stapleford \$100.54; Mrs. J. C. Stuckert, \$331.74; Mary E. Hildebrand, \$260.45; Kate Wright, \$362; Mary M. Janvier, \$87.85; Harry L. Gray, \$212.83; Frank D. Carrow, \$121; Harry V. Buckson, \$333.31; George H. Swain, \$51.65; Claude N. Jester, \$341.64; and Charles H. Jamison, \$200.15, out of any money in the Treasury not otherwise appropriated by reason of the losses and damages caused, respectively, to the said Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison by reason of the damages to the wells on the properties of the said claimants caused by the lowering of the water level of the Chesapeake and Delaware Canal at the town of St. Georges, in New Castle County, in the State of Delaware.

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

## SOUTHERN SHIPYARD CORPORATION

The bill (S. 3030) for the relief of Southern Shipyard Corporation was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Court of Claims is hereby given jurisdiction to hear and determine the claim of Southern Shipyard Corporation, a corporation organized and existing under the laws of the State of Virginia, of Newport News, Va., for any service, material, or labor furnished or supplied the United States in connection with the reconditioning of the United States Coast Guard cutter *Manning* or on account of which it sustained a loss and for which it was not adequately paid, and also to determine whether and to what extent if any said Southern Shipyard Corporation furnished service, material, or labor beyond the requirements of its contract to recondition, and also to determine whether Southern Shipyard Corporation furnished any service, material, or labor or was caused loss through no fault of its own in excess of the amount paid by the United States, and the extent to which the United States benefited thereby or through its officers or agents was responsible therefor.

Mr. McKELLAR. Mr. President, I should like to have some explanation of that bill.

Mr. SWANSON. Mr. President, this shipyard corporation reconditioned for the United States Coast Guard the cutter *Manning*. They claimed that they lost money, and there was a dispute as to what the contract was, and what they should be paid. There was no way to settle it. The Secretary of the Treasury would not pay what they claimed was due. There was no possibility of relief. They could not bring suit unless they got authority from Congress. Congress investigated the claim, and asked Secretary Mellon for the letters and correspondence and accounts. Secretary Mellon sent all the correspondence and stated what the issues were, and added the following:

Replying to your inquiry, it being clearly understood that this department admits no existing obligation on the part of the Government toward the Southern Shipyard Corporation, no objection is entertained to sending this claim to the Court of Claims under the terms of the bill.

That is the only way it could be properly disposed of—by sending it to the Court of Claims to render a judgment. The bill does not make any appropriation of money.

Mr. McKELLAR. That is all right, Mr. President.

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

## FARMERS NATIONAL BANK OF DANVILLE, KY.

The bill (H. R. 7518) for the relief of the Farmers National Bank of Danville, Ky., was considered as in Committee of the Whole.

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

## CAPT. CLARENCE BARNARD

The bill (S. 605) for the relief of Capt. Clarence Barnard was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Clarence Barnard, Ordnance Department, the sum of \$1,374.21, because of losses sustained by him while in the service.

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

## M. LEVIN &amp; SONS

The bill (S. 2438) for the relief of the firm of M. Levin & Sons was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay to the firm of M. Levin & Sons, San Francisco, Calif., out of any money in the Treasury not otherwise appropriated, the sum of \$269.70, in full satisfaction of their claim against the United States on account of shortage in number of shoes purchased in January, 1921, from the Quartermaster Corps of the Army at Fort Douglas, Utah.

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

## BILLS PASSED OVER

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely. At the request of the present occupant of the chair, it will be passed over.

The bill (S. 1552) for the relief of Thomas J. Roff was announced as next in order.

The PRESIDING OFFICER. This bill also is reported adversely.

Mr. KING. I move that it be indefinitely postponed.

Mr. SHORTRIDGE. Mr. President, in the absence of the author of the bill I suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. COUZENS. Mr. President, in the absence of the author of this bill, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

## JOHN J. FITZGERALD

The bill (S. 3314) for the relief of John J. Fitzgerald was considered as in Committee of the Whole.

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

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to John J. Fitzgerald, a former employee of the Merchant Fleet Corporation, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the date of the passage of this act.

The amendment was agreed to.

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

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

## CROMWELL L. BARSLEY

Mr. STEPHENS. Mr. President, I was called from the Chamber a moment ago and in my absence House bill 6152, Order of Business 750, was passed. I should like to ask for the reconsideration of that action.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that the votes whereby House bill 6152 was ordered to a third reading and passed be reconsidered. Is there objection? The Chair hears none.

The bill is now before the Senate for consideration.

Mr. STEPHENS. Mr. President, this man, Cromwell L. Barsley, enlisted three times in the Army of the United States. Twice he was honorably discharged. During his third term of service he was tried and convicted of stealing two turkeys, valued at \$3. He was sentenced to nine months' imprisonment at hard labor and forfeited all of his pay and allowances, and

actually served six months of that time, and was then dishonorably discharged.

Mr. President, in one sense that may have been a serious offense, but in a general sense it was a trivial matter. As I said, this man enlisted three times. It occurs to me that courage is one of the greatest of all the virtues. Indeed, it is the parent of most of them; and without courage no other virtue is of any value.

I am going to ask the Senate to pass this bill without the amendment suggested by the Committee on Military Affairs. It seems to me that under all the circumstances this man has been sufficiently punished—indeed, more than sufficiently punished—for doing a trivial act of which many a young man under somewhat similar circumstances has been guilty.

This man having shown such willingness to serve his country, having served two enlistments and been honorably discharged, I feel that it would be but right under all the circumstances that he should be placed back on the roll. While we do not ask any back pay, any bounty, pension, or anything of that kind, I think the amendment suggested by the Military Affairs Committee should be rejected. It reads:

That no back pay shall accrue or be allowed on account of the passage of this act.

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

Mr. STEPHENS. I yield.

Mr. CARAWAY. At least an amendment should be added to the bill providing that this man is to pay for the turkeys, should it not?

Mr. STEPHENS. He paid for them by six months' hard labor. He paid for them by forfeiting his pay, all allowances, and so forth. I think the turkeys have been paid for several times over.

Mr. CARAWAY. Did the parties from whom he stole the turkeys get this labor?

Mr. STEPHENS. The turkeys belonged to the Government.

Mr. CARAWAY. Oh!

Mr. STEPHENS. They belonged to the company of which he was a member. Therefore, the very party that lost the turkeys has been paid many times over for them.

Mr. CARAWAY. They belonged to the captain of the company, did they?

Mr. STEPHENS. I do not know whether the captain had an interest in them or not; but they were company turkeys, as I understand.

Mr. CARAWAY. Why did the company get them? Does the record show that?

Mr. STEPHENS. I made no inquiry as to that; but I do feel that under the circumstances—

Mr. CARAWAY. Where did this larceny occur?

Mr. STEPHENS. I can look at the report and find that. I am not sure just where it did occur. Apparently it was out in Oklahoma. As Senators know, that section used to be a little wild. This was 20 years ago.

Mr. CARAWAY. Oh, it is not a Civil War case?

Mr. STEPHENS. No. It occurred in 1907, 20 years or more ago. I remember going out there about that time, and they were not as quiet and peaceful then as they are now.

Mr. CARAWAY. I believe I heard the Senator tell about it. He did not stay long.

Mr. STEPHENS. I will not go into that matter just now.

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

Mr. KING. Mr. President, I am not quite clear as to the difference between the bill and the amendment. As I understand the bill it provides that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. STEPHENS. The amendment simply cuts off any future action with regard to any right he may have.

Mr. CARAWAY. What is it that occasions his going on the pension roll?

Mr. STEPHENS. I do not know that he will go on the pension roll.

Mr. CARAWAY. The Senator was extolling him for bravery a while ago. I thought he had enlisted during some war; but evidently he enlisted during a time of profound peace.

Mr. STEPHENS. Oh, no; he served in the Spanish-American War, as I understand, or perhaps not. Yes; he was born in Sterling, Ill.; was enrolled June 28, 1898, at Greenville, Miss., for two years; was mustered in, as I said, on July 2, 1898, at Columbus, Miss., as a private of Company D, Fifth United States Volunteer Infantry, war with Spain, and served his enlistment during that war. Later on he reenlisted, and it was during his third enlistment that he stole the turkeys.

Mr. SHORTRIDGE. Mr. President, is the value of these turkeys agreed upon?

Mr. STEPHENS. Three dollars.

Mr. CARAWAY. They must have been mighty small turkeys.

Mr. STEPHENS. Turkeys were not as high priced in those days as they are now.

Mr. BRUCE. Mr. President, I should like to ask a question. I do not see yet that the Senator rests his belief in the bravery of this soldier on any very solid basis of information. The Senator was in doubt in the first instance as to whether or not this man was a veteran of the Spanish-American War. Why does the Senator think he was such a brave soldier? He did not steal the turkeys under circumstances that certified to his bravery; did he?

Mr. STEPHENS. It does require some courage, some bravery, to enlist three times and take the chances of going out and fighting. This man did go out and fight during the Spanish-American War, the record discloses.

Mr. BRUCE. He did not enlist three times in the Spanish-American War, did he?

Mr. STEPHENS. No.

Mr. BRUCE. That would indicate that he deserted three times.

Mr. STEPHENS. No; the Senator did not listen to my statement. I said that he was honorably discharged twice, and it was during the term of his third enlistment that the turkeys disappeared.

Mr. CARAWAY. Mr. President, I never did find out what act it was he was to be pensioned for. Was it for catching the turkeys?

Mr. STEPHENS. I am not asking for any pension for him; I am asking that this black mark be stricken off the record. He was dishonorably discharged simply for stealing the turkeys under those peculiar circumstances that I have related.

Mr. CARAWAY. I thought there was an amendment, which the Senator wanted rejected, that denied him his pensionable status.

Mr. STEPHENS. I want him to have a pensionable status, just like any other man who enlisted in the Army and served his country. I do not know what his physical condition is.

Mr. CARAWAY. The Senator is just attempting to erase from his record the fact that he had been convicted of an offense and dishonorably discharged?

Mr. STEPHENS. He has already served his sentence; he has paid the penalty for the offense. Now I want that black mark of dishonorable discharge stricken from his record.

Mr. CARAWAY. What the Senator is trying to accomplish by an act of Congress is this: To say that this man was honorably discharged when, as a matter of fact, he was discharged as a convicted thief. That is what the Senator is trying to do, is it not?

Mr. STEPHENS. Yes; in one sense that is very true; but that has been done over and over again. However, I would not call a man who was serving as a soldier, a man who was in camp—

Mr. CARAWAY. In time of peace.

Mr. STEPHENS. Handcuffed and tied down—I would not call him a thief simply because he went out and took a turkey. I have no doubt that some men in the sound of my voice have taken more than two turkeys, even in the same night.

Mr. CARAWAY. What would the Senator call him?

Mr. STEPHENS. I would call him a hungry soldier.

Mr. CARAWAY. Not after he had eaten the two turkeys?

Mr. STEPHENS. No; not after the turkeys had been eaten.

Mr. FLETCHER. What this bill would do now, as amended by the Committee on Military Affairs, would be to clear this man's record?

Mr. STEPHENS. That is the fact.

Mr. FLETCHER. He was not supposed to have drawn any pension. My recollection is that, as it came to the committee, all he desired was to have his record cleared, and he did not ask any pension.

Mr. STEPHENS. But we want to put him on this basis, so that if in the future conditions should arise that would require it he might have the opportunity to make application.

Mr. BRUCE. Mr. President, after the man served his term of imprisonment, was he retained in the Army?

Mr. STEPHENS. Then he was dishonorably discharged. He served six months at hard labor for stealing the turkeys and then was dishonorably discharged.

Mr. BRUCE. Without being restored to the Army?

Mr. STEPHENS. Certainly he was not restored.

Mr. BRUCE. He was imprisoned, then dishonorably discharged?



Mr. STEPHENS. Yes; he served six months. He was sentenced to nine months and served six months.

Mr. BRUCE. I want to be able to vote intelligently. I can not conceive under what system of ethics this application for relief can be made. The man was a thief and had been dishonorably discharged from the Army.

Mr. STEPHENS. The Constitution provides that cruel and unusual punishment shall not be imposed.

Mr. SWANSON. I call for the regular order.

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

Mr. KING. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. KING. If we agree to the amendment, it means that the stigma of dishonorable discharge will be removed, but this man may not get a pensionable status. It seems to me we will have gone for enough when we go that far.

Mr. SHORTRIDGE. Mr. President, there have been innumerable cases of this kind where bills have been passed providing that their passage shall not result in any back pay or back pension. This bill as introduced was in the usual form. I submit that if it is entitled to be passed at all it should take on and retain the usual form, carrying no back pay, no back pension; but if we are to pass the bill at all—and I think it should be passed—it may well be that this individual, who, it appears, was a brave soldier, might need some little assistance from our Government, and I believe if that should develop the Government should give it to him.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

Mr. SWANSON. Mr. President, I understand that we are proceeding under a unanimous-consent agreement. If anyone wants to object to this bill, it will go over. If a man's conscience is not satisfied as to its right and justice, he can object. There is no use calling a quorum. I simply called for the regular order.

Mr. BRUCE. I am very much obliged to the Senator for his volunteer advice, but I suppose I am at liberty, nevertheless, to present my ideas about the matter.

Mr. SWANSON. The Senator will do that whether it is better to do it or not. We had agreed unanimously that we would consider the calendar until 5 o'clock. I have never seen a unanimous-consent agreement of that kind violated by the protracted discussion of a bill. A bill is called and Senators either consent to its consideration or object. All I ask is that the unanimous-consent agreement be carried out in good faith.

The PRESIDING OFFICER. The Chair desires to know of the Senator from Maryland if he objects to the consideration of the bill or insists on a roll call.

Mr. BRUCE. I insist on the roll call.

Mr. CURTIS. Mr. President, if the Senator will withdraw the request, I will move for an executive session, because there is some executive business to be transacted.

Mr. STEPHENS. Mr. President, let me say just a word.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STEPHENS. I do not want to interfere with the procedure here this afternoon. If anybody indicates to me, without having a roll call, that he wants to object, I should be very glad to let this bill remain on the calendar and be considered another day. I do not want to take up the time with this measure. If the Senator from Maryland wants to object, let him do so.

Mr. SHORTRIDGE. To cut the knot, I object.

Mr. BRUCE. I do not propose to condone theft, and I do object.

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

#### SCHOONER "ADDISON E. BULLARD"

Mr. BLACK. Mr. President, I have been trying for some time to get the floor to ask that we return to Calendar 674, Senate bill 1486, for the relief of the owners of the schooner *Addison E. Bullard*, and to ask for its passage. It has been reported favorably by the committee.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object.

Mr. BLACK. Mr. President, I would like to explain this measure to the Senator, if he has no objection.

Mr. BRUCE. I will be glad to hear the Senator.

Mr. BLACK. This is a bill where a man had a boat during the war. The boat was held up by the Shipping Board. They took his cargo and shipped it, and they received \$83,000 for him, of his money, which he has been after ever since. This is a bill to pay him his money, which they received for him, under

the report of the committee. I would like to have the Senator withdraw the objection.

Mr. BRUCE. I withdraw my objection.

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

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Horace Turner, managing owner of the American schooner *Addison E. Bullard*, for and on behalf of the owners of the schooner, the sum of \$80,000, with interest at 4 per cent from May 6, 1920, such sum representing losses sustained by the owners of the schooner because of the interruption of a voyage by reason of the proclamation of the President, effective September 28, 1917, forbidding sailing vessels from entering the war zone. The acceptance of such sum by the owners of the schooner shall be in full satisfaction of all claims of the owners in respect of such losses.

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

#### BLACK STAR LINE (INC.) SEAMEN

The bill (S. 2291) for the relief of certain seamen who are judgment creditors of the Black Star Line (Inc.) for wages earned was considered as in Committee of the Whole.

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

That jurisdiction be, and hereby is, conferred upon the Court of Claims, notwithstanding any lapse of time or statute of limitation, and without the permission on the part of the Government or its representatives, to interpose any kind of defense to said claim, except to have the person, persons, corporation, or corporations to whom such money or a part of such money shall belong, as a matter of equity and justice, to hear, adjudicate, and render judgment, such as equity and justice may require, in favor of such person, persons, corporation, or corporations, as upon a determination of the facts heard by said court, the said court shall determine, is entitled to receive such money in the sum of \$21,624.66 less any costs legally incurred in the Court of Claims, which said sum of money has been paid into the Treasury of the United States by the United States Shipping Board, on account of a purchase by the Black Star Line (Inc.) or other persons in their behalf, of a certain ship known as the steamship *Orion*. It is hereby recognized by this act that the said sum of money above set forth, in equity and good conscience, does not belong to the United States Government, and the Court of Claims is vested with full jurisdiction, under its rules and proceedings, to render judgment for such money or parts thereof as in equity and good conscience any person or persons, corporation, or corporations may be entitled to receive.

Mr. KING. Mr. President, will not some one make an explanation of this bill?

Mr. BLACK. I will be glad to explain it. Twenty-two thousand five hundred dollars was paid in by a number of colored people to the Shipping Board on a boat, and they fell down on their trade. The \$22,500 belongs to somebody. There are several claimants. I have amended the bill so as to provide that the Court of Claims shall decide to whom the money belongs, and to award it to the proper person. That is the bill.

Mr. KING. Mr. President, I know of a number of cases where individuals bought ships from the Shipping Board, paying all the way from \$20,000 to two or three hundred thousand for a number of ships, and then failed ultimately to make the purchase. Would this be a precedent by which they could come back and get an appropriation from Congress?

Mr. BLACK. This is to pay them the \$22,500 which they paid in. There is no objection to it. The Shipping Board has not objected to it. It is not my claim. The Senator from New York [Mr. WAGNER] introduced the bill.

Mr. KING. The point I am making is this: Senators know that since the war perhaps two or three hundred sales have been made by the Shipping Board. In a very large number of them payments would be made, from \$10,000 to \$100,000, and then the purchasers would fall down in the remaining payments.

Mr. BLACK. These people have never gotten the boats. They put up the money as a part of the purchase price in the beginning.

Mr. KING. Was it not given to them, and did they not fail to purchase it, and did not the Government take it back?

Mr. BLACK. No; it was not given to them. They never got the boat.

Mr. KING. It is just a breach of contract; that is, they purchased the boat but the Government failed to deliver it?

Mr. BLACK. The Government never did deliver it.

Mr. KING. Why?

Mr. BLACK. It was for a number of thousand of colored people, who got up money to buy a boat to go to Africa. The head of the movement went to the penitentiary.

Mr. CARAWAY. Let us give them the boat and let them go.

Mr. KING. I have no objection.

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

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned."

#### BREACHES OF FIDUCIARY OBLIGATIONS

The bill (H. R. 6844) concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto was announced as next in order.

Mr. KING. This bill, as I remember the title, is a very significant and important measure. We may not have time in the moment remaining to have it disposed of.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

#### BILL PASSED OVER

The bill (H. R. 6856) relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of money and property held in the names of two or more persons, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6103) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes, was announced as next in order.

Mr. KING. Let the bill be read so that we may know the meaning of it.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk proceeded to read the bill.

The PRESIDING OFFICER. The hour of 5 o'clock has arrived.

#### EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 5 minutes p. m.) adjourned until to-morrow, Wednesday, April 18, 1928, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate April 17, 1928*

##### POSTMASTERS

###### ALABAMA

Lansing T. Smith to be postmaster at Anniston, Ala., in place of L. T. Smith. Incumbent's commission expires April 21, 1928.

Dyer B. Crow to be postmaster at Collinsville, Ala., in place of D. B. Crow. Incumbent's commission expires April 21, 1928.

Zula L. Persons to be postmaster at Prichard, Ala., in place of Z. L. Persons. Incumbent's commission expires April 21, 1928.

Walter Morgan to be postmaster at Woodward, Ala., in place of Walter Morgan. Incumbent's commission expires April 21, 1928.

###### CALIFORNIA

Curtis C. Maltman to be postmaster at El Monte, Calif., in place of C. C. Maltman. Incumbent's commission expires April 21, 1928.

Harry H. Chapman to be postmaster at Hornbrook, Calif., in place of H. H. Chapman. Incumbent's commission expires April 21, 1928.

Mary S. Rutherford to be postmaster at Truckee, Calif., in place of M. S. Rutherford. Incumbent's commission expires April 21, 1928.

###### COLORADO

Charles E. Baer to be postmaster at Steamboat Springs, Colo., in place of C. E. Baer. Incumbent's commission expires April 25, 1928.

###### FLORIDA

Alonzo A. McGonegal to be postmaster at Yalaha, Fla., in place of A. A. McGonegal. Incumbent's commission expires April 21, 1928.

###### IDAHO

Austin A. Lambert to be postmaster at Hailey, Idaho, in place of A. A. Lambert. Incumbent's commission expires April 19, 1928.

###### ILLINOIS

Fred W. Newman to be postmaster at Grand Ridge, Ill., in place of F. W. Newman. Incumbent's commission expires April 22, 1928.

Rose C. Auth to be postmaster at Rankin, Ill., in place of R. C. Auth. Incumbent's commission expires April 22, 1928.

John Van Antwerp to be postmaster at Sparland, Ill., in place of John Van Antwerp. Incumbent's commission expires April 22, 1928.

###### INDIANA

Frank H. McGuire to be postmaster at Milroy, Ind., in place of H. D. Johnson, removed.

###### IOWA

Melvin V. Smith to be postmaster at Akron, Iowa, in place of M. V. Smith. Incumbent's commission expires April 22, 1928.

Celia T. Green to be postmaster at Mystic, Iowa, in place of C. T. Green. Incumbent's commission expires April 22, 1928.

###### KANSAS

Jemima Hill to be postmaster at Arma, Kans., in place of Jemima Hill. Incumbent's commission expires April 21, 1928.

Harold H. Brindley to be postmaster at Peabody, Kans., in place of H. H. Brindley. Incumbent's commission expires April 21, 1928.

Rufus J. Miller to be postmaster at Selden, Kans., in place of R. J. Miller. Incumbent's commission expires April 21, 1928.

Elra L. Robison to be postmaster at Walnut, Kans., in place of J. E. Miller. Incumbent's commission expired January 9, 1927.

###### KENTUCKY

Sophia A. Calvert to be postmaster at Big Clifty, Ky. Office became presidential July 1, 1927.

###### LOUISIANA

Nettie Sojourner to be postmaster at Amite, La., in place of Nettie Sojourner. Incumbent's commission expired April 15, 1928.

Minnie M. Baldwin to be postmaster at Bernice, La., in place of M. M. Baldwin. Incumbent's commission expired April 7, 1928.

John A. Moody to be postmaster at Cotton Valley, La., in place of J. A. Moody. Incumbent's commission expired January 7, 1928.

Vera M. Canady to be postmaster at Eros, La., in place of V. M. Canady. Incumbent's commission expired January 7, 1928.

Harry Preaus to be postmaster at Farmerville, La., in place of Harry Preaus. Incumbent's commission expires April 19, 1928.

David S. Leach to be postmaster at Florien, La., in place of D. S. Leach. Incumbent's commission expired March 12, 1928.

George W. Taylor to be postmaster at Franklin, La., in place of G. W. Taylor. Incumbent's commission expired January 7, 1928.

Elson A. Delaune to be postmaster at Lockport, La., in place of E. A. Delaune. Incumbent's commission expired January 7, 1928.

Edward A. Drouin to be postmaster at Mansura, La., in place of E. A. Drouin. Incumbent's commission expired April 2, 1928.

J. Wiley Miller to be postmaster at Many, La., in place of J. W. Miller. Incumbent's commission expired January 28, 1928.

Edwin J. LeBlanc to be postmaster at Melville, La., in place of E. J. LeBlanc. Incumbent's commission expired January 7, 1928.

William F. Hunt (Mrs.) to be postmaster at Meridian, La., in place of Mrs. W. F. Hunt. Incumbent's commission expired April 2, 1928.

Melvin P. Palmer to be postmaster at Morgan City, La., in place of M. P. Palmer. Incumbent's commission expired January 7, 1928.

Otto J. Gutting to be postmaster at Oil City, La., in place of O. J. Gutting. Incumbent's commission expired February 15, 1928.



Teakle W. Dardenne to be postmaster at Plaquemine, La., in place of T. W. Dardenne. Incumbent's commission expired March 19, 1928.

James H. Gray to be postmaster at Pollock, La., in place of J. H. Gray. Incumbent's commission expired January 7, 1928.

Samuel A. Fairchild to be postmaster at Vinton, La., in place of S. A. Fairchild. Incumbent's commission expired January 7, 1928.

Keary E. Ham to be postmaster at Wilson, La., in place of K. E. Ham. Incumbent's commission expired April 15, 1928.

Avenant Manuel to be postmaster at Ville Platte, La., in place of T. G. Ashlock, deceased.

#### MAINE

Edward R. Veazie to be postmaster at Rockland, Me., in place of G. H. Blethen, deceased.

#### MASSACHUSETTS

John R. Walsh to be postmaster at Topsfield, Mass., in place of A. N. Andrews, removed.

#### MICHIGAN

Sadie Curran to be postmaster at Caseville, Mich., in place of Sadie Curran. Incumbent's commission expires April 21, 1928.

Arthur Dillon to be postmaster at East Tawas, Mich., in place of Arthur Dillon. Incumbent's commission expires April 21, 1928.

Harry E. Penninger to be postmaster at Lake Linden, Mich., in place of H. E. Penninger. Incumbent's commission expired September 13, 1922.

Carrie M. Colegrove to be postmaster at Remus, Mich., in place of C. M. Colegrove. Incumbent's commission expires April 21, 1928.

#### MINNESOTA

Samuel S. Michaelson to be postmaster at Montevideo, Minn., in place of S. S. Michaelson. Incumbent's commission expired March 22, 1928.

#### MISSOURI

Henry P. Hughes to be postmaster at Everton, Mo., in place of L. W. Rogers, removed.

#### NEBRASKA

Charles McCray to be postmaster at Merriman, Nebr., in place of Charles McCray. Incumbent's commission expired December 19, 1927.

#### NEW MEXICO

Clotilde C. Montes to be postmaster at Bernalillo, N. Mex., in place of Ralph Gutierrez, resigned.

#### NEW YORK

Ward A. Jones to be postmaster at Canajoharie, N. Y., in place of W. A. Jones. Incumbent's commission expired April 15, 1928.

Glenn D. Clark to be postmaster at Prattsburg, N. Y., in place of Leverne Thomas. Incumbent's commission expired January 8, 1928.

#### NORTH CAROLINA

Christopher C. Snead to be postmaster at Laurel Hill, N. C., in place of C. C. Snead. Incumbent's commission expires April 22, 1928.

#### NORTH DAKOTA

Marie Siverts to be postmaster at Dodge, N. Dak., in place of Marie Siverts. Incumbent's commission expires April 21, 1928.

James H. McNicol to be postmaster at Grand Forks, N. Dak., in place of J. H. McNicol. Incumbent's commission expires April 19, 1928.

Thomas G. Kellington to be postmaster at New Rockford, N. Dak., in place of T. G. Kellington. Incumbent's commission expires April 21, 1928.

Gilbert A. Moe to be postmaster at Sheyenne, N. Dak., in place of G. A. Moe. Incumbent's commission expires April 21, 1928.

Agnes L. Peterson to be postmaster at Washburn, N. Dak., in place of A. L. Peterson. Incumbent's commission expires April 21, 1928.

Andrew M. Hewson to be postmaster at Wimbledon, N. Dak., in place of A. M. Hewson. Incumbent's commission expires April 21, 1928.

#### OHIO

Carl E. Richardson to be postmaster at Baltic, Ohio, in place of C. E. Richardson. Incumbent's commission expires April 21, 1928.

Frank L. Lee to be postmaster at Campbell, Ohio, in place of F. L. Lee. Incumbent's commission expired March 5, 1928.

Reinhard H. Curdes to be postmaster at Napoleon, Ohio, in place of R. H. Curdes. Incumbent's commission expires April 21, 1928.

Louise Lovett to be postmaster at Wickliffe, Ohio, in place of Louise Lovett. Incumbent's commission expires April 21, 1928.

#### OREGON

George W. Epley to be postmaster at Sheridan, Oreg., in place of G. W. Epley. Incumbent's commission expires April 19, 1928.

#### PENNSYLVANIA

Wade M. Henderson to be postmaster at Brookville, Pa., in place of W. M. Henderson. Incumbent's commission expired February 10, 1927.

William T. Davies to be postmaster at Forest City, Pa., in place of W. T. Davies. Incumbent's commission expires April 19, 1928.

Laura M. Peacock to be postmaster at Houston, Pa., in place of L. M. Peacock. Incumbent's commission expires April 19, 1928.

Frank P. Lightner to be postmaster at Loysville, Pa., in place of F. P. Lightner. Incumbent's commission expires April 21, 1928.

#### PORTO RICO

Jose Monserrate to be postmaster at Salinas, P. R., in place of Jose Monserrate. Incumbent's commission expires April 21, 1928.

#### RHODE ISLAND

David Ross to be postmaster at Ashton, R. I., in place of David Ross. Incumbent's commission expires April 21, 1928.

#### SOUTH CAROLINA

Jesse J. Glass to be postmaster at Trough, S. C., in place of W. W. Goudelock. Incumbent's commission expired January 29, 1927.

#### SOUTH DAKOTA

Christopher J. Johnson to be postmaster at Centerville, S. Dak., in place of C. J. Johnson. Incumbent's commission expires April 21, 1928.

Lottie M. Johnson to be postmaster at De Smet, S. Dak., in place of L. M. Johnson. Incumbent's commission expires April 21, 1928.

Linville Miles to be postmaster at Langford, S. Dak., in place of Linville Miles. Incumbent's commission expired December 18, 1927.

Fred S. Williams to be postmaster at Pierre, S. Dak., in place of F. S. Williams. Incumbent's commission expired December 18, 1927.

Hugh H. Gardner to be postmaster at Ree Heights, S. Dak., in place of H. H. Gardner. Incumbent's commission expired February 1, 1928.

Ola S. Ophelm to be postmaster at Sisseton, S. Dak., in place of O. S. Ophelm. Incumbent's commission expired February 8, 1928.

John A. Hawkins to be postmaster at Waubay, S. Dak., in place of J. A. Hawkins. Incumbent's commission expired April 7, 1924.

Edward A. Wearne to be postmaster at Webster, S. Dak., in place of E. A. Wearne. Incumbent's commission expired December 18, 1927.

Charles G. Kuentzel to be postmaster at White Rock, S. Dak., in place of C. G. Kuentzel. Incumbent's commission expired February 8, 1928.

Della Reue to be postmaster at Leola, S. Dak., in place of H. W. Knutson, resigned.

Charles Furois to be postmaster at St. Onge, S. Dak. Office became presidential July 1, 1927.

#### TENNESSEE

Rufus N. McCaslin to be postmaster at Dickson, Tenn., in place of R. N. McCaslin. Incumbent's commission expires April 22, 1928.

#### TEXAS

Hal Singleton to be postmaster at O'Donnell, Tex., in place of Hal Singleton. Incumbent's commission expired March 1, 1928.

William J. Davis to be postmaster at Silsbee, Tex., in place of W. J. Davis. Incumbent's commission expired March 1, 1928.

Herbert W. Scott to be postmaster at Throckmorton, Tex., in place of H. W. Scott. Incumbent's commission expired March 17, 1928.

Maggie Thomas to be postmaster at Petersburg, Tex. Office became presidential July 1, 1927.

## UTAH

Arthur H. Reeve to be postmaster at Hineckley, Utah, in place of A. H. Reeve. Incumbent's commission expires April 21, 1928.

Benjamin F. Coffey to be postmaster at Sunnyside, Utah, in place of B. F. Coffey. Incumbent's commission expires April 21, 1928.

## WASHINGTON

J. Kirk Carr to be postmaster at Sequim, Wash., in place of J. K. Carr. Incumbent's commission expires April 21, 1928.

## WEST VIRGINIA

Michael H. Duncan to be postmaster at Crumpler, W. Va., in place of M. H. Duncan. Incumbent's commission expires April 22, 1928.

George H. Spencer to be postmaster at Rivesville, W. Va., in place of G. H. Spencer. Incumbent's commission expired December 18, 1927.

## WISCONSIN

Ernest P. G. Schlerf to be postmaster at Oshkosh, Wis., in place of E. P. G. Schlerf. Incumbent's commission expired January 7, 1928.

## WYOMING

Edna M. Booth to be postmaster at Sunrise, Wyo., in place of E. M. Booth. Incumbent's commission expires April 22, 1928.

Phyllis C. Dodds to be postmaster at Cumberland, Wyo., in place of Bert Williams, resigned.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate April 17, 1928*

## UNITED STATES DISTRICT JUDGES

Harold Louderback to be United States district judge, northern district of California.

Frank H. Norcross to be United States district judge, district of Nevada.

## POSTMASTERS

## COLORADO

William L. Butler, Vona.

## GEORGIA

Judge T. D. Conley, Collegepark.

## INDIANA

John A. Johnson, Donaldson.

Henry J. Schroeder, Freelandville.

## MASSACHUSETTS

Wilhelm O. Johnson, Woronoco.

## MICHIGAN

Burton E. Giles, Plymouth.

Ralph S. Wiggins, Sunfield.

## MISSOURI

William H. Smith, Holt.

## MONTANA

Carl J. Sonstelie, Polson.

## NORTH CAROLINA

Atherton B. Hill, Scotland Neck.

## OHIO

Nathan H. Powell, Pleasant Hill.

## VERMONT

Dwight L. M. Phelps, Richmond.

## VIRGINIA

Robert A. Pope, Drewryville.

## HOUSE OF REPRESENTATIVES

Tuesday, April 17, 1928

The House met at 12 o'clock noon.

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

O Lord our God, this is the moment of soul silence, and we beseech Thee to hear us. We thank Thee for the mercy of a new day. Bless each one of us with the mercy of a grateful heart. There are many perils of which we are ignorant and many of which we perceive. We can not understand Thy providence, yet we repose our faith in Thee, for Thy abundance overflows and transcends all our needs. Grant that all things base, cruel, inhuman, vain, and ignorant shall lose their power and die away; and may all things pure, upright, ennobling, and

enriching grow and gather strength until righteousness and knowledge shall prevail throughout our fair land and the glory of the Lord shall fill the whole earth. Through Jesus Christ our Savior. Amen.

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

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments bills of the House of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8550. An act to amend the national defense act; and

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy;

S. 2327. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 3092. An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock; and

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina.

The message further announced that the Vice President had appointed Mr. COUZENS and Mr. COPELAND members of the joint select committee as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

The message also announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H. R. 8983. An act for the relief of William G. Beaty, deceased; and

H. J. Res. 244. Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif.

The message further announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 2900) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NORBECK, Mr. FRAZIER, and Mr. STECK to be the conferees on the part of the Senate.

## SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot; to the Committee on Naval Affairs.

S. 721. An act to establish a fish-hatching and fish-cultural station in the State of New Mexico; to the Committee on the Merchant Marine and Fisheries.

S. 745. An act to authorize the establishment of a fisheries experiment station on the west coast of Washington; to the Committee on the Merchant Marine and Fisheries.

S. 1261. An act to establish a fish-hatching and fish-cultural station in the State of Idaho; to the Committee on the Merchant Marine and Fisheries.

S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy; to the Committee on Naval Affairs.

S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes; to the Committee on the Merchant Marine and Fisheries.



S. 1710. An act authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor; to the Committee on Rivers and Harbors.

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; to the Committee on War Claims.

S. 1904. An act to establish a fish-cultural station in the State of Montana as an auxiliary to the Bozeman, Mont., fisheries station; to the Committee on the Merchant Marine and Fisheries.

S. 2019. An act to amend an act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes," approved May 22, 1926; to the Committee on Interstate and Foreign Commerce.

S. 2319. An act for the relief of John W. Stockett; to the Committee on War Claims.

S. 2336. An act for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, and May Fee; to the Committee on Claims.

S. 2612. An act for the relief of Mary Ellen Tiefenthaler; to the Committee on War Claims.

S. 2804. An act to amend section 812 of an act entitled "An act to establish a code of law for the District of Columbia," as amended; to the Committee on the District of Columbia.

S. 3092. An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans; to the Committee on Printing.

S. 3116. An act providing for half holidays for certain Government employees; to the Committee on the Civil Service.

S. 3280. An act for the relief of Margaret Diederich; to the Committee on Foreign Affairs.

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock; to the Committee on War Claims.

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas; to the Committee on the Public Lands.

S. 3437. An act to provide for the conservation of fish, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 3602. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.; to the Committee on the Public Lands.

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

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina; to the Committee on the Judiciary.

S. J. Res. 28. Joint resolution consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name; to the Committee on Ways and Means.

#### THE ST. LAWRENCE SEAWAY

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the St. Lawrence waterway and to include therein certain official notes which have been exchanged between the United States and Canada with reference to that subject.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD and print with them some official correspondence between the United States and Canada. Is there objection?

There was no objection.

Mr. SELVIG. Mr. Speaker and Members of the House, we are heartened to-day by good news with respect to the St. Lawrence-Great Lakes deep-waterway project. The exchange of notes between the Governments of the United States and Canada announced from Ottawa last evening brings this great undertaking nearer to realization than it ever has been before. All agree that the price of our farm products is determined at those points on our seaboard or abroad where the competitive streams of exports come together. The price at the farm is the price made at this junction market, less the cost of transportation and handling to those centers.

From this it follows that the world market price for wheat is now and will continue to be the base from which is figured the price paid to the producers of the wheat. This is true

whether their wheat goes to the foreign market place or remains and is consumed at home.

Stated in another way, the basic price to the farmer is the world price less the costs of selling to the world market. The standard cost of movement of wheat from the head of the Great Lakes to Europe is made up of the normal costs of lake and rail movement to tidewater, plus the normal cost of transportation across the Atlantic.

Owing to increases in railway rates and the distance from seaboard our mid-west farmers must pay from 6 to 12 cents per bushel more on grain to reach those markets than before the war. Therefore, the foreign farmers reach the world market at a lower cost than can our mid-west farmers.

#### INCREASED TRANSPORTATION COSTS

It is not necessary for me to dwell on the increased cost of rail transportation, which is well known to all. In 1914 the index of transportation cost was 99.4. In 1925 it was 157.5. In 1917 a farmer shipping wheat paid 3.5 pounds out of each 100 pounds for freight. In 1922 he paid 9.3 pounds out of each 100 pounds for freight, an increase of 166 per cent. This increase in freight rates has seriously handicapped the farmers in the mid-west. On the other hand, ocean-freight rates have not advanced in this proportion.

The disparity can best be visualized by again referring to wheat. Pre-war, the freight on a bushel of South Dakota wheat by the cheapest route to Liverpool cost approximately 35 cents, while the freight on Argentine wheat to the same market cost 21 cents, a difference of 14 cents. To-day the increased freight rate charges on this bushel have moved the Argentine farmers only 3½ cents a bushel further away from Liverpool, while the South Dakota farmer has moved 12 cents a bushel further away; or a difference of over 8 cents a bushel to the advantage of the Argentine producer. This uneven increase in transportation charges has handicapped our mid-west farmers in competition with these foreign countries.

The same disparity occurs with other commodities. Steel from Pittsburgh to the Pacific coast carries a rate of \$10 a ton. Steel by rail from Chicago to the Pacific coast has a rate of \$25 a ton. The rate on flour from Seattle by water transportation through the Panama Canal to New York City is \$6 a ton. By rail from Minnesota, Kansas, or North Dakota to Seattle the rate of \$8.70 a ton.

First-class freight from the Pacific coast to New York by water and then to Milwaukee by rail is \$3.92 per hundred pounds. From Milwaukee to the Pacific coast by rail first-class freight carries a rate of \$5.10 per hundred pounds. The illustrations could be multiplied indefinitely. The handicaps that the people of the mid-west face are obvious to all.

#### FARMERS GAIN WHEN CARRYING CHARGES ARE LOWERED

It is well known that the price which the farmer realizes in the foreign competitive markets sets the price of his whole product, not alone the price of the export balance. Therefore the effect of the increase of transportation rates to seaboard is far greater than its effect calculated only upon the part of the crop exported out of the mid-west.

The price to the farmer will be lifted by the amount that the transportation cost can be reduced. There is no difference in opinion in regard to the dominance of the world price with respect to both wheat and rye. The United States is a heavy exporter of both, as well as of flour. Barley and oats are less affected, although in 1926 the United States exported 13,000,000 bushels of domestic barley and 11,000,000 bushels of domestic oats.

#### MINNESOTA'S AGRICULTURAL PRODUCTION

In Minnesota, my State, the number of bushels of wheat, oats, barley, and rye produced on the average is 240,000,000 bushels per year. A saving of 10 cents per bushel in freight rates would amount in one year to \$24,000,000. Wheat and rye produced in the two Dakotas, Montana, and in Minnesota would, at a 10-cent per bushel saving in freight charges, give the farmers of those three States each year the munificent sum of \$26,500,000.

Taking Minnesota's annual production of wheat and rye, a 10-cent saving in freight rates for this State alone would amount to \$4,000,000.

There are 28,000 farms in my district—the ninth Minnesota district—known also as the Red River Valley district, the banner bread and butter district of the State. These farmers produced 14,000,000 bushels of wheat and rye in 1924. A 10-cent per bushel increase in price would amount in one year to \$1,400,000.

The increased price at the farm market of the total production of grain in this district would materially increase this amount. In addition, the reduction in freight charges on arti-

cies purchased would amount to a considerable sum. A total benefit amounting to \$3,000,000 annually is not too high an estimate.

Our farmers and townspeople are united in their support of the deep waterway and of inland waterways because they know substantial benefits will come. They are against any unnecessary delay. They will welcome the good news that the two Governments are earnestly endeavoring to complete the negotiations so that dirt may fly and the work of construction begin.

We must restore the additional 6 to 12 cents per bushel on grain in order to remove one of the contributing causes of our postwar agricultural difficulties. It is not all of the farm problem, but it is an important part.

#### CHEAPER TRANSPORTATION WILL SAVE MILLIONS OF DOLLARS

The United States exports annually 250,000,000 bushels of wheat or equivalent in flour. By means of cheaper transportation, 8 to 10 cents a bushel on outgoing freight is saved, bringing a net increase to the farmers of this country on the actual amount exported between twenty and thirty million dollars. The effect on the price of the unexported portion of the total production will increase the income of the farmers to the extent of meeting the total cost of the capital outlay for the St. Lawrence deep waterway in a single year.

The increased cost of transportation also bears upon many of the goods the farmer buys. This increases the spread in prices between what he buys as against what he sells. In terms of freight rates, the farmers of Minnesota have been pushed hundreds of miles further away both from the former markets and from the sources of their supplies.

The same is true of the Dakota farmer, the Montana farmer, and of the entire mid-west area.

#### PANAMA CANAL ISOLATED THE MID-WEST

I can not at this time enlarge upon the far-reaching effects upon the Middle West caused by the Panama Canal. Undoubtedly this canal has brought benefits to the people living on the Atlantic, Gulf, and Pacific coasts of the United States. It has benefited this country and the world in general. A direct result has been to draw the Atlantic and Pacific seaboard and their back country much closer together. Just to that extent has it isolated the Middle West.

Chicago, in terms of transportation rates, is at a 4 per cent disadvantage in rates from the Pacific coast, as compared to prewar, while New York has a 12 per cent advantage in rates from the Pacific. Here is a difference of approximately 16 per cent favoring New York over the mid-west area where the same ratios apply as to Chicago.

#### DEEP WATERWAY IS NEEDED

The Great Lakes-St. Lawrence deep waterway will tend to equalize these disadvantages. Inland waterways will also prove of undoubted benefit. Those who have studied the transportation problem agree that if we were able to run our ocean shipping into the Great Lakes, and if we had the Mississippi waterways fully modernized we could show savings of from 8 to 12 cents per bushel, and perhaps more, in transport from different parts of the mid-west, or about the amount of rail rate increases.

One of the fundamental needs of American agriculture is cheaper transportation. Improvement of the inland waterways offers a large measure of help. Based upon actual going freight rates, on the sea or on the Great Lakes, 1,000 bushels of wheat can be transported 1,000 miles for \$20 to \$30. Using the modern-equipped Mississippi barges, 1,000 bushels of wheat can be transported 1,000 miles for \$60 or \$70. It costs from \$150 to \$200 to carry 1,000 bushels of wheat for 1,000 miles by rail. This gives the facts in a nutshell.

The costs of transportation to and from the farm must be reduced. Every cent of reduction goes into the pocket of the farmer, for where the farmer is a competitive seller in a foreign market the freight comes off his price.

#### GREAT LAKES CARRY MUCH FREIGHT NOW

To those who are skeptical about the freight business that is being carried on the Great Lakes at the present time, recent figures will prove to be interesting. These figures demonstrate that this waterway is being used very extensively. In 1926 the 13 class '1 railroads of the Great Lakes region moved revenue freight traffic amounting to 93,655,000 ton-miles, at a total freight charge of \$1,028,858,000, or 11 mills, or 1.1 cents, per ton-mile. On the Great Lakes in the same year the movement of freight amounted to 96,000,000,000 ton-miles on which the carrying charges amounted to \$105,500,000, or 1.1 mills, or a little over one-tenth of a cent, per ton-mile. Three per cent more freight was handled on the Great Lakes than by these railroads and at one-tenth the freight rate. During the

same year 10,000,000 tons of freight were carried on the lower Mississippi and 20,000,000 tons on the Ohio. This should be sufficient answer to the skeptics.

#### SUMMARY OF NEGOTIATIONS WITH CANADA

The Great Lakes-St. Lawrence Deep Waterway is of so great importance to the Mid West that every step leading to its construction is of deepest importance. Several notes which have been exchanged by the two Governments concerned in this project mark definite forward progress in establishing this outlet to the ocean.

This exchange of notes began on May 17, 1922, when Secretary of State Charles E. Hughes, speaking for the United States, indicated that the United States Government would be glad to take up with the Canadian Government the negotiation of a treaty looking to the deepening of the waterways which would enable ocean-going ships to reach the Great Lakes.

On June 5, 1922, the British Ambassador stated that the Canadian Government was of the opinion that it was not considered expedient to deal with the matter at that time.

Later, on January 30, 1924, H. G. Chilton, of the British Embassy at Washington stated that the Government of Canada was willing to undertake the preparation of a final report covering the engineering features of the whole project, including its cost as well as to investigate all the problems involved. Then followed several years of investigations and surveys covering both engineering and economic aspects.

#### LATER NOTES BETWEEN THE GOVERNMENTS

On April 13, 1927, Secretary Kellogg addressed a note regarding the Great Lakes-St. Lawrence waterway project to the Canadian Government. On July 12, 1927, the Canadian Government made acknowledgment and stated it was not prepared to make a full answer, but would do so when its advisory committee had reported.

The full answer of the Canadian Government dated January 31, 1928, arrived in Washington, and a reply to the same dated March 12, 1928, was sent to Canada by the Secretary of State. The Canadian answer, dated April 5, 1928, and the reply to this by Secretary Kellogg, dated April 7, 1928, has now been made public. The long forward step which these notes have brought about is of fundamental importance to our country. Under the leave granted I will incorporate the full text of these notes in the RECORD:

#### TEXT OF CORRESPONDENCE EXCHANGED BY THE GOVERNMENTS OF CANADA AND THE UNITED STATES CONCERNING THE PROPOSED ST. LAWRENCE WATERWAY IMPROVEMENT

(Note of January 31, 1928, from the Canadian Minister to the Secretary of State)

SIR: I have the honor to refer to your note of April 13, 1927, in which, after reviewing the steps taken in recent years by the United States and Canada to inquire into the feasibility of a St. Lawrence ocean shipway you stated that the Government of the United States had accepted the recommendations of the St. Lawrence River Commission, appointed by the President as an advisory body, and was accordingly prepared to enter into negotiations with Canada with a view to formulating a convention for the development of the waterway.

Acknowledgment of this communication was made in a note of July 12, 1927, addressed to the minister of the United States at Ottawa, in which it was stated that as the report of the joint board of engineers indicated differences of opinion as to the solution of the engineering difficulties presented by the international section of the waterway, the national advisory committee appointed by His Majesty's Government in Canada to report on the economic and general aspects of the waterway question, would not be in a position to advise the Government until certain alternative schemes under consideration by the joint board, and to be included in the appendixes to the main report, had been received and duly considered.

The full report of the board has now been received, and the national advisory committee, which met in Ottawa this month, has reported its conclusions to His Majesty's Government in Canada. The national advisory committee concurs in the finding of the joint board of engineers that the project is feasible. It recommends, however, that should the work be undertaken, fuller allowance should be made for future requirements by providing, in addition to 30-foot depth for the permanent structures, 27-foot navigation in the reaches rather than the 25-foot navigation proposed by the joint board. While the national advisory committee regards the project as feasible from an engineering standpoint and notes the findings of the International Joint Commission in 1921 as to its economic practicability, it considers that the question of its advisability at the present time depends upon the successful solution of a number of financial and economic difficulties, and upon further consideration of certain of the engineering features as to which the two sections of the joint board of engineers are not as yet agreed. I am instructed by the Secretary of State for External Affairs to inform you that His



Majesty's Government in Canada concurs in these conclusions of the national advisory committee.

In your note of April 13, it was observed that the St. Lawrence River Commission had reported that the construction of a shipway at proper depth would relieve the interior of the continent, especially agriculture, from the economic handicaps of adverse transportation costs which, it was indicated, now operate to the disadvantage of many States and a large part of Canada. It was added that the Government of the United States appreciated the advantages which would accrue equally to both countries by opening up the waterway to ocean shipping, and that the necessary increase in United States railway rates, due to the war, and the desirability of early development of hydroelectric power, were factors which must have equal application to, and influence upon, the Dominion of Canada.

In view of the implications as to Canadian conditions contained in these observations, it may be well to indicate certain features of the transportation situation in Canada which have a direct bearing upon the St. Lawrence waterway question.

For many years past the improvement of transportation has been the foremost task of successive governments of Canada. At heavy cost, an extensive program of railway, waterway, and harbor development has been carried out, with the object of linking up all parts of the Dominion and providing adequate outlets for foreign trade. Two great transcontinental railway systems have been built up, largely with State aid, and both western and eastern Canada are now reasonably well served by railways, though increasing settlement and increasing production render it necessary for both systems to continue to spend large sums annually in the provision of branch lines. Western Canada is now looking to the early completion of the Hudson Bay route to Europe. This route, which it is anticipated will be available in about three years, will shorten the haul to Europe from the Canadian west by a thousand miles and more, and will also be of substantial benefit to shippers from the Western States. Since that work was projected, the completion of the Panama Canal, by the efforts of the United States, has supplied an alternative outlet for much of western Canada through Vancouver and Prince Rupert; and at the present time the Canadian Government is faced with a strong demand for an additional and more direct outlet to the Pacific for the Peace River country. The St. Lawrence route itself has been progressively improved, and has proved of steadily increasing service.

Partly as a result of the existence of competitive alternative outlets, railway rates in Canada are in general lower than in the United States. The rates on grain, which provides 52 per cent of the total traffic of western lines, are now below pre-war level. Material reductions have also been made in another bulk movement of importance to both eastern and western Canada, namely, coal. General commodity rates, which were the subject of the same percentage of relative increase in both countries, due to war conditions, have subsequently been reduced in Canada, in certain instances, to a greater extent than in the United States. In recent months a rate on grain has been established from the head of the Lakes to Quebec, which approximates the charges incident to the movement by water by the present Great Lakes-St. Lawrence route, a route which, in Canada, has always exercised a restraining influence on railway rates. As the greater part of Canada's railway mileage is now owned and operated by the State, the St. Lawrence proposals, in so far as they may possibly affect the revenues of the railways, present considerations as to which Canada's point of view is necessarily somewhat different from that of the United States.

Canada's interest in the improved navigation of the Great Lakes-St. Lawrence route would be associated largely with the movement of bulk commodities, such as grain, timber, and coal. The movement of package freight by water in Canada is at present of small volume, and Canadian railways, unlike, it is understood, those of the Mid West of the United States, are in a position to handle much more of that traffic than at present is offered.

It is believed that development of the waterway would prove of advantage to Canadian commerce and industry, not merely in the sections directly tributary to the Great Lakes and St. Lawrence, but in the Maritime sections, which would be afforded more direct access to the great interior markets of the continent. It is, however, apparent that the United States would benefit much more from the enlarged navigation facilities, both in extent of use and in margin of saving. The report of the International Joint Commission in 1921, after a comprehensive review of the economic aspects of the project, presented the following conclusions to which the National Advisory Committee calls attention:

"As to the economic practicability of the waterway, the commission finds that, without considering the probability of new traffic created by the opening of a water route to the seaboard, there exists to-day, between the region economically tributary to the Great Lakes and overseas points as well as between the same region and the Atlantic and Pacific seaboard, a volume of outbound and inbound trade that might reasonably be expected to seek this route sufficient to justify the expense involved in its improvement.

"It finds that, as between the American and Canadian sides of the tributary area, the former contributes very much the larger share of this foreign and coastwise trade, and in all probability will continue to do so for many years to come. The benefits to be derived from the opening of a water route to the sea will, therefore, accrue in much larger measure to American than to Canadian interests, though it is reasonable to assume that eventually the advantages may be more evenly distributed."

The report of the International Joint Commission continues, in a direct reference to comparative transportation conditions:

"It finds that the existing means of transportation between the tributary area in the United States and the seaboard are altogether inadequate, that the railroads have not kept pace with the needs of the country, but that this does not apply to the Canadian side of the area, where railway development is still in advance of population and production."

It will therefore be observed that the transportation situation in the two countries is not identical as to available facilities, extent of use, or rates, and that the economic handicaps to which you referred in your note of April 13 appear to have more application to United States than to Canadian conditions. In this connection, it may be said that Canadian agriculture is more directly affected by the restrictions on the importation of Canadian farm products which have been imposed by the United States in recent years, with the object, it is understood, of assisting agriculture in those Western States which would share so largely in the benefits of the proposed St. Lawrence waterway. This situation, and the effects upon the maritime sections of Canada of United States duties on the products of the fisheries, are among the factors which have contributed to bringing it about that public opinion in Canada has not so clearly crystallized in favor of the waterway project as appears to be the case in the United States.

Reference was made in your note to the early development of hydroelectric power as a factor which must have equal application to and influence upon the Dominion of Canada. The opportunity of developing great quantities of power incidental to navigation is, it is agreed, a special advantage possessed by the St. Lawrence project and an important consideration in determining its advisability. In this aspect of the project, however, there are again special features in the Canadian situation which it is desirable to make clear. Public opinion in Canada is opposed to the export of hydroelectric power and is insistent that such power as may be rendered available on the St. Lawrence, whether from the wholly Canadian section or from the Canadian half of the international section, shall be utilized within the Dominion to stimulate Canadian industry and develop the national resources. With this view the national advisory committee expresses itself as in complete accord. The committee further indicates that, in view of the relatively limited capacity of the Canadian market to absorb the vast blocks of power contemplated by the St. Lawrence proposals, it follows that it is most important, in any arrangement which may be considered, that the development of power on the Canadian side should not exceed the capacity of the Canadian market to absorb it.

The situation presented by the differences of opinion brought out in the report of the joint board of engineers as to the best method of development in the international section of the St. Lawrence has also received consideration by the national advisory committee. The committee considers it greatly in the public interest that a further attempt should be made to reconcile these varying views. Conclusive assurance is necessary as to control of the fluctuations of flow from Lake Ontario, so essential to the interests of the purely national sections of the river and the port of Montreal, and as to the situation of those Canadian communities on the St. Lawrence, which under certain of the present plans might be obliged to live under levees or to rebuild in part.

A plan has been presented in the appendices to the report of the joint board of engineers proposing an alternative location of the upper works of the Canadian two-stage plan. It is also considered advisable that opportunity should be afforded for further conference on these alternative proposals between the Canadian section of the joint board and engineers representing the Province of Ontario, who have themselves formulated plans dealing with the international section.

The financial phases of the project have been reviewed by the committee. It is pointed out that for many years Canada has been engaged in improving the navigation of the St. Lawrence River both above and below Montreal and in providing navigation facilities across the Niagara Peninsula. At the same time the United States has been similarly engaged in deepening interconnecting channels of the upper Lakes and in providing suitable works at Sault Ste. Marie. Toward the common object Canada has made particularly heavy contributions. It has expended over thirty millions on the ship channel, which has made possible ocean navigation on a large scale to the port of Montreal, an expenditure by which the proposed St. Lawrence project will directly benefit. The Dominion has spent fifty millions on canals and channel improvements between Montreal and Lake Erie, in which improved navigation United States shipping has had equal use and advantage. To the pres-

ent Canada has spent eighty-seven millions on the Welland Ship Canal. In view of these facts and of the very heavy financial burdens imposed by the war, by the railway obligations arising out of the war, and by the necessity since the war ended of finding the large sums required for needed public works throughout the Dominion, it is considered that it would not be sound policy to assume heavy public obligations for the St. Lawrence project.

The National Advisory Committee has reached the conclusion that it is possible to work out a method by which provision could be made for the construction of the waterway on terms which would be equitable to both countries and would take adequate account of the special factors in the Canadian situation to which attention has been directed. Several methods have been considered, but the plan which chiefly commends itself to the committee is, in brief, that Canada should consider providing for the construction of the waterway in the sections wholly Canadian—that is, the Welland Ship Canal and the works in the St. Lawrence below the international boundary—and that the United States should consider undertaking the completion of a 27-foot waterway to the head of the Lakes, in addition to meeting the entire cost of the development, under joint technical supervision on lines to be agreed upon, of the international section of the St. Lawrence, both for navigation and for power. The construction of the wholly Canadian (Welland and St. Lawrence) sections and, if the United States should see fit, of the upper Lakes works, would, on this plan, be given precedence of the international section, because of the necessity alike of providing for further consideration of the engineering problems involved in the international section and of permitting reasonable absorption of the power developed on the Canadian side.

In support of this view, the following statement is submitted by the committee, based on expenditures by both countries on the present through waterway, and on the estimated cost of the presently recommended scheme, with 27-foot navigation, a new United States lock at Sault Ste. Marie of the same dimensions as proposed for the St. Lawrence shipway, and the development on the St. Lawrence of such power as is incidental to navigation:

Canada		
Present works:		
St. Lawrence ship channel-----	\$30,000,000	
St. Lawrence and Welland Canals-----	50,000,000	
Lock at Sault Ste. Marie, Ontario-----	5,560,000	
		\$85,560,000
Proposed works:		
Welland Ship Canal-----	\$115,600,000	
Wholly Canadian section, St. Lawrence shipway, 27-foot navigation, and development of 949,300 horsepower-----	199,670,000	
		\$315,270,000
Total for Canada-----		400,830,000
United States		
Present works:		
Dredging St. Clair and Detroit Rivers--	17,536,000	
Locks at Sault Ste. Marie, Mich-----	26,300,000	
		43,836,000
Proposed works:		
International section St. Lawrence shipway 27-foot navigation and initial development of 597,600 horsepower-----	182,157,000	
To complete development—additional power 1,602,000 horsepower-----	92,090,000	
Upper lake channels to 27 feet-----	65,100,000	
		339,347,000
Total for United States-----		383,183,000

In bringing these conclusions of the National Advisory Committee to the attention of the Government of the United States, His Majesty's Government in Canada desires to add that there are phases of the question, particularly as regards the development of power, as to which it is necessary to take account of the special concern of the two Provinces of Canada bordering on the waterway. The relation between navigation and power involves certain constitutional difficulties, of which, in accordance with the wishes of the governments of Ontario and Quebec, the Government of Canada proposes to seek a solution by reference to the courts. With this preliminary difficulty in process of solution, the Government of Canada will be in a position, upon learning from the Government of the United States whether in its view the procedure above outlined affords an acceptable basis of negotiation, to consult with the Provinces of Ontario and Quebec on the aspects of the problem with which they may be concerned, and thus to facilitate an understanding being reached between all concerned as to the methods and means by which the project could be undertaken.

It is the hope of the Government of Canada that, in any such further consideration of the waterway question, opportunity may be found for reaching a comprehensive settlement of all outstanding problems affecting the Great Lakes and the St. Lawrence, including the preservation of the waters properly belonging to the St. Lawrence watershed, of which the present discussion indicates the paramount importance.

I shall be obliged if you will be good enough to inform me at your convenience, for transmission to His Majesty's Government in Canada,

of the views of the Government of the United States on the representations which are outlined above.

I have the honor to be, with the highest consideration, sir,

Your most obedient, humble servant,

VINCENT MASSEY.

(Note of March 12, 1928, from the Secretary of State to the Canadian minister)

SIR: I have the honor to acknowledge your note of January 31, 1928, in which you inform me of the findings and recommendations of the National Advisory Committee in regard to the proposed St. Lawrence waterway improvement.

I note the view of the National Advisory Committee that the question of the advisability of the improvement at the present time depends upon the solution of a number of financial and economic difficulties and upon further consideration of certain of the engineering features and the conclusion of the committee that it is possible to work out a method by which provision could be made for the construction of the waterway on terms which would be equitable to both countries and would also take adequate account of the factors in the Canadian situation which you have set forth.

The suggestions outlined in your note have received thorough consideration. While the United States is not in complete agreement with the representations made by the Canadian Government as to the relative benefits and ultimate costs to the two countries of the proposed improvement of the St. Lawrence and the division of expense to be borne by each country, it is inclined to regard as an acceptable basis of negotiation a proposal along the general lines suggested in your note: That the prosecution of the improvement of the St. Lawrence waterway be based on the undertaking by the United States of the deepening of the necessary channels through the interconnecting waters of the Great Lakes and the improvement of the international section of the St. Lawrence both for navigation and for power; and the undertaking by Canada of the construction of the waterway in the sections wholly Canadian, that is, the Welland Canal and the works in the St. Lawrence below the international boundary.

Whether the United States expends its share of the cost on the international section and Canada its share on the national sections would seem to be immaterial if, in the negotiations, there is a fair division of expense for a through deep waterway to the ocean. Of course, in such an arrangement, all sections of the deep waterway should be so constructed as to make them most suitable for a through system of transportation. This is a detail to which I have no doubt your Government will entirely agree. The use of the waterway should be properly safeguarded by treaties between the two countries.

Concerning the value of the route to the sea to the two countries, I have noted the suggestions made in your note of January 31. I might say that, while it may not be very material to the main issue, the United States has the use of the Panama Canal which is of great benefit to it, especially on the Pacific, Atlantic, and Gulf coasts. It has also the use of the Gulf of Mexico which reaches a considerable way across the continent on the South and furnishes valuable water transportation for a large portion of the southwestern part of the United States. Both of these waterways exercise a great influence on freight rates. The United States has other harbors on the Atlantic, such as New York, served by both railways and the Erie Canal, Philadelphia, Baltimore, and Norfolk, which involve a shorter railroad haul from the Great Lakes territory to the ocean than is enjoyed by Canada. Nevertheless, I feel that the construction of a deep waterway through the St. Lawrence to the ocean will be of tremendous advantage to most, if not all, of the territory in the northern part of the United States, as well as to the corresponding territory in Canada.

Referring to your suggestions as to the order in which the different works should be undertaken, it would seem to me that this matter will also have to be the subject of negotiation because the works ought to proceed so that all parts of the navigation system would be completed substantially at the same time and the United States ought to have the advantage of its share of the power of the international section without waiting until Canada may be able to sell her power from these works.

Referring to the balance sheet, which undoubtedly was included in your note to illustrate the principles of the division of costs and the work to be done by each country, I am in general accord with those principles. The amounts and some of the items would have to be considered and discussed in the negotiations. To illustrate: I am not inclined to the view that it is right to include in the balance sheet the costs of the St. Lawrence and old Welland Canals except so far as they may be of use to the deeper system. These works are understood to be for lighter craft and of little value for the purposes of the works now proposed. These waterways are understood to have served their purpose in economic returns. It would also seem to be necessary to differentiate between the costs that may properly be chargeable to navigation and those to power in general. Those who now or in the future profit by the power



should bear their share of the expense. It is understood that the power development will carry itself. To illustrate: Under the suggestions you make, the United States will have no proprietary interest in the power on the national section. It would, therefore, seem that as this development is for the benefit of Canada, your Government should be responsible for that expense, and that such expense should take into account the costs to be borne by the respective interests whether the power is actually installed now or later. The amount, therefore, which power on the national section should contribute to the cost of the improvement should be left open for consideration and subject to determination in the negotiations. All power, of course, developed for joint benefit in the international section should ultimately be paid for as a part of the joint venture. The application of this principle would change the proposed balance sheet considerably. Therefore, if, as you suggest as to this section, the United States is willing to build not only the waterway but the power, it would seem that the United States ought to be permitted to develop its power and use its half, the other half to be used by Canada or not as it should desire.

The United States is agreeable to the proposal that all navigation channels provided in improvements have a minimum depth of 27 feet, the permanent structures having a depth of 30 feet for future expansion. The United States has at present under consideration the deepening of the lake channels to the extent economically justified by the present commerce of the Great Lakes. There is one question that we should like to leave for discussion, and that is whether it would be economical to at once build a new lock and deepen the Soo Canal until such time as the St. Lawrence is nearing completion, so that there would be a demand for deeper channels. It is clearly advisable that the large expenditures required for depths in excess of present needs be deferred until the greater depths can be profitably used.

The United States fully recognizes the right of the Dominion of Canada to the ownership and use of the Canadian share of the power which may be developed in the international section of the waterway as well as to all that developed in the national section, and it recognizes also that the disposition of the power is purely a domestic question. It recognizes, further, that this share is an inherent attribute of Canadian sovereignty, irrespective of the agency by which the power may be developed.

The United States regards it a fundamental economic principle that the beneficiaries of power developed in the improvement of the international section of the St. Lawrence should pay ultimately their fair share of the cost of its production, whether the agency constructing these works be a corporation, a State or Province, or a national government. It believes that a practicable means can be found for effecting the fulfillment of this principle in the arrangements made for the improvement of the international section of the river for the joint benefit of navigation and power development, and believes that the negotiations entered into in furtherance of the undertaking of the project should have this end in view.

The large expenditures required for the undertaking are a matter of grave concern to the United States as well as to Canada. It is felt that when the United States embarks on the enterprise all expenditures should be on a sound economic basis.

The United States accepts without reservation the principle that the operation of works in the international section must be such as will control fluctuations of the outflow from Lake Ontario in such manner as to safeguard all interests on the purely Canadian sections of the river, including especially the port of Montreal. It regards as acceptable the proposal that the design and operation of works in the international section of the river be under joint technical control and assumes that the design of all works on the waterway will comply in general with the plans agreed upon by the joint engineering board as embodying the best principles.

The United States is fully in accord with the view that the advisability of undertaking the improvement at the present time depends on the solution of the financial and economic problems involved. It shares the hope expressed that a solution will be found which will fully safeguard the interests of the two countries and will afford an equitable basis for a division of the cost. It is confident that when these economic principles are determined, the solution of the engineering problems required for their fulfillment will be speedily realized.

I have the honor to suggest, therefore, that the two countries proceed with the appointment of commissioners to discuss jointly the problems presented in your note, and those which I have presented herein with a view to the formulation of a convention appropriate to this subject.

The Government of the United States will be glad to have this discussion extended to the further consideration of any outstanding problems affecting the Great Lakes and the St. Lawrence as suggested in your note.

Accept, sir, the renewed assurance of my highest consideration.

FRANK B. KELLOGG.

(Note of April 5, 1928, from Mr. Laurent Beaudry, First Secretary of the Canadian legation, to the Secretary of State)

SIR: I have the honor to refer to your note of March 12, 1928, on the St. Lawrence waterway project.

The Secretary of State for External Affairs has noted that while the United States is not in complete agreement with the representations contained in my note, No. 30, of January 31, 1928, as to the relative benefits and ultimate costs to the two countries of the proposed improvement and the division of expenses to be borne by each country, it is inclined to regard as an acceptable basis of negotiation the suggestions of the National Advisory Committee summarized in my note as to the division between Canada and the United States of the tasks involved in the completion of the deep St. Lawrence waterway.

The Secretary of State for External Affairs has also noted that the United States agrees that a channel of 27 feet minimum depth would be advisable, accepts the principle that the works in the international section must be so operated as to control fluctuations of the outflow from Lake Ontario in such manner as to safeguard all interests on the purely Canadian sections, including the port of Montreal, and agrees that the design and operation of the works in the international section should be under joint technical control. It is noted also that the United States would be prepared to have the discussion extend to the consideration of any outstanding problems affecting the Great Lakes and the St. Lawrence watershed, as suggested in my previous note.

In your note under reference you raise some question as to the relative advantage of the waterway to each country and as to the validity of some of the items included on the Canadian side of the balance sheet presented for illustrative purposes by the National Advisory Committee, and refer also to the problems involved in the allocation of costs as between navigation and power. At the present stage it does not appear necessary to discuss these points in detail.

It is further noted that you do not favor the recommendation of the National Advisory Committee, which was an integral feature of its plan and of the division of tasks which it proposed, that the works on the national section should be given priority over the works on the international section in order to permit an agreed solution of the engineering difficulties in this area, and to insure reasonable absorption of the power developed on the Canadian side. In view of the fact that the market for hydroelectric power in Canada, though large and rapidly expanding, has definite limitations, and that export of power is considered contrary to public policy, it is an essential factor in any plan economically feasible from the Canadian standpoint that, whether through the priority procedure set out by the National Advisory Committee or by some alternative method, the development of power to be utilized in Canada should not outrun the capacity of the Canadian market to absorb and thus to meet the proportion of the costs of the waterway fairly chargeable to power.

The National Advisory Committee laid emphasis on another phase of the situation—the necessity of reconciling the divergent views of the two sections of the joint board of engineers as to the best method of development in the international section of the St. Lawrence. Definite and agreed engineering proposals for the development of this section would appear to be a necessary preliminary to any computation of costs or decision as to the order of construction or division of tasks. His Majesty's Government in Canada has previously referred to the view of the National Advisory Committee, which it shares, that a conference should be held between the Canadian section of the joint board and engineers representing the Province of Ontario. It would appear advisable that such a conference should be followed by reconsideration of the engineering problems in the international section by the whole joint board.

Reference was made in my previous note to certain constitutional questions affecting the Canadian situation and to the intention of His Majesty's Government in Canada, in accordance with the wishes of the governments of Ontario and Quebec, to seek a solution by reference to the courts. Steps have since been taken to this end, and it is anticipated that the reference will come before the Supreme Court of Canada at an early date.

It was further indicated in my previous note that with the constitutional question in process of solution His Majesty's Government in Canada would be in a position upon learning whether the Government of the United States considered that the procedure suggested by the national advisory committee formed an acceptable basis of negotiation to consult with the Provinces of Ontario and Quebec upon the aspects of the problem with which they may be concerned. While the acceptance by the United States of this basis of negotiation is attended with important qualifications, yet the position of the Government of the United States has been made sufficiently clear and definite to permit the Government of Canada to take the necessary steps thus contemplated and discuss with the Provinces the aspects in question. Following this consultation His Majesty's Government in Canada will be in a position to inform

the Government of the United States further of its views on the proposals contained in your note of March 12.

I have the honor to be, with the highest consideration, sir,  
Your most obedient, humble servant,

LAURENT BEAUDRY  
(For the Minister).

(Note of April 7, 1928, from the Secretary of State to the Canadian minister)

SIR: I have the honor to receive your note of April 5, 1928, with reference to the negotiations between the Canadian Government and the United States looking to the construction of the deep St. Lawrence waterway. I note your suggestion that the position of the United States has been made sufficiently clear and definite to permit the Government of Canada to take the necessary steps contemplated and to discuss with the Provinces of Ontario and Quebec the aspects in question. I entirely agree with you that there is no reason why at this time the Government of Canada should not take up such discussion with the Provinces.

I note also that His Majesty's Government of Canada suggests that it would be advisable that definite and agreed engineering proposals for the development of the international section would appear to be necessary preliminary to any computation of costs or decision as to the order of construction or division of tasks and that a conference should be held between the Canadian section of the joint board and engineers representing the Province of Ontario. Further, that it would be advisable that such a conference should be followed by reconsideration of the engineering problems in the international section by the whole joint board. Of course, the Government of the United States fully realizes the desirability of the Canadian Government's consultation with the Provinces and with the Canadian section of the Joint Board of Engineers. The United States section of the joint board will be prepared at any time to take up with the full board and discuss and reconsider engineering problems connected with the construction of the international section. I have the honor to suggest, however, that it would seem as though the entire subject of treaty negotiation need not be postponed until the termination of these discussions and of the reconsideration by the Joint Board of Engineers, and that it might be desirable for the negotiations to go on concurrently with the examination of such engineers as their advice and assistance would be necessary. The United States will be prepared to cooperate to the fullest extent with the Canadian Government at any time for the purpose of accomplishing the improvement contemplated.

Accept, sir, the renewed assurance of my highest consideration.

FRANK B. KELLOGG.

#### MINNESOTA A LEADER IN THIS PROJECT

My own State of Minnesota takes a peculiar pride in the St. Lawrence waterway project.

It was in Minnesota that the idea originated.

Minnesota was the first State in which the legislature officially declared for the project.

At Grand Forks, N. Dak., I had the privilege of presenting testimony to the members of the International Joint Commission, who, acting for the two Governments—Canada and the United States—sought information bearing on the economic service that the St. Lawrence waterway might render.

The interest of a Minnesotan, therefore, in this great work can be readily understood.

#### STATE LEGISLATURES ASSIST

Since its inception, 22 States by legislative enactment have associated themselves in this movement. These States are Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Oregon, South Carolina, West Virginia, Kentucky, and Washington.

Here is a notable array of great Commonwealths of our country, embracing in area more than one-half of continental United States. Joined to this great area and working in cooperation with the representatives of these 22 States is another noteworthy group, that of the New England Council of Thirty which includes a committee of five from each of the six New England States.

Consider for a moment the financial, industrial, agricultural, and commercial importance of these 28 States. Remember also, the territory in Canada that is beneficially affected by this project. The total area includes the major portion of the entire North American Continent. The zone of benefits embraces nearly 50,000,000 people in city and in country.

#### GREAT LAKES-ST. LAWRENCE TIDEWATER ASSOCIATION

Just a word regarding the character of the Great Lakes-St. Lawrence Tidewater Association. In this organization are 22 sovereign States associated by legislative act and supported

solely and exclusively by legislative appropriations. No other organization like it has ever functioned in the history of the Republic.

#### COUNCIL OF STATES

Read through the list of the members of the council of States. In each State it is headed by the chief executive of the State. Former governors, United States Senators and Representatives, men and women prominent in the political and economic life of the State, leaders in business, banking, education, and press, and in other walks of life are actively supporting this great undertaking. They are the men and women who have brought it up to its present promising state. I will enter into the Record the names of the members of the different State councils.

Great Lakes-St. Lawrence Tidewater Association: A voluntary association of 22 member States associated to assemble and disseminate helpful information in regard to the improvement of the St. Lawrence to connect the Great Lakes with the ocean.

The members of the executive committee are: Hon. Henry J. Allen, Kansas; Hon. Adam McMullen, Nebraska; Hon. A. G. Sorlie, North Dakota; Hon. James P. Goodrich, Indiana; William George Bruce, Wisconsin; A. O. Moreaux, Minnesota; Hon. Frank B. Niles, Ohio; Leo C. Harmon, Michigan; Col. William Nelson Pelouze, Illinois.

The officers are W. L. Harding, president, Des Moines; J. A. Doelle, secretary, Lansing; F. W. Blair, treasurer, Detroit; and Charles P. Craig, vice president at large and executive director, Washington, D. C.

#### OHIO

Hon. Vic Donahey, governor, ex officio, State Capitol, Columbus; The Ohio Waterways Commission: Frank B. Niles, Toledo, chairman; Elbert H. Baker, president, "The Plain Dealer," Cleveland, Ohio; William A. Stinchcomb, president W. A. Stinchcomb Engineering Co., Old Court House, Cleveland; Thomas J. Smull, executive secretary Ohio Northern University, ex-dean College of Engineering Ohio Northern, Ada; Harry D. Silver, State representative, farmer, Eaton.

Vice president, Warren E. Griffith, president Landman-Griffith Co., Toledo.

#### INDIANA

Hon. Ed. Jackson, governor, ex officio, State Capitol, Indianapolis; Hon. J. P. Goodrich, former governor, honorary, Winchester; The Indiana Waterways Commission: Hon. J. P. Goodrich, chairman; Hon. Wm. A. Guthrie, chairman of the conservation commission, lumber, 10 East Market Street, Indianapolis; George I. Christie, director, experiment station, Purdue University, La Fayette.

Vice presidents, Fred Miller, editor, South Bend Tribune, South Bend; Wm. A. Guthrie, 10 East Market Street, Indianapolis.

#### ILLINOIS

Hon. Len Small, governor, ex officio, State Capitol, Springfield; Hon. Frank O. Lowden, former governor, honorary, farmer, Smississippi Farm, Oregon; Deep Waterway Commission, Col. William Nelson Pelouze, president Pelouze Manufacturing Co., 232 East Ohio Street, Chicago, chairman; M. K. Northam, vice chairman, Railway Equipment, 1117 New York Life Building, Chicago, Ill.; Hon. Martin B. Bailey, lawyer, State Senator, Danville; Hon. G. J. Johnson, State Representative, Paxton; Hon. Thos. J. O'Brady, State Representative, 118 No. La Salle Street, Chicago; Hon. Ben. L. Smith, lawyer, State Senator, Pekin, Secretary; Hon. Charles H. Weber, 2924 Southport Avenue, Chicago, member Illinois Legislature; Hon. Harry Wilson, teacher, State Senator, Pinckneyville; Everett C. Brown, Union Stock Yards, Chicago.

Vice President, E. T. Harris, president Payson Manufacturing Co., 2916 Jackson Boulevard, Chicago.

#### MICHIGAN

Hon. Fred W. Green, governor, ex officio, State Capitol, Lansing; Hon. Alexander J. Groesbeck, former governor, honorary, Dime Bank Building, Detroit; Hon. Albert E. Sleeper, former governor, honorary, Bad Axe; the Great Lakes Tidewater Commission of Michigan: Leo C. Harmon, banker, 125 Oak Grove Street, Minneapolis, chairman; Augustus C. Carton, director bureau of agricultural industry, State Capitol, Lansing, secretary; James E. Davidson, vice president American Ship Building Co., Bay City; Henry McMorran, Port Huron and Sarnia Ferry Co., Port Huron; Huntley Russell, former State land commissioner, 616 Murray Building, Grand Rapids; John A. Russell, publisher Michigan Manufacturer and Financial Record, Detroit; George E. Bishop, manager Upper Peninsula Development Bureau, Marquette.

Vice Presidents: R. J. Maclean, 19 Clifford Street, Detroit; John A. Doelle, Michigan Real Estate Association, 214 United Building, Lansing.

#### WISCONSIN

Hon. Fred R. Zimmerman, ex officio, State Capitol, Madison; Hon. J. J. Blaine, honorary, Madison, United States Senator; Wisconsin Deep Waterways Commission: C. A. Lamoreux, lawyer, Lamoreux &



Cate, Ashland, chairman; William George Bruce, Bruce Publishing Co., 129 Michigan Street, Milwaukee; Charles A. Halbert, secretary, Madison.  
Vice presidents: Charles A. Halbert, Madison; C. A. Lamoreux, Ashland.

## MINNESOTA

Hon. Theodore Christianson, governor, ex officio, State Capitol, St. Paul; Great Lakes-St. Lawrence Tidewater Commission of Minnesota; A. O. Moreaux, editor and publisher Rock County Herald, Luverne, chairman; Hugh J. McClearn, 601 Torrey Building, Duluth, Minn.; J. L. Record, chairman of board Minneapolis Steel & Machinery Co., Minneapolis.

Vice presidents: Mrs. Charles M. Irwin, the Commodore, St. Paul; J. F. Reed, Old Capitol Building, St. Paul, president Minnesota Farm Bureau Federation.

## IOWA

Hon. John Hammill, Governor, ex officio, State Capitol, Des Moines; Hon. N. E. Kendall, former governor, Grand Avenue and Forest Drive, Des Moines.

Vice presidents: Hon. W. L. Harding, former governor, 503 Fleming Building, Des Moines; J. R. Howard, farmer, Clemons.

## MISSOURI

Hon. Sam A. Baker, governor, ex officio, State Capitol, Jefferson City; Hon. Arthur M. Hyde, former governor, honorary, Trenton; Hon. Frederick D. Gardner, former governor, honorary, 4508 West Pine Boulevard, St. Louis; Walter S. Dickey, president W. S. Dickey Clay Manufacturing Co.; editor and owner Kansas City Journal-Post, Kansas City; John B. Jeffries, editor, Hannibal.

## NORTH DAKOTA

Hon. A. G. Sorlie, governor, ex officio, State Capitol, Bismarck; Hon. R. A. Nestos, former governor, honorary, Minot; Hon. Lynn J. Frazier, former governor, honorary, United States Senator, Hoople.

Vice presidents: C. W. Graves, secretary Northern Packing Co., Grand Forks; P. R. Trubshaw, member State legislature, publisher, Times Record, Valley City.

## SOUTH DAKOTA

Hon. W. J. Bulow, governor, ex officio, State Capitol, Pierre; Hon. Carl Gunderson, former governor, honorary, 300 Fourth Avenue West, Mitchell; Hon. W. H. McMaster, former governor, honorary, United States Senator, Yankton; Hon. Peter Norbeck, former governor, honorary, United States Senator, Redfield.

Vice presidents: Charles McCaffree, secretary Atlantic Yellowstone Pacific Highway, Sioux Falls; L. N. Crill, secretary of agriculture, Pierre.

## NEBRASKA

Hon. Adam McMullen, governor, ex officio, State Capitol, Lincoln; Hon. S. R. McKelvie, former governor, honorary, 140 South Twenty-sixth Street, Lincoln.

Vice presidents: Charles B. Towle, Curtis, Towle & Paine, lumber, Lincoln; Nels B. Updike, president Updike Grain Co., Omaha.

## KANSAS

Hon. Ben S. Paulen, governor, ex officio, State Capitol, Topeka; Hon. Henry J. Allen, former governor, honorary, editor Wichita Beacon, Wichita.

Vice presidents: Hon. O. O. Wolf, State senator, member executive committee Kansas State Farm Bureau, Ottawa; Hon. Clyde M. Reed, 1012 Baltimore Avenue, Kansas City, Mo.

## MONTANA

Hon. J. E. Erickson, governor, ex officio, State Capitol, Helena; Hon. Joseph M. Dixon, former governor, honorary, Helena; Hon. S. V. Stewart, former governor, honorary, Stewart & Brown, Helena.

Vice presidents: A. W. Miles, investments, Livingston; O. S. Warden, manager Great Falls Tribune, Great Falls.

## WYOMING

Hon. Frank C. Emerson, governor, ex officio, State Capitol, Cheyenne; Hon. Robert D. Carey, former governor, honorary, Careyhurst.

Vice presidents: William Dubois, architect, Cheyenne; Hon. P. W. Jenkins, irrigation engineer, Bar Cross Outfit, Cora.

## COLORADO

Hon. Clarence J. Morley, governor, ex officio, State Capitol, Denver; Hon. O. H. Shoup, former governor, honorary, Colorado Springs.

Vice presidents: Cass E. Herrington, lawyer, Denver; Ralph Faxon, 169 South Franklin Street, Denver.

## IDAHO

Hon. H. C. Baldrige, ex officio, State Capitol, Boise; Hon. Charles C. Moore, former governor, honorary, St. Anthony; Hon. D. W. Davis, 3625 Sixteenth Street NW, Washington, D. C.

Vice presidents: C. A. Barton, vice president Boise Payette Lumber Co., Boise; J. A. Harader, manager Chamber of Commerce, Boise.

## UTAH

Hon. George H. Dern, governor, ex officio, State Capitol, Salt Lake City.

Vice presidents: A. C. Milner, Milner Corporation, Salt Lake City; James Taylor, vice president and general manager Morrison-Merrill Co., Salt Lake City.

## OREGON

Hon. I. L. Patterson, governor, ex officio, State Capitol, Salem; Hon. Walter M. Pierce, former governor, honorary, care of Pierce & Dickson, Pacific Building, suite 40, Portland.

Vice presidents: Jefferson Myers, director in charge finance, Oregon Life Insurance Co., commissioner United States Shipping Board, Portland; George M. Cornwall, owner and publisher The Timberman, Portland.

## SOUTH CAROLINA

Hon. John G. Richards, ex officio, State Capitol, Columbia; Hon. Thomas G. McLeod, former governor, honorary, Columbia.

Vice presidents: Hon. Thomas P. Stoney, mayor, Charleston; Dr. R. S. MacElwee, director Bureau of Port Development, Charleston.

## WEST VIRGINIA

Hon. Howard M. Gore, governor, ex officio, State Capitol, Charleston.

## KENTUCKY

Hon. W. J. Fields, governor, ex officio, State Capitol, Frankfort; Col. T. G. Stuart, lawyer, real estate, Winchester; Hon. S. P. Browning, Maysville.

## WASHINGTON

Vice presidents: Garrett Fisher, vice president the Stone-Fisher Co., 410 Equitable Building, Tacoma; Edward Garrett, president Puget Sound Machinery Depot, Seattle.

## SPECIAL REPRESENTATIVES

For the Great Lakes: C. C. West, president Manitowoc Shipbuilding Corporation, Manitowoc, Wis.

Eastern vice president: R. R. Duan, investments, 165 Broadway, New York City.

## JOINT NEW ENGLAND-ST. LAWRENCE WATERWAY COMMITTEE

Just a word, too, regarding the personnel of the Joint New England-St. Lawrence Waterway Committee. Here is a galaxy of names, as representative a list as was ever signed to a document in the glorious history of New England. I will enter into the RECORD the names of this committee.

## MEMBERS OF THE JOINT NEW ENGLAND-ST. LAWRENCE WATERWAY COMMITTEE

(Charles R. Gow, chairman)

## MASSACHUSETTS COMMITTEE

Charles R. Gow, Boston, former president Associated Industries of Massachusetts; former president Boston City Club; and former president Boston Society of Civil Engineers.

Dr. Arthur W. Gilbert, Boston, commissioner of agriculture, State of Massachusetts.

Allen Hubbard, Boston, of Hollis, French & Allen Hubbard, consulting engineers, and former president Affiliated Technical Societies of Boston.

Alton D. Edes, Edes Manufacturing Co., Plymouth, representing Massachusetts State Chamber of Commerce.

Bernard J. Rothwell, president Bay State Milling Co., Boston, and former president Boston Chamber of Commerce.

## NEW HAMPSHIRE COMMITTEE

Hon. Robert P. Bass, Concord, N. H., former Governor of New Hampshire and member of New England Council.

Hon. Rolland H. Spaulding, Rochester, N. H., former Governor of New Hampshire and president Spaulding Fibre Co. (Inc.).

Hon. John G. Winant, Concord, N. H., former Governor of New Hampshire.

Hon. Eaton D. Sargent, Nashua, N. H., Mayor of Nashua; former president New Hampshire Manufacturers' Association and treasurer of The White Mountain Freezer Co. (Inc.).

Hon. Raymond B. Stevens, Landaff, N. H., former Member of Congress and United States adviser in foreign affairs, Bangkok, Siam.

## RHODE ISLAND COMMITTEE

Arthur Bliss Lisle, Providence, R. I., general manager Narragansett Electric Lighting Co., Providence.

Albert J. Thornley, Providence, R. I., president Narragansett Machine Co., Providence.

Edwin C. Smith, Pawtucket, R. I., president Rhode Island Stop Warp Equipment Co., Pawtucket.

H. W. Gardiner, Providence, R. I., former president Employers' Association of Rhode Island.

Charles C. Remington, Providence, R. I., attorney at law.

## VERMONT COMMITTEE

Willard B. Howe, Burlington, Vt., president Howard National Bank, Burlington.

Harrie C. White, North Bennington, Vt., president H. C. White Co., former president Toy Manufacturers, United States of America.

James F. Dewey, Quechee, Vt., president Associated Industries of Vermont; member of New England Council and vice president A. G. Dewey Co., Quechee.

Dr. William H. Beardsley, Springfield, Vt., Jones & Lamson Machine Co., Springfield.

Hon. ELBERT S. BRIGHAM, St. Albans, Vt., Member of Congress.

#### MAINE COMMITTEE

Judge Benjamin F. Cleaves, Portland, Me., executive secretary Associated Industries of Maine and former chairman Public Utilities Commission of Maine.

Hon. George C. Wing, Jr., Auburn, Me., member Maine Legislature, five terms.

Hon. James Q. Gulnac, Bangor, Me., former president Maine State Chamber of Commerce and Agricultural League.

George F. West, Portland, Me., president Maine State Chamber of Commerce and Agricultural League.

Elliot Rogers, Kennebunk, Me., Rogers Fibre Co., Kennebunk.

#### CONNECTICUT COMMITTEE

Frederick S. Chase, Waterbury, Conn., president Chase Cos.; director Manufacturers' Association of Connecticut (Inc.), Citizens National Bank, and of Waterbury Gas Light Co.

Samuel Ferguson, Hartford, Conn., president Hartford Electric Light Co.; vice president and director Hartford Chamber of Commerce.

Stanley H. Bullard, Bridgeport, Conn., vice president Bullard Machine Tool Co.; director United States Chamber of Commerce and of Connecticut Chamber of Commerce.

B. H. Blood, Hartford, Conn., formerly general manager Pratt & Whitney Co., and colonel of Ordnance officers, United States Reserve Corps.

Raymond L. French, Bridgeport, Conn., president the R. L. French Co. and chairman transportation committee, Manufacturers' Association of Connecticut (Inc.).

#### HISTORICAL REVIEW OF ACHIEVEMENTS

I will not attempt a detailed statement of what has been accomplished, as that would take too long. A brief historical review, however, will serve to bring the present status into bolder outline. The present movement for connecting the Great Lakes with the Atlantic Ocean for the uninterrupted movement of ocean-borne commerce via the St. Lawrence River had its beginning with an address by Charles P. Craig, the present executive director of the Great Lakes-St. Lawrence Tidewater Association before a large civic dinner in the city of Duluth, in January, 1919.

This was followed by a call by him upon the governors of border Lake States to authorize the sending of delegates to attend an organization meeting in the city of Washington in February of the same year. At this meeting, with six States represented, the formal organization was effected. Coincident with this organization meeting, there was initiated through I. L. Lenroot, at that time United States Senator from Wisconsin, the amendment to the rivers and harbors bill, providing for a joint engineering board to study the engineering features, and a reference of the economic phases of the project to the International Joint Commission, a permanent tribunal existing under the treaty of 1909, between the United States and Canada. This in turn, was followed by a number of extended conferences in Canada leading to their concurrence in such references.

#### FIRST MEETING OF THE ASSOCIATION

The first meeting of the Great Lakes-St. Lawrence Tidewater Association for discussion and adoption of a program occurred in Chicago, April, 1919. Since that date the association has gradually expanded until to-day it comprises 22 sovereign States, as has already been said.

#### STATEMENT OF PRINCIPLES

From that day until the present the Great Lakes-St. Lawrence Tidewater Association has functioned as an association for the single purpose set forth in the statement of principles, as adopted at its organization meeting. I quote this article:

The general purpose of this association shall be to bring the Atlantic to the heart of the continent through connecting the heart of the Great Lakes with tidewater, via the St. Lawrence River, and for such purpose cooperate with the Dominion of Canada in what the Dominion is now so unselfishly engaged in doing to that end, and to secure like cooperation with the Dominion and her navigation and power interests in the further development and canalization of the St. Lawrence River and the rivers connecting the Great Lakes to a depth sufficient to accommodate ocean-going vessels of at least 30-foot draft, and also the development and utilization of the possible potential power development of these international waters in connection therewith and to use all lawful and proper means within the power of this association to—and in the shortest possible time—accomplish the purposes stated.

#### LATER EVENTS

Later events followed in rapid succession.

First. Cooperation was secured from the Canadian Government to enter upon a joint study of the engineering and economic factors involved in the project.

Second. The International Joint Commission held 44 hearings in 16 States of the United States and in 5 Provinces of Canada, with more than 300 citizens giving testimony.

Third. This commission submitted a unanimous report on the economic phases and recommended the immediate undertaking on the part of the two Governments. During this period the importance and economic necessity of the project were kept constantly before the administration in the United States.

Fourth. An enlarged international board of engineers undertook early in 1925 a further study of the engineering questions. This board submitted a report signed by every member of the board.

Fifth. The St. Lawrence Commission of the United States was appointed by President Coolidge on March 14, 1924, to advise upon development of a shipway from the Great Lakes to the sea.

#### RECOMMENDATIONS OF THE ST. LAWRENCE COMMISSION

The recommendations made by the St. Lawrence Commission of the United States were final and conclusive. I quote their conclusions:

First. The construction of the shipway from the Great Lakes to the sea is imperative both for the relief and for the future development of a vast area in the interior of the continent.

Second. The shipway should be constructed on the St. Lawrence route, provided suitable agreement can be made for its joint undertaking with the Dominion of Canada.

Third. That the development of the power resources of the St. Lawrence should be undertaken by appropriate agencies.

Fourth. That negotiations should be entered into with Canada and an endeavor made to arrive at agreement upon all these subjects. In such negotiations the United States should recognize the proper relations of New York to the power development in the international section.

#### COMMERCE THAT WILL BE BENEFITED

A very significant part of the economic findings of benefits that would result from the building of the St. Lawrence seaway have been prepared by the Great Lakes-St. Lawrence Tidewater Association. Here are the figures for export, import, and domestic intracoastal traffic, from and to the marooned interior:

Exports:	Tons
Grain (400,000,000 bushels).....	10,000,000
Flour and meal.....	1,211,301
Hominy and grits.....	84,543
Cereal foods, various.....	12,985
Feeds.....	31,580
Starch, glucose, and corn sugar.....	208,075
Meats.....	263,781
Animal oils and fats.....	366,173
Linseed cake and meal.....	128,331
Chemicals, miscellaneous.....	82,905
Iron and steel.....	905,395
Copper.....	106,765
Paper.....	39,771
Soap.....	13,979
Sulphate of ammonia.....	88,270
Automobiles and parts.....	115,222
Agricultural implements.....	54,527
All other.....	2,000,000
<b>Total.....</b>	<b>15,713,603</b>

Imports:	Tons
Fish.....	20,338
Rice.....	10,442
Vegetables and preparations.....	63,370
Bananas.....	390,200
Pineapples.....	34,577
Other fruits.....	59,150
Nuts.....	59,140
Cocoa and cacao.....	56,480
Coffee.....	196,130
Sugar.....	950,000
Tea.....	16,750
Spices.....	18,440
Asphalt.....	35,920
China, earthenware, and stoneware.....	2,830
Vegetable oils and oilseeds.....	316,666
Rubber and substitutes.....	210,362
Gums and resins.....	23,966
Dyeing and tanning materials.....	38,905
Wood pulp.....	230,034
Paper.....	73,500
Rags and other paper stock.....	97,822
Cabinet woods.....	66,370
Clay.....	135,282
Chalk.....	60,450
Pyrites.....	66,091
Magnetite.....	83,320
Manganese, ferromanganese, etc.....	399,051
Tin.....	47,772
Hides and skins.....	62,664
All other.....	1,000,000
<b>Total.....</b>	<b>4,826,022</b>



Intracoastal:	Tons
Automobiles	975,000
Flour	660,000
Lumber	1,500,000
Sulphur	500,000
Iron ore	1,000,000
All other	5,000,000
Total	9,635,000
Grand total	30,174,625

No one presumes to say that all the products mentioned will move via the waterway when it is opened, but it is held, and with good reason, that all the products named, whether they move via the St. Lawrence waterway or not, will share in the benefits which a cheap major transportation route will bring to the interior of the continent. They will have the benefit of sea rates. They will have an option between such sea rates and such direct ocean movement and the present land and ocean rates via the Atlantic coast.

#### GREAT PROGRESS MADE

Each year witnessed headway and progress. As was to be expected, there were objections raised. They came from certain quarters in both the United States and from Canada. The opposition from Canada to the development of the St. Lawrence-Great Lakes as a seaway for the commerce of the world to unlock mid-western Canada and the United States can be summarized as follows:

The first was that joint control would be required. Second, that it is a power project and not purely navigation. Third, that the port of Montreal would be jeopardized. Fourth, that the cost of the St. Lawrence deep waterway would be too great.

There also arose opposition within the United States, but to this the report of the Secretary of War and the recommendations of the St. Lawrence Commission gave a convincing answer.

#### OBJECTIONS WERE MET

Let us consider briefly the objections that were advanced from the Canadian side regarding joint control. The reply is that joint usage prevails now. In the treaty of 1871 the right of citizens of the United States was granted to navigate the waters of the St. Lawrence to the sea. Just 88 years previously, in 1783, a treaty was signed providing that navigation of the River Mississippi shall forever remain free and open to the subjects of Great Britain and to the citizens of the United States. There remained no issue on this point.

#### POWER TO BE DEVELOPED IS A BY-PRODUCT

The power that will be available when the Great Lakes-St. Lawrence deep waterway is completed is a by-product that will be of great value to both Canada and the United States. The development of 5,000,000 horsepower of water power is a potential asset that goes a long way toward making this project financially feasible. Both countries will divide the power along the international boundary. The investment for power will pay for itself. The chief benefit of the deep-waterway development is and will always be transportation relief. Twenty-two States, with a population of 40,000,000 people, all of whom are far removed from any possibility of direct benefit from the power developed, are insistently demanding transportation relief and looking to the joint action of the two nations in constructing the St. Lawrence ship channel as bringing about that relief.

What other interest has Minnesota, the first State to broach this project? And Iowa, and the two Dakotas, and Wisconsin, and Illinois? And so I could go through the entire list of 22 States. They seek lower transportation rates. That is their objective.

#### OBJECTIONS BY MONTREAL

Much has been said and written about the port Montreal and the effect of the improvement of the St. Lawrence on that city. Any increase in the general prosperity of Canada would certainly not injure Montreal. It is inevitable that this improvement shall be made. The taxpayers of the entire Dominion have furnished a large sum of money to improve the St. Lawrence River up to Montreal. The taxpayers now demand that the entire course to the international boundary be made a waterway of sufficient draft to accommodate large ocean-going vessels.

#### DIVISION OF COST

As to the cost, the cost of the Welland Canal will be credited Canada as part of the whole scheme of the improvement of the St. Lawrence. The total cost of the St. Lawrence project is estimated at \$123,000,000. One-half of this \$123,000,000, or \$61,500,000, would be Canada's share in the cost. If Canada gets credit for half the cost of the New Welland Canal, or \$57,000,000, and this be deducted from the half of the \$123,000,000, it would leave only the difference for Canada to provide, namely, \$4,500,000. Even if the engineers' estimates are

appreciably higher, the cost to Canada can not but be regarded as trifling in comparison to the great benefits to Canada's prairie Provinces and her industrial Provinces bordering the Great Lakes.

I have touched briefly upon the international phase and the objections that have been raised from time to time by persons speaking for our neighbors on the north in Canada.

#### CANADA AND UNITED STATES SEEK A SEAWAY

We have passed the day when this project can be classed as a myth. The old cry of "Wolf, wolf," featuring water power as the whole objective, is also outworn. Twenty-two States of the United States and the greater portion of the Dominion of Canada seek relief to ship cheaply out by the St. Lawrence rather than as now via the all-rail routes, with rail rates steadily rising, or else by water to Lake Erie and then rail to Atlantic Ocean ports.

And why? Because the rail haul from Lake Erie to Atlantic points, some 400 miles, costs exactly what the average rate is for the 3,200 miles across the ocean.

Low-cost water transportation facilities lie along the border of both these countries awaiting the dredge and the mighty army of workmen to fashion it into use. The land-locked empire in the great mid-west of the United States and Canada must be opened to the sea. It is the duty of both nations to see that this is done. The United States has already expended nearly \$50,000,000 in improving portions of this waterway. Canada has spent over \$250,000,000. A great deal has already been done.

#### PROMPT ACTION IS WANTED

The interest of 40,000,000 people is behind the deep waterway movement. Now that the preliminary negotiations are completed, prompt action is wanted. The task now is to begin the actual work of drafting the treaty and to secure its ratification by the two countries. Nothing should interfere with this.

The history of past relations with Canada is one of fine cooperation and of mutual respect. In this project the interest of a large part of the population of both countries is so vital and the economic stake is of such great value that there can be no valid reason for delay.

#### ADDRESS OF HON. JAMES M. BECK

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Representative BECK of Pennsylvania at the recent meeting of the Sons of the Revolution in Washington.

THE SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by the gentleman from Pennsylvania [Mr. BECK]. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, by permission of the House, I insert an address delivered at the Jefferson Day dinner of the Sons of the Revolution by Hon. James M. Beck, president of the Washington Chapter of the society, in Washington, on April 12, 1928.

The address is as follows:

#### THE MEMORY OF JEFFERSON

My fellow members, we are met on the eve of a great anniversary. To-morrow will be the one hundred and eighty-fifth anniversary of the birth of Thomas Jefferson. It would be strange, indeed, if the Sons of the Revolution failed to note the natal day of the author of the Declaration of Independence. Such a commemoration is a debt not only to the dead but to the unborn.

Thomas Jefferson was the most successful politician that the American Commonwealth has yet given to the world. I used the word "politician" in its original and nobler sense, for, as the late Thomas B. Reed once aptly said, "A statesman is only a dead politician." For a quarter of a century he dominated the politics of this country as no other man has before or since. His extraordinary career is the more remarkable, for apparently his equipment for leadership was slight. His personality had none of the lionine majesty of the greatest of Virginians, who impressed men as the aged Lear did the intrepid Kent, in having that which men obeyed, "authority." His was not the handsome presence and magnetic personality of his great rival, Alexander Hamilton, that Admirable Crichton of our history. Nor did he have the analytical mind of John Marshall. He was not an orator like Henry or Adams. A shy, diffident man, he hated the "morbid rage of debate," rarely spoke in public, and when he did his voice quickly became husky and inarticulate. He was by temperament and choice a philosopher and philanthropist and was most happy when "far from the madding crowd." He loved his garden more than the councils of the mighty, and yet, paradoxical as it may seem, he was the most aggressive and militant leader of a political party that our history has known.

A successful political career was furthermore the more improbable in his case, as Jefferson was the born idealist. This can be seen if we

contrast what the Declaration of Independence would have been if Franklin, Hamilton, or Marshall, instead of Jefferson, had been its draftsman. Franklin would have restricted it to a utilitarian discussion of the advantage to foreign nations of assisting in the creation of a new government and weakening the power of the British Empire. He would also have enlivened his discussion of practical politics with a touch of humor which would have increased the gaiety of nations. Hamilton or Marshall would have restricted the declaration to an analytical statement of the constitutional principle involved in taxing the colonies without the consent of the legal legislators.

Jefferson, however, sounds in the very opening sentence a keynote of such lofty moral purpose that the literature of State documents of that time can be searched without a fitting parallel. In an age when might made right and international morality barely existed, he broadly asserted that a nation, which resorts to force, must justify itself upon moral grounds at the bar of the nations, for "a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

Mark the word "requires." This assumes that there is a law of right and wrong, which, standing higher than laws, precedents, and conventions, regulates the relations of nations as well as individuals. It avows its belief in a great human conscience which, rising above the interests of nations and races, would approve the right and condemn the wrong.

The concluding portion of the declaration further recognizes that even above the conscience of mankind was the Ruler of Nations, by its solemn appeal "to the Supreme Judge of the World for the rectitude of our intentions." The enthusiasm of the idealist is further indicated in the sweeping statement that it is a self-evident truth that "all men are born equal," although no truth is less self-evident and, except in a restricted and purely political sense, it was not a reality then and is not now. In this respect Jefferson was again a great human paradox, for this inspired idealist was one of the most practical statesmen of his or any time.

Idealists are generally supposed to be out of place in practical politics. Shakespeare's wonderful character study of Brutus illustrates this by suggesting that if Cassius, the practical politician, had headed the progressive movement in ancient Rome, instead of the noble idealist, Brutus, there might have been a different result. The contrast between the two characters is finely pointed in the quarrel scene, when Brutus speaks of the assassination of the foremost man of all that time as in the nature of a holy sacrifice, while Cassius says—like every practical politician in a crisis—

"At such a time as this it is not meet  
That every nice offense should bear his comment."

Did Shakespeare intend to satirize the occasional unconscious inconsistency of some sincere idealists in this same scene, when he makes Brutus quarrel with Cassius for the latter's failure to give Brutus money to pay his legions, while criticizing the methods by which Cassius obtained the tainted money?

Jefferson's ruling passion and dominant characteristic was that of the student. No one of his time, with the exception of Franklin, ever gave so much of a life to intellectual pursuits. From early boyhood until his latest hours, he remained the unwearied and zealous student of the great subjects which challenge the attention of the human intellect. A valued correspondent of four great colleges, the successor of Franklin as president of the American Philosophical Society, he crowned his most useful life by founding the University of Virginia, upon lines so broad and catholic as to anticipate many of the most valued improvements in education. Art, music, literature, history, politics, science, agriculture, philosophy, religion, all engaged his thoughts, and of these, the great library, which in the days of his poverty he was compelled to sell to the Government, is a demonstration. In those days men did not buy books as decorative furniture, but each book was bought to read and study.

It required 16 wagons to transport his 10,000 books to Washington, and it was found that they were written in many languages and comprised in their sweep nearly every department of intellectual activity. When he planned the great university, his idea of the curriculum was botany, chemistry, zoology, anatomy, surgery, medicine, natural philosophy, agriculture, mathematics, astronomy, biography, politics, commerce, history, ethics, the law, the industrial and the fine arts, and in all of these his versatile mind took an intelligent interest. Few men in recorded history have been more versatile. In this respect he is only surpassed in his century by Franklin, and he belongs to the class of universal genius of which Franklin and Leonardo da Vinci were the greatest illustrations. Here was a man who could supervise a farm, study nature like a scientist, make useful inventions, draw the plans for a mansion or a public building with the detail of a practical architect, play a Mozart minuet on the violin, ride after the hounds, write a brief, or manage an intricate law case, draft State papers of exceptional importance, and conduct correspondence with distinguished men in half a dozen languages upon questions of history, law, ethics, politics, science, literature, and the fine arts. To him the ancient classics were "a sublime luxury," and he thanked God that He had

given him in his early education this great source of delight. One of his recreations was the reading of Homer in its melodious original. His linguistic studies included Latin, Greek, French, Spanish, Italian, and Gaelic. With his all-absorbing love of study, his unflagging intellectual activity, and his natural preference for a scholar's seclusion, he would have been in more peaceful times a philosopher or scientist or a president of a college or university.

The general tendency is to associate the subjective literary faculty with a certain atrophy of the will and a clouding of the judgment. Excessive mental activity does tend to destroy the equilibrium which should prevail between the subjective and the objective faculties of the mind. In this respect, Jefferson's extraordinary career seems to contradict the common experience of life and leads us to repeat our inquiry, What was the secret of his unequalled success? How did he, the intellectual recluse, become, in the apt language of one of his contemporaries, "the most delightful destroyer of dust and cobwebs that his time has ever known?"

I find that secret primarily in his sturdy optimism—in the fact that he believed in the work which he attempted to do, in his own ability to do it, in its significance in the predestined advancement of humanity and in the ability and disposition of his fellow men to follow a true leader. Even these qualities would have availed but little had not his work of establishing democracy synchronized with the spirit of the times. He was the most successful leader of the masses, because he understood their higher inspirations and best voiced their then inarticulate voice.

Democracy is still a prophecy and of its many prophets few surpass Jefferson in real achievement. This is far from saying that he brought about the democratic era with which the nineteenth century began. To that mighty development, many illustrious men and uncounted millions of unknown men had contributed in the long centuries before the emancipation of the masses. The first American democrat was Franklin, but, in that darkest hour before the dawn, Jefferson played the rôle of Chanticleer—his clarion call to wider freedom, while not causing the reddening skies, yet proclaimed the morn. In this is his transcendent merit.

From his earliest manhood Jefferson best voiced the spirit of his time by proclaiming eternal warfare against every tyranny over the mind of man. Only nine days before his death he again showed his unconquerable faith in the triumph of the cause, to which he had dedicated his life, when he wrote for the fiftieth anniversary of the great Declaration, upon which he was destined to die:

"All eyes are opened or opening to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth that the masses of mankind have not been born with saddles on their backs nor a favored few boot and spurred ready to ride them legitimately by the grace of God."

Jefferson truly had the "oversoul," of which Emerson wrote, "the personality that neither flatters nor fails, and which never appeals from itself but believes in itself." It consisted in that faith which can "remove mountains" and "overcome the world," for he powerfully aided in removing mountains of old customs and habits of thought and overcame a world, in which the common man had had but too little opportunity. The world has no use for half-hearted men. Its prizes are for those who throw their whole soul into their work, and with the devouring fire of determination and energy consume the obstacles which lie in their path. Such was the spirit of Thomas Jefferson. He met responsibility halfway. He rejoiced as a strong man to run his course.

To succeed in life, moreover, we must not only have faith in ourselves and in our work but in our fellow men. Democracy has proved a great leveler, and if a man has a public work to do he had better not commence with the premise that he is of a superior caste. Jefferson believed passionately in the people. While he did not regard them as infallible and never assumed that the oil of anointing had fallen from the head of the monarch and conferred infallibility upon the multitudinous tongue of the people, yet, with a passionate fervor which was with him as a religion, he believed that the common sense of the majority could be better trusted than the interested views of a property-holding class. Speaking to his neighbors of Albemarle on returning from France in 1790, he said:

"The will of the majority, the natural law of every society, is the only sure guardian of the rights of man. Perhaps even this may sometimes err, but its errors are honest, solitary, and short lived."

In his first inaugural he said:

"If there be any among us who would wish to dissolve this Union or change its republican form, let them stand undisturbed as monuments of the sanity with which error of opinion may be tolerated where reason is left free to combat it."

I have already quoted the optimistic prediction which he made nine days before his death, to be read on the fiftieth anniversary of the great Declaration, when, with trembling hand but with a buoyant and eternally youthful heart, he wrote: "All eyes are opened or opening to the rights of man."

Viewed in the colder light of a later age, his countless critics have charged him with having been excessively suspicious of his opponents'



motives, but it must never be forgotten that, throughout the whole of his long public career, his political opponents continuously impugned Jefferson's motives and denounced him as a demagogue, a Jacobin, an atheist, and an anarchist. For many years he accepted with heroic composure a greater storm of abuse than was possibly ever visited upon any public man in our history, and if, in his later years, his pent-up spirit found bitter and at times unjust expression in his later writings, something must be allowed to a proud spirit who had for so many years accepted insult without reply. If the furious tempest of his times occasionally drove him from his true course, let it be remembered that only one of his contemporaries—the great-souled Washington—always remained true to the north star.

The greatest inconsistency charged against Jefferson was his acquisition of "Louisiana"—meaning thereby the whole trans-Mississippi region—in supposed violation of his own construction of the Constitution, but this may be due to a misconception of his position and it is possible that if his critics, comprising in this respect most historians, had been as good constitutional lawyers as was Jefferson, they would recognize that Jefferson, in this greatest achievement of his whole career, was more consistent than his critics have supposed.

The problem of acquiring new territory was a new one, and in solving the problem of Louisiana, Jefferson was treading an unbeaten path. He appreciated the enormous importance of the opportunity. He wrote to Monroe:

"On the event of this mission depends the future destinies of this Republic."

And again he wrote to Livingston:

"We are satisfied nothing else will secure us against a war at no distant period."

His opponents opposed the acquisition as in violation of the Constitution, and certain passages in Jefferson's letters apparently indicate that he believed that it would be better for the country to avail itself of an unrivaled opportunity to complete our continental domain even if its constitutionality was doubtful, especially as he felt complete confidence in a subsequent ratification of the acquisition by the American people.

It is, however, inaccurate to say—as nearly all historians have said—that Jefferson had reached the definite conclusion that it was unconstitutional to acquire Louisiana without a constitutional amendment. In his letter to Gallatin, written in January, 1803, he thus aptly states his real conviction:

"You are right in my opinion as to Mr. Lincoln's proposition. There is no constitutional difficulty as to the acquisition of territory and whether, when acquired, it may be taken into the Union by the Constitution as it now stands will become a question of expediency. I think it will be safer not to permit the enlargement of the Union but by amendment of the Constitution."

In other words, Jefferson believed that it was constitutional to acquire Louisiana as territory, but that it was of doubtful constitutionality to incorporate it into the Federal compact without an amendment, and this distinction between "acquisition" and "incorporation" was the very distinction which the Supreme Court subsequently recognized in the insular cases.

Jefferson was more sagacious than his critics; and to-day this constitutional distinction is familiar to us under which we hold the Philippines and Porto Rico as colonial dependencies without admitting them into the Federal Union considered as a constitutional compact.

Without suggesting that Mr. Jefferson was never guilty of inconsistencies—for a successful political career is only too apt to involve at times a compromise of conviction—yet the judicious historian will recognize that Jefferson was as consistently loyal to his lofty political ideals as any public man of our history, with the single exception of Washington.

Freely recognizing his failings and errors, they were far outweighed by his transcendent merits. His idealistic abstractions have turned the world upside down. If it be true, and I think it is, that they have done a great deal of harm, yet it is also true that they have done even greater good. They gave the common man hope and inspiration. The level of the human race was appreciably raised by Jefferson.

As one of his most engaging biographers, Parton, has well said:

"He defended the honor of the human intellect when its natural foes throughout Christendom conspired to revile, degrade, and crush it. He enjoyed his existence and made it a benefaction to his kind."

#### ORDER OF BUSINESS

**Mr. TILSON.** Mr. Speaker, a rule will be presented within a few minutes for the consideration of the flood control bill. In order that the discussion of this bill may be consecutive I have been requested by a number of gentlemen on both sides of the aisle to ask unanimous consent that Calendar Wednesday business to-morrow be dispensed with.

**The SPEAKER.** The gentleman from Connecticut asks unanimous consent that business on Calendar Wednesday to-morrow be dispensed with. Is there objection?

**Mr. BANKHEAD.** Mr. Speaker, reserving the right to object, what committee has the call?

**Mr. TILSON.** The Committee on Rivers and Harbors, and this is agreeable to that committee, I am told.

**The SPEAKER.** Is there objection?

There was no objection.

#### FLOOD CONTROL

**Mr. SNELL.** Mr. Speaker, I present a privileged report from the Committee on Rules.

**The SPEAKER.** The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

#### House Resolution 165

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3740, an act for the control of floods on the Mississippi River and its tributaries, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 12 hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

**Mr. SNELL.** Mr. Speaker and gentlemen of the House, the legislation made in order under this rule is the most important matter that has been brought before this House since the declaration of war about 11 years ago. This legislation provides for the most gigantic undertaking in construction and engineering that any government in the civilized world has ever undertaken. It is most far-reaching in every respect and has a most important bearing upon the economic life of a large portion of our country; it is much larger and will cost four times as much as the Panama Canal.

This legislation should receive the most careful and considerate attention of every Member of this House. All of the hysteria of the times and all of the propaganda which has been brought about in whole-page advertisements in daily newspapers of the country should be forgotten for the present and this legislation should be considered entirely on the merits of the situation. We should try to do what is absolutely right to the people who live in the flood-stricken areas of the Mississippi River and at the same time we should be careful to remember that we men represent constituencies in every part of this country and that we must do justice to them.

This rule provides for 12 hours of general debate. Perhaps we may need more time, but we have limited the general debate to 12 hours because we appreciate the fact that under the five-minute rule, on account of various amendments which will be offered and important discussions on various paragraphs of the bill, the time will necessarily be liberal. The six hours to be controlled by the proponents of the bill will be in charge of the gentleman from Illinois [Mr. REED], the chairman of the committee; the time in opposition, it is expected, will be controlled by the gentleman from Wisconsin [Mr. FREAR], and it has been agreed between Mr. FREAR and the Rules Committee that he will immediately yield 1 hour and 15 minutes of his time to the gentleman from Georgia [Mr. COX], who is very much opposed to certain provisions in the bill.

This bill does not necessarily meet the entire approval of all of the members of the Rules Committee, but we well appreciate the fact that it is a very important national problem and that it is vitally necessary to have legislation at the earliest possible date. Therefore, we have brought this rule on the floor at this time.

Speaking personally, I have been very much interested in this flood-control situation. I was interested enough so that I took two weeks' time, at my own expense, and visited this area. I tried in a limited length of time to get as much information as the average layman could get. I went over the whole proposition from Memphis to New Orleans. I saw the main breaks in the river; I saw devastated areas and similar country that was not reached by the flood, for purpose of making comparison. I visited with a great many of the people in that section of the country and I found them representing a high grade and fine quality of citizenship. From the talks I had with the various people in that section I did not think they had in mind to ask of Congress anything but what was absolutely right, not only to themselves but to the other parts of the country.

The Flood Control Committee has worked long and laboriously on this proposition. They had one of the biggest and most complicated problems that has ever been presented to any

committee of Congress, and it can not be a matter of surprise that they were unable to bring in a bill that would meet with the unanimous approval of every member of the committee or of every Member of this House. On the whole, I know they have done the best they could, and we are willing to bring this proposition on the floor of the House, have it properly debated and carefully considered, with the intention that when this bill is finally completed it will be one that will fairly represent the views of the Members of the House, be fair to the devastated area, and meet with the approval of the people of the whole country. While I do not intend to discuss the bill in detail, I want to call attention to some features that I think are essential to be contained in the bill.

I feel it is of the greatest importance that this work should be done by the Board of Army Engineers and under the supervision of the Secretary of War and the Chief of Engineers.

I met the representatives of the War Department on the Mississippi River when I was down there, and I doubt if you can find anywhere in this country men of greater ability, experience, or better qualified to carry on this work. They are men who are giving the best of their whole lives to this proposition, men who are deeply interested and want to solve the problem. There are no men better trained in every respect to do this work than the men who are in charge of the work at the present time, and I speak especially of Major Connelly, Major Lee, and Major Holcombe. If I recall correctly, these are the three men in charge of the three divisions of the Federal work on the Mississippi River. If these gentlemen and the people they represent have charge of this work, you need not fear any graft or irregularities creeping into the work. Their heart and soul is in it, and you can depend upon it that they will do what is right to the best of their knowledge and ability for the local communities and the people of the whole United States.

I am also very strongly in favor of the principle of local contribution. That principle has never yet been abandoned, and I am strongly opposed to doing it now. In my judgment the people who receive the major part of the benefits are entitled to pay a little bit more than the average citizen of the United States.

In taking this position I do not want to put a single burden on any man or on any community that it is not able to bear, and I have thought that when the President of the United States recommended an economic commission to study the whole proposition and report back what the various communities are able to pay in connection with this work this was absolutely fair and sound in every respect, and no sound-minded or fair-thinking man should oppose it. One of the main reasons it is claimed these people should not pay anything is because they are not able to pay; no man so far has said he was against the principle. If this commission reported back that such and such a community is not able to bear any part of the expense, well and good; if another community could pay 5 per cent, all right; if still another could pay one-third, we could act accordingly; this would cover the situation; and to my mind this is absolutely fair in every respect; and in informal conversations I had with various representatives in that part of the country not one of them ever advanced the idea to me that he expected to get out without making any special contribution to these improved works. It is against our fixed policy and should not be done at this time.

I also feel that all the land for the levees on the main stream and also on the by-passes or spillways should certainly be furnished by the local people. If the States or the localities buy this land, every man on the floor of this House well knows it will be purchased for 25 per cent of what it would cost if the Federal Government goes in there with *carte blanche* authority to buy the land and bear the entire burden. You must get some local cooperation, or you will more than double all the costs.

I want this bill so drafted that it will contain all the safeguards necessary for the Federal Government. If we go down there and furnish protection to these people—and I assume it is a national responsibility—I do not want to have anything left out of the bill that would protect us now and for all time to come. I for one do not want to open up a situation that will cause thousands of lawsuits for damages against the Federal Government in the next 10, 20, or 50 years. We are entitled to have all of these provisions in the bill, and the American people will not forgive you if you fail to put them in when you have the opportunity. I feel after this bill is properly discussed on the floor, and every man has given it the attention it is entitled to, we will improve the bill; and I hope we will finally pass a bill that every man in this House can get squarely behind and say that we have passed a constructive piece of legislation, such a piece of legislation that will not

only be approved by the people of the whole country at the present time but in all time to come. That is what I hope will be the result of the consideration of this legislation at this time. [Applause.]

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. GARRETT] such time as he may need.

Mr. GARRETT of Tennessee. Mr. Speaker, I shall support the rule. This tremendous subject, one of the very greatest, certainly, that the Government has ever attempted to grapple with in all its history, is entitled to consideration, and the rule, I think, provides an entirely fair method for its consideration. The time which is allowed for the general debate seems to be satisfactory to all interested.

Therefore I deem it unnecessary to talk about the rule, but in view of the fact I shall not wish to trespass upon the time for general debate which will be under the control of the members of the Flood Control Committee, I will at this moment take advantage of the opportunity which comes to me as a member of the Rules Committee to once more call the attention of my colleagues to an omission from the bill which, at a later period in its consideration, I shall feel it to be my very solemn duty to try to cure.

It just so happens that practically the entire flooded area of one of the States bordering upon the Mississippi River, my own State of Tennessee, lies within the congressional district which I have the honor to represent.

The Jadwin plan is made the basis of the present measure. In so far as the engineering phases of the problem are concerned it is proposed to have the Jadwin plan become the official plan of Congress. In this plan there is nowhere any provision or suggestion for doing anything in regard to the State of Tennessee except to bring further injury upon her, nor is there in the bill, as it passed the Senate and as it has been reported from the House committee, any provision dealing in any effective way whatsoever with this omission from the plan which is made the basis of the work that is to be done. The only thing in the bill as it passed the Senate and as it has been reported by the committee that even squints in this direction, is section 11, and I wish to insert the verbiage of section 11 at this point in my remarks, as follows:

Sec. 11. That the Secretary of War shall cause the Mississippi River Commission to make an examination and survey of the Mississippi River below Cape Girardeau, Mo., (a) at places where levees have heretofore been constructed on one side of the river and the lands on the opposite side have been thereby subjected to greater overflow, and where, without unreasonably restricting the flood channel, levees can be constructed to reduce the extent of this overflow, and where the construction of such levees is economically justified, and report thereon to the Congress as soon as practicable with such recommendations as the commission may deem advisable; (b) with a view to determining the estimated effects, if any, upon lands lying between the river and adjacent hills by reason of overflow of such lands caused by the construction of levees at other points along the Mississippi River, and determining the equities of the owners of such lands and the value of the same, and the commission shall report thereon to the Congress as soon as practicable with such recommendation as it may deem advisable: *Provided*, That inasmuch as the Mississippi River Commission made a report on the 26th day of October, 1912, recommending a levee to be built from Tiptonville, Tenn., to the Obion River in Tennessee, the said Mississippi River Commission is authorized to make a resurvey of said proposed levee and a relocation of the same if necessary, and if such levee is found feasible, and is approved by the board created in section 1 of this act, the commission is authorized to build same out of appropriations hereafter to be made.

An analysis of this section immediately discloses that it does nothing definite even in the matter of constructing one possible levee, nor does it do anything whatsoever of a definite character with regard to the compensation or the working out of the equities of that part of Tennessee which is incapable of being leveed but which will be injured by the constructions upon the west bank that will throw upon us water which does not belong there by nature.

I should certainly be very recreant in my opinion to the duties which I owe the people of my section if I did not do all within my power to bring about in this bill a definite commitment which will give to us at least equality of justice with all other sections down the great stream affected by the bill.

And so at the proper time I shall have an amendment to offer. I can not conceive it possible that in entering on this great plan, which it is proposed to make a national one, at least by many, that the Congress, when it appreciates the physical problems that confront us and the equities we have, will not gladly join in caring for that situation.

If it should be necessary, if the bill takes the form that it may take should the suggestions of the gentleman from New



York be followed and the policy of local contribution is definitely indorsed, then I think I shall be able to demonstrate that under that plan there would be an obligation of the Government to meet the situation in Tennessee, at least pro tanto bearing in mind always that there is nothing in the proposed engineering plan that is to benefit the State in any way, but is all to the injury of the State.

I think, Mr. Speaker, that is all I care to say at this time. It is a matter of great importance to a large number of people in one of the States of the Union. I have taken advantage of this time to say what I have heretofore said to many of my colleagues. The situation is perfectly understood by the Committee on Flood Control, and I give notice that when the stage of amendments is reached I shall hope to offer an amendment that I think will protect our rights, doing justice to our State.

Mr. MANSFIELD. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. MANSFIELD. Can the gentleman give us some information as to the nature of his amendment?

Mr. GARRETT of Tennessee. I will gladly give the gentleman the idea of it. Of course, the gentleman understands that the wording of it will necessarily depend on the form the bill may take. My thought is, without undertaking to give the wording of the amendment, that where under this general plan works are constructed upon one bank of a stream, and those works cause injury to property upon the other side of the stream, that the same rule that it is proposed to apply to compensation for flood rights and for property rights on the side where the works are built should be applied to the opposite side, because the opposite side of the stream will be taken as a flood way without there being any work done upon it.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. JACOBSTEIN. Are there other States that occupy a similar position?

Mr. GARRETT of Tennessee. Sections of other States—Mississippi and Louisiana.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. O'CONNOR of Louisiana. What reason did the Flood Control Committee assign for not granting the relief that the gentleman asked for?

Mr. GARRETT of Tennessee. The committee as a committee has not assigned to me any reason I will say to the gentleman. There have been many private discussions between myself and individual members of the committee, and I have a strong suspicion as to the source of opposition, but I do not believe that there is a member of the committee who will say that there is any argument against it. Of course I can not speak for all of them, but I dare say that there will not be throughout the debate any member of the committee who will have anything to say against the justice of working out something—whether they will be satisfied with the amendment I shall offer I can not say.

Mr. LAGUARDIA. Would not this be assumed to be property damages and payment be made under the provision for flood rights?

Mr. GARRETT of Tennessee. I think I could demonstrate that the people of Tennessee would have good cause to ask for compensation even if you required local contributions in other sections.

Mr. LAGUARDIA. As a matter of law?

Mr. GARRETT of Tennessee. As a matter of equity.

Mr. Speaker, I yield back the balance of my time. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. REID] chairman of the committee.

Mr. REID of Illinois. Mr. Speaker, I am only going to take five minutes on the rule, and I only do that because of what the chairman of the Rules Committee has said. I did not understand that it was the province of the chairman of the Rules Committee to attempt to argue the merits of the bill. His entire time, it seems to me, was devoted to an argument against doing away with local contributions. The committee has worked hard and long on this bill. We do not claim that it is a perfect bill.

I do not want any Member of this House to be prejudiced before he hears the arguments pro and con. Every position that we will bring to you we expect to maintain, not only by sound logic, but by solid facts. There have been a great many super-committees working on this bill. I have tried to please as many as I could, but up to date we have not been able to please our own committee. Consequently, if we seem to be in different rôles during the debate, we shall expect you to bear with us. We expect to squarely meet the issue, and the only way that we can do it is to have the bill brought in under a rule.

Mr. Speaker, this problem is bigger than any man or set of men in this Congress. It affects the entire Nation, not directly affecting alone a small portion of the Nation, the South. It is the view of the committee, after long debate and many hearings, that any flood-control project that has local contribution as a basis is doomed to failure. For that reason the bill is reported in the way in which it is now. This bill was passed unanimously by the Senate and reported out of our committee with only one dissenting voice. When the House goes into the Committee of the Whole House on the state of the Union to consider this bill, I want every Member of the House to be on the job and hear for himself and decide for himself; and if he does, then I have faith that we shall decide this question right. [Applause.]

Mr. SNELL. Mr. Speaker, I do not think we want any more time at present on the resolution. I move the previous question on the resolution to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### NATIONAL RIFLE MATCHES

Mr. SPEAKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8550) to amend the national defense act, with a Senate amendment thereto, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill (H. R. 8550) to amend the national defense act, with a Senate amendment thereto, and moves to concur in the Senate amendment. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

Mr. SNELL. Mr. Speaker, pending the motion to go into the Committee of the Whole House on the state of the Union, I ask unanimous consent for control of the time in accordance with the statement I made in presenting the rule, namely, that six hours be controlled by the gentleman from Illinois [Mr. REID] four and three-quarters hours by the gentleman from Wisconsin [Mr. FREAR] and one and one-quarter hours by the gentleman from Georgia [Mr. Cox].

The SPEAKER. The gentleman from New York asks unanimous consent that of the 12 hours assigned for general debate under the rule, six be controlled by the gentleman from Illinois [Mr. REID] four and three-quarters by the gentleman from Wisconsin [Mr. FREAR] and one and one-quarter by the gentleman from Georgia [Mr. Cox]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3740.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3740, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REID of Illinois. Mr. Chairman, one year ago to-day the people of America were stunned by the news of the crevassing of the levees along the Mississippi River at Dorena, Mo. One year ago to-day began the record-breaking flood of 1927 in the valley of the mighty river, which, before its waters had receded months later, was to lay waste with death-dealing desolation a veritable empire and to shock this Nation by what was called America's greatest peace-time disaster. It must indeed be the hand of fate which directs us to a consideration of this measure upon the first anniversary of that event, and its passage must surely be certain if we but turn back our minds to the scenes of those terrible hours and determine our course from what then happened.

The Mississippi River, when in flood, is a constant menace to those who make their homes behind the levees. In many

cases the homes, stores, barns, and other buildings are away below the flood level. When the levee breaks, a raging torrent—60,000,000 horsepower—rushes across the country like a tidal wave, sweeping everything before it.

From Arkansas to Louisiana the swirling waters of the Mississippi carried on its tide animals, fences, bridges, houses, barns, outbuildings, trees, and lumber, a huge mass of wreckage. Levees crumbled as the onrushing water sped along its path and all was panic. Crawling up from the waters to the levee tops came thousands of wild animals and snakes and reptiles, seeking safety and all unmindful of man's presence.

There was devastation and destruction everywhere, Mr. Chairman; there was human suffering and anguish, but there was also heroism and fortitude and courage. Throughout the long vigil men stood guard days and nights upon the levees, working desperately, ceaselessly, and tirelessly, hoping to maintain these bulwarks against the flood waters.

I wish to pay a tribute to the indomitable courage of the people of that stricken area, who amid the wreckage and ruin of their homes and property have never lost heart, and are still hoping to rehabilitate themselves and start life anew.

The sympathy of the American people was aroused, Mr. Chairman. From the President of the United States came the call for aid. The Secretary of Commerce and the Red Cross entered upon the work of rescue and relief. Officers of the Army and the Navy, of the Public Health Service, and the Coast Guard joined the forces of the Veterans' Bureau and the State and local agencies to try to stay the ravages of the great river.

At more than 70 points refugee camps were established by the Red Cross to house a vast army of more than half a million people. To protect against epidemic came the best that science could provide of medicine, drugs, and vaccines, which were administered by doctors and nurses heroically serving without pay.

The sympathetic interest of the American people in the suffering and distress of their fellow citizens in the Mississippi Valley was aroused as never before, and they insist that action be taken that will forever prevent the recurrence of a similar catastrophe.

The 1927 flood could not be passed over as lightly as the former ones. It touched the heart and affected the daily life of nearly every individual in the country. The cry of the valley for help did not fall upon deaf ears, and every person, from the lowliest to the highest, was glad to contribute out of his own pocket for the relief of those unfortunate and destitute people. The Nation during the past year manifested its deep concern in the misery of the people of the valley and is watching with determination to see that its representatives in Congress solve this problem and solve it right.

The problem of flood control has been with this country and before Congress for more than 40 years.

The floods of former years have stricken the people of the South many times, often with as tremendous a force as that of the recent flood, and which were followed by the same untold misery, but never before had their helplessness and their suffering attracted the attention of the entire Nation.

The Flood Control Committee, of which I have the honor to be chairman, has gone deep into the subject of flood control, and I wish to express my appreciation of the cooperation of the members of the committee, who during three whole months of the hearings, at the practical sacrifice of all other affairs, were constantly in attendance.

The bill now before us is a bill which received a unanimous vote in another body, and has been favorably reported to the House by the Flood Control Committee with only one dissenting vote. It is not a perfect bill by any means, and does not represent the legislation which many members of the committee would prefer to see enacted. But in the interest of the people who are living in constant jeopardy of their lives from the menace of another destructive flood, and after many conferences and compromises, the bill now presented is offered as the best that is attainable at this time.

It provides for the construction of flood-control works in the lower Mississippi Valley only. No flood-control construction is authorized upon any of the tributaries of the Mississippi, but an immediate survey is directed to be made of them, as is a study of the possibilities of controlling the floods on the lower Mississippi River by reservoirs.

There is in the bill no provision for local contribution. There can be none if Congress intends to protect the lives and property of its citizens from these destructive floods. The elemental weakness of the present system, as disclosed by the investigations and reports made by the Government agencies, as well as the extended hearings before the Flood Control Committee, is that the dependence upon local participation has

resulted in a weak and unfinished system of levees, and therefore provided no adequate flood protection.

The protection of life and property and the safe conduct of interstate commerce, as well as the protection of the mails, is the solemn obligation and duty of the Government of the United States, and that was the underlying thought which secured the approval of the committee for this bill.

The committee's study and investigation of this question has convinced it that what the people of the Mississippi Valley need is protection of their lives and property while they are following their ordinary pursuits of life. One thing they do not need is to reclaim land from the swamp or overflow areas for agricultural purposes, as many farms adequately protected by levees and free from overflow have been abandoned on account of the general slump in the prices of farm products in this section, the same as in other parts of the United States.

No levee system can be effective unless it is unified, coordinated, and complete, and the failure to pay by local levee districts made the whole plan fail. Nearly every levee district along the Mississippi River is now or will soon be bankrupt. There is no possible way for them to get money, as they are unable to sell new bonds because of the default on the bonds already issued.

Taking into consideration the fact that many of the landowners are poor and have large families to clothe and feed, that the land is taxed to the limit for drainage and general taxes in addition to the levee taxes, and is heavily mortgaged, and that there are no money crops being raised, it is easy to see that the local interests can not be depended upon to provide any money for flood-control works, and any plan depending upon local contribution is doomed before it starts.

The South is not the only section now aroused to a realization that adequate flood protection must be provided—the East, the North, and the West have come to appreciate the fact that they, too, suffer in full proportion, economically, with the people of the South; moreover, the people of the entire Nation now realize the extent of the loss of life, and what the individual suffering and the loss of homes and property of hundreds of thousands of their fellow citizens has meant. The Nation is at last thoroughly aroused, and to permit this session to pass without enacting measures to prevent the recurrence of another disaster like that of 1927 would bring merited condemnation upon this Congress.

The people of the United States are willing to supply all the money necessary to prevent a recurrence of a flood like that of last year, but are not willing to spend large sums of money for reclamation or navigation at this time.

President Coolidge, in his address at the Budget meeting on June 10, 1927, said of the Mississippi River flood of 1927:

The vast, fertile, and productive reaches bordering the Mississippi and its tributaries have been subjected to great disaster. The loss of life and property is appalling. \* \* \* Control measures that were considered by all as ample to full protection have proven inadequate. Such a disaster must never happen again.

And in addressing the Union League Club of Philadelphia on November 17, 1927, President Coolidge said:

Flood control must be completed.

Secretary of War Dwight F. Davis, in an address before the Chicago flood-control conference in June, 1927, said:

The Mississippi River question is one that can and must be controlled. The Nation whose engineers defied seemingly insurmountable obstacles in building the Panama Canal can and will solve this great and complex problem.

Herbert Hoover, Secretary of Commerce, in an address at Little Rock, Ark., June 25, 1927, said:

The Mississippi flood of 1927 has been a disaster unprecedented in the peace-time history of our Nation.

Maj. Gen. Edgar Jadwin, Chief of Engineers of the United States Army, in an address at the Chicago Flood-Control Conference on June 3, 1927, said:

The flood of the Mississippi Valley is, in many ways, the most serious catastrophe of its kind in the history of our country. It is less serious only than war itself.

Hon. NICHOLAS LONGWORTH, Speaker of the House, in an address before the Chicago Flood-Control Conference in June, 1927, said:

I believe there is not a man in either the House or the Senate that does not believe and realize that the time has come when the Government of the United States itself must take an active interest and participation not only in the relief of the sufferers but in the prevention of such future catastrophes.



HON. MARTIN B. MADDEN, chairman of the House Appropriations Committee, in an address at the Chicago Flood-Control Conference in June, 1927, said:

We are not penurious. We have been generous with the world. Whenever they have been confronted with a crisis, whenever Congress found itself in session on an occasion where any foreign nation or any foreign people were in trouble like we have been we responded generously to the call, both individually and officially. And we are going to respond to the call of the American people in the Mississippi flood.

But, Mr. Chairman, the memory of man is short, and to-day many people have almost forgotten that catastrophe of only one short year ago, which resulted in the loss of more than 246 lives, drowned out hundreds of cities, towns, and villages, drove 700,000 people from their homes, rendered them objects of charity dependent upon the Red Cross and other agencies, inundated 18,000 square miles, destroyed 1,500,000 farm animals, caused losses amounting to many hundreds of millions of dollars, suspended interstate freight and passenger traffic, prevented telegraph and telephone communication, delayed the United States mails, and paralyzed industry and commerce. In order to bring to our minds again the picture of the problem we have to deal with, I have asked the three members of the Flood Control Committee from the three lower States of the Mississippi Valley which suffered most, to describe the conditions which they saw in their own States. I shall therefore, Mr. Chairman, at this time yield 15 minutes each to Mr. WILSON of Louisiana, Mr. DRIVER of Arkansas, and Mr. WHITTINGTON of Mississippi.

Later I will discuss fully the other phases of this problem. [Applause.]

The CHAIRMAN. The gentleman from Louisiana [Mr. WILSON] is recognized for 15 minutes.

Mr. WILSON of Louisiana. Mr. Chairman and members of the committee, I realize how difficult it would be within a limited time to enter upon any comprehensive discussion in relation to this, the greatest internal project in America. The picture of the flood losses has been given you by the able chairman of this committee. I wish now for the members of the committee and for the people of the alluvial valley of the Mississippi River to extend to the distinguished gentleman from Illinois [Mr. REED] our thanks for his untiring work and for his wonderful ability in developing a record that sustained every contention made by the people of that valley, that the control of the flood waters of the Mississippi River in its alluvial valley is a national problem that should be undertaken by the National Government. [Applause.]

I wish also to extend thanks to the chairman of the Committee on Rules, the gentleman from New York [Mr. SNELL], and to others who visited the lower valley and the State of Louisiana during the flood, Members of the House, and Members of the Senate; also to the majority leader of the House [Mr. TILSON], who came to that stricken territory. The gentleman from New York [Mr. SNELL] has said that he found the people there fair-minded people who would not come to the National Government asking anything that is unfair or asking that the problem be undertaken as a national problem unless the underlying merits justified that course. I believe that this Congress when it has the facts will want to deal with the question in the same way.

In any discussion of the control of the flood waters of the Mississippi River in its alluvial valley as a national problem it would be difficult to offer any statement either new or original. As a result of the disastrous flood of 1927 we are simply at a point where all the arguments made and reasons heretofore given in support thereof are more impressive. In fact, actual results have brought us to the point where the reasons given for dealing with this problem in a national way are unanswerable.

I could quote the declarations of statesmen of the national political parties for time without limit. It might be well to refer here to the declarations of some of those who have dealt with this question in the past. Henry Clay, in a speech in the United States Senate, said:

With regard to the appropriations made for that portion of the country from which I come, the great valley of the Mississippi, I will say that we are a persevering people, a feeling people, and a contrasting people; and how long will it be before the people of this vast valley will rise en masse and tumble down your little hair-splitting distinctions about what is national and demand what is just and fair on the part of this Government in relation to their great interests?

Abraham Lincoln said:

The driving of a pirate from the track of commerce in the broad ocean and the removing of a snag from its more narrow path in the Mississippi can not, I think, be distinguished in principle. Each is done to

save life and property and to use the waterways for the purpose of promoting commerce. The most general object I can think of would be the improvement of the Mississippi River and its tributaries.

It is interesting to note that Mr. Lincoln had in mind the preservation and promotion of interstate commerce and the saving of life and property, and that it did not appear to him to be a reclamation project.

President Roosevelt said:

We, the Nation, must build the levees, and build them better and more scientifically than ever before.

It is important now to recall that President Roosevelt said "We, the Nation," must do it, and that the solution of the problem should not be put upon the local interests.

President Taft, in discussing an appropriation, a portion of which was to be dedicated to the control of floods of the Mississippi, said:

I am strongly in favor of expending the whole \$50,000,000 to save that part of the country from floods in a reasonable time and provide a proper levee system.

The platforms of the major political parties for the last 20 years have directly declared that the improvement of the Mississippi River from Cape Girardeau to the Gulf for the purposes of navigation as well as to prevent destructive floods was a national problem.

Even though former Presidents of the United States, statesmen, and leaders in our national life have been outspoken in support of the National Government taking charge of this, the greatest internal project in America, in a more comprehensive way, yet the Congress has been slow to assume the responsibility and place the Government in charge.

It was only after long years of discussion and earnest effort that the Congress recognized flood control as one of the duties of the National Government. Even after the creation of the Mississippi River Commission in 1879 and down to 1917 the appropriations made to assist in flood-control works were based upon the theory of being for the improvement of navigation. It is interesting to review the efforts made by those who might be termed the pioneers in securing Federal jurisdiction for flood control on the Mississippi River. Notable among these were General Catchings, of Mississippi, and Governor Blanchard, of Louisiana. Governor Blanchard, then a Member of Congress, went to section 8, Article I, of the Constitution, which makes it the duty of Congress "to \* \* \* repel invasions," and said:

An enemy invades us. Our people fly to arms. Points of defense are strengthened. The eye of strategy selects other points to be fortified and defended. Congress votes the money, and immediately long lines of breastworks guard our frontier where attack is apprehended.

But here is an enemy who comes in the form of raging waters, sweeping down in resistless might from the north upon the sunny valleys of the West and South, bringing devastation, destruction, death. He raids through the country, rioting in ruin; and millions, panic-stricken, flee at his approach, leaving their all to be swallowed up in the wild vortex of destruction. The wasting presence lasts but a couple of months, but in that time there has been a destruction of property, present and prospective, equal in value to many millions of dollars.

The aptness of this vivid comparison made by this great Louisianian can be best appreciated by those who witnessed the flood of 1927.

During the Sixty-fifth Congress the Committee on Flood Control was created and in 1917 the first flood control act was passed. In this act flood control was recognized as a function of the National Government and an appropriation of \$45,000,000 was authorized. The work was placed under the jurisdiction of the Mississippi River Commission and the project then adopted was from Cairo to the Head of Passes on the main river. Later, in the act of 1923, this jurisdiction was extended to the tributaries and outlets of the Mississippi River, in so far as they are affected by its flood waters—the only outlet existing being the Atchafalaya River in Louisiana. I may suggest here that the flood of 1927 has extended, by the effect of the Mississippi flood waters, the jurisdiction of the Mississippi River Commission. This involves a wide extension of what is termed the approved project and is usually referred to as the project now under the jurisdiction of the commission. In the two flood control acts mentioned, and in appropriations prior to the creation of the Committee on Flood Control, the local interests were required to contribute. Under the act of 1917, as amended by the act of 1923, this contribution by the States and the local interests was fixed at the supplying of all rights of way, paying one-third of the cost of levee construction, and paying the entire cost of levee maintenance.

Unfortunately this maintenance has been given a general construction so as to mean replacements as well as repairs.

Now, in this long struggle, the fact that the States and local interests involved were required to contribute, and did contribute, was not any recognition or admission by them of the principle involved, nor does this constitute any argument that the work of protection against destructive floods in the alluvial Valley of the Mississippi River is a reclamation project. These conditions were simply met in self-defense because Congress adopted that method and did not assume full charge of the problem as a national one.

The reasons for a national undertaking all existed at that time. The people of the lower Mississippi Valley have for more than 100 years struggled against destructive flood waters created by the drainage of 31 States, constituting in area 42 per cent of the Union. The waters from 1,240,000 square miles of territory are concentrated upon 30,000 square miles between Cape Girardeau and the Passes. The people living within this small area accepted the concessions made by Congress because for the greater portion of the time they had been fighting alone. They accepted the conditions, taxed themselves to the limit, floated bond issues, and met to the utmost of their ability every demand of the Mississippi River Commission, the agency of the Federal Government in charge, in order to complete the works proposed by the commission as necessary for the control of the floods.

The work was done upon the plans and specifications of the commission, and it is an interesting fact that every organization all the way from Cape Girardeau to the Gulf, consisting of some 30 levee boards, cooperated with the commission without a dissenting voice. These States and local interests acted in self-preservation and spent some three hundred millions of dollars on this work. They contributed to this work not only in defense of their lives and property, but also to assist in works which benefited the entire Nation through improvement of navigation. It is indeed driving a hard bargain on a cold and calculating basis to come at this time and say that these facts should be used as an argument to establish the principle of local contribution to such an extent that it must be recognized in this legislation.

It would be more correct to say that, having thus expended this amount, burdened themselves with indebtedness to the utmost limit in a heroic effort against an uncontrollable force for which they were not responsible, that they should now be relieved of any obligation or fear of obligation in the execution of this project.

#### NATIONAL ASPECTS OF FLOOD CONTROL

The work of flood control on the Mississippi River and its tributaries, for the protection of the alluvial valley, can only be made in reality and in fact the work of the National Government by action of Congress. In order to bring definitely to the Congress, the House and the Senate, the information and data to establish the proper basis of action, the Flood Control Committee of the House of Representatives was called in session November 7, 1927, with Congressman FRANK R. REID, of Illinois, presiding. This was one month before the session of Congress started and before the committee was actually authorized to sit, but the sessions were given legal status by the agreement before the session began of the Speaker, Hon. NICHOLAS LONGWORTH; the majority leader, Hon. JOHN Q. TILSON; and the minority leader, Hon. FINIS J. GARRETT. It might be well to say that the country at large indorsed this action, which afterwards had the approval of Congress. The committee was in session for practically 70 days. More than 300 witnesses appeared before the committee and organizations representing every phase of American life presented views and urged action. Among these organizations and individuals might be named the following: United States Chamber of Commerce; American Legion; American Federation of Labor; American Farm Bureau Federation; three former presidents of the American Society of Engineers; 40 Senators and Representatives; governors of States; State officials; mayors of large cities; State engineers; levee district engineers; American Bankers' Association; Chicago Flood Conference; three advisory engineering committees, one from the American Society of Engineers, one from the University of Engineers, and one from the railroad engineers of the Mississippi Valley; and the Mississippi River Commission.

These organizations were unanimous in voicing the sentiment that the flood-control problem now under consideration was one which should be undertaken immediately and effectively by the Federal Government at Federal expense.

The Chamber of Commerce of the United States, whose membership comprises local chambers of commerce throughout the United States, submitted a referendum to its membership and secured almost a unanimous vote approving the following proposition:

The Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control the floods of the lower Mississippi River. The Federal Government should assume the sole responsibility for locating, constructing, and maintaining such works.

This same principle has been advocated by the other organizations named and by the major portion of the press of the United States. All these facts were established by the hearings before the Flood Control Committee and also by the hearings before the Commerce Committee of the Senate. If the Congress is responsive to public opinion and the will of a majority of the people of the United States, we should, without hesitation and quibbling, carry out their expressed wishes, which are now well known.

A simple statement of facts regarding the situation of Louisiana demonstrates more clearly than any argument I could make the national character of the flood problem.

The area of the alluvial valley embraced within the present flood-control project, subject to overflow, is 30,000 square miles. The total area of the State of Louisiana is 45,309 square miles, of which 14,690 square miles are within this alluvial area and subject to overflow; so that only slightly less than half of the area sought to be protected is within the State of Louisiana.

From Cairo to the Gulf the length of the Mississippi River is 1,064 miles, and of that 550 miles are within the borders of Louisiana. On this stretch of the river there are about 1,780 miles of levees; 757 miles thereof are in Louisiana.

The lower Mississippi River, from Cairo to the Gulf, must carry the drainage from 42 per cent of the area of the United States. This entire volume of water must pass through Louisiana.

The property values in Louisiana subject to inundation amount to \$1,261,997,760; the population in this area is 1,377,137 persons.

The people affected have struggled for more than 100 years in a heroic effort to protect themselves against the invading waters originating outside the borders of that State. The fertile lands embraced within this vast area have been, from the earliest days, developed, cultivated, and used. There is no question of reclamation involved; it is simply the protection of life and property against a force originating outside of Louisiana, and against the destructive invasion of which the local interests in Louisiana are powerless to wage a successful contest at the present time.

In this effort to protect themselves there has been spent on the Mississippi River, its tributaries, and the Atchafalaya outlet in Louisiana, the sum of \$143,647,243; of this the Federal Government has paid \$35,053,396.27, and the State and local interests therein have paid \$108,593,846.73. Of course, this latter figure takes no account of private expenditures and millions spent in struggles against high water, of which no record has been kept. Notwithstanding this expenditure, due to the rapid development and drainage along the upper stretches of the Mississippi River and its tributaries, all necessary for economic development there, and against which no complaint is made, the flood heights on the lower river, and especially in Louisiana, have progressively increased to such an extent that the degree of safety and protection has rapidly diminished, and the danger to life and property is greater to-day than ever before.

The State and the local interests in the area subject to floods have exhausted their ability to provide the funds necessary to continue the work of protection and are laboring under a bonded indebtedness which, without better protection, it will be most difficult to discharge. Added to this has been the continually increasing flood losses. The actual, direct loss caused in Louisiana by the 1927 flood is conservatively estimated at \$67,214,000. The indirect and incidental losses are several times that amount. During this flood more than 300,000 people were driven from their homes in Louisiana and some 208,000 were under the care of the American Red Cross. No words of praise would be too great for this organization which did such wonderful work in relieving the flood sufferers, but this merely emphasizes the necessity for comprehensive legislation to avert such a disaster in the future.

#### THE BILL UNDER CONSIDERATION

All legislation to a certain extent is a matter of compromise, but the bill we now have before us—Senate bill 3740—as amended by the House Committee on Flood Control, meets in every major feature or provision the demands of the public and the necessities of this vital, national undertaking. It covers it in a way just as definite as is practicable or feasible with the information before us.

After the disastrous flood of 1927 investigations were made by the Corps of Engineers of the Army and by the Mississippi



River Commission, using and embodying the work of the spillway board which made a survey on the lower sections of the river.

#### THE BOARD

The board set up in the act to formulate the plans and specifications for the execution of the project consists of the Secretary of War, the Chief of Engineers of the United States Army, the president of the Mississippi River Commission, and two civilian engineers chosen from civil life. The agency for the execution of the work after the plans are agreed upon is the Mississippi River Commission, under the direction of the Secretary of War and the supervision of the Chief of Engineers.

The board is to take the plan submitted by the Chief of Engineers and the plan submitted by the Mississippi River Commission, which latter includes the report of the Spillway Board and, after reviewing these, may adopt either, or reconcile their differences, and formulate plans which shall constitute a recognized project to be executed by the Mississippi River Commission. For this purpose the sum of \$325,000,000 is authorized to be appropriated.

The approved and authorized project embraces what might be termed the emergency work extending from Cape Girardeau, Mo., to the Head of Passes, and deals with the flood waters of the Mississippi River between those points in so far as they affect the main river; and the tributaries and outlets thereof, in so far as they are affected by the flood waters of the Mississippi River. It includes on the main river the work of improvement of navigation, revetting the banks and maintaining the channel for navigation purposes.

For controlling the flood waters of the Mississippi River it also includes the construction and completion of whatever spillways, diversion channels, or flood ways as may be found necessary and feasible in connection therewith.

This project as thus described is to be carried on to completion without local contributions. The States and local interests agreeing to supervise and maintain the levees after completion; such maintenance to be limited to caring for the levees, cutting grass, and so forth, but does not include replacements on account of caving or crevasses. This will keep the States, levee boards, and other local interests in immediate touch with the entire system of works and will place no heavy burden on them.

The question of local contribution has, in a general way, been the subject of chief contention and dispute, but when it was shown that the local interests had, in the effort to protect themselves against the drainage of 42 per cent of the Union and during a contest of more than 100 years, spent \$292,000,000 and are now unable to contribute in any way to make an effective flood-control program possible, it was readily conceded in the Senate that no further local contributions should be demanded on this project.

The bill also provides that just compensation shall be paid by the United States for the property taken, used, damaged, or destroyed in carrying out the works authorized, including property located within the areas of the spillways, flood ways, or diversion channels or the uses thereof or flowage rights thereon.

This is certainly a fair provision and simply in accordance with the constitutional provision to the effect that private property can not be taken for public use without just compensation.

The bill further provides that it is the sense and intention of Congress that the work shall be carried on and completed in a manner that will give the same degree of protection to the lands adjacent to the flood ways as to the lands adjacent to the levees on the main river, and that the rights, uses, and property necessary for the flood ways shall be acquired and the protective works therein completed before any diversions are made through the flood way and that, pending all investigations and surveys therefor as well as the performance of the work, the same degree of protection shall be given to all sections of the valley.

#### SURVEYS

The bill provides that there shall be a further survey and investigation, with data for the recommendations of the board, between Cape Girardeau, Mo., and Baton Rouge, La., before work other than levees and bank revetment is undertaken on that section of the river. This survey is made necessary and essential on account of the facts developed by the hearings both before the House and Senate committees, and also on account of the differences in the reports submitted to Congress by the Chief of Engineers and the Mississippi River Commission. It was evident that sufficient time had not been given for complete surveys and the necessity for these is acknowledged both by the Commerce Committee of the Senate, the Senate itself, and the Flood Control Committee of the House.

The bill also provides that the titles to the lands acquired by the Government under this act shall, when the works are completed, be conveyed to the States and local interests in order to relieve the Government of jurisdiction and transfer it to the States and local interests.

The act authorizes an appropriation of \$5,000,000 to be used by the Secretary of War in emergency work during floods on the Mississippi River and its tributaries and for the immediate repair of any flood-control works that may be destroyed.

#### TRIBUTARIES

This bill for the first time authorizes a complete survey and investigation of the principal tributaries of the Mississippi River that affect floods in the alluvial valley for the purpose of flood control thereon. It authorizes the use of \$5,000,000 of the funds authorized in this act, to be used with appropriations already made, amounting to about \$1,500,000 for that purpose. It provides when this investigation is made and completed that the data and results shall be placed before the board herein created, which shall consider the same and make recommendations to Congress for a flood-control project on the tributaries. That is an important provision, because the work of complete flood control on the Mississippi necessarily involves the extension of the works to the tributaries.

#### THE COST

Considerable propaganda has been put forth against the Jones-Reid bill now before us to the effect that the cost will be prohibitive and far beyond anything that has been contemplated. There is no reason or basis for this contention. Reliable estimates all along have been to the effect that the execution of comprehensive flood-control works, in a manner and to the extent required for the national welfare, would be in the neighborhood of five or six hundred million dollars to be expended over a period of from 10 to 20 years. I am sure it will be readily admitted that this is not an unreasonable expenditure in view of the vast interests involved.

The bill under consideration authorizes an appropriation of \$325,000,000. The recommendations in the report of the Chief of Engineers and the Secretary of War were for \$296,000,000. The report and estimates of the Mississippi River Commission, involving practically the same project, with like character of work, but slightly more complete, were for \$407,000,000. This latter contemplated remuneration for the lands and property taken for the flood ways, but the report of the Chief of Engineers did not. Of the amounts recommended and estimates made by the Chief of Engineers and the Mississippi River Commission \$110,000,000 is for the improvement of the Mississippi River for navigation. Of course, it should be stated that the amount spent for bank revetment is protective of flood-control works, but in so far as an approved project is concerned and appropriations authorized the bill, if enacted into law, will not go beyond the project included in those estimates and which all admit should be taken up at once as emergency work.

Now, the fact that this bill authorizes an immediate, comprehensive, and complete study of the tributaries that affect the floods in the alluvial valley of the Mississippi River can not be consistently urged as a program for unreasonable or inordinate costs to the Government.

The funds for the surveys are already provided in the rivers and harbors act of 1927 and in the measure now under consideration. Surveys and investigations, with cost estimates, are to be made. The reports of these go first to the board, consisting of the Secretary of War, Chief of Engineers, president of the Mississippi River Commission, and two civilian engineers, and after being considered and passed upon by the board are referred to Congress. The Congress then in existence will have full control of the approval of the projects, the apportioning of the costs, and the appropriation of the money.

If, after these investigations are made, it should be found that complete and effective flood control may be had for the Mississippi River and its tributaries, along with their improvement for navigation, at a cost of \$1,000,000,000, to be spent within the next 10 to 20 years, favorable action thereon would be justified, and would be a profitable investment rather than a burden on the National Government. Such a program would have the approval of the States and their joint effort for whatever reasonable demands might be made in connection with the execution of the project.

#### ADDITIONAL SURVEYS

Some complaint has been made because the bill as it passed the Senate and is now before the House authorizes and directs additional surveys and investigations. There is no increased cost added for that purpose, but these additional investigations are made necessary by reason of the facts developed in the hearings before the Flood Control Committee of the House and

the Commerce Committee of the Senate. In entering upon the execution of a project of this importance, involving rich and fertile areas, thickly populated, I am sure all will admit that each and every step taken should be safeguarded by complete and definite information. Take, for instance, the proposed flood way through the Tensas Basin. The Mississippi River Commission has been dealing with the flood-control works on that section of the river for 50 years. The commission outlined a plan following the flood of 1927. This plan was for a controlled and regulated flood way from Cypress Creek to the head of the Atchafalaya Basin at Old River. It proposed the diversion of approximately 600,000 cubic second-feet during any flood exceeding that of 1922. The application of this in the past would have only involved its use in the 1927 flood.

The Chief of Engineers, with very little experience and no former direct connection with that section of the river, submitted a plan for diversion through a fuse-plug levee, about 30 miles in length, at Cypress Creek, of 900,000 cubic second-feet in any flood exceeding that of 1922. This would have been used in the past only in the flood of 1927. The estimate under the commission plan is \$107,000,000, and that of the Chief of Engineers is \$7,700,000.

The latter plan makes no provision for payment for the property taken or used for the flood way, although the water diverted through that territory would be twice as much as passed through that section on account of three breaks in the levees in 1927. This would raise flood heights in the flood way for a distance of practically 140 miles 7 to 8 feet above the 1927 flood. Only those who are conversant with the effects of crevasses in levees during extreme floods could estimate or appreciate the effect of the use of a fuse-plug levee. No better description could be given, in my opinion, than the following statement by Hon. Oscar Johnson, a lifetime resident of the Yazoo Basin:

Not being a civil engineer, I shall not presume to criticize the engineering plans submitted by the general other than in a single particular; namely, the matter of "fuse-plug levees."

The plan provides for a fuse-plug levee at Cypress Creek. The idea of the plan is that at a given height in the water this "fuse plug" will blow out, break, or be overflowed, permitting the escape of a given quantity of water; the maximum of this quantity is stated in the plan at 900,000 cubic feet per second. The greatest crevasse, I believe, that has ever occurred in the Mississippi levee was the break at Mounds Landing, when the water stood approximately 19 feet above the ground. The break was a half mile in width. The water swept through with an unprecedented velocity, and yet it is estimated that the flow through this crevasse was approximately only 500,000 cubic feet per second. This crevasse washed out a lake or "blue hole" more than 100 feet deep, and cut a channel more than a mile back into the interior, destroying 5,000 acres of land by depositing sand of such character as to prevent successful cultivation of the soil in the future. If such a result happens at one of the fuse plugs it would be almost an impossible task to restore the levee without looping or building back for some distance. A few successive breaks of this sort at the same point would shortly result in a channel being cut from the head to the mouth of the spillway.

Those of us who have lived behind levees the greater part of our lives are decidedly of the opinion that levees have a perverse way of not breaking at points where they are expected to break. Frequently water is impounded and raised temporarily as the result of a windstorm; frequently windstorms bring about waves that wash into and cut through a strong levee standing several feet above the crest of the water; frequently levees are undermined by water seeping through below the base.

We believe from practical experience, as opposed to engineering theory, that such spillways as are constructed should be of the type commonly known as "controlled," or should be left open at the head and leveed along the sides so that the flow of water through the spillways may be controlled and regulated.

Other important facts showing the necessity for further surveys were developed in the hearings before the Committee on Flood Control. There was a report filed by the reservoir board which indicated that reservoirs on the White and Arkansas Rivers could be constructed at no exorbitant cost that would retain during a flood period such as we had in the 1927 flood 500,000 cubic second-feet of water. This might render the Boeuf flood way unnecessary, or greatly diminish the requirements for diversion and, therefore, diminish the costs and heavy losses that might occur. The president and members of the Mississippi River Commission were very positive in their testimony that this entire subject should have further consideration before a final conclusion was reached. In that connection I quote from Colonel Potter, president of the commission, and Captain West, a civil engineer who has long been a member of the commission:

Colonel POTTER. \* \* \* I want some time to study it and see if certain other features can not be brought in to reduce the cost or make the plan more feasible.

The CHAIRMAN. What else have you got in mind?

Colonel POTTER. That is principally the thing. \* \* \*

I believe there is a possibility of control on the Arkansas and White so as to avoid these spillways and flood ways.

I would not put anything of that kind on these people until I had made a thorough study. \* \* \* But I can tell you now that I would rather live behind that levee with a 4-foot raise and a 12-foot crown and a 6-to-1 slope on the back side and a 4-to-1 on the front side, and the right to fight for my life and property, than to have that thing put down on me.

Mr. WILSON. Then, if you had this reservoir storage of 600,000 feet up the Arkansas and White they would relieve the amount of water collected from Old River to go down the Mississippi and the Atchafalaya to that extent, wouldn't it?

Colonel POTTER. Just as much as at Cypress Creek.

Mr. WILSON. The Cypress Creek will be the same as the source of the Atchafalaya, which will be divided between the Atchafalaya and the main river to carry it down.

Colonel POTTER. That is the reason I would study the Arkansas before I would put in the Tensas Basin flood way or the Atchafalaya flood way.

The CHAIRMAN. Now, Colonel Potter's testimony developed the fact that he was not entirely in sympathy with the idea of the proposed flood way through the Tensas Basin, as a means of reducing flood heights at Arkansas City. His statements are to the effect that he was almost disposed to sign a minority report on this particular item. Now, has your study, has your investigation of this particular point, been sufficiently extensive to justify your recording your opinion one way or the other as to the practicability of making use of reservoirs in the Arkansas and White Valleys in preference to the recommended flood way?

Mr. WEST. If reservoirs could be found that would reduce the discharge in the main river at the mouth of the Arkansas River as much as the diversion would reduce it, and even though the reservoirs would cost more than the diversion, it would be infinitely better for the whole problem. It would save the million or two or more acres that the flood way would destroy. It would be better for the river itself, because diversions are not good, except as a last resort to save leveeing further. They are not good for the development of the stream itself, and unless they are absolutely controlled at the head, the entrance, and throughout, they can be more harmful, perhaps, in the long run than they will be beneficial.

The CHAIRMAN. Well, now, the question was—

Mr. WEST. So I only look upon diversion as a matter of last resort.

The CHAIRMAN. All right. Now, the question was this: Has your study and investigation on this particular thing been sufficient to justify you in stating your opinion that it is necessary to proceed with the flood ways at this time—

Mr. WEST. No.

The CHAIRMAN. Or do you incline to agree with Colonel Potter? What is your answer?

Mr. WEST. We suggested in our report that we needed more time to study this particular question, to balance reservoirs against flood ways. I do not think that there would be any time lost in the construction of the whole structure by giving time for that study. It would only delay the time of beginning the flood ways, so that the flood ways could be completed even though you delayed a year or two; they could be completed before you could complete the necessary work along the main river. Then why hurry and make a possible mistake? Why not make a more exhaustive investigation and study of the possibilities of reservoirs?

The CHAIRMAN. All right. Then you are inclined to agree with Colonel Potter in that, are you?

Mr. WEST. I fully agree with Colonel Potter in that; yes, sir.

I have no desire to criticize or to differ with the engineers in charge or those who may be placed in charge, but in view of these facts is it not fair and just, in the interest of the people immediately involved as well as the Nation itself, that a more complete survey and investigation be authorized and directed? That is what this bill provides.

#### ATCHAFALAYA BASIN

Now, the same is true of the proposed flood way through the Atchafalaya Basin. Whatever volume of water is diverted through the Boeuf River and Tensas Basins must, in the vicinity of Old River, which is the source of the Atchafalaya River, meet and converge with the volume of water carried down the main Mississippi River and that which comes down the Red River. In respect to this flood way a like diversity of opinion exists among the engineering forces.

The spillway board, carrying out a survey authorized by Congress in 1926, spent about one year in investigation before



the flood of 1927 came, and continued their investigations during that flood. Their investigations and report were adopted by the Mississippi River Commission.

It was proposed in that report to divert through the Atchafalaya Basin 900,000 cubic second-feet, with works constructed so as to carry that volume safely to the Gulf, a distance of about 146 miles. The report of the Chief of Engineers proposed to divert through the Atchafalaya Basin 1,500,000 cubic second-feet, with works of quite a different character and largely without protection to rich and valuable territory and with ring levees around a number of important towns. These recommendations were universally disapproved by all the people living in the territory affected. Is it not fair and right that further investigations should be made to be considered by the board created by this act? For this flood way the Mississippi River Commission plan called for an expenditure of \$52,500,000, which included compensation for property taken and the uses thereof necessary; that of the Chief of Engineers for an expenditure of \$29,900,000. A like situation exists in relation to the proposed diversion at Birds Point.

OCCASIONS NO DELAY

The bill which passed the Senate unanimously is not materially changed by the amendments adopted by the Committee on Flood Control of the House of Representatives. Nothing is added to the approved project and no additional authorization for expenditures. It contains no provision that should in any way delay the execution of the approved project.

All will agree that immediate procedure should be undertaken. First, of raising, strengthening, and relocating the levees on the main river and on the tributaries and outlets in so far as they are affected by the flood waters of the Mississippi River, and revetting the banks of the Mississippi River from Cape Girardeau to the Head of the Passes. That covers the work now under jurisdiction of the commission and which is adopted in this project. The engineering features in this portion of the work are agreed upon. Second, the immediate construction of the Bonnet Carre spillway above New Orleans, as there is entire agreement in relation to this item of the project.

During the time this work is proceeding the further surveys and examinations required under the provisions of this act can be made and definite plans outlined with cost estimates so the work may proceed in a businesslike way.

So when you examine the provisions of this bill and come to an understanding of the project it adopts and the work it authorizes and directs there is nothing to justify the fear of delay and uncertainty.

In fact, more complete surveys and investigations will no doubt adjust the differences of opinion and plans in such a way as to reduce costs and save in the national expense. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Arkansas [Mr. DRIVER].

Mr. DRIVER. Mr. Chairman, owing to the fact that at a later hour in the course of the discussions of the bill I shall have the opportunity of discussing the features of the plan and offer to the committee some suggestions with respect to that plan, I shall elect now to devote the 15 minutes which are given to me to the effort of presenting to this body a picture of the conditions in the alluvial valley of the Mississippi River which must be known in order that you may be prepared to deal intelligently with what the chairman of your Rules Committee has mentioned as being the biggest interior improvement project ever suggested to the Congress of the United States. It is a distinct pleasure to me, gentlemen, to have the assurances of your interest, which have been manifested so often during the period when the flood was in the valley, after its recession, and during the period since this session of the Congress has convened. I believe, gentlemen, that is only a fair reflection of the sentiments so generously offered by this country and which aroused in the country a spirit of service making possible the salvation of life and the laying of the predicate upon which we are attempting to prosecute the necessary work for the rehabilitation of the Mississippi Valley.

My colleague from Louisiana has mentioned to you the great work that was done by the agencies of this Government, and I would feel that I would be remiss to my duty without saying to you that that work, made possible by the generous donations of the people of this country, which saved so many lives and cared for so many people in the Mississippi Valley, has written one of the brightest pages in our history, and such administrative agencies which so promptly and efficiently came to the aid of that stricken section are entitled to every possible credit that may be offered to them. [Applause.]

They established and maintained lines of communication through which food and medical supplies and the postal service

were furnished to and provided for those people; they furnished the necessary instrumentalities through which the marooned people were brought from their tottering homes into places of safety, and they provided shelter for them there.

No man removed from that locality can appreciate the actual conditions under which the people who reside there have existed, nor the great difficulties in their way of accomplishing the purpose of developing that very fertile part of your Nation. The people there, gentlemen, alone waged a war against their common enemy for 200 years in an effort to provide works of defense against the ever increasing flood heights in the Mississippi River.

They believed that while they had no control over the forces which were operating against them, that by using the very utmost of their finances, they would be able to so strengthen their works that they could defend against the mounting crest of that river.

So they expended their accumulations from flood to flood, calling on no agency for aid but depending solely on their ability to earn money with which to carry on these works. They only realized the utter futility of this ambition when the flood of 1927 tore through their works and swept their possessions into the Gulf of Mexico.

Now, let us see the condition that brought about this flood and produced this great damage and exacted the great toll of life.

I am sorry we have not a map before this body in order that I could point out to you the great territory of this Nation which drains into the Mississippi alluvial valley. Suffice it, gentlemen, for me to say to you that it embraces 800,000,000 acres of the very heart of your Nation, a territory 1,240,000 square miles in area. It embraces five large watersheds, the upper Mississippi, the Missouri, the Ohio, the Arkansas, and the Red. It covers a part of two Provinces of Canada and includes 31 States of your Union.

To give you a grasp of the enormous volume of water that is possible to be precipitated upon the people there, I will give you the discharge from the major tributary streams into the Mississippi River.

In 1927 the discharge from the Missouri and the upper Mississippi measured at St. Louis was 800,000 cubic feet; the discharge at the Ohio was 814,000 cubic feet measured at Cairo; the White River, measured at Clarendon, contributed 440,000 cubic feet; the Arkansas River at Little Rock, 813,000 feet; the Red River at Old River contributed 200,000 feet; the Yazoo at Vicksburg, 40,000; and the St. Francis at Parkin, 30,000.

According to the estimate made by those who are in an attitude to speak with knowledge of the situation—

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. DRIVER. I yield to the gentleman, certainly.

Mr. MORTON D. HULL. With respect to those discharges, was that the amount per minute?

Mr. DRIVER. No; cubic feet per second.

It is estimated that a flood 25 per cent in excess of the combination of the waters I have mentioned to you is within the range of possibility at Cairo.

Gentlemen, the people in the valley have always attempted to defend against the volume of water that was precipitated into that stream. Realize this in order that you may appreciate the attitude. They had no control over the causes of this trouble.

Every inch of pavement in your towns and in your cities within this watershed, every rod of road you construct in these basins, every improvement that you make in the way of tiling your land or making your run-off conform to the demands of modern development contributes just that much more to the volume of water that the people of the Mississippi Valley must care for and defend against.

Many allusions have been made with respect to the attitude of these people, and it has been said that the rivers throughout all of the time have coursed through the basin of the Mississippi Valley and, therefore, that country has been impressed with the right of user.

Let me tell you that the oldest settlement in the United States you will find down in the valley of the Mississippi River. The Acadians, whose story has brought tears to the eyes of so many people of our Nation, when they were forced out of their homes settled in the Bayou Teche region in the State of Louisiana. The people have continued the development, beginning on the high banks, for it is a well-known topographical fact that in the valley the higher land we have there is immediately along the banks of the river, and the people settled there hundreds and more years ago and developed their property interests there. There were no flood heights to interfere with the operations of these people at that time. Your country north and up the tributaries was an undeveloped country where

the buffalo and the Indian were accustomed to indulge in their marathons, but these people down there were carving homes out of this alluvial territory and they were seeking to build up and protect those homes, and the only means of protection available to them at that early day was the construction of a levee to defend against the water. They had no agency. There was no jurisdiction of this Government that had ever made an investigation to ascertain a better means to be employed to afford them the protection that was necessary for their property interests and for the lives of their families there. So they were forced from the exigencies of the occasion to resort to levees and base their sole dependence for their future development on the ability of the levee system to furnish them the proper measure of security. They piled their moneys into the levees year after year as the developments continued on the upper reaches of the river, and increased the flood heights in the river; but when the floods of 1882 and 1883, two major floods in succession, were precipitated upon the people in this valley section, they realized at last that their levees were not sufficient to afford them the security; but even then they did not lose confidence in the levee system, but they believed they were unable financially to continue the individual construction of levees which had obtained up to that time. So they organized themselves into districts under authority of their State laws, and they issued bonds and placed a lien on their lands.

They continued to believe in that method until finally, realizing the utter hopelessness of the task, they were forced to join hands with the War Department, in charge of improving and maintaining navigation on the river, to secure the necessary aid to enable them to continue the fight. I do not want you to misunderstand the situation, because it is very important that you do appreciate the nature of it in order to properly deal with the great problem that we have before us. We did not induce the Government to resort to the levees, nor did they induce the people of the valley in their desperate effort to protect themselves to build levees. It is a mutual proposition. It had been the theory of your Government engineers from time immemorial, beginning with the first investigation made on the Mississippi River in 1820, that in order to provide a permanent channel and permit the operation of commerce on the Mississippi River they must confine the flood waters within that channel, in order that their motion would be accelerated, and thereby the water, heavily charged with sedimentary matter, would carry it through the channel and deposit it in the Gulf of Mexico. [Applause.]

In the alluvial valley there are 19,065,600 acres of land, with about 25 per cent improved and in cultivation. Fifteen million acres of the valley were inundated by the flood waters in 1927. Of this amount, there are more than 5,000,000 acres of improved lands, and in the cities, towns, and villages built thereon about 2,500,000 people reside, 440,000 of them being within the city of New Orleans. Not exceeding 500,000 acres of the tillable land escaped the overflow, and not exceeding 250,000 of the residents of the valley outside of New Orleans remained in their homes. Therefore, 1,750,000 of the inhabitants of the valley were forced to evacuate their homes, and 700,000 of the number were rescued with such possessions as could be hurriedly snatched from the toppling homes and herded into camps of refuge to become objects of charity and cared for by the Red Cross. They were all independent, American people, who had by energetic means developed their lands, built their homes, and acquired the necessary personal property interests to enable them to conveniently and profitably operate such property interests, and who had contributed to the fullest extent of their means in the effort to provide protection for themselves and for their property holdings. There were swept from the overflowed area all improvements, leaving a country on whose barren acres there exists a debt of \$417,829,276, the payment of which depends upon the results of the farming operations conducted by the people of that region. Seventy-five per cent of all such inundated area remained idle during the year 1927, largely because of the want of the necessary houses, livestock, tools, and feed with which to live and maintain themselves; a country from which every financial interest had withdrawn and have not returned; a country in which the bankers, merchants, and farmers are in bankruptcy; and a country from which much of the labor was forced to resort to the industrial centers for means of livelihood.

The State of Arkansas suffered possibly more than any other section of the valley.

Four million two hundred and twenty-four thousand acres of its lands were flooded, of which 1,000,000 acres were highly developed. One hundred and three towns and villages were overflowed, causing a property loss of \$46,173,650. There were swept from the lands 21,650 houses, 9,755 barns, 6,377 head of horses and mules, 98,392 hogs, 263,426 poultry,

and household effects valued at \$2,981,744. One thousand and forty-seven miles of highways and 244 bridges were covered and put out of commission.

In the alluvial valley of the State there are 10 levee district organizations, embracing an acreage of 3,022,956, of which about 1,000,000 acres is cleared land. These districts maintain 504.22 miles of levee. They have outstanding levee bonds of \$12,500,000, and in the area drainage bonds have been issued amounting to \$15,000,000. These bonded debts, together with the real-estate mortgage liens, aggregate \$89,512,145.

The anomalous situation is presented that the property of the districts bears an assessment of \$82,500,000. It is estimated that the actual value of property did not, prior to the flood, exceed double the assessed value, but, since the losses due to floods were sustained, the property loss and the reduction in value, in consequence of the floods, suffered a diminution of at least 50 per cent, thus leaving the actual value less than the liens against the property. A very forcible illustration of the conditions which have brought about the bankruptcy of the country is found in the statement of the losses suffered in the valley prior to the flood of 1927. This is stated as an aggregate loss of \$207,762,000 and 150 lives from 1902 to 1926. Of this amount the State of Arkansas sustained a property loss of \$80,000,000, with 62 human beings swept to death, which, added to the 70 drowned during the flood of 1927, means a loss of human lives amounting to 132 in Arkansas alone and a property loss of \$126,173,650.

The situation with respect to the financial conditions prevailing is offered, with the statement returned by three of the levee districts in the State, as follows:

#### WHITE RIVER LEVEE DISTRICT

Twenty-nine miles of levee, with 110,000 acres, of which 60,000 acres are in cultivation. Assessed value of all property, \$2,500,000; outstanding bonds, \$1,300,000; real-estate mortgages, \$3,000,000; 1927 flood losses, \$2,130,535. District flooded four times since 1916. No lands cultivated past year.

#### SOUTHEAST ARKANSAS LEVEE DISTRICT

One hundred and forty-seven miles of levee—62 on Arkansas and 85 on Mississippi. District contains 727,264 acres, of which 290,905 acres are in cultivation. Assessed valuation of all property, \$12,500,000; outstanding bonds, \$8,571,541; real-estate mortgages, \$5,000,000; 1927 flood losses, \$7,211,905. District overflowed in every year from 1882, including 1927. No lands cultivated in 1927.

#### LACONIA LEVEE DISTRICT

Twenty miles of levee. Contains 50,000 acres, with 16,000 in cultivation. Assessed valuation of all property, \$320,000; outstanding bonds, \$365,000; real-estate mortgages, \$200,000; 1927 flood losses, \$200,000. District overflowed in every flood since 1893. First crevasse on main levee occurred in this district in 1927, due to inability to secure the money with which to meet Federal-aid requirement, leaving the levees below the grade and section generally maintained along the river. No crop in 1927.

Of course, in the face of the stupendous loss of property and the most unfortunate and distressed financial conditions, any plan based upon continued contributions is doomed to failure at its inception. It becomes a matter of impossibility to further finance either the districts or the individuals. Even though it may be possible for some particular section of the valley to find a market for its securities and thus provide the necessary proportionate part of the cost, yet it would avail the district no measure of security, for without the dependable works in the district or districts above it the flood waters could pour in and cover the area and inflict the destruction possible under present conditions. It is peculiarly a case of national responsibility, and the works must be provided at national expense or the unthinkable situation will be presented of forcing the evacuation of the valley and driving the people from their homes because they were so unfortunate as to risk their lives and fortunes in the paths of progress.

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

#### CURBING THE MISSISSIPPI RIVER—THE FOREMOST DUTY OF THE NATION

Mr. WHITTINGTON. Mr. Chairman and members of the committee, it is almost a year since the flood of the Mississippi River, described by Herbert Hoover as the greatest peace-time disaster of the Nation, wrought frightful destruction in the lower Mississippi Valley. The heart of the Nation was touched and the conscience of the country was aroused. The horrors and the sufferings of the disastrous flood are still fresh in the minds of the American people.

The harnessing of the flood waters of the Mississippi is conceded to be our greatest domestic problem. Many insisted that a special session of Congress should be called to deal with the



question. Others believed that careful studies and thorough investigations should be made so that Congress could legislate adequately for the solution of the momentous problem. But a year has passed, and no constructive action has yet been taken by Congress.

The world stood aghast at the desolation in the devastated areas in Belgium and France over which the contending armies had marched and countermarched in the many bloody encounters of the World War. Houses had been destroyed and lands torn by shot and shell. There was desolation on every side. With the signing of the armistice the eyes of the world were turned toward the restoration and rehabilitation of the fertile valleys of France and Belgium. The security of these regions was uppermost in the minds of the statesmen as they assembled in the peace conference at Versailles. Recounting the sacrifices of four years France and Belgium demanded security against future attacks. They pleaded the sacrifices of four years in asking for future guaranties of security.

To-day the devastated areas of France and Belgium have been restored. The scars of the war have been healed. France and Belgium feel secure. Their pastures are green and their lands are productive.

While the people of the Mississippi Valley have no indemnities with which to rebuild their homes and restore their farms, they have boldly and courageously gone about the task of reconstruction. They do not ask to be reimbursed for the losses of the greatest of all floods. They know that while armies and navies may prevent another invasion of a foreign foe, they can not check the mad rushes of another flood. In the task of rebuilding the people know that the flood of 1927 may be repeated any year. They are uneasy. The seeming lethargy and inactivity of the National Congress is depressing the brave and struggling people of the valley. They need the tonic and the stimulant of adequate congressional action. The country is of one accord; there has never been such unanimity of sentiment about any matter of national import. From shore to shore, from Lakes to Gulf, the country is of one mind. The intelligent public opinion is demanding national action. The statesmen and the press, the scholars and the business men, the public official and the private citizen are thoroughly agreed; American public opinion is unanimous. Harnessing and curbing the Mississippi River is the responsibility of the Nation.

#### THE PROBLEM

The Mississippi River and its tributaries drain an area of 1,240,000 square miles, extending from the Alleghenies to the Rockies, from western New York to western and northern Montana, embracing 41 per cent of the area of the United States, exclusive of Alaska, and including all or portions of 31 States of the Union, and about 20,000 square miles in Canada, comprising parts of two Provinces. It provides more drainage and contributes more to navigation than any other river in the country. It is one of our most valuable assets. It is the longest navigable river in the world. The United States has complete jurisdiction and control of the Mississippi River. Its control to the Gulf was one of the main considerations that influenced Thomas Jefferson in negotiating the Louisiana Purchase. The control of its floods and its improvement for navigation are not new ideas. They have been regarded as national by the foremost statesmen of the country. Henry Clay more than 75 years ago in a speech in the Senate said:

The Mississippi with all its tributaries constitutes a part of a great system, and if the system be not national, I should like to know one that is national.

In 1878 James A. Garfield declared that—

The statesmanship of America must grapple with the problem of this mighty stream; it is too vast for any State to handle; too much for any authority other than that of the Nation itself to manage.

The valley of the Mississippi River is the second largest in the world, only the valley of the Amazon being larger. It is larger than the whole of Europe, exclusive of Russia, Norway, and Sweden. It constitutes the most productive area in the known world. It is the chief wealth-producing section of the United States. It raises more than two-thirds of the agricultural products; it manufactures one-half of the aggregate products; it feeds and clothes more than 60,000,000 men, women, and children. It embraces 54 per cent of the Nation's population and 64 per cent of the rural population. Eighty-four per cent of the corn of the United States is grown in this area; 80 per cent of the wheat is produced here. The lower valley constitutes the great sugar, rice, and long-staple cotton area of the United States.

In flood time the potential power in the Mississippi River from Cairo to the Gulf is estimated at 60,000,000 horsepower, and this enormous power is consumed in eroding banks and in

carrying the great volume of its waters to the Gulf. The waters from the Rockies and the Alleghenies, as well as from the Great Lakes in the north, meet at Cairo and from Cairo to the Gulf the Mississippi River traverses an alluvial basin, the product of its own torrential floods in ages past, and the valley of its own making, comprising 30,000 square miles, or about 19,000,000 acres of the most fertile land in the United States. Six million acres of this land are incapable of being cultivated, and constitute the great preserve for wild game in America. Thirteen million acres are susceptible to cultivation. The region from Cairo to the Gulf is known as the lower Mississippi Valley. This is the territory that is subject to almost annual overflows. These overflows can be prevented.

Flood-control works are like any chain—they are no stronger than their weakest link. The Mississippi River can and must be controlled. We are at the crossroads in the solution of the problem. We have made mistakes in dealing with the greatest of all our rivers. Our mistakes have been costly in lives and property; they have been exceedingly expensive. We recall them only to determine to enact and carry through an adequate program of flood control. The lower Mississippi is different from all other rivers. It neither requires nor makes a precedent in the solution of the problem. It is the great drainage basin of the Nation. No other river renders the service or is subjected to the burdens of the lower Mississippi River. Its burdens have been increased by the progress and advancement of the upper Mississippi Basin. The improvement in the upper reaches of any stream adds to the burden of the lower part of the stream. It is always true that the process by which the country above is relieved is the same process by which the country below is damaged. The pressing and surpassing public duty is to control the floods of the lower Mississippi for the general welfare of the entire Nation. It is the foremost problem of the country. [Applause.]

#### COMMERCE

The Mississippi is the greatest navigable river not only in the United States but in the world. For practically the first 40 years of its existence the energies of the Mississippi River Commission were devoted, as directed by Congress, to the improvement of the Mississippi River for navigation. The census of 1889 gives us the first accurate statistics as to navigation on the Mississippi and its tributaries. The river traffic during that period was enormous. Freight and passenger boats were at the height of their prosperity. The census gives us the total commerce of the Mississippi River and its tributaries in 1889 as 28,000,000 tons. Railway construction had been begun in the late seventies and early eighties in the lower Mississippi Valley, and as a result of unfair competition between railroads and steamboats for a time the boats very largely disappeared from the river.

But there has been improvement in river traffic as there has been in railways. The old steamboats have been superseded by crafts with modern Diesel engines and with lighter drafts. Commerce is now returning to the Mississippi River. The total commerce in 1926 was 57,000,000 tons, or more than twice what it was in 1889. The operations of the Inland Waterways Corporation have emphasized the importance of the Mississippi River as a navigable stream. It is estimated that this corporation transported 5,000,000 tons on the Mississippi River in 1920, and its tonnage had increased on June 21, 1927, to 17,500,000 tons annually. Provision is now made for maintaining a channel 250 feet wide with an average depth of 9 feet between St. Louis and Baton Rouge, and a navigable channel of 35 feet from the Gulf of Mexico to Baton Rouge, a distance of about 225 miles. Baton Rouge is one of the most important ports in the country, while New Orleans is the second largest port in the United States. More and more will the Mississippi River be utilized for heavy traffic. It must be improved for navigation. It is fortunate that works for flood control are essential in all plans for river navigation. Levees and revetment, according to the best-informed engineers, both civil and military, are the backbone of all plans for the improvement of the navigation and for the control of the floods of the Mississippi River.

The great harbors along the Atlantic seacoast are maintained at Federal expense. Commerce is promoted thereby, and as a result the Nation profits. The harbors of New York, Boston, and Philadelphia are maintained by Federal appropriations. The Mississippi River must be controlled in aid of navigation to provide for the increasing demands of transportation.

#### OVERFLOWS

There is a tradition that the highest flood on the Mississippi River in the region between St. Louis and Cairo occurred in 1785. A notable flood occurred in 1828. The next great flood occurred in 1844. According to Arthur E. Morgan, eminent

civil engineer, this flood was 2 feet higher north of the mouth of the Ohio than the flood of 1927. There were great floods in 1849, 1850, 1858, 1862, 1865, and 1874. The flood of 1882 was the greatest south of Cairo. In 1882, 1883, 1884 the lower Mississippi Valley was visited for the first time in history with three great excessive and successive floods. There were great floods in 1897, 1912, 1913, 1922. The flood of 1912 was the greatest flood in the lower Mississippi Valley prior to the 1927 flood. Enormous damages have resulted and many lives have been lost in all the floods.

After every great flood commissions have been appointed by Congress to make studies and submit reports. Many commissions have examined and investigated from time to time the various methods of control proposed, including reservoirs, cut-offs, and diversions. The appropriations made by Congress for the Mississippi River prior to 1917 were largely in aid of navigation. Until the passage of the first flood control act on March 1, 1917, Congress had never formulated a definite policy for flood control. The flood control act of 1917 was followed by the second flood control act of 1923. The plan was to provide for the highest flood that had ever occurred. It was estimated that the flood control act of 1923 would provide levees built to the 1914 grade, that would safely carry the greatest flood that had ever occurred, which was that of 1912, in confinement between the levees to the Gulf.

In other words, Congress by passing the second flood control act had provided a program to protect the lower valley against any flood that had ever occurred. It was estimated that the program under that act would have been completed by 1930. The levees along the main river would have been constructed to the 1914 grade and section of the Mississippi River Commission. It is well to remember that in 1927 the levees had not been completed up to grade in some sections. It would have taken three years longer to have brought the levees up to the 1914 grade. This grade would have given protection against the highest flood on the Mississippi River prior to 1927.

But the Army engineers and the Mississippi River Commission have never asserted that the provisional grade line of 1914 would secure the valley against the greatest of floods. It has been considered good engineering to provide against the highest flood that had ever occurred. The levees have not failed but are insufficient. A mistake was made. A factor of safety should have been provided. The plan should have made provision for enlargement and expansion.

#### THE GREAT FLOOD OF 1927

The year 1927 will never be forgotten in the region from Cairo to the Gulf. It will hereafter be known as the year of the great flood. It was by far the greatest that had ever occurred in the lower Mississippi Valley. The Department of Agriculture estimates that about 11,000,000 acres, of which 4,400,000 acres were crop lands, were inundated in the lower valley in the flood of 1927. There were 17 breaks in the main levee and 209 crevasses on the tributaries of the Mississippi River in 1927.

The losses from the flood of 1927 exceed the aggregate losses of all previous floods. The flood of 1912, which was the greatest of record prior to the 1927 flood, resulted in losses that aggregated \$78,188,000. This was twice the damage of any other preceding flood. Reliable statistics compiled by the Mississippi River Flood Control Association, and used by the Chief of Engineers of the United States Army, show that the direct damage from the flood of 1927 amounts to \$236,334,414.06. It is estimated that the indirect damage will aggregate an additional \$200,000,000. Secretary of Commerce Herbert Hoover estimates the direct losses at \$200,000,000, and the indirect losses at \$200,000,000 more. One hundred and twenty-nine counties and parishes in seven States were inundated. The Red Cross reports that there were definite records of 245 deaths. I believe from my own personal observation that many more than 245 perished. In my judgment 150 lives were lost in the Yazoo Basin alone. The damages in Washington County, Miss., in which the city of Greenville is located, aggregate \$22,907,250. Approximately 735,000 acres of land in the Yazoo Basin that were cultivated in 1926 were overflowed. As a result of a second rise the overflow continued for three months and practically no money crops were produced on the overflow lands in the Yazoo Basin in 1927.

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

Mr. WHITTINGTON. Mr. Chairman, I am wondering if the gentleman from Wisconsin could give me a little more time.

Mr. FREAR. Mr. Chairman, I yield to the gentleman 10 minutes.

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 minutes more.

Mr. WHITTINGTON. The Red Cross reports that 607,000 people were fed and cared for by this great organization. It is estimated that at least 700,000 people were driven from their homes. They were very largely supported by public relief. The American people contributed generously. The Red Cross expended more than \$17,000,000 in cash, and the Army furnished supplies valued at \$7,000,000. Many of those driven from their homes never returned.

One of the chief losses was the labor supply. Many tenants refused to return to their homes when the water receded, and it will be many years before their places are taken. The loss of labor is sometimes overlooked in estimating losses from the flood, but it very materially reduces the value of land in the flooded area. A plantation or farm without labor is a liability. The largest county in the flooded area in the Yazoo Basin probably lost one-third of its population. In addition to the crop lands that were overflowed it is estimated that about 1,000,000 acres of cut-over and timberlands were inundated in the Yazoo Basin.

Gen. Edgar Jadwin, Chief of Engineers, has said that only war itself is more serious than a Mississippi flood; but I doubt if war would leave more ruin in its wake. I can not draw an adequate picture of the desolation that awaited the return of those who had been driven from their homes by the floods in their mad rush to the Gulf. Houses were washed away, school buildings were filled with slime and muck, courthouses and churches were ruined, railways and drainage canals were damaged and in many cases utterly ruined. Livestock, implements, and improvements were completely destroyed. Provisions were lost; poultry and hogs were drowned; cities and towns were inundated for three months. In many States lands that had been planted to cotton, and in Louisiana thousands of acres where the sugar cane was waist high, were covered with water. There was economic waste and desolation on every side. It is impossible to describe the suffering and losses of the people in the lower Mississippi Valley.

It is now time for clear thinking. A program should be adopted that is economically just, safe from an engineering and scientific standpoint, and financially sound. The flood of 1927 was the most disastrous and calamitous in the history of the American people. It is the greatest catastrophe that ever befell the United States. It is comparable only to war and in many cases it is more destructive than war. We know of Sherman's march to the sea. It extended through the very heart of Mississippi from east to west. The scenes of desolation, of burning homes and smoking factories, of wrecked buildings and ruined railways, as portrayed in my childhood time after time by my grandfather as I sat on his knee, will never be forgotten. But I have witnessed the death and destruction of a Mississippi flood. I know that the onrushing waters wrought infinitely more destruction in the Mississippi Valley than Sherman's march to the sea. The issue has been made. We know now that the flood of 1927 could have been prevented. The challenge is to Congress. It must be met squarely. It can not be evaded. This challenge is a test of the ability of Congress to solve the foremost problem that ever confronted the American people. [Applause.]

#### EXAMINATIONS

It is sometimes said that more comprehensive investigations and more thorough surveys will have to be made before Congress can adequately solve the problem. It is doubtful if any river in the world has ever been subjected to as careful examination and as thorough study as the Mississippi River. It has been an object of national concern from the very beginning. Congress has undertaken to promote its improvement for more than 100 years. In 1820 Congress appropriated \$5,000 for making surveys of the Ohio and Mississippi Rivers, and a report was made by Army engineers known as Young's reconnaissance. In 1822 Bernard and Totten, Army engineers, submitted a report after considerable study. An act of Congress approved September 30, 1850, appropriated \$50,000 for surveys to provide for the channel improvement and for the prevention of inundations. Capt. A. A. Humphreys and Lieut. Henry L. Abbott, Army engineers, made extensive studies and careful surveys, and an elaborate report was submitted by them in 1861. This is the great authority on the Mississippi River. By an act of Congress approved June 23, 1874, additional surveys of the Mississippi River from Cairo to New Orleans were made under the direction of Maj. Charles R. Suter, Corps of Engineers, and this report was known as Suter's reconnaissance.

Under an act of Congress approved June 22, 1874, a board of engineers consisting of Army engineers and civilian engineers was appointed to make a full report as to the best method of protecting the alluvial valley from overflow. This board sub-



mitted a report that is known as the Warren report, and it considers very carefully the matter of cut-offs, diversions, reservoirs, and outlets. The ablest engineers of the country have been considering reservoirs in connection with flood control for more than 50 years. Congress has appointed commissions to consider the economic features and the engineering plans necessary to solve the problem of flood control. The Burrowes committee was appointed in 1883 and the Nelson committee submitted a report in 1898. After the flood of 1912 and following the flood of 1913, President Wilson ordered a full investigation for more efficient methods for flood control. The Mississippi River Commission had been organized in 1879, and it has been functioning since that time. It was thought that the problem had been solved. All studies, investigations, commissions, and committees prior to 1927 agreed that levees reinforced by revetment would solve the problem of flood control. As stated, the Mississippi River Commission had provided for the highest flood prior to 1927. Levees with a 3-foot freeboard and up to what is known as the 1914 grade and section were adopted. No engineer has disputed that the policy adopted by the commission was sound. It provided for the highest previous flood. But the flood of 1927 broke all records. We know now that levees alone will not solve the problem.

#### TWO PLANS

When the flood of 1927 was at its height the President of the United States requested the Chief of Engineers, with the approval of the Secretary of War, to direct the Mississippi River Commission to revise its plan to provide a reasonable factor of safety for any probable flood. In other words, the commission was requested to report a plan that would provide for the maximum probable flood. It has been agreed among engineers that a plan to provide for a flood 25 per cent in excess of the flood of 1927 would be adequate.

Accordingly, on November 28, 1927, the Mississippi River Commission submitted a report, published as Flood Control Committee Document No. 1, Seventieth Congress, first session, and I refer to this report as the commission plan. Maj. Gen. Edgar Jadwin, Chief of Engineers, also submitted a report which was transmitted to Congress on December 8, 1927, and published as House Document No. 90, Seventieth Congress, first session, and I refer to his report as the Jadwin plan. The main engineering features of the two plans are substantially the same. Both plans provide for raising, strengthening, and enlarging the levees from Cape Girardeau to Head of the Passes. Both plans provide for a diversion through the Tensas and Atchafalaya Basins and for a spillway above the city of New Orleans. Both plans provide for further protection in the vicinity of Cairo. The commission plan is to raise the levees in this territory. The Jadwin plan is to construct a diversion by moving the levees back for 5 miles between Cairo and New Madrid. The fundamental difference between the engineering features of the two plans is that the commission plan recommends regulated and controlled diversions through the Tensas Basin and the Atchafalaya Basin. It is fair to say that under the existing flood control acts the Chief of Engineers and the commission were expected to report on the economic features and to make reports covering the local and Federal interests involved. The great difference between the two plans is in the economic features. The Jadwin plan recommends local contributions of 20 per cent, and also recommends that the local interests furnish the rights of way and flowage rights. The Jadwin plan really recommends solving the problem on a 50-50 basis. Under the commission plan local contributions would only be required to the extent and amount of the 1914 grade and section. The fatal objection to the Jadwin plan is that it recommends that the States and districts agree to hold and save the United States free from all damages resulting from the construction of the project, and particularly in the building of the diversions. This is an impossibility. Moreover, the States as such have never constructed levees. The districts along the river have built the dikes. The Yazoo Basin is but one-ninth the area of Mississippi. Levees have been built on the theory that the public interest required that they be constructed without any damage or liability except for rights of way actually taken. The continuance of this principle is essential to flood control.

It is conservatively estimated that the ultimate cost of either plan will be about \$500,000,000.

#### LEVEES AND REVETMENT MUST BE SUPPLEMENTED BY DIVERSIONS AND SPILLWAYS

Numerous alternatives have been suggested for flood control. Repeated investigations have been made covering the various methods proposed. They have been studied in the light of each flood. Every worth while suggestion as an alternative for

levees has been thoroughly considered. The engineers of the Government know more about the problems of the Mississippi River than any other engineers in the country. Reforestation, dredging, straightening the channel, clearing between the levees, side channels, levee setbacks, contour plowing, and reservoirs have all been considered. The problem is to protect the lower valley against floods. Reservoirs, for instance, are of particular value on the tributaries. They may be used to solve the problem in the lower valley if the matter of costs is eliminated. They have been discarded largely because their cost is prohibitive. To solve the problem by reservoirs can not be justified from an economic standpoint.

But we know that the flood of 1927 would have overtopped the levees by many feet if they had been completed to the 1914 grade. The flood of 1927 would have overtopped the levee at Greenville 7 feet and at Arkansas City 8½ feet. At both these places the levees were up to 1914 grade. It is apparent that the levees are high enough in many places. It is also apparent that they should be made wider and stronger in other places. Since levees only can not be relied upon to solve the problem of flood control, other methods must be adopted. Spillways and outlets have heretofore been opposed because of their effect upon the discharge capacity of the river. We remember that before the levees were built the water spilled gradually over the banks in every flood. The water was diverted through natural outlets at Cape Girardeau and Cypress Creek. The Chief of Engineers and the commission agree that the levees must be supplemented by spillways and diversions. The combination of the two will solve the problem.

It must ever be kept in mind that revetment is an essential part of all plans. All engineers agree that no system of flood control or navigation improvement works can be effective or secure without stabilization of river banks. Caving occurs in the bends or concave banks and is generally confined to the region between Cairo and the Red River. The Chief of Engineers and the commission, and with practical unanimity all engineers, agree that levees and revetment are essential for both navigation and flood control. All banks do not cave. It is estimated that only about one-third of the banks between Cairo and New Orleans are subject to caving. It is said that 500 miles of additional bank revetment are needed between Cairo and the Gulf. The engineers of the Government estimate that all the material in all the levees now constructed amounts to less in yardage than is annually eroded by caving banks. Revetment is essential to prevent caving banks. Bank stabilization is fundamental. It is important, therefore, that flood-control legislation should make provision for bank revetment as well as for levees, spillways, and diversions. Congress should adopt as the basis of the flood-control project a combination of the Jadwin and commission plans, embodying the best features of both plans.

#### SECURITY AND PROTECTION, NOT RECLAMATION

It has been suggested that the works for the flood control of the Mississippi would reclaim the lands in the alluvial valley. There is no similarity between flood control and reclamation. The very opposite obtains. The dissimilarity suggests a contrast rather than a comparison. The lands in the lower Mississippi Valley are not wild. They are improved. The area is highly developed. It is said that no lands have been cleared in the Atchafalaya Basin for 100 years. This is no reclamation scheme. Reclamation is already an accomplished fact in the Mississippi Valley. Practically all of the lands have been cleared and can be cultivated with profit. I represent the Yazoo Basin in Mississippi. The development in this area is reflected in the bonded and mortgaged indebtedness of \$100,000,000.

The assessed valuation of lands and personalty is approximately \$170,000,000. Cities have been founded; highways have been constructed; the lands have been cleared; telephone, telegraph, and power lines have been installed. The people long ago reclaimed the country at their own expense and they are still paying the costs. They also built their levees without aid and without contribution. They have substantially built the levees to their present height; they have gone as far as they can. We have never asked nor do we now ask reimbursement for present or previous losses. In the Yazoo Basin we have expended for levee construction since 1882 some \$46,000,000.

Prior to 1917 the local interests practically paid for levee construction. Since 1917 they have issued bonds and have taxed themselves to the limit to contribute the rights of way and one-third the cost of levee construction. They staked their all in one supreme effort to bring the levees to the grade where the engineers of the Government said their homes would be safe and their lands secure. But human nature is frail in the sight of the Almighty. They lost all in the flood of 1927. It will be

many years before they can come back. The local interests will do well to liquidate the outstanding indebtedness that they have incurred to bring the levees to the 1914 commission grade and section.

## CONTRIBUTION

The flood of 1927 emphasized the fact that the local interests are unable to handle the problem. Raising the levees in one section increases the flood heights in another section. The States and local districts are no longer able to protect themselves against the floods from 31 States of the Union. As long as the country was sparsely settled the local interests neither asked nor expected aid, but now the country has grown and developed. The great Middle West has been settled. The problem has outgrown the local interests. The engineering is simple but the financial task is gigantic. It requires the strong arm and the big purse of the National Government. Heretofore we have raised the levees to protect against the previous highest flood stages. Now we must aim higher. There must be adequate and complete flood control for the greatest probable flood.

The magnitude of the problem and the vast areas involved are such that the treatment of the lower Mississippi can not be used as a precedent for future action. Moreover, the local interests have borne their part. As shown by the report of the Chief of Engineers and the Mississippi River Commission, the local interests have contributed to the construction of levees since 1882 \$167,000,000 while the Federal Government has only contributed approximately \$71,000,000. In addition the local interests expended prior to 1882 \$125,000,000. In other words, while the Federal Government has an investment of only \$71,000,000 in levees along the lower Mississippi River, the local interests have already invested \$292,000,000. These figures are authentic. They are furnished by the Chief of Engineers and the Mississippi River Commission.

The great lesson from the flood of 1927 is that the dual responsibility resulting from the local contributions will not solve the problem. All concede that the Government should pay at least 80 per cent of flood-control works. The same argument against the Government assuming the entire cost is applicable to the Government assuming four-fifths of the cost. Delay might mean disaster. We can not afford to quibble about percentages in the face of a great national disaster.

But it is said that improvement will benefit the landowners. Every public improvement results in local benefits. No public improvement is ever made without some section or locality being eventually benefited. Navy yards are for the benefit of the country, but they are of especial advantage to New York, Boston, Philadelphia, and Charleston. The improvement of harbors is for the public welfare, and yet it results in special advantage to the cities located near the harbors. Highway construction and railway construction increase the value of adjacent lands, but who would stay the hand of progress because of the incidental benefits? The Government should be encouraged and not restrained in carrying out a great national project, even though local benefits are conferred upon some people.

Again, if local contributions obtain, the local voice must be considered. If the Government is to play the part of Shylock in demanding a pound of flesh for an ounce of gold, the people of the lower valley, now downcast and discouraged, would be entitled to a voice in the location of the levees. The system would be more efficient if the Government had the final word. Divided responsibility results in inefficiency. In the long run Federal control and Federal construction would be more economical.

Many districts are confessedly unable to pay for further works. The advocates of local contribution recognize this. All admit that any plan must provide for building levees where local interests are unable to contribute. It is conceded that the inability of some to contribute may result in the levee line being broken, so that those who have contributed will suffer because of the failure of others to make their contribution.

If local contributions obtain, there is the matter of interdependence. This interdependence may be fatal to the effectiveness of the entire system. The entire project can not be allowed to lag because of the inability of some districts to contribute. The break at Knowlton and at Laconia Circle resulted from the inability of local districts to pay, and as a result the States of Louisiana and Arkansas were flooded. If the districts were unable to contribute to bringing the levee line up to the 1914 grade, it is inevitable that they are and will be unable to contribute to the completion of the proposed adequate system.

The lower valley must be protected or the Nation will be the loser. The commerce of the Nation is involved. It is unjustifiable to try to protect the heart of the Nation by requiring local contribution. It is just as suicidal as it would be to place

the protection of our national boundary upon the people of the coast or boundary States, and it is just as fallacious as it would be to ask the seacoast States to stand for the expense of improving the harbors of their ports. It is just as fallacious as it would be to ask the local districts to pay for the locks and dams on the rivers of the country.

Again, the States can not solve the problem. The districts can not solve it. Only the Federal Government has the power and the money to solve this greatest of all domestic problems. Work is essential in one State for the protection of the people of another State. The flood control of the Mississippi River is a part of the great internal improvement policy for which the Government of the United States was primarily established. The Federal Government was ordained to do what the States themselves are unable to do. If the problem is national, it can not be local. If the problem is national, it must be solved at national expense. The burden of taxation for the further construction of levees should be shifted to the shoulders of the Nation. The benefits to the landowners are incidental compared to the benefits to the Nation at large.

## ECONOMIC SURVEY

Extensive hearings have been conducted by the Flood Control Committee of the House and the Commerce Committee of the Senate. It has been demonstrated beyond question that the local interests are unable to pay 20 per cent of the costs under either plan. It is also shown that the alleged 20 per cent in reality means 50 per cent. The hearings disclosed accurately the land values, the production, and the ability of local interests to pay.

The committees of Congress have visited the devastated areas. Studies and surveys have been made on the lower Mississippi since the beginning of the commission in 1879. The commission has been in close contact with the people. It is the representative of the Government. It is familiar with the ability of the local interests to make further contributions. The universal verdict is that the local interests have borne their part.

In addition to the studies and surveys made by the Mississippi River Commission over a period of 50 years, which studies and surveys under the direction of Congress have been both economic and scientific, Congress has the facilities of the Government at its command to ascertain the ability of the lower valley to pay. Data as to the wealth and population have been accumulated by the census. We have adequate studies and we have sufficient economic surveys. We have complete engineering plans. It only remains for Congress to act. Evidently the advocates of local contributions recognize that their position is untenable. They now suggest an economic survey. This proposal begs the question.

The responsibility is on Congress. Congress has been studying the problem for almost a year. It is the duty of the committees of Congress to obtain full information. These committees have heard the evidence. They have made more comprehensive studies than the commission appointed to negotiate the settlement of the foreign debts of the Allies to the United States resulting from the World War. Congress determined the ability and capacity of the debtor nations to pay from the information furnished to the Debt Funding Commission. This commission did not go to Europe to make an economic survey to determine the ability of the Allies to pay. Why should a different method be used to determine the capacity of the people of our own country to pay? No commission can obtain more reliable or adequate facts than the committees of Congress have acquired. A commission means further delay. Delay means danger. It may mean another flood. It may mean vastly more tragedy and destruction.

## NATIONAL QUESTION

The question is not sectional; it is national. We are citizens of a common country. We are all Americans. The expense will be large, but the cost will be small when compared to the benefits to be derived. It is said that a large Navy is essential to protect the commerce of the United States, and yet the foreign commerce of the Nation is nothing like the commerce of the Mississippi Valley. Secretary of Commerce Herbert Hoover, who represented the President of the United States during the 1927 flood in the overflow area, has correctly observed:

It is not incompatible with national economy to prevent \$10 of economic loss by the expenditure of \$1 of Federal money.

We have neglected our waterways. To-day the improvement of our rivers and other inland waterways is challenging the attention of the country. Flood control is fundamental on the Mississippi River. There can be no navigation without it. The same agency can most economically handle the problem of flood control and navigation. The national wealth will be increased and the commerce of the Nation will be promoted.



## SACRIFICES FOR FLOOD CONTROL

Great sacrifices are frequently necessary in the lives and progress of individuals, and also in the progress of nations. The sacrifices of the colonists made possible the settlement of America. The sacrifices of the Revolution were imperative to obtain the liberty of a free people. It took war between the States to abolish slavery. The sacrifices of the World War were made to promote world peace. It may be that the flood of 1927 with all of its horrors, with all of its sufferings, with all of its sacrifices, was necessary to arouse the conscience of the Nation and to obtain protection and security for the Mississippi Valley. Benjamin Franklin, in his autobiography, says:

The best public measures are seldom adopted from previous wisdom, but are forced by the occasion.

But these sacrifices have been going on for centuries. Hernando de Soto discovered the Mississippi River in 1543, and after crossing it in the vicinity of Memphis traveled through Arkansas and Louisiana. When he returned to the great river from the West he found it in flood. The historian of De Soto's expedition gives us an accurate record of the flood of 1543. He paints a graphic picture of the Father of Waters before the country was inhabited by the white man with his boasted progress and civilization. The survivors of this ill-fated expedition undertook to reach Mexico. The trip down the Mississippi to reach Mexico was hindered by a mighty flood, which about the 8th or 10th of March began to come down the river with an enormous increase of water. The flood was 40 days in reaching its greatest height, which was about the 21st of April. It is tragic to think that almost 400 years afterwards, at about 7:30 o'clock in the morning of April 21, 1927, the crevasse occurred in the levee at Mounds Landing, 18 miles north of Greenville. This was the greatest break that ever occurred in the history of the Mississippi River.

Getting back to De Soto's trip, we find that the historian says that the flood waters began to subside about the middle of May and by the end of May the river had returned within its banks. An old Indian woman said to the members of De Soto's expedition that the flood occurred every 14 years, and that these periodical floods covered the entire Mississippi Valley. How very similar was the flood of 1927, some 400 years afterwards.

John James Audubon tells of seeing a cow swim through the second-story window of a house, 7 feet from the ground and 62 feet above the normal level of the Ohio River, in the great flood of 1828. He saw a flood in the more primitive days of the lower Mississippi as he wrote:

All is silent and melancholy, unless when the mournful bleating of a hemmed-in deer reaches your ear or the dismal scream of an eagle or raven is heard, as the foul bird rises, disturbed by your approach, from the carcass on which it was allaying its craving appetite. Bears, cougars, lynxes, and all other quadrupeds that can ascend the trees are observed crouched among their top branches. Hungry in the midst of abundance, although they see floating about them the animals on which they usually prey, they dare not venture to swim to them.

Mark Twain went up the river on a relief boat during the great flood of 1882. The river between Natchez and Baton Rouge flowed 60 miles wide. Its channel could only be guessed by the lines of tree tops barely rising out of the water. People were living on rafts tied to the tree tops or were gathered on Indian mounds that are the haven of refuge in the floods along the river even to-day. He saw many who had moored their cattle on huge rafts traveling about in canoes stripping the leaves from trees to feed their stock.

During the flood of 1927 reporters frequently noted in the daily press items like this: "Some one's house passed through Memphis to-day, bound for the Gulf of Mexico." Mark Twain observed barns and fences floating down the river. He records seeing the lithograph of a soldier on horseback in the flood of 1882 as a mute witness of some hearth invaded and despoiled.

When the flood of 1927 was at its height I came across a picture in an old Harper's Weekly. It was dated March 1, 1884, and the Mississippi River was then in flood. It was a cartoon by Nast, the great cartoonist, and was entitled "An Old Danger and a Slow Government." It represented a mother with outstretched arms and her children floating on a log in the Mississippi flood, and the mother was calling "Help! Help!". At intervals ever since 1884 the same cry has gone out, for the floods come with tragic regularity. Thousands have been crying for help, while hundreds of thousands of homes have been destroyed. The levees have been made a little higher and a little stronger. The Government has merely patched the levees. Congress has thus far never undertaken the real task of flood prevention with a reasonable factor of safety.

I saw in a recent issue of the New York Times a picture of Uncle Sam as he looked at the Mississippi River during the

flood of 1927. He was represented as saying to 120,000,000 American people, constituting the greatest nation in this or any other age, "Well, what are you going to do about it?" The people of the lower valley will not have suffered in vain if the Government will solve the problem. The catastrophe of 1927 must not happen again.

I shall never forget the tragic days of April, 1927. Just a few days before the flood the homes in the Mississippi Valley were happy. The fields had been plowed and the crops were beginning to grow. The earth was beginning to yield her increase. Then the floods came and houses and lands were covered with water. Hundreds of thousands of American citizens were made helpless and homeless. I recall one of the most pitiable letters ever written. It was from one of the most cultured women in the Mississippi Valley. She wrote from a refugee camp. The letter told in calm yet burning phrases what had happened in the most fertile valley in the United States. The woman and her husband and children lived in the country. He had accumulated some money and had spent it all in beautifying their home and improving the farm. Twenty-five thousand dollars had been invested in orchards, barns, implements, cows, poultry, and mules. The fruit trees were beginning to bear on that morning in April, 1927.

The father, mother, and children were happy in their attractive home. The shrubs and plants in the yard were beautiful. Then the awful flood came, and it came at night, as floods always do. The home was wrecked and buried in mud. The fruit trees were destroyed, the tenant houses were ruined, the barn washed away and other buildings flooded. As she wrote, this cultured woman and her accomplished husband with their three children had nothing but the clothes on their back and the title to their plantation, that had cost them \$100,000, then 15 feet under water. But she was brave and courageous. Hers is but a typical case. The people of the lower valley acquitted themselves like heroes in the awful flood of 1927. I could relate many acts of bravery and recount numerous deeds of heroism. This cultured woman had no complaint to make. She was glad to be alive with her husband and children in a refugee camp. They thanked God they had been rescued. She called attention to her plight and to her sacrifice to point out to the Nation that such a flood must not happen again. Tens of thousands of similar sacrifices have been made. If the Government of the United States will solve adequately the problem of flood control such sacrifices will not have been made in vain. The American people contributed generously for the relief of the flood sufferers in the Mississippi Valley. The people of the lower valley are grateful for all the assistance that has been rendered and for all the improvements that have been made. A program and a plan for flood control have been presented to Congress by the engineers of the Government. They have asked for money to solve the problem. The conscience of the Nation is awake to the duty of the hour. The mighty floods must not again be permitted to destroy a domain more fertile than the valley of the Nile. The greatest valley on earth must be protected. Legislation must pass at this session of Congress. Delay is hazardous. There must be no turning back. We have put our hands to the plow in solving this great problem for the benefit of our common country. The hour has struck. The way has been shown by the losses and sacrifices of hundreds of thousands of American people. Yes, the people of the lower Mississippi Valley have done their part. Too long have they paid for the privilege of being overflowed annually and being subjected to bankruptcy periodically. The burden can not and should not be borne longer. It should be shouldered by the Nation. The floods of the Father of Waters, the greatest and mightiest of rivers, must be held in check so they will not again wreck the Mississippi Valley. The deaths, the devastation, the ruins and the wrecks of 1927 must not be repeated. The national wealth is over \$400,000,000,000, and is increasing at the rate of \$15,000,000,000 annually. The flood control of the Mississippi River is the greatest problem of the United States. It is our foremost national question. It is the responsibility of all the people. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. FREAR. Mr. Chairman, I yield myself 40 minutes. [Applause.]

Mr. Chairman, I am glad, indeed, that these statements have been made by my colleagues on the committee. You ought to know the situation down there during the Mississippi flood. We are all familiar with it. We all have sympathy for those who were in the flood. Those who are opposing the present bill in its present particulars are opposing it because of certain features of the bill, but we have not delayed action on this bill one hour since it was originally brought before the committee.

It is a national problem. If it were not you could not get Government aid and you would not be entitled to it. That is the reason we all concede for it and we are all glad to give it. I have respect for every one of my colleagues who may disagree with me, and there has been no disposition on the part of any Member, so far as I know, to feel differently with reference to myself. I trust not personally, because I am about to consider the legislative aspect of the bill and discuss one provision particularly.

I am only going to take up one phase of this proposition. Later I expect I will be called upon to answer some of those who feel they should criticize or comment upon anything I may say. I trust I will have the opportunity at that time to reply to any questions and I want to do so, because whatever may be the intent, we all agree with the necessity of flood control, but do not agree to the commission or to that part which refuses local contribution. If I do not make out a case requiring local contribution you ought not to support it. That is for you to say. If I make any misstatements they ought to be pointed out, and later on, if they can not be answered, then, of course, you will have a right to your own judgment.

At the outset let me say no man would hire two extra-official, irresponsible carpenters to help build a valuable cabinet. The Government has the highest skilled engineers in the country familiar with the flood task, so to require the President to name a new commission is only to provide more jobs and delay the work. That is all I can here say about a proposed political flood-control commission.

I say political simply because it will degenerate into that kind of a commission in a few short years; that is the result of our experience.

The lower Mississippi River flood control bill now before the House covers a known cost of approximately \$1,000,000,000, although both the Senate and House bills afford evidence of easy legislative virtue by carrying on their face only \$325,000,000.

That fact will be considered later on, and I shall be glad to support the facts as given to me by the best authority I can find and the best authority to which we have access.

This last amount is less than one-third of the estimated cost. The facts made known to me after the bill had been reported to the House are set forth in RECORD of April 4 with the names of 1,000 owners of property, including large corporate interests whose land, under the bill, the Government must acquire by condemnation or purchase.

After Senate bill S. 3740 was reported by the committee an estimate on the bill was requested from the Army engineers under whom President Coolidge had asked for flood-control plans to place before Congress at the beginning of the session.

Their statement, as set forth in my remarks of April 4, is as follows:

THE VARIOUS ESTIMATES ARE PRESENTED  
Costs that may develop from the Jones bill

	Land in large flood ways at \$75 per acre	Land in large flood ways at \$50 per acre	Land in large flood ways at \$25 per acre
Army engineer project.....	\$296,400,000	\$296,400,000	\$296,400,000
All rights of way and drainage, plus flowage and damages, Bonnet Carre and Bayou Des Glaizes loop.....	11,500,000	11,500,000	11,500,000
Land, damages, etc., Birds Point-New Madrid flood way as estimated by local people (Mr. Reid).....	18,500,000	18,500,000	18,500,000
Boeuf and Atchafalaya flood ways (3,713,696 acres at \$75, \$50, and \$25 per acre).....	278,600,000	185,700,000	92,900,000
Railroad claims estimated by railroad chief engineers' committee (see p. 146, report of Chairman Frank R. Reid, flood control in the Mississippi Valley, March, 1928).....	71,800,000	71,800,000	71,800,000
Highway claims if allowed.....	11,500,000	11,500,000	11,500,000
Masonry spillways if substituted by board.....	54,000,000	54,000,000	54,000,000
Additional freeboard of 4 feet if substituted by board.....	167,000,000	167,000,000	167,000,000
Atchafalaya revetments (Mississippi River Commission).....	4,500,000	4,500,000	4,500,000
Total.....	913,800,000	820,900,000	728,100,000
From the surveys of tributaries authorized there may develop tributary and upper river work far exceeding \$86,000,000 (estimate for parts affected by backwater). The total will be dependent upon local contributions and rights of way payments adopted.....	86,000,000	86,000,000	86,000,000
Grand total.....	999,800,000	906,900,000	814,100,000

From the survey authorized from Baton Rouge to Cape Girardeau there may develop a reservoir project which would substitute \$1,500,000,000 for the above.

Comparison of Army engineer plan and Mississippi River Commission plan

Army engineer plan, \$296,000,000 (\$14,000,000 land and damages to be borne by local interests). Protects against maximum flood predicted as possible	Principal features	Mississippi River Commission plan, \$407,500,000 (\$90,000,000 included for land and damages). Protects against 1927 flood only
Not included.....	Above Cape Girardeau	Included.
Not included.....	Tributaries affected by backwater.	Do.
Levees and New Madrid flood way to protect against maximum flood.	Cape Girardeau to the Arkansas.	Levees only to protect against 1927 flood.
Wide Boeuf flood way.....	Arkansas to Red.....	Narrow Boeuf flood way.
Fuse-plug levees as they exist; no damages.		Masonry spillway, crest 6 feet below levee top-land damages.
Main river levees raised 3 feet.		Main river levee raised about 2½ feet.
Atchafalaya flood way, wide..	Red to mouth.....	Atchafalaya flood way, narrower.
Fuse-plug levees at head; no damages.		Levees at head removed and land damages.
Main river levees raised 3 feet.		Main river levees raised about 1½ feet.
Bonnet Carre spillway.		Bonnet Carre spillway.
\$80,000,000.....	Revetment (entire river).	\$75,000,000.
\$20,000,000.....	Regulating works for navigation.	None.
\$11,000,000.....	Dredging and surveying.	\$11,500,000

The foregoing is plan recommended by Mississippi River Commission. They outlined but did not recommend a plan to cost \$775,000,000, which added to the above: Spillway at Carnarvon; additional levee raising and 5 feet freeboard above maximum flood; additional revetments; and additional tributary work.

There are only three projects seriously considered by either committee, and the above estimates are all from the Army engineers' office.

The item for the Boeuf and Atchafalaya flood ways covers nearly 4,000,000 acres within the proposed flood way that under the Jones bill must be acquired by condemnation or purchase by the Federal Government.

Let me say it is over 37,000,000. I am just giving you general figures so you can use those in comparison. And that figure covers only two flood ways. In all, it is about 4,000,000 acres to be acquired by the Federal Government.

Over 15,000,000 acres outside the flood way are to be protected by flood-control works—all without local contribution.

Different estimates above noted relate to varying cost of lands in the flood ways to be paid for by the Federal Government—without local contribution. Witnesses before the committee claimed their nonproductive cut-over lands subject to floods were worth \$75 an acre. If such values are to be fixed by juries or other condemnation agencies where local interests control sentiment and evidence, then damages for improved and timbered lands may average far higher. Nor did the engineers make any estimate for incidental damages that will be presented under this bill by thousands of litigants and other claimants in addition to railways above mentioned. Acreage estimates for the New Madrid flood way are around \$150 per acre, and the Mississippi River Commission estimate for flood-way rights reach about \$100,000,000.

The bill before us is the Senate or Jones bill with slight amendment as reported by the House committee for your consideration. Privilege was reserved to offer any amendments. According to the Army engineers, the project may cost \$1,000,000,000, depending on the plan to be adopted by the proposed commission. Both the Senate bill and the previously reported House bill reject any local contributions, placing the entire cost on the Federal Government.

LOCAL CONTRIBUTION

The original Army engineers Mississippi flood-control project recommended to the Seventieth Congress by the President presented a simple business proposal of local contribution from beneficiaries. That has been rejected in bill S. 3740 now before you for consideration.

Contribution is a cardinal principle in Federal, State, and municipal aid.

This case presents no exception. I believe I can establish that fact, because in practically all of these flood cases there is serious destitution and serious destruction of property, sometimes of lives. The same distress occurs in every case. Contribution should be had because thousands of corporations and individual owners under this bill will enjoy enormous financial benefits through flood protection. They should contribute to—



ward the expense of protection. Those temporarily unable to contribute can do so through a proposed amendment which will authorize the Secretary of the Treasury to loan funds to such parties at low rates of interest. If destitute or bankrupt and flood-control work is necessary to complete any part of the adopted plan, then a further amendment to be offered will authorize the Secretary of War to proceed in that case without contribution. No more equitable proposal can be offered toward a project that differs little if any in conditions from that presented by past Mississippi and Sacramento flood work or from a hundred other projects later to be presented.

It is inconceivable that the Federal Government should pay \$1,000,000 per mile for occasional overflows on a thousand-mile stretch of the Mississippi without receiving any contribution from hundreds of great land and lumber companies that will reap inordinate profits through their ownership of a large part of the 20,000,000 acres to be protected. The taxpayers of every State, including those in the flood districts, will vigorously protest such indefensible tax payments when the real facts are learned.

The Senate Jones bill, S. 3740, in its rejection of local contribution, goes the limit in some respects in its repeal of existing law, but for real overturning of the Federal Constitution by its defenders another Senate bill, S. 819, is a hard rival. The latter appropriates \$1,000,000,000 from the Federal Treasury, to be expended at the rate of \$100,000,000 annually during a period of 10 years. Not for floods alone, but—

to reimburse any State, county, levee district, or other local agency for any moneys advanced or funds expended in the construction of levee works, and to assume the outstanding indebtedness.

That is the bill which was introduced in the Senate, and the distinguished Senator who introduced it appeared before our committee to tell us there should be no contribution locally. Not in this or any other case. That is a common opinion I apprehend with many others.

All that would be needed is then to capture the political commission. This latter bill would immediately cause many millions of dollars of levee securities now held by St. Louis banks to jump over 100 per cent compared with values of a few months ago.

The \$71,000,000 railway reimbursement and general damage section written into the Jones bill is a close second to this proposed hold-up of the Federal Treasury by the banks. All that seems to stand in the way of such legislation appears to be a presidential veto.

#### THE BILL PREVENTS ANY CONTRIBUTION FROM BENEFICIARIES

In all other Government-aid legislation the Government is protected from inordinate demands and gross favoritism by requiring local contribution where private interests are primarily benefited. Benefits in this flood-control measure often not "special" in character reach presumably into billions of dollars in the aggregate.

From section 1 of the bill—S. 3740—I quote:

That it is hereby declared to be the sense of Congress that the principle of local contribution toward cost of flood-control work which has been incorporated in all previous national legislation on the subject (and is now the law) is sound as recognizing the special interest of the local population in its own protection and as a means of preventing inordinate requests for unjustified items of work having no material national interest \* \* \* and in view of the gigantic scale of the project involving flood waters of a volume and flowing from a drainage area largely outside the States most affected and far exceeding those of any other river in the United States no local contributions to the project herein adopted is required.

Senate bill 3740 as passed by the Senate and as reported with amendments by the House requires the Federal Government to acquire for flood ways 3,713,696 acres, or probably an additional 10 per cent for levees, spillways, and other purposes, making a total of about 4,000,000 acres of land belonging to 7,500 separate owners. This land must be acquired by separate suits for condemnation unless purchased by Government agencies for prices the agency deems "reasonable," and the land acquired by the original owners in many cases for a few cents an acre is to be procured by the Government at a minimum estimate of \$100,000,000, and a probable expense of nearer \$300,000,000 after costs and all expenses are considered.

#### OVER 7,000 SUITS INVITED BY THE BILL

All are familiar with lands not worth \$10 an acre that have brought ten times that amount when needed by a railroad that submitted values to a jury of good men and true. Over 7,000 such cases are invited by the terms of the bill unless bought at private sale.

Every Member who is an attorney has presumably had the same experience I have had, that when a suit is brought against

a railroad company land condemned has brought several times more than local agencies could get it for, and more than the Government can buy it for in this case.

This is only one element in the lower Mississippi flood-control project that is reasonably certain to cost the Federal Government \$1,000,000,000. Counting \$100,000,000 estimated for bank, flood-control protection, \$71,000,000 to \$100,000,000 for changing railway tracks and relocations—

and just compensation paid by the United States for all property taken, damaged, or destroyed \* \* \* including all expenditures by persons, corporations, and public service corporations, made necessary to adjust or conform their property because of the spillways, flood ways, or diversion channels herein provided. (Sec. 4 of S. 3740.)

All these may make a draft on the Federal Treasury of more than \$1,000,000,000. Engineers can not submit any close guess. Laymen, including Congress, must go it blind.

#### FLOOD WAYS SHOULD BE FURNISHED BY LOCAL INTERESTS

Original estimates by the War Department of \$296,000,000 for control of the lower Mississippi were based on contribution by States and local interests that were to furnish flood ways. Other estimates to afford complete protection through local contribution relate to methods of handling the problem at less than one-third of the estimates on the Jones bill here before us.

A vast cost of one thousand million dollars in S. 3740 occurs through a proposed change in existing law which now requires local contribution. Every grasping agency and every interest naturally looks for personal pecuniary advantage. Without contribution, under this bill they will march on to the Public Treasury with all the vigor and speed of a disciplined army.

I do not in this suggestion refer to the people who are in distress down there in the valley. They are not the ones who will get these great profits. Often they do not own any land or only small parcels. The large owners will get the great profits.

Human experience has ever been to that effect. If we adopt the plan of giving away the taxpayers' money without limit to rehabilitate or benefit great interests that can bring political pressure to bear on Congress, then a hundred other flood-control projects now or soon to be knocking at committee doors, from the States of Washington and North Dakota to Vermont and from California and Texas to the Carolinas, will all rightfully demand the same treatment without contribution. When joined in an omnibus bill encompassing all sections of the country an irresistible measure will roll through Congress and the Treasury with greater speed and thoroughness than any pork barrel of old.

As set forth in the minority report to the reported but abandoned Reid bill, such expenditures are certain to outdistance all past measures, because while Army engineers have control of river and harbor projects and have rejected 80 per cent of those surveyed, there will be few if any rejections when an omnibus flood bill is once put on the skidways. Nothing in or out of Congress will be able to stop its passage.

#### LOCAL CONTRIBUTION IS NOW THE LAW

A dozen years ago, when Mr. MADDEN, of Illinois, joined me in opposition to similar bills we both voted for the law granting Government aid for Mississippi River flood control, with a proviso that local contribution should be furnished to the amount of one-third the total cost. That principle was adopted because local benefits to property and increased local values warranted contribution and also because any other policy would throw to the winds every safeguard now had by the Federal Treasury. That principle of contribution adopted by Congress 10 years ago and embodied into law is as just and necessary to-day as ever before.

Recent statements by Mr. MADDEN that the adoption of the Jones bill before the House will open many avenues of waste and invite financial disaster with eventual expenditures by the Government ostensibly for flood purposes of \$5,000,000,000 is as true now as it was then. Those who argue loudest and longest against Federal interference with the rights of States are often the same ones who demand for their States extravagant appropriations from the Federal Government to be obtained without contribution. Candidates for office from President down to Senators and Congressmen are confronted with this problem when corraling States or communities directly or indirectly affected by flood-control measures.

Every legislative project from farm relief to Boulder Dam, flood control, and lesser measures involving countless millions have been joined into an omnibus movement to rush through Congress these great measures by widespread legislative trades, while telegrams and letters from political supporters back home deluge the average Member who seeks to do his duty to the Government and to measure up to his legislative responsibility.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FREAR. I can not yield now. I will be very glad to yield later when I get through with my statement.

Those familiar with river and harbor projects which are supposed to be confined to navigable waters believe the doors of the Treasury and Budget estimates will afford little obstruction if local contributions are not furnished. The flood-control field threatens all Government Treasury control when omnibus bills then become the fashion.

#### RECOMMENDATION OF PRESIDENT COOLIDGE

First. In recommending the Mississippi flood-control work President Coolidge in his message to Congress said:

Under the present law the land adjacent to the dikes has paid one-third of the cost of their construction. This has been a most extraordinary concession from the plan adopted in relation to irrigation, where the general rule has been that the land benefited should bear the entire expense. It is true, of course, that the troublesome waters do not originate on the land to be reclaimed, but it is also true that such waters have a right of way through that section of the country and the land there is charged with that easement. It is the land of this region that is to be benefited. To say that it is unable to bear any expense of reclamation is the same thing as saying that it is not worth reclaiming.

Second. The War Department, familiar with the "improvement" by Congress of a large number of uncommercial waters through river and harbor omnibus bills, has this to say:

It is axiomatic that States and other local authorities should supply all lands and assume all pecuniary responsibility for damages that may result from the execution of the project. It would be revolutionary for the Federal Government to establish the precedent of buying part of the land upon which to build protective works to increase the value of the remainder. Similarly it would be very unwise for the United States in generously helping a section of the country to render itself liable for consequential damages. \* \* \*

#### CONTRIBUTIONS FAVORED TO PREVENT WASTE

The Government may even bear 80 per cent of such costs, but substantial local cooperation is essential to avoid waste. \* \* \*

It would seem that the States should share with the Federal Government the burden of assisting the levee districts and individual property owners, especially in view of the fact that the States benefit directly by the increased taxes from land made more valuable by reason of its protection.

Those recommendations are based on business and legislative experience. They are summarily rejected in S. 3740.

Here is a bill proposing a project to cost the Federal Government over a billion dollars. A year or more will be required to organize the commission so as to determine a plan and its scope. Ten years or more, it is estimated, will be required to complete the work with an average governmental expenditure of \$100,000,000 yearly for this single flood-control project.

Under the bill the Federal Government instead of local interests will furnish 4,000,000 acres of flood ways that were originally given by the Government to the States as swamp lands. These lands are now to be bought back or condemned at an estimated average cost to the Government of possibly \$75 an acre. As stated in the minority report to the Reid bill signed by six members of the committee:

#### FLOOD-WAY SERVITUDE

For untold centuries the lower Mississippi has carried off the waters of many States. During a full century the people living in the great Mississippi River Valley settled on these alluvial lands subject to overflow and floods. They drained the swamps and built levees entirely at their own expense, without Government help. Under the swamp land act they were enabled to buy these lands at nominal cost. In 1917 Congress by law agreed to contribute two-thirds of all moneys expended for levee construction.

The flood servitude has ever existed and the flood ways recommended by Army engineers are through these ancient natural diversion channels. The Federal Government has thus far expended about \$190,000,000 for navigation and flood control on the lower Mississippi River and a further sum of \$100,000,000 for river-bank reversion is to be expended under the direction of Army engineers irrespective of any separate bill for flood control, although it will be part of the flood-control system.

#### AN UNPRECEDENTED PARADOX

It must be remembered that a large part of the land in the Mississippi Valley, now asked to be protected by the Federal Government entirely at Federal Government expense, once belonged to the Federal Government. Thereafter a strange cycle of exploitation followed. In order to drain swamp areas the Federal Government gave swamp lands to the several States. Such lands were frequently highly valuable because of heavy natural timber growth, and curiously some of that

land lies in districts where diversion channels are now planned through old natural flood ways to aid in the control of present-day occasional floods. Under the provisions of the committee bill the lands so given away by the Federal Government and so sold by the States at \$1.25 an acre, now that the valuable timber has been removed, are to be sold back to the Federal Government at a cost of \$75 an acre for cut-over lands—without contribution.

The following lands were given to States named under the swamp land act:

	Acres
Arkansas	7,686,455
Louisiana	9,405,929
Mississippi	3,288,418
Missouri	3,346,933

These lands when drained have become the most fertile in the whole country, but when they were drained and reclaimed it vastly reduced the natural flood basins of the Mississippi Valley.

The Government is now directed to buy back these flood ways so given to the States.

#### THE GOVERNMENT TO REIMBURSE ALL THE RAILWAYS

By the terms of the Senate bill to secure complete flood protection for certain railways the Government must pay these railways over \$71,000,000 to persuade them to receive the safety they so forcibly and naturally demand after their 1927 flood losses of \$6,318,000. Damages galore from other interests similarly situated await the bill's passage; and when this \$1,000,000,000 project is written into law a cloud of other flood-control projects will press for similar recognition and be passed under a generous omnibus bill.

From the list of 7,500 owners of the 4,000,000 acres in the flood way inserted in the RECORD of April 4, two score or more are mentioned from among the larger holdings, to call attention to those vitally interested in having the Federal Government construct this flood control without local contribution. Instead of having the localities furnish the flood ways as proposed by the War Department and submitted to Congress by President Coolidge, this bill provides that the Federal Government must buy or condemn by court procedure all the flood-way lands held by the 7,500 owners for their benefit and the benefit of the owners of the remaining 15,000,000 acres to be protected.

Mr. COX. Will the gentleman yield?

Mr. FREAR. I will be pleased to yield later. I am going to make a fairly complete statement of the case, and then, if there is any time left, I will yield, and I will go beyond the time I have already allotted myself. One can only take up one subject at a time, and we must remember that this is a large proposition; and this is the first time in history anyone has ever tried to put through Congress a project of this kind without local contributions.

The Tensas Land Co. has flood-way holdings, according to the RECORD of April 4, reaching 226,000 acres originally bought at a figure, I am informed, around a dollar an acre and has an office in the city of Chicago. I am also informed the total holdings of the company in and out of the flood way are far greater, and that company agents have made estimates of their value at \$50 per acre when protected from floods.

I am also informed the International Harvester Co. is interested in 40,000 acres of cut-over land, though not in the flood way.

If this information is reasonably accurate, it discloses that companies which paid a nominal price and may have removed valuable timber from the proposed flood way, now expect to sell land in the flood way to the Government or force condemnation for over \$10,000,000 in a single case, or possibly fifty times the cost price. Necessarily the information furnished may not be accurate in all particulars, but it is sufficient to place Congress on guard when hundreds of other large property owners are also interested in the Jones bill's passage.

#### INTERESTS BEFORE THE COMMITTEE

Ex-Senator William Lorimer, of Chicago, was in almost daily attendance on the House Flood Control Committee for five months. He stated to the committee he had small holdings that would be increased in value by the flood-control project and naturally he spoke against local contribution.

I am informed Mr. Lorimer has his office in the same building in Chicago in which the Tensas Land Co., owning 226,000 acres, maintains its office—both owning lands affected by this bill. I do not charge any connection or employment with this or with other large Illinois lumber interests in the flood district, but if the information is true and if such interests are combined it indicates influences exist that could well afford to finance many trains, full-page advertisements and various other propaganda in an effort to pass a measure that relieves those having flood lands to sell. A glance will disclose many companies that have their headquarters also in other States and that are to reap



big profits from their southern flood lands without local contribution.

A few names from list of owners of proposed flood-way lands here follows:

Corporations:	Acres
Texas Delta Land Co.	226,171
Tall Timber & G. P. Lumber Co.	53,012
Castell Co.	64,499
Interstate Coopera Co.	48,120
Willett Wood & Products Co.	41,336
Wilbert Sons Co.	48,499
Border Research Corporation	39,518
Pioneer Coopera Co.	32,000
St. Martins Land Co.	34,000
Williams Cypress Co.	28,948
Louisiana Terre Co.	22,347
Brooklyn Coopera Co.	22,515
Jerome Hardware Co.	22,726
Wayne Land & Timber Co.	20,080
Jeanerette Lumber & Shingle Co.	26,297
Jeanerette Lumber Co.	8,218
Southwestern Lumber Co.	22,650
Leach & Edwards Co.	22,374
Fisher Lumber Co.	21,823
Arcadia Land Co.	19,447
C. D. Whitman Lumber Co.	19,680
Schwing, R. & J. Co.	19,100
Schwing L. S. & Co.	24,818
R. J. Darnell (Inc.)	24,818
Mississippi Valley Timber Co.	17,330
St. Landry Land & Lumber Co.	15,319
Sondheimer Co.	14,450
St. Landry Land & Lumber Co.	15,316
National Lumber & Ice Co.	15,277
Desha Lumber Co.	13,386
Grant Timber & Manufacturing Co.	14,910
Concordia Realty M. & P. Co.	15,337
Livermore & Ellis Co.	13,944
West Virginia Timber Co.	18,088
Louisville Coopera Co.	15,640
Pritchard Wheeler Lumber Co.	12,445
Barst Coopera Co.	13,025
Lenoni Lumber Co.	13,173
Commercial Estate Co.	13,370
Kyle Lumber Co.	11,758
P. Kimbell Co.	10,960
Bonita Lumber Co.	10,520
J. H. Hines Co.	10,200

Why exempt these companies from local contribution?

The foregoing list of corporations owning over 10,000 acres each in the proposed flood ways is from the report of 460 corporation owners named by me in the RECORD of April 4, but it does not attempt to name all such owners within the 10,000 acres list or over. Double that number of owners of 5,000 acres or over are included in the same list and many large landowners outside of corporations are listed, like G. G. Snowden, with 19,986 acres, Frank G. Nelson, 38,961 acres, R. L. Black, 17,533 acres, A. L. Hardin, 13,198 acres, J. J. Bowden, H. W. Sherbourne, E. B. Schwing, J. N. Parr, William Cypress, and others, each with over 10,000 acres. Why should they not contribute to this flood-control project?

Hundreds, possibly thousands, of owners of small parcels in the proposed flood ways are owners of a portion of the 15,000,000 acres outside the flood ways to be protected by the flood-control project, and holdings of outside properties so protected will presumably average larger than the above list in the proportion that 4,000,000 acres of flood way stands to 15,000,000 acres outside, but completely rejected.

#### TAXES FOR FLOODS AND FOR HIGHWAYS

No argument is offered that these corporations or individual large owners are more responsible financially than thousands of smaller owners of the 19,000,000 acres in and out of the flood ways now subject to floods, but from that showing no one can consistently say the farmers in my State and in every other State of the Union, often practically bankrupt, should be called upon to pay any part of highway building now undertaken by cooperation with the State and Federal Government. This difference in fact may be noted that while highway construction rarely raises the value of abutting property 10 cents an acre because of that so-called improvement, complete protection to corporations and owners of over 19,000,00 acres will furnish a fairly good profit system for those owning land in the flood way at outside figures never before known, if a \$75 estimate for cut-over lands is any index.

#### A PROPER FLOOD RELIEF BILL SHOULD BE PASSED

As repeatedly stated, a Mississippi River flood-control measure should be passed by Congress to give early relief to the lower Mississippi districts, and I favor waiving contributions where responsible Government agencies determine what localities, if any, can not pay either by early contributions or through Government loans; but if this bill passes the House without any effort to compel contribution from the owners, a thousand of whom alone were specifically named in my remarks of April 4, then the bill, if it passes Congress, should get what it richly deserves—a veto.

If the facts can be placed before the country there can be no question that public sentiment will heartily approve such veto. If sustained in either House, I am sure those representing the flooded districts will gladly accept aid heretofore proposed in the President's message, generously offered by the Government, and will cheerfully contribute toward their own permanent protection.

Increased values of lands, bonds, mortgages, and of business generally will immediately be reflected upon the passage of a law that gives complete protection. This is evidenced by advertisements in New Orleans papers predicting 100 per cent increase in river-land values within 90 days.

For over five months the House committee has been engaged intermittently in the consideration of this Mississippi River flood-control project. Beginning hearings November 7 of last year, about 300 witnesses were heard, including numerous Senators and Representatives in Congress who quite generally depicted flood conditions in the Mississippi Valley, and concluded with the statement that this is a national project to be built entirely at national expense.

Practically all of these witnesses were from the valley States or had flood-control projects of their own for later consideration, which may have unconsciously influenced their opposition to any contribution for the Mississippi River project, and later for their own.

Accompanying this formidable array of witnesses full-page advertisements in many northern papers, paid for by destitute flood districts, challenged the sympathy of the country. Opening hearings with special train services from different sections and an advertised attendance of a thousand visitors, it is certain that no member of the committee had doubts of influences behind the Mississippi River flood situation. The disaster was known before the hearings and sympathy insured early passage of a relief bill if not delayed by its supporters.

#### NO MEMBER OF CONGRESS IS OPPOSED TO FLOOD RELIEF

No member of the committee and no Member of Congress, so far as I am informed, has ever opposed a relief bill for the lower river floods. The only real question for determination related to plans to be adopted, machinery of administration, and policy and extent of Federal Government contribution. All favored generous aid by the Government. However, an absolute gift of a billion dollars or more by the Federal Government was never suggested in the hearings or committee meetings. A demand that the taxpayers of the country assume all control work, damages alleged to effect 7,500 flood-way owners and countless thousands of railway, lumber, real estate, and other interests in or out of the immediate flood ways or spillways, never was presented nor received any consideration by any committee of either House.

The Mississippi flood situation has been caused in large part by land reclamation and drainage projects that have closed up or restricted the river's natural outlets and flood ways. Nature's work of countless centuries was changed by men in recent years for their own use and profit.

Only one consequence could result. About a dozen years ago, as stated, Congress was asked to aid in the lower Mississippi River's control, not alone for navigation on which over a hundred million dollars had been spent, but also aid for flood control. I took part in the discussion and determination when that measure was then before the House, and although responsibility of the Federal Government in no way was directly involved by flood conditions, Congress then agreed by law to contribute two-thirds of the expense for flood-control works in addition to all expenditures on the river for navigation purposes.

#### THE MISSISSIPPI AND SACRAMENTO FLOOD-RELIEF PROJECTS IN THIS SAME BILL

The law of contribution has been in effect for over 10 years and, according to reports by the Mississippi River Commission, it has been found workable and effective in practically all situations. Disastrous floods in the Sacramento Valley are also recommended by our committee to be of national importance, but only one-third of the cost of a new project of \$51,000,000 is to be borne by the Federal Government. The remaining two-thirds is to be paid by the State of California and local interests protected. With the exception of loss of lives on the lower Mississippi, both flood districts report the same distress and to the same degree.

California, after its people have spent \$100,000,000 on its floods in the Sacramento Valley, now offers to contribute two-thirds of the cost of the \$51,000,000 additional improvement, of which the State government is to contribute \$17,000,000, the valley residents an equal amount, and the Federal Government the remaining \$17,000,000. California now has a State and local debt—Statistical Abstract, 1926, page 220—reaching \$16,582,000, based on last reports available, and the per capita indebtedness

of \$142.81 is more than double that of any of the States affected by floods in the lower Mississippi Valley. I am not offering any argument as to the injustice exercised toward California and its people beyond a brief statement of the facts existing in a country when every State must contribute its part of the tax for all public improvements and for any work that increases the holdings of the Mississippi Valley corporations and landowners hereinbefore named.

A loss of 200 lives in the Mississippi flood or of more than that number in a recent California reservoir catastrophe can not be minimized, but it should not determine action by Congress where a change of policy that discriminates between sections is certain to prevent any attempt at equal justice. A policy of no contribution for the lower Mississippi will involve the Federal Government in a campaign of prodigal waste measured only by the cupidity and greed of individuals and communities throughout the country that are invited to join in unlimited raids on the Federal Treasury without local contribution. It is suggested that to differentiate between California and the lower Mississippi projects may indicate a purpose by Congress to discriminate. This is unlikely to occur, because in the next omnibus bill all projects from California to Vermont will ask for the same consideration that we now give the Mississippi River, and why not? Why does not California receive the same as the Mississippi River project now?

President Coolidge, in accordance with existing law and established policy, recommended congressional action on the Mississippi flood problem to be accompanied by local contribution. The Secretary of War and Army engineers made the same recommendations to the Nation's Executive and the Mississippi River Commission, based on past experience, declared that policy was necessary to withstand inordinate demands.

#### THE MINORITY REPORT ON THE REID BILL

When the so-called Reid bill was reported to the House in February, six committee members signed a minority report disclosing that instead of \$325,000,000, according to experts, the cost would reach \$1,400,000,000; that the bill contained no plan or definite purpose; invited needless delay for a new survey of reservoir sites; and three-fourths of the minority report was devoted to the unwise, unjust, and dangerous precedent proposed by that bill in its demand for no local contribution.

No further action occurred with the House committee for several weeks, nor were any committee meetings held until after the Jones bill passed the Senate. I am stating a fact without ascribing reasons. A feverish effort then occurred for two or three days on the part of one or two members of the House committee to whip into shape a substitute for the Jones bill. The character of the proceeding, the objectionable House bill features to be reoffered, the danger of delay, and differences to be settled in conference all appealed to the House committee, so that on a motion to report the Jones bill to the House, and there offer amendments, the vote to substitute was 14 to 6, including every member of the committee representing Mississippi flood districts from Cairo to the Gulf.

At this point I pause to say Chairman REID before the Rules Committee called the 14 members of the Flood Control Committee a Coxey's army because after nearly five months of uncertainty and delay they voted to report the Senate bill. Among the ablest and strongest men in the House on that committee so voted because they loved Rome more than any leader. They need no defense individually or collectively and are amply able to speak for themselves.

I have no purpose to waste time in personalities or with Chairman REID's characterization of the 14 members of the Flood Control Committee or his references to Representative KOPP or myself. All have extended to him every courtesy during the past five months. I believe the fact that 14 members of the committee acted on their own judgment speaks for itself and they were within their rights in differing from the chairman even as a minority did when calling attention to the Reid bill, which carried a cost of \$1,400,000,000 instead of \$325,000,000 as reported.

The reference as to "political outcasts" I leave my colleagues to answer. After many years' service in Congress I never felt more comfortable among my colleagues than now. [Applause.] I do not have to consult any leader nor have I ever recanted or flopped in legislative efforts to find the loaded wagon. I would not change such independence for the chairmanship of the Flood Control Committee or for any other committee of the House, nor do I criticize others for so doing. Each must decide for himself. Washington press statements say "'on the highest' authority at the White House the President's opposition to the House Reid flood control bill is based on the same objections stated by Representative FREAR." If true, it fortifies my own judgment in opposition to this bill as reported. [Applause.]

Personally, I respect the chairman of this committee. I have worked with him for years. I admire him because he is a brilliant man, but I have the right to differ from him, and I am differing from him now because I can not take any other position under my own honest convictions.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. FREAR. I will be pleased to yield later on.

#### CONSISTENT FOR OVER 10 YEARS ON FLOOD CONTROL

I am at least consistent with my position of more than 10 years ago and if I am fortunately in the distinguished company of the President, Chairman MARTIN MADDEN, Leader TILSON, and others of my party on this bill, it demonstrates that sometimes I am "regular" even if my critic is not so now. During past years I have occasionally believed it my duty to differ from the advisers of Presidents and without presumption have helped to bring success to the abolishment of the old public-building pork barrel and defeat of the Mellon tax bill, the sales tax, the dye embargo, and also helped on my committee to pass the soldiers' bonus bill. I followed my honest judgment then as now.

Others did their duty according to their judgment and I have not criticized them nor offered any apologies for the past record. The duty of every Member in the House is as certain as that of the President. He is the Executive charged under his oath of office with protection of the Federal Government's best interests. That also is our own responsibility.

I am not disposed to answer critics even when the door is left wide open for recrimination. Nor will I be swerved from proper criticism of this bill. The estimated cost of the Jones bill of \$1,000,000,000 indicates the importance of local contribution. The Jones bill will give 400 corporations and a like number of large owners in the flood ways an outside price to be paid by the Government on all their 3,000,000-acre holdings out of the 4,000,000 acres, the flood ways to be acquired by the Government.

The Jones bill will give to several railways, according to their own estimate, \$71,835,000 from the Federal Treasury to relocate their tracks, although the 1927 flood alone caused these same roads a loss of \$6,318,000. Against this they ask future complete flood protection without any local contribution from themselves for permanent insurance.

The Jones bill will give damages and compensation to other interests that believe themselves temporarily injured, and all these multitudinous separate interests, whether in or out of the flood ways, will have the right to resort to local courts and local juries or local commissions partial to local interests for their damages and compensation sure to be collected from a wealthy Government.

The Jones bill will add incalculable wealth to the bondholders and landholders when one thousand million dollars is advanced by the Government.

The Jones bill will benefit thousands of other property owners outside the flood way without one dollar of local contribution. Can any man in his wildest fancy predict what this Jones bill, passed by the Senate in a little over one hour's debate, is to cover? What is the end with omnibus bills other than the bottom of the Treasury vaults? One presidential candidate proposes a bond issue. His party associates demand in the same breath a \$300,000,000 annual tax cut. To adopt the slogan of a former Member, "Vote against any tax bill and for every appropriation."

#### WHAT IS THE FEDERAL GOVERNMENT?

We speak of the Federal Government legislatively as a thing separate and apart from our own people, and so we lightly waive local contribution to a thousand million dollar project that possibly will cost the taxpayers of New York two or three hundred million dollars, Illinois one hundred million, and a comparatively small State like Wisconsin will proportionately contribute in taxes over \$20,000,000 toward this one project. No exact basis is afforded because of varying conditions, but every expenditure by the Federal Government is paid into the Federal Treasury proportionately by the several States.

Great calamities must be relieved by those who can contribute, but any stock-jobbing proposal that increases \$40 drainage or levee bonds to \$100 because of complete flood control or that enhances the value of land often bought at nominal value to several times that value should be rejected. The Federal Government, which means all the States, has right to demand through its Senators and Representatives in Congress square dealing for the Government. That means local contribution from those to be benefited.

Every Member sympathizes with unfortunate flood sufferers in the Mississippi Valley and with the equally distressed sufferers in the Sacramento Valley which I have visited, but



when Congress in the bill before us compels California to pay two-thirds of the total cost of flood protection while we throw wide open the door for stock jobbing and land exploitation in the Mississippi Valley, we abandon all attempt at square dealing with the Federal Government or California.

The Federal Government is your State and my State. They pay all National expenditures in addition to all local State and municipal costs. If the flood legislation reaches the proportions prophesied by Chairman MADDEN, of \$5,000,000,000, then Wisconsin will eventually pay \$100,000,000 toward this new legislative flood industry—without any return. Responsibility for such payments by States rests with our action on this "no-contribution" precedent.

#### THE JADWIN PLAN AND THE JONES BILL

General Jadwin's plan of flood control was introduced by Senator JONES in the Senate. That bill provided all flood ways should be furnished by local interests and that other contributions should be made according to law and past practice. That original bill is not like the JONES bill which passed the Senate and is reported here.

Protest must arise when taxpayers of the country learn that instead of providing \$296,000,000 from the Treasury under the Jadwin plan with local contributions, Congress precipitately has placed on these taxpayers a one billion dollar burden that will serve as a tempting morsel for other billions to cover other flood-control projects in future omnibus bills without contribution.

I have furnished data in the RECORD of April 4 that will not be here repeated. It gives conclusive reasons for requiring local contributions where Government aid is given.

When the bill is read amendments will be offered to carry out the original purposes of the act. I am desirous of affording my colleagues full opportunity to be heard on the bill and so have confined my remarks largely to the matter of local contribution.

In a bill that involved such a vast problem to be worked out legislatively, deliberation instead of speed is the surest way to expedite the project. I trust amendments may be accepted that will strengthen the bill and protect the Federal Government, for after all we are as much the servants of the general Government as of the districts that we represent. What we do here is to be the law for all time, and on a contract involving possibly a billion dollars we should give the close scrutiny and deliberate judgment it deserves. I am hopeful we may bring out something we can all vote for and relieve the lower Mississippi Valley without delay, but responsibility for any failure or delay must be borne by those who refuse to concede the justice of accompanying Government aid with contribution based on benefits received.

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

Mr. FREAR. Mr. Chairman, I yield myself 10 minutes more.

I would like to say a word with respect to the map I have here, but the distinguished gentleman from Georgia [Mr. Cox], whom I admire very much, has asked me several times to yield.

Mr. COX. Somebody had to go first, either the gentleman or myself. Does the gentleman yield now?

Mr. FREAR. Yes; only for a question, because I have so much ground I want to cover.

Mr. COX. I would like for the gentleman to be good enough to yield for several questions.

Mr. FREAR. Then I must decline to yield now. I will later answer any question that any Member on the floor wants to ask, but I can not at this time. I am too familiar with the way of the gentleman from Georgia. He is a good cross-examiner, and I fear would take too much of my time. There are Members here that I know are anxious to hear my statement, and I can not afford to yield too much of my time now.

On this map [indicating] out to this point is included approximately 20,000,000 acres of land that is to be controlled by these two flood ways, known as the Boeuf and Atchafalaya, and the other flood ways taking them altogether. This is only illustrative of the protection to be afforded here, and taking them altogether they amount to 20,000,000 acres. It does not attempt to fix the actual limits protected. If there are any questions later, I will be glad to answer them.

This is the protected area of 19,000,000 or 20,000,000 acres outside the flood way, which takes 4,000,000 acres. The red color is the amount of land owned by corporations and large landholders; it is 77 per cent, and the poor, unfortunate little fellows, some 6,500 of them, own only 23 per cent. These are figures furnished me by the Army engineers. They made the map for me. Are you going to give three-quarters of the land

in this flood way without local contribution, with a protection of 15,000,000 additional acres without local contribution? If you do so, I will have to go to my people in Wisconsin to pay the taxes and you to the people of Georgia to pay the taxes that protects these great interests without contribution.

Here is a plan furnished by the Army engineers as to the cost of this original bill [indicating]. Here are the various items. This is an enlarged diagram of the estimate, which I will print in my speech.

Now I will yield to the gentleman from Georgia.

Mr. COX. Does the gentleman justify the application of the principle of local contribution upon the idea of special benefit?

Mr. FREAR. I do, the same as I would with highways, irrigation, or anything else wherein the Government contributes Federal aid.

Mr. COX. Does the gentleman concede that no personal liability attaches to the owner of land for the special assessment made?

Mr. FREAR. Under this bill?

Mr. COX. By the law of the several States.

Mr. FREAR. I am taking it as you have it in this bill. Unless special benefits are shown to affect railways, I am not going to discuss a legal question with the gentleman from Georgia. Time is too limited.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. JACOBSTEIN. Will the gentleman explain again his map wherein he says that the large corporations and landowners are going to profit especially by this legislation?

Mr. FREAR. These are the lands in the flood ways owned by the corporations and people which have to be purchased or condemned, about 4,000,000 acres in these flood ways.

Mr. JACOBSTEIN. Their profit will consist of selling the land to the Government?

Mr. FREAR. Perhaps by condemnation proceedings and whatever process they get the land under, but at excess prices where the Government has to buy.

Mr. JACOBSTEIN. The 77 per cent has nothing to do with the flood area?

Mr. FREAR. No. This is the land here, and this is in the flood area. The 77 per cent relates to that part owned by the corporations and large landowners.

Mr. BROWNE. How many condemnation proceedings will there probably be?

Mr. FREAR. Oh, we can not tell; there are 7,500 owners in this tract, and of that number 1,000 are named who own over one section.

Mr. BROWNE. There will be several thousand?

Mr. FREAR. Yes. I will say to my colleague, if we can not get it by purchase we must get it by condemnation.

Mr. LAGUARDIA. The gentleman says the testimony before the committee showed that the value of the land to be \$60 or \$75 an acre. Is that value based on the land subject to flood danger or land after it has been protected as it would be by the bill?

Mr. FREAR. The land subject to flood danger.

Mr. LAGUARDIA. The uncolored portion of the map between the pink area and that of the dark color is the area that will derive benefits from the protection?

Mr. FREAR. Yes; that is it.

Mr. JACOBSTEIN. These large corporations would benefit anyway, even if they had to make a contribution? Yes; many times. I do not see the force of the gentleman's argument against the elimination of the 20 per cent assessment.

Mr. FREAR. Oh, the gentleman misses the point entirely, I am afraid. The Army engineer bill proposes these flood ways shall be furnished free to the Government. We have to buy them under the bill. It is not the 20 per cent I am now discussing. That is a small item. That only amounts to around \$30,000,000. This other item relates to flood ways that the Government must purchase under the terms of this bill, as opposed to the Jadwin plan. That is in the neighborhood of \$200,000,000 to \$300,000,000 expense to the Government to purchase these rights.

Mr. LAGUARDIA. If the States did furnish the necessary land to provide the flood ways, would that meet the gentleman's objection to the bill?

Mr. FREAR. That would practically meet it, although I think local contributions should be had to some extent to avoid a dangerous precedent.

Mr. COOPER of Wisconsin. Will the gentleman please tell me what the blue line on the map means?

Mr. FREAR. That color represents the land owned by the small owners. About 23 per cent compared with 77 per cent owned by the corporations and large owners.

Mr. COOPER of Wisconsin. Where is the river?

Mr. FREAR. It is away over here to the right. This is going down the flood ways used to care for surplus waters under the plan.

Mr. WILSON of Louisiana. Where did the gentleman get his information as to the value of \$75 an acre placed on land in Louisiana?

Mr. FREAR. I did not get it at \$75 an acre from the people of Louisiana any more than I did from the people of Arkansas as to the value of their land, but the amount was estimated around \$150 at New Madrid. A witness from Arkansas who testified before our committee said it was worth \$75 an acre for his cut-over lands, and some figures were larger than that amount. I do not attempt to say what the Government must pay, but that will be eliminated if local interests and States furnish under the Jadwin plan.

Mr. WILSON of Louisiana. And the statement relative to Missouri is what the gentleman bases his statement on in respect to the value of lands in Louisiana?

Mr. FREAR. Oh, no; not entirely. Will the gentleman give the value that it can be obtained for?

Mr. WILSON of Louisiana. We had an estimate made for the flood ways in Louisiana at an average price of \$23 an acre for the Boeuf Basin, and \$15 an acre for the Atchafalaya Basin.

Mr. FREAR. Just try to get those lands for the Government and the gentleman will find it is a hard proposition at such prices, I fear. A man is going to get all that he can for his land when he finds a buyer who has to have it.

Mr. WILSON of Louisiana. We had many people from the Tensas and the Boeuf Basin, and did they not state that their people are always against the establishment of any flood way there at all?

Mr. FREAR. Surely. I do not question that. That is the heart of the proposition. There was not a proposition which came up to us in committee that some one did not oppose because they were going to be flooded or the waters were to be diverted from ways they felt would injure them.

That is my answer to Brother WILSON, of the committee. Everyone knows that we were constantly confronted with that difficulty, and the Army engineers finally said that their plan, known as the Jadwin plan, is the plan that they could give us. No civil or other engineer has offered anything that is superior to that. If so, I would like to have it presented to the House. Of course, the Jadwin plan is only the result of investigations and conferences with possibly a hundred Army engineers, and then a determination in the one submitted.

Mr. JOHNSON of Texas and Mr. CROSSER rose.

Mr. FREAR. I can not yield now. I wish I could do so, but I am going to speak again, because I presume this suggestion of local contribution is going to be hit and hammered by my colleagues. If I have made any misstatement, I want them to correct it and I shall be glad to be set right, but I have submitted what I believe to be a fair statement of the case.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FREAR. Under leave to extend I append hereto the following:

COOLIDGE DECLARES FLOOD RELIEF BILLS DANGER TO COUNTRY—WOULD COST \$1,500,000,000 FOR CHANNELS AND RIGHTS OF WAY, EXPERTS TELL HIM—BENEFIT TO EVERYBODY BUT REAL SUFFERERS—BELIEVES COMMISSION PLAN IS USELESS; BODY PROBABLY IRRESPONSIBLE

Flood control bills now pending before Congress appear to President Coolidge ideally suited to benefit everybody except the actual flood sufferers whom they were originally intended to protect. Railroad companies, lumber interests, individuals holding shares in these concerns, and especially contractors interested in the constructions involved, seem to the President destined to derive majority benefits from the contemplated measures. All in all, he thinks the situation now in Congress is impossible.

Large sums, which some of the experts whom President Coolidge has consulted have estimated as high as \$1,500,000,000, will be expended under the bill to buy rights of way, channels for the flood way and contingent expenses, including major maintenance costs.

The letting of contracts for the actual construction would be taken out of the hands of Army engineers, where it has heretofore always rested, to become the jurisdiction of the special commission formed under the provisions of the bill.

#### DOUBTS COMMISSION'S VALUE

This commission, President Coolidge feels, would be irresponsible, even were it not irresponsible, to the demands and needs of the ordinary flood sufferer.

The principle of no local contribution for works of this kind, in flat contradiction to the stated policy of the administration, appears to President Coolidge to provide an extremely dangerous precedent in matters of this kind.

He regards such a policy as equivalent to bestowing very definite favors upon certain communities at the expense of the remainder of the country.

The immediate reaction, Mr. Coolidge fears, will be that other communities when similarly situated will also call for help from the National Treasury to which they themselves will not expect to contribute. President Coolidge, therefore, regards as beyond computation the obligations for which the central Government might therefore become responsible.

#### RESERVOIRS HELD FUTILE

He foresees an additional danger in the new policy which Congress is considering, that by which the Government, by shouldering completely all flood-relief work, might become responsible for all future flood damages, both on the Mississippi and on any other rivers whose improvement the United States might be obligated to undertake in the future.

The President has discussed with Representative STRONG, of Kansas, and Representative GARBER, of Oklahoma, a proposal to form a large number of reservoirs on the upper reaches of the tributaries of the Mississippi as a measure of flood control, but from an analysis of the proposal by General Jadwin, who was present at the conference, it appeared to President Coolidge that this plan would not give adequate control.

[From Report of the Mississippi River Commission on Contribution]

(P. 81, Committee Doc. No. 1, 70th Cong.)

The commission is firmly of the opinion that some degree of local financial cooperation is essential to a successful accomplishment of a flood-control project. This opinion is based not on a belief that local interests should share in the cost by reason of their being beneficiaries, but on the belief that without a local sharing in the cost the commission, as an agent of the Federal Government disbursing Federal funds, will be confronted by inordinate demands for flood-control works of large cost which will, if granted free of cost, be demanded for the protection of areas insignificant in size and value, merely because the owner would need to underwrite no part of the cost. Even with a local contribution of one-third, as is now required, the commission has been importuned to levee areas unworthy of the cost of such protection. The commission has been able in the past to apply Federal funds according to its best judgment by its adoption of and adherence to a policy requiring that applicants for Federal aid prove the worthiness of their levee projects. This has been possible because the only cases presented would, if approved, entail liability on the applicants for the costs of rights of way and one-third the costs of construction. With no restriction on demands the commission foresees a multitude of projects of little or no merit which it should deny in the interest of the public whose funds it will handle, but which, lacking authority to call for an outlay of funds by the applicants, it would find difficult or impossible to deny.

The commission would view with deep concern the adoption of a Federal flood-control project that would absolve local interests from participation in costs in levee maintenance. It believes that part of the cost thereof should be borne by the local beneficiaries. On the other hand, it believes that the Federal Government should pay part of the maintenance costs and should reserve full control of such work. The Federal Government alone is equipped with vessels and plant to meet emergencies and should stand ready to perform that function.

The commission believes that protection of lands of small value, except for timber and basins of small area, will be discouraged by a requirement for local participation in cost, as outlined in paragraph 356.

The commission is aware that its operations in the past have been at times hampered through the failure of some levee districts to furnish assurance of their share of the funds needed for levee work, thus adversely affecting the prosecution of the work, but believes that the advantages derived from local participation in costs would more than compensate for such disadvantages.

I submitted to the Army engineers an inquiry as to what course would be pursued providing interested parties in the valley refused or delayed making payments to the Government for their proper portion of the flood-control project.

The following letter gives an outline of what may be done in such event. However, with the adoption of amendments authorizing Government loans to needy interests and the further power of waiving contributions in case of necessity, under an amendment to be offered, it seems every precaution has been taken to avoid delay or the omission of any necessary part of the plan. Letter from General Jadwin, Chief of Engineers, follows:

WAR DEPARTMENT,

OFFICE OF THE CHIEF OF ENGINEERS,

Washington, April 12, 1928.

Hon. JAMES A. FREAR,

House of Representatives, Washington, D. C.

DEAR MR. FREAR: In compliance with your request I have to submit the following:



If the flood control bill should be enacted requiring local contributions from the lands to be greatly benefited, there is no doubt in my mind that contributions would be forthcoming, since anyone can afford to put up 20 cents for a dollar's worth of protection. Contrary to statements that have been made, even if some locality should refuse to contribute, the whole plan would not be held up; neither would a delinquency of one section necessarily leave unprotected another section that had met its just obligations. The plan, with minor modifications, can be made to afford protection to each locality cooperating and to leave without the additional benefits sections not contributing.

If there should be delay in effecting the necessary adjustments for the proposed Birds Point-New Madrid flood way, minor modifications can be made as indicated below so that only that section of Missouri immediately behind that flood way will be left unprotected against the superflood. The riverside levee from Birds Point to New Madrid is now lower in elevation than the levee around the city of Cairo. Excess water will go over that levee and relieve the situation at Cairo as it did in the 1927 flood at the Dorena crevasse. The levee grade now is above the flow line of a flood equal to that of 1927, and even the lands back of the levee are protected except for a super flood exceeding that of 1927. A break in this section overflows a relatively small section of the St. Francis Basin east of the Sykeston Ridge. A small amount of levee work on the Sykeston Ridge will protect the lower St. Francis Basin from any accident due to the delay in constructing the flood way. Above Birds Point the levee can be raised up to Cape Girardeau and thus protect the northern part of the St. Francis Basin against a super flood. This area did not get wet in 1927. As a matter of fact, this entire section is not hard up on account of the 1927 flood, since there was no failure in southeast Missouri except that at Dorena. The water from this crevasse did get over the Sykeston Ridge in limited amounts. However, that contingency can be corrected as indicated at small cost.

The backwater or natural river-bed country on the Tennessee side has always been subject to the vicissitudes of the Mississippi River, and always will be, unless the channel is narrowed beyond safety, and narrow strips of land are reclaimed at unreasonable and uneconomic costs. The Reelfoot territory, the only land now protected on the east side of the river in this general latitude, is to be given additional protection under the project proposed because it is already behind a levee. This additional protection is to cost the United States about \$25 per acre protected. You can see that, if merely enlarging existing levees will cost this much, building new levees would cost a great deal more.

As for the Boeuf flood way, as matters now stand, the entire territory on the west side of the river is subject to overflow from a super flood. The plan proposes to limit this overflow to the most undeveloped section in this latitude. The sections thus to be protected will most certainly put up 20 per cent of the cost of their protection. If southern Arkansas should not see fit to contribute, a levee could be put across the upper end of the Lake Providence section from Macon Ridge to the Mississippi River levee and thus protect that section in Louisiana. A more extensive, but not excessive modification of the plan could empty the upper Bartholomew into the Boeuf in Louisiana and thus protect parts of Louisiana outside the flood way, or an additional flood way could be carried down the Bartholomew. Thus Louisiana could participate in the flood control for its own protection and attain full protection, even if Arkansas did not join in. Similarly, if Arkansas alone accepted its share and contributed, the flood way could be stopped at the Louisiana line, and Arkansas would get full protection whether Louisiana joined in or not.

As for the Atchafalaya, it is all in Louisiana, which State is already organized for flood control by State. It has State laws for acquiring lands for levee work, and a State levee organization. Louisiana will desire the benefits of this flood way, and New Orleans must have it. The State now spends some \$10,000,000 a year for road work. It can easily put up \$3,000,000 a year for 10 years as its flood-control contribution.

On the east side of the river is wealthy New Orleans, which will certainly contribute the amount required for the Bonnet Carre spillway. For several years New Orleans people have been advocating such a spillway and it has appeared that they have wanted it badly enough to make them willing to pay 100 per cent of the cost. In fact, before 1927, they requested permission to remove a levee at Point La Hache below New Orleans and construct, at their own expense, an experimental spillway at a cost of \$1,000,000. The lands in Louisiana east of the river are protected by the works there and the water can not come into them from any other State.

The Yazoo Basin is entirely in Mississippi and its protection is only a matter in one State. Of course, Mississippi or the two levee districts therein will contribute 20 cents on the dollar.

From the above you see that the question of one State being put in jeopardy from the delinquency of another State is mostly imaginary. It so happens that there are only two places at which a problem might arise. First, opposite Cairo, any failure of or delay in the plan will affect adversely only the territory refusing to cooperate since effects

of overflow are localized by the Sykeston Ridge. Second, the failure of southern Arkansas to cooperate in the upper Boeuf flood ways construction can be made to affect Arkansas only by modifying the plan at the Louisiana line. It is hardly probable that this latter contingency will arise.

There will be plenty of time during the life of the project to iron out difficulties. There is plenty of work to be prosecuted at once before problems are encountered.

The plan is based on local cooperation, and the supplying of land by local interests who are the ones primarily benefited. Without local cooperation the cost can be anything. And the cost of the United States buying land can be any amount. Already expensive and uneconomic masonry spillways are advocated. Excessive freeboard is asked for. Hard-surfaced roads along the top of the entire levee line are demanded. With the United States paying all and accepting a responsibility not legal nor proper now, the sky is the limit.

Yours sincerely,

EDGAR JADWIN,

Major General, Chief of Engineers.

From the Engineering News Record of April 5, 1928, I quote editorial comment that is significant as to the economic situation presented by the Jones bill:

#### FLOOD-CONTROL LEGISLATION

Precipitate legislation on a momentous question, as represented in the Senate's passage of the Jones flood control bill, can not invite either public or engineering approval. Its political background is obvious. \* \* \*

If the Senate's action gives warning that Congress is simply playing politics in the flood issue and is evading a direct answer to the problem of Mississippi flood control, constructive thinking on the subject becomes the personal obligation of the citizen. Let us therefore inquire what line of action gives real promise. \* \* \*

Consider the economic question of whether certain areas should or should not be protected. Little information exists in usable form of the present actual use of the land and its value. Certain statistics have been compiled as to valuations and acreages of cleared land, but how much of it is in cultivation and where it is located is not known. In 31 levee districts that comprise practically the whole area needing protection, having a total acreage of 17,000,000 acres of which 7,000,000 is cleared the assessed valuation is \$504,000,000. Against this there is a total indebtedness of \$413,000,000, but only \$36,000,000 of the total, or \$2.13 per acre, is for levee bonds. Losses from the 1927 flood in these districts were \$111,000,000 or \$6.60 per acre. Whether, then, it is good economics to spend from one-third billion to a billion dollars to save property valued at half a billion is a pertinent question. Certainly some further economic balancing is needed against what this property will be worth with protection in 10 to 20 years. When some estimate of future values is made, some reasonable figure as to apportionment of cost can be arrived at. Since the country as a whole must pay the bulk of the new costs, some appraisal is needed as to what the country as a whole is going to get and what its own relation is as to the added acres, surpluses, and consequent competition with lowered prices. \* \* \*

With more of these economic questions answered, the individual Congressman would be in a much better position to vote on valley appropriations and know whether he was serving the best interests of the country.

The above editorial does not mention outstanding drainage bonds totaling many millions of dollars. Holders of such bonds and levee bond holders, like owners of land to be sold or benefited, have an abiding interest in the passage of the Jones bill irrespective of its economic value.

#### WHO ARE THE REAL BENEFICIARIES?—A BRIEF STATEMENT AS TO THE 27 LEVEE DISTRICTS

It is not sound for the United States to assume all responsibility for flood control in the Mississippi Delta merely because there are some 27 levee districts, small and large, which are difficult to coordinate.

There are States which gain taxation by flood control, and these are the units that should deal with the Federal Government in cooperation. To say that the United States should pay all because the States would have some difficulty in organizing themselves is not reasonable. Of course, they will not organize for flood control if the United States will assume all responsibility and all costs.

I understand Louisiana is now spending about \$10,000,000 a year for road work. It can spend its contributive quota of the flood-control project which totals less than \$3,000,000 a year.

It has been published that Arkansas is launching a road project of over \$50,000,000. It can spend its contributive quota of flood control which totals less than \$2,000,000 a year.

Other States have lesser amounts to pay for flood control.

The above figures include all costs to States including land and legitimate damages.

Innumerable flood-control plans have been proposed by parties interested in special localities. However, it is unnecessary to let these confuse the issue.

A sound, economical plan has been presented by impartial experts which aims at adequate protection without additional reclamation and without profligate payment of unwarranted claims. Any plan proposing that the United States spend more than \$300,000,000 for protection of the Delta Valley looks padded, either with uneconomic new reclamation or with wasteful, unnecessary construction and payment of unjustified claims.

The hearings before the committees of Congress have demonstrated that there is no possibility of having economy in a flood-control project unless local interests benefited pay some percentage of cost of the construction works as well as all land and damage claims. Hundreds of witnesses, technical or otherwise, have advocated various things involving unexcusable and extravagant waste only because they assumed that the United States should pay all. That is the scope of the Jones bill.

One of many letters received from those familiar with conditions in the lower Mississippi Valley:

ALGOMA, Wis., April 7, 1928.

HON. JAMES A. FREAR,  
Washington, D. C.

DEAR MR. FREAR: I have just read your stand on the flood control bill and I think you are absolutely right as to compensation in part by owners of timberlands adjacent to the Mississippi and other rivers. It was my business a few years ago to appraise a 10,000-acre tract of hardwoods a few miles south of Memphis, located in Arkansas. It being in the dry season and the only time the land is accessible.

Evidence of the backwaters were on every side, showing where the water left its marks 6 feet and more on all the trees. The tract was sold then for \$150,000, since then it has been sold for a good-size profit. To whom I do not know, but I do know that many of the lumbermen at St. Louis and other large cities along the rivers own large and valuable tracts, all of which are inaccessible on account of overflow. It surely must be apparent to anyone who will give the subject the right thought that to restrain these high waters will make it possible for all of this valuable timber to be marketed during the absence of hot weather, with all its pestiferous insects and reptiles.

Just why these owners should not shoulder part of the cost for control of the waters is not apparent to those of us who think that our President is right in his stand. I concede there are many who will be benefited by this improvement who have lost their all, practically, and ought not to be made to pay, but the lumber barons and others inordinately benefited should be compelled to pay according to their benefits, presumably to be arrived at by appraisal as to the value of holdings.

I trust that the opinions of the President and legislators will prevail to the larger extent than seems possible at the present time and justice may be done to all.

Yours truly,

GEORGE D. FELLOWS.

Amendment proposed for Union Calendar No. 238, S. 3740, to cover loans from the Government, April 2, 1928:

Page 4, at the end of section 3 (after an amendment previously proposed), add the following:

"Provided, That the Secretary of the Treasury is authorized to lend to States or local interests on proper security, under liberal and favorable terms as to interest and maturity, sufficient funds to permit said States or local interests to finance their share of the flood-control costs, when it is demonstrated to his satisfaction that local interests need loans in order to enable them to carry out their share of the project."

(Doc. No. 90, p. 32)

PLAN, CHIEF OF ENGINEERS

Below Red River:	
Bonnet Carre spillway	\$8,200,000
Mississippi levees	18,700,000
Flood way east of Atchafalaya	12,600,000
Flood way west of Atchafalaya	17,300,000
Red to Arkansas:	
Mississippi levees	59,300,000
Boeuf Basin flood way	7,700,000
Arkansas to Cape Girardeau:	
Mississippi levees	53,900,000
Auxiliary levees	7,700,000
Channel stabilization	110,000,000
Mapping	1,000,000
Total	296,400,000

(Doc. No. 90, p. 34)

Its adoption should be made subject to the provision that, except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no funds appropriated by Congress for the execution of the project shall be expended on works within a State until that State by appropriate legislation—

(a) Has undertaken to provide without cost to the United States and when required the rights of way for all levee structures and such drainage works as may be made necessary by new levee construction.

(b) Has consented to the maintenance of the levee at the head of flood ways within the State at the grades and cross sections necessary in the opinion of the Chief of Engineers for the security of the levee system and the lands protected thereby.

(c) Has agreed to hold and save the United States free from all damage claims resulting from the construction of the project; and to maintain all flood-control works after their completion except controlling and regulating spillway structures.

(Report of the Mississippi River Commission, p. 89)

The estimated cost of such (\$775,000,000) comprehensive plan is as follows:

Levees	\$410,000,000
Diversions:	
Cypress Creek	\$107,000,000
Atchafalaya	52,500,000
Bonnet Carre	11,500,000
Caernarvon	10,000,000
	181,000,000
Revetments	165,000,000
Dredging	7,000,000
Supervision, surveys, gauging, contingencies	12,000,000
Total	775,000,000

The estimated cost of annual maintenance, after completion of the above project is as follows:

Diversion channels and spillways	\$1,000,000
Revetments	2,000,000
Levees	2,700,000
Dredging	300,000
Total	6,000,000

[Pub.—No. 367—64th Cong.]

EXISTING FLOOD CONTROL LAW

An act (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes.

Be it enacted, etc., That for controlling the floods of the Mississippi River and continuing its improvement from the Head of Passes to the mouth of the Ohio River the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$45,000,000: *Provided*, That not more than \$10,000,000 shall be expended therefor during any one fiscal year.

(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers, for controlling the floods and for the general improvement of the Mississippi River, and for surveys, including the survey from the Head of Passes to the headwaters of the river, and a survey of the Atchafalaya outlet so far as may be necessary to determine the cost of protecting its basin from the flood waters of the Mississippi River either by its divorcement from the Mississippi River or by other means, and for salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission.

(b) That no money appropriated under authority of this section shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable but which shall not be less than one-half of such sum as may have been allotted by the commission for such work: *Provided*, That such contributions shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended in any other State or levee district except with the approval of the authorities of the State or district so contributing.

(c) Any funds which may hereafter be appropriated under authority of this act for improving the Mississippi River between the Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended upon any part of said river between the Head of Passes and Rock Island, Ill.

(d) No money appropriated under authority of this act shall be expended in payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this act, but all such rights of way shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred by any State or levee district in securing such rights of way, or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line, shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee within the meaning of paragraph (b) of this section.



That the watercourses connected with the Mississippi River to such extent as may be necessary to exclude the flood waters from the upper limits of any delta basin, together with the Ohio River from its mouth to the mouth of the Cache River, may, in the discretion of said commission, receive allotments for improvements now under way or hereafter to be undertaken.

Upon the completion of any levee constructed for flood control under authority of this act, said levee shall be turned over to the levee district protected thereby for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

#### SACRAMENTO RIVER, CALIF.

SEC. 2. That for controlling the floods, removing the debris, and continuing the improvement of the Sacramento River, Calif., in accordance with the plans of the California Débris Commission, the Secretary of War is hereby authorized and directed to carry on continuously, by hired labor or otherwise, the plan of said commission contained in its report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, as modified by the report of said commission submitted February 8, 1913, approved by the Chief of Engineers of the United States Army and the Board of Engineers for Rivers and Harbors, and printed in Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$5,600,000: *Provided*, That not more than \$1,000,000 shall be expended therefor during any one fiscal year.

(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the California Débris Commission, as approved by the Chief of Engineers, for the control of floods, removal of debris, and the general improvement of the Sacramento River: *Provided*, That no money shall be expended under authority of this section until assurances have been given satisfactory to the Secretary of War (a) that the State of California will contribute annually for such work a sum equal to such sum as may be expended annually therefor by the United States under authority of this section; (b) that such equal contributions by the State of California will continue annually until the full equal share of the cost of such work shall have been contributed by said State; and (c) that the river levees contemplated in the report of the California Débris Commission, dated August 10, 1910, will be constructed to such grade and section and within such time as may be required by said commission: *Provided further*, That said State shall not be required to expend for such work, for any one year, a sum larger than that expended thereon by the United States during the same year: *And provided further*, That the total contributions so required of the State of California shall not exceed in the aggregate, \$5,600,000.

(b) All money contributed by the State of California, as herein provided, shall be expended under the direction of the California Débris Commission and in such manner as it may require or approve, and no money appropriated under the authority of this section shall be expended in the purchase of or payment for any right of way, easement, or land acquired for the purposes of this improvement, but all such rights of way, easements, and lands shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred therefor shall be computed as a part of the contribution of the State of California toward the work of improvement herein provided for within the meaning of paragraph (a) of this section.

(c) Upon the completion of all works for flood control herein authorized the said works shall be turned over to the State of California for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

#### GENERAL PROVISIONS

SEC. 3. That all the provisions of existing law relating to examinations and surveys and to works of improvement of rivers and harbors shall apply, so far as applicable, to examinations and surveys and to works of improvement relating to flood control. And all expenditures of funds hereafter appropriated for works and projects relating to flood control shall be made in accordance with and subject to the law governing the disbursement and expenditure of funds appropriated for the improvement of rivers and harbors.

All examinations and surveys of projects relating to flood control shall include a comprehensive study of the watershed or watersheds, and the report thereon in addition to any other matter upon which a report is required shall give such data as it may be practicable to secure in regard to (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of water power; and (d) such other uses as may be properly related to or coordinated with the project. And the heads of the several departments of the Government may, in their discretion, and shall upon the request of the Secretary of War, detail representa-

tives from their respective departments to assist the engineers of the Army in the study and examination of such watersheds, to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein: *Provided*, That all reports on preliminary examinations hereafter authorized, together with the report of the Board of Engineers for Rivers and Harbors thereon and the separate report of the representative of any other department, shall be submitted to the Secretary of War by the Chief of Engineers, with his recommendations, and shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

In the consideration of all works and projects relating to flood control which may be submitted to the Board of Engineers for Rivers and Harbors for consideration and recommendation, said board shall, in addition to any other matters upon which it may be required to report, state its opinion as to (a) what Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project.

All examinations and reports which may now be made by the Board of Engineers for Rivers and Harbors upon request of the Committee on Rivers and Harbors relating to works or projects of navigation shall in like manner be made upon request of the Committee on Flood Control on all works and projects relating to flood control.

SEC. 4. That the salary of the civilian members of the Mississippi River Commission shall hereafter be \$5,000 per annum.

Approved March 1, 1917.

[S. 3740, 7th Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES,

March 30, 1928.

Referred to the Committee on Flood Control, April 2, 1928. Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

An act for the control of floods on the Mississippi River and its tributaries, and for other purposes

*Be it enacted, etc.*, That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Mo., in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document No. 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two civil engineers chosen from civil life, to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and that recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to determine the action to be taken upon the same, and its decision upon all matters considered by it shall be followed in carrying out the project herein adopted: *Provided further*, That if after considering any controverted problem between the Mississippi River Commission project and the project herein adopted the board shall be of the opinion that a new method should be followed, it shall submit its recommendation thereon to Congress: *Provided further*, That such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief, in addition to levees, before any flood-control works other than levees and revetments are undertaken on that portion of the river: *Provided further*, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will as fully and amply protect the adjacent lands as those protected by levees constructed on the main river: *Provided further*, That pending completion of any flood way, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said flood way. The sum of \$325,000,000 is hereby authorized to be appropriated for this purpose.

SEC. 2. That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest. As a full compliance with this principle in view of the great expenditure, estimated at approximately \$292,000,000, heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river; in view of the extent of national concern in the control of these floods in the interests of

national prosperity, the flow of interstate commerce, and the movement of the United States mails; and, in view of the gigantic scale of the project, involving flood waters of a volume and flowing from a drainage area largely outside the States most affected, and far exceeding those of any other river in the United States, no local contribution to the project herein adopted is required.

SEC. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until local interests have given assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees; (b) agree to accept the title to land turned over to them under the provisions of section 4.

SEC. 4. Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed in carrying out the flood-control plan provided for herein, including all property located within the area of the spillways, flood ways, or diversion channels herein provided, and the rights of way thereover, and the flowage rights thereon, and also including all expenditures by persons, corporations, and public-service corporations made necessary to adjust or conform their property, or to relocate same because of the spillways, flood ways, or diversion channels herein provided: *Provided*, That in all cases where the execution of the flood-control plan results in special benefits to any person, or persons, or corporations, municipal or private, or public-service corporations, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

The Secretary of War may cause proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way which, in the opinion of the Secretary of War, are needed in carrying out this project, the said proceedings to be instituted in the United States district court for the district in which the land, easement, or right of way is located. In all such proceedings the court, for the purpose of ascertaining the value of the property and assessing the compensation to be paid, shall appoint three commissioners, whose award, when confirmed by the court, shall be final. When the owner of any land, easement, or right of way shall fix a price for the same which, in the opinion of the Secretary of War is reasonable, he may purchase the same at such price; and the Secretary of War is also authorized to accept donations of lands, easements, and rights of way required for this project. The provisions of sections 5 and 6 of the river and harbor act of July 18, 1918, are hereby made applicable to the acquisition of lands, easements, or rights of way needed for works of flood control: *Provided*, That the title to any land acquired under the provisions of this section, and used in connection with the works authorized by this act, shall be turned over without cost to the States or local interests, which shall retain the same for the purposes specified in this act.

SEC. 5. Subject to the approval of the heads of the several executive departments concerned, the Secretary of War, on the recommendation of the Chief of Engineers, may engage the services and assistance of the Coast and Geodetic Survey, the Geological Survey, or other mapping agencies of the Government, in the preparation of maps required in furtherance of this project, and funds to pay for such services may be allotted from appropriations made under authority of this act.

SEC. 6. In an emergency, funds appropriated under authority of this act may be expended for the prosecution of such works for the control of the floods of the Mississippi River as have heretofore been authorized and are not included in the present project; or for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by local interests.

SEC. 7. That the sum of \$5,000,000 is authorized to be appropriated as an emergency fund to be allotted by the Secretary of War on the recommendation of the Chief of Engineers, in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River, threatened or destroyed by flood.

SEC. 8. The project herein authorized shall be prosecuted by the Mississippi River Commission under the direction of the Secretary of War and supervision of the Chief of Engineers and subject to the provisions of this act. It shall perform such functions and through such agencies as they shall designate after consultation and discussion with the president of the commission. For all other purposes the existing laws governing the constitution and activities of the commission shall remain unchanged. The commission shall make inspection trips of such frequency and duration as will enable it to acquire first-hand information as to conditions and problems germane to the matter of flood control within the area of its jurisdiction; and on such trips of inspection ample opportunity for hearings and suggestions shall be afforded persons affected by or interested in such problems. The president of the commission shall be the executive officer thereof and shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, shall have the title brigadier general, Corps of

Engineers, and shall have the rank, pay, and allowances of a brigadier general while actually assigned to such duty: *Provided*, That the present incumbent of the office may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the commission if recalled to active service by the President under the provisions of existing law.

The salary of the president of the Mississippi River Commission shall hereafter be \$10,000 per annum, and the salary of the other members of the commission shall hereafter be \$7,500 per annum. The official salary of any officer appointed or employed under this act shall be deducted from the amount of salary or compensation provided by, or which shall be fixed under, the terms of this act.

SEC. 9. The provisions of section 17 of the river and harbor act of March 3, 1899, are hereby made applicable to this act.

SEC. 10. That it is the sense of Congress that the surveys of the Mississippi River and its tributaries, authorized pursuant to the act of January 21, 1927 (H. Doc. No. 308, 69th Cong., 1st sess.), be prosecuted as speedily as practicable, and the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods, which projects shall include: The Red River and tributaries, the Yazoo River and tributaries, the White River and tributaries, the St. Francis River and tributaries, the Arkansas River and tributaries, the Ohio River and tributaries, the Missouri River and tributaries, and the Illinois River and tributaries: *Provided*, That before transmitting such reports to Congress the same shall be presented to the board created in section 1 of this act, and its conclusions and recommendations thereon shall be transmitted to Congress by the Secretary of War with his report.

The sum of \$5,000,000 is hereby authorized to be used out of the appropriation herein authorized, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized in this section.

SEC. 11. That the Secretary of War shall cause the Mississippi River Commission to make an examination and survey of the Mississippi River below Cape Girardeau, Mo. (a) at places where levees have heretofore been constructed on one side of the river and the lands on the opposite side have been thereby subjected to greater overflow, and where, without unreasonably restricting the flood channel, levees can be constructed to reduce the extent of this overflow, and where the construction of such levees is economically justified, and report thereon to the Congress as soon as practicable with such recommendations as the commission may deem advisable; (b) with a view to determining the estimated effects, if any, upon lands lying between the river and adjacent hills by reason of overflow of such lands caused by the construction of levees at other points along the Mississippi River, and determining the equities of the owners of such lands and the value of the same, and the commission shall report thereon to the Congress as soon as practicable with such recommendation as it may deem advisable: *Provided*, That inasmuch as the Mississippi River Commission made a report on the 26th day of October, 1912, recommending a levee to be built from Tiptonville, Tenn., to the Obion River in Tennessee, the said Mississippi River Commission is authorized to make a resurvey of said proposed levee and a relocation of the same if necessary, and if such levee is found feasible, and is approved by the board created in section 1 of this act, the commission is authorized to build same out of appropriations hereafter to be made.

SEC. 12. The President shall at once proceed to ascertain, through the Secretary of War, or other agency, the extent to which floods in the lower Mississippi Valley may be controlled by a reservoir system. All such agencies in their investigations shall, so far as they reasonably can, invite the helpful aid of State engineers, university and technical men, and State officials. The studies shall include such questions as: The effect on the subject of flood control in the lower Mississippi River to be attained through the control of flood waters in the drainage basins of its tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation, agriculture, and power from the prevention of erosion and siltage entering the streams; a determination of the capacities of the soils of the district to receive and hold waters from such reservoirs; and such kindred questions. The agencies shall also further inquire as to what additional benefits may accrue from such reservoir system, the prospective income from the disposal of such waters including both agriculture and power; they shall inquire as to the return-flow value of waters placed in the soils from reservoirs, as to their stabilizing effect on stream flow as a means of preventing erosion and silting and improving navigation conditions, and shall determine to what extent reservoir waters may be available for municipal and domestic uses and to what extent reimbursive; they shall report as to the approximate cost of each proposed reservoir and its capacity and shall give specific reasons for acceptance or rejection of any proposed reservoir site.

As soon as the studies of reservoirs, singly or in groups, provided for in the foregoing paragraph, shall have been completed and ap-



proved by the Secretary of War or other agency, with definite estimates of cost and working data, they shall be reported by said Secretary or other agency to the President of the United States, together with all related findings and conclusions, and on his order to such effect, said Secretary or other agency shall proceed with the construction thereof as soon as money shall be available for such purposes, either by the letting of contracts or by Government construction: *Provided*, The conclusion reached by the President shall be that such construction will have a substantial and beneficial influence in the control of floods on the navigable waters of the lower Mississippi Valley and is, in his opinion, economically justifiable.

On completion of any reservoir or reservoirs so constructed, the Secretary of the Interior shall have authority to dispose of any impounded waters, under rules made by him and approved by the President, and may further enter into negotiations for the purpose of disposal of reservoirs themselves, always retaining, however, at all times, authority to direct the impounding and the emptying of the waters in such reservoirs. Tentative agreements for the sale of any reservoir shall be submitted to Congress and be approved by law before final sale thereof is made.

SEC. 13. All laws or parts of laws inconsistent with the above are hereby repealed.

SEC. 14. That the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," is hereby modified in accordance with the report of the California Debris Commission submitted in Senate Document No. 23, Sixty-ninth Congress, first session; *Provided*, That the total amounts contributed by the Federal Government, including the amounts heretofore contributed by it, shall in no event exceed in the aggregate \$17,600,000.

Mr. COX. Mr. Chairman, I want to take 10 minutes at this time. The discussion of the gentleman from Wisconsin [Mr. FREAR] constitutes a terrible indictment of the Jadwin plan, and it is also a merciless indictment lodged against the people of the valley. He has discussed at great length, emphasizing his opposition to this bill, the fact that under the Jadwin plan something in excess of 4,000,000 acres of high-priced land as he claims will be dedicated to waste. In his indictment against the people of the valley he has told this House that if this bill passes in its present form the people affected by the execution of the project will march en masse upon the Treasury of the United States and claim in satisfaction of their spurious demands a sum representing ten times the actual value of their holdings destroyed by the Government. The gentleman has said that if this bill is passed, a great number of people in the valley will be profited as a result of their holdings being acquired by the Government for the purpose of the execution of the public work. I wonder if the gentleman has in mind that the legislation that this Congress enacts, in order to receive his indorsement, shall result in extending no benefit to anybody whatsoever. Of course, the execution of the project will benefit the people of the valley. It likewise will be a great benefit to the people of the Nation at large, and the moving cause of the enactment of the legislation is that the country shall be benefited as a result of the action that the Congress takes.

The gentleman says that great corporations and other large landholders in the valley will be unconsciously benefited as a result of this bill, if it passes, and, therefore, that the Congress should be careful in proceeding on the measure. That represents the politics of his argument and of his discussion. That is not a reason that should appeal to the consciences of the men and women of this House. That argument is made for the purpose of prejudicing some one. The gentleman went so far as to mention the fact that a witness who appeared before this committee and gave it valuable assistance, in that he brought facts as to the conditions of the valley, has an office in the same building in Chicago in which are the offices of a large landholding concern. He declares that no wrongful inference is intended, but if he did not intend that an inference detrimental to the character of the witness should be drawn, then why did he go out of his way to make this unwarranted and unjustifiable assault upon a man who has done this cause no harm.

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

Mr. COX. Yes.

Mr. FREAR. I had no purpose of assaulting his character. He has the right to employment the same as any other man.

Mr. COX. The gentleman says he had no purpose of assaulting his character, but why did he make the argument? What purpose did he hope it would serve except that it would find lodgment in the mind of some Member and perhaps influence his action upon this bill?

I hold for the gentleman an affectionate regard; but, speaking for myself, Mr. Chairman, I am not willing to pay the price for legislation in this Chamber that exaggeration and unmerited argument would impose. The gentleman says if you pass this legislation the bonds held by the people of St. Louis will go back to par. Why make that argument to a House composed of free and independent men? Should the bondholders' interests be destroyed by this Government, which is strong enough and just enough to be fair to all alike? If the legislation passes, the country at large will be benefited, and the very circumstance that somebody in St. Louis or in Chicago is benefited is an evidence that the country at large will be benefited as the result of full and complete treatment in this case.

The only justification that the gentleman has for the application of the doctrine of local contribution is that some one will benefit as the result of the public right. All are agreed that the only justification for requiring contribution from the people in the valley is that they are especially benefited as the result of improvement. But when the gentleman confesses that no personal liability attaches as the result of benefit assessment, then he destroys his argument that the bill should not pass because people of Chicago or St. Louis or in other parts of the country will benefit.

The gentleman has said that under the bill the railroads will receive something. Now, I want to say to the House that while I hold no brief for railroads and none for anyone interested in railroads, I am willing that the railroads shall be treated on the same basis as other property holders in the valley.

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

Mr. COX. Mr. Chairman, I yield myself five minutes more.

They are not lawful prey for the public. Some one owns them. They have rights; they are to be respected. I do favor an amendment of section 4 of the bill, the railroad section, to the extent that the question of determining the necessity of a relocation or readjustment of lines shall be under the control of the representatives of the Government.

The gentleman talks about a "pork barrel." Where is the barrel, and where is the pork in this case? The Government does not turn loose on the question of condemning the property until the finding is made and until there is a decree of the court. Where the Government has been unable to obtain the property under satisfactory terms the case is brought into the Federal court in the district of the owner, and there the rights of contending parties are adjudicated. If the people's property is to be taken, if ownership of the property must be required by the United States, is not the gentleman and the Congress willing that just compensation shall be allowed?

With reference to the statement made about special assessment. We know that in the case of a special assessment the assessment is a charge against the thing and not the person. If that is true, Mr. Chairman and gentlemen of the Congress, then the question as to the wealth of the holder of the land is not material, so far as this case is concerned. The test is as to the ability of the land especially benefited, as is claimed, to respond to the extra charge imposed upon it by the extra assessment levied to meet the cost in the particular case.

The gentleman attempted in a way to intimidate the House, or at least urge caution or restraint, by the threat of a veto. I wonder if the gentleman has the ear of the Chief Executive of the country?

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

Mr. COX. Yes.

Mr. FREAR. I have no better information than the gentleman himself.

Mr. COX. I would like to inquire of the gentleman if he was present at the conference had with the President, at which Mr. Blake, of Oklahoma, and the Chief of Engineers were present when Mr. Blake furnished the President with a brief on this question?

Mr. FREAR. I have not seen the President for two months.

Mr. COX. I submit to you, gentlemen, that in his whole argument as to the cost of the execution of the project, on which he predicates his statement as to what will happen in the courts of the country, the gentleman takes the highest estimate made by any witness appearing before the committee as to the value of the land, and does not show the House fairness of striking an average between the highest and the lowest.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. REID of Illinois. Mr. Chairman, I yield to the gentleman from Illinois [Mr. DENISON] 30 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 30 minutes.

Mr. DENISON. Mr. Chairman and gentlemen of the House, I have always had a great deal of respect for anything that was said by the late Champ Clark, of Missouri. During the days I served with him here I learned to love him, as all the rest of us did, and as I look back over the CONGRESSIONAL RECORD I read always with interest what Mr. Clark had to say upon any great public question.

In 1916, in February, 12 years ago, this House amended its rules and created a Committee on Flood Control. Mr. Clark introduced the resolution to provide for the amendment of the rules and the creation of that committee; and I remember well the discussion that took place when that resolution was under consideration. Mr. Mann, who was the leader on the other side of the House, joined with the Speaker and spoke in favor of the rule, and in the discussion Mr. Clark made this brief statement, among others:

The resolution or rule was introduced for the sole purpose of investigating what I think is the greatest economic question that the American people must deal with in the next quarter of a century.

Later on in his discussion he said:

In my judgment, the control of floods and incidentally the drainage of overflowed lands is, as I said before, the greatest economic question to which the American mind is going to be directed in the next 25 years.

When I was a child my father used to put me to sleep of a night by singing to me a song that "Uncle Sam is rich enough to give us all a farm." And at that time Uncle Sam was rich enough to do that; but now all of his good land is gone, and men who have children lie awake o' nights studying about where their children are going to find homes in the days to come. Now, here we are. There is enough overflowed land on the Mississippi River and its tributaries—I take that simply because it is the greatest river system on the face of the earth—every acre of that land equal to the best acre of land under the sun, to make a State as big as the State of Missouri, which has 69,815 square miles of territory. This overflowed land lies right in the heart of civilization, with churches and schoolhouses and railroads and markets and all of the facilities for American life. If that land was drained and put under cultivation, it would support a population of 25,000,000 human beings.

While that bill was under discussion I had occasion to make a few remarks, and if the House will pardon me I want to read just a brief statement from the remarks I made at that time. These remarks are found in the CONGRESSIONAL RECORD of February 3, 1916:

Now, this question of controlling the flood waters of the Mississippi and Ohio Rivers is not a local question. It is one of the Nation's problems. It has long been recognized to be such, but has never been properly handled. I believe that the time has come when the Federal Government should take hold of this, one of its greatest problems, and solve it. The control of the flood waters of the Mississippi and Ohio Rivers and their tributaries should be made a separate national project, like the building of the Panama Canal or the Alaskan Railroad. A plan should be worked out by which a coordinated system of levees and other river improvements would be constructed under scientific and continuous methods, and I do not doubt that the floods of these great rivers can ultimately be controlled, millions of acres of rich land reclaimed, and millions of dollars saved to the people each year.

I could not improve on that if I had written it to-day. In a few moments I will refer to something that I happened to say in the following year when we passed the first flood control act.

I have listened with a great deal of interest to what was said by our friend from Wisconsin [Mr. FREAR]. I have a great deal of respect for the gentleman from Wisconsin and always have had. I remember well the days when the gentleman from Wisconsin was on the Rivers and Harbors Committee. He always serves a good purpose in the House. He is a protestor; he is an objector; he nearly always takes the other side; his criticisms are often constructive; he used to always fight river and harbor appropriations. When he was on the Ways and Means Committee he nearly always fought bills that were brought in by that committee.

Mr. FREAR. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. FREAR. That is rather a blanket indictment. On a great many bills which were successful I was on the affirmative side.

Mr. DENISON. I do not want to be unfair to my friend. I prefaced my remarks by saying that he serves a good purpose here, and yet the policy of river and harbor improvements, which my friend from Wisconsin always fought so strenuously, is more generally approved and more permanently established

and followed by Congress to-day than it ever was before he became a member of that committee. He has served a good purpose.

Mr. MAJOR of Illinois. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. MAJOR of Illinois. The gentleman does not mean that his objections helped to accomplish anything, does he?

Mr. DENISON. I think that the objections which are urged by our friend from Wisconsin help to encourage the policy he fights, and I hope that will be true in this case.

Now, gentlemen, let us go back and discuss the Mississippi River for a moment. Geologists tell us that the Gulf of Mexico used to extend up to what is now Cairo, Ill., and that in the course of time the great river which drains all of these 31 States brought silt down from the hills and gradually filled the valley until it has built up what is now known as the Mississippi Delta. The silt coming down from the upper regions gradually built up the banks of the river until back channels were formed, such as the Atchafalaya and others, and if you go down in that valley now you will find that the land along the banks of the Mississippi River is higher than the land back on either side. You have got to go up hill to get to the river.

In this basin there are 30,000 square miles of delta land—that is, there are 30,000 square miles of land that is in a state of nature, subject to the overflows of the Mississippi River. The Delta begins at Cape Girardeau, Mo., just a few miles above Cairo. Originally there was a natural diversion channel beginning just below Cape Girardeau and going from there on south into the St. Francis River, and running into the Mississippi River again farther below; just as the overflow waters of the Mississippi River run over the natural banks of the river in Mississippi, go back into the back country, and form the Yazoo River, which runs practically parallel with the Mississippi River, and finally runs into the Mississippi River below. There are a number of these diversion channels and they reach the sea in Louisiana.

In the early days the people who settled in this valley began protecting themselves against the overflows, and in 1850 the Federal Government decided to these various States millions of acres of swamp and overflowed land, and one of the purposes stated in the act was that these lands might be drained and reclaimed.

The earliest settlers that settled in the lower States and received their grants of land from governments in Europe—these old, early land grants specified that the land was granted upon the condition that the owners would protect themselves against the floods and reclaim them for cultivation.

They did that. They began a policy of protection as soon as they began to settle the land; they began down about New Orleans to build little levees to protect their land. This policy spread and continued on up the Mississippi River to St. Louis, until gradually levee districts were formed in order that the farmers and other owners of land might cooperate and strengthen themselves in their efforts to fight against the high waters, and gradually they built up a splendid system of levees.

I am going to discuss while I have the time this question of who should pay for this improvement, whose duty it is to pay for the lower Mississippi flood-control works.

I am sorry I can not agree with some others in the House with reference to this question. I am sorry I can not agree with my friend from Wisconsin with reference to it. I believe, gentlemen, there are two problems involved in this flood-control question. There is the problem as it pertains to the principal tributaries of the Mississippi River, and then there is the problem that pertains to the Delta Basin of the river. I think they are entirely separate problems and will require separate remedies. I am going to discuss principally the problem that pertains to the main river, beginning at Cape Girardeau, Mo., and going to the Gulf of Mexico.

My own view is it is the duty of the Federal Government to work out a comprehensive plan of flood control for the Delta Basin of the Mississippi River, and that the Federal Government ought to pay the expense of putting that plan into effect. I do not believe you can ever do it successfully and require local contributions. We have been trying that. We have been trying it for a good many years and it has not worked successfully; in fact, the plan has failed.

In this connection I want the Members of the House to bear this in mind: The State of Missouri has from its own funds constructed a levee system which, if there were not other levee systems in other States, would fully protect all the land in that State. The State of Arkansas, or the people of the State of Arkansas, have with their own funds constructed a system of levees which, but for the levees in other States, would fully



protect the people of the State of Arkansas; and the same is true of the State of Louisiana, and the same is true of southern Illinois.

The point I am making is that the people themselves along this great river from their own funds have reclaimed their lands and built levees that would protect them, were it not for the flood-protection works constructed by the people in other States.

Let us suppose, for instance, there were no levees in Illinois and there were no levees in Arkansas or in Mississippi, and the people of Missouri—and I use that State merely as an illustration—had gone ahead and constructed the levees they have now from their own funds, as they have done largely. The people of Missouri would be absolutely safe from any flood that will ever come down the Mississippi River. The same is true of Arkansas and the same is true of the people in southern Illinois.

The national problem arises by reason of the fact the Federal Government has allowed the people of these various States to follow their own course and build their own levees as they chose and where they chose until the action of the people of one State has thrown the waters back upon the people of another State, and vice versa.

For instance, the people of Missouri have constructed their levees in order to reclaim their lands and protect their people along the west side of the Mississippi River to a point where it backs the flood waters over upon southern Illinois and has threatened the destruction of Cairo and other places in southern Illinois.

Now, what is the solution of this problem? This is where the Federal problem begins. One State can not remedy it; two States can not remedy it. This is a condition that has grown up, not only with the permission of the Federal Government, but with the assistance of the Federal Government. The people began building levees in Cairo, Ill., back in the early part of this century. They built levees that were sufficient to fully protect them from the known floods; but other people began building levees across the river in Missouri to reclaim their lands, which they had the right to do, and as they completed their levee system across the river the flood water had less opportunity to go on its way to the sea, and finally it began to be choked and still further choked as the levees across the river were increased and were built closer and closer to the river banks. The result was that the flood water of the Mississippi and the Ohio were backed up on southern Illinois, and Cairo and the surrounding community had to build their levees higher after each flood because they could see the danger and the destruction that was threatening them. Finally, only a few years ago, Cairo had built a levee 50 feet high, and all the engineers said they were absolutely safe from any flood that would ever come down the Mississippi River. They felt secure, but new levees were built across the river, and those levees were built higher and higher and were often built almost out to the natural banks of the river. Then the natural diversion channel below Cape Girardeau was closed.

So, with a levee on one side and the hills over in Kentucky on the other, a great bottle neck was formed and the flood waters were choked and stopped in their course to the sea; and Cairo was compelled to build her levees 60 feet high, which she did, with her own money, and now she is threatened with destruction because of the construction of the last levee across in Missouri at Dorena; and in the flood of 1927, if the Dorena Levee had not broken, if the Dorena Levee had not given way and allowed the flood waters to go out into their natural basin and flow ways where they had always gone in a state of nature, Cairo would more than likely have been destroyed.

And so all up and down that valley there are populous cities, and great industrial districts, that, when the flood comes, depend for their safety upon disaster happening to somebody else. When the water gets high they patrol the levees just as the Army patrols its lines during war, to prevent people from cutting their levees. The Government must do something to remove the menace that exists all up and down the valley. The necessity always exists for patrolling the levees in order to protect the people of one community from destruction by people in other communities who would cut the levee in order to avert the disaster that threatens them.

So we have now reached the situation in the Mississippi Valley which is not a natural condition. The people from selfish motives—I do not say it critically—try to reclaim as much land as they can, and have built levees for their own protection, and not for the protection of people elsewhere up and down the valley, until now we have a system of levees

built too close to the river banks to allow the water to reach the sea.

Water in the time of great floods can not go between the levees fast enough and the only thing that saves us is that there is hardly ever a flood in the Ohio and its tributaries at the same time that one occurs in the Mississippi. In 1927 there was comparatively no flood on the Ohio and its tributaries—the water was low at Paducah.

If there had been a flood on the Ohio and its tributaries in 1927 when the great flood came down the Mississippi nothing could have saved Cairo and Mound City and other cities in southern Illinois. The water would have reached 62 feet or more and the levees are only 60 feet.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAGUARDIA. Is not it the experience of levees that it is necessary to build them higher and higher?

Mr. DENISON. Yes; that is what has happened. We have built them higher and higher. Whereas the water used to spread out 30 to 50 miles it is now confined within the channel of 2 to 5 miles.

Mr. LAGUARDIA. Could not they do some dredging?

Mr. DENISON. You can not do that. There are only two practical things that can be done, in my judgment, and one is to relocate the levees back farther and give more room for the flood waters to travel between, or else you have to divert the waters into other channels.

Mr. KVALE. Why can not some dredging be done?

Mr. DENISON. They can do it but it would not solve the problem.

Mr. KVALE. Would it not help?

Mr. DENISON. The cost would be absolutely prohibitive. It is all they can do to dredge the sand bars for navigation, and to deepen the Mississippi River channel would not relieve us of the flood problem. There are only two solutions to this problem, as I have said. I am omitting the theory of reservoirs, because I am not going into that. If you cut that theory out you can only solve the problem by moving the levees back and make the flood way wider or you must divert the flood waters into different channels.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. SHALLENBERGER. Then the gentleman has come to the conclusion that sooner or later levees will be found to be failures because the water gets so high that when it does come it makes the damages greater, and that it must be regulated by spillways or by holding back the waters of the streams or tributaries by reservoirs?

Mr. DENISON. Exactly.

Mr. ARNOLD. Will the gentleman yield?

Mr. DENISON. I will.

Mr. ARNOLD. Does the gentleman think it would be wise to spend the amount of money necessary to control the floods by building spillways and conserving the water by reservoirs?

Mr. DENISON. Yes; I am sure it would be. When the flood occurred in 1927 the President called on the engineers to make an investigation and report. General Jadwin was put to work with 200 Army engineers, men of experience. And, gentlemen, the engineering question in connection with rivers is a special field of work. These men are experienced, and they began work on the question. Then a special committee of engineers of the War Department was organized to study reservoirs, and another special committee of engineers for spillways was created. They went all over the country and got the very best information they could.

The Mississippi River Commission, a very capable organization, also began studying the subject. They went from New Orleans all up the valley holding hearings. They permitted any engineer or any citizen to come before them and present their views on this question. They held very comprehensive hearings all up and down the Mississippi Valley. So that we have had a year to study this question. The engineers have had a year in which to investigate. I think they have done good work. The Chief of Engineers finally coordinated the findings of all of the engineers under him and made a report to the President, and that is known as the Jadwin report or the Jadwin plan.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HOWARD of Oklahoma. The gentleman said that these engineers went all over the country investigating the matter of building reservoirs, and their results on floods.

Mr. DENISON. They are supposed to have done so.

Mr. HOWARD of Oklahoma. I live on the Arkansas River, and we could not even get one of these engineers to come into the State. Yet they made a report against reservoirs on the Arkansas without any survey whatever.

Mr. DENISON. Of course, I am not prepared to defend the committee of engineers that made the investigation in respect to reservoirs. I assume that they did the best they could in the time they had. Their work may not have been complete. At any rate they reported against reservoirs, not because they are not proper in theory, but because they concluded that the expense of constructing them would be prohibitive.

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

Mr. DENISON. Yes.

Mr. RAGON. I happened to be before the Flood Control Committee one day when I heard Colonel Potter, president of the Mississippi River Commission, say that he would not like to hitch himself up to any flood-control plan until he had made further investigation of the reservoir project on the Arkansas and the White Rivers, and I think he is in a position to know as much about this question as any man in the United States. That was right in the face of the report that was made by Colonel Kelly.

Mr. HOWARD of Oklahoma. The gentleman knows that there was brought out in the testimony before the Flood Committee that the presiding officer of that commission of engineers investigating reservoirs was at that time in the employ of a power company, and has since resigned and gone actively with that power company.

Mr. DENISON. No; I did not know anything about that, and that would not influence me if that were the fact. This is too big a problem to discredit any man or any plan because some man who advocates it happens to belong to a corporation or to be connected with some power company, or otherwise. It is too big a question to be decided on considerations of that kind.

Mr. Chairman, I have considered the question of local contributions in connection with the flood problem of the lower Mississippi from every point of view. I can not see how any part of the costs of a broad, adequate national plan can be assessed against the local communities. They have already expended some \$290,000,000 in constructing their own levees. They must now be protected against an unnatural condition brought about in each State by the action of other States. Only the Federal Government can provide and pay for such protection, and I think the Federal Government must do it, and ought to do it now, if it is ever to be done at all.

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

Mr. REID of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Missouri [Mr. NELSON].

Mr. NELSON of Missouri. Mr. Chairman and gentlemen of the committee, as has been suggested, this is anniversary week, and I would add that it is for us to observe it by doing in a big way a big job, too long delayed.

On April 16, 1927, a year and a day ago, there came the Dorena break in the levee on the west, or Missouri, bank of the Mississippi River, 33 miles below Cairo. This, the first of 145 crevasses to form, marked the beginning of what Secretary Hoover has called the "greatest peace-time disaster in the history of America."

Before proceeding further, this leads me to suggest that as the first break in this series of crevasses occurred in southeast Missouri, just so does this section represent the key to all that vast territory which stretches away a thousand miles to the South. Here the great alluvial plain has its beginning. Here, if a mistake is made, all below must suffer. Here is the "roof of the valley." The work must be well done. Whatever is undertaken must be finished.

The problem is largely one of finance. The local communities can not contribute. In spending, this section has gone the limit, with \$51,000,000 put into drainage and levee projects, almost \$32,000,000 remaining unpaid. This is in addition to millions in farm mortgages. As indicating the local situation, eight counties in southeast Missouri, representing 2,580,000 acres of farm lands, show in six years, beginning in 1920, almost half a million acres sold under the sheriff's hammer because of inability of the farmers to meet principal and interest on mortgages. Preposterous seems the proposition to ask a community so situated to pay any part and which at the same time proposes that the people, so sorely pressed, be asked to supply the land for a great flood way for the protection of a city in another State. But as to this I shall not now speak at length.

While southeast Missouri represents the beginning of the alluvial basin, it is not here that the flood problem has its inception. Seeking the real solution of this, we must consider the tributaries, the largest of which is the Missouri, into which pour other important streams, such as the Osage. No plan of flood control which leaves out the tributaries can be thought of as complete and dependable.

The suggestion that flood control be thought of as a national problem is not new.

More than 80 years ago President Tyler, in a message to Congress, urged such action. Following the flood of 1844, the Missouri River crest of which is marked by a tablet set in the wharf in Boonville, Mo., in the district which I serve, a young Representative from the West arose in Congress and made a plea for Federal control of the great river. His name was Abraham Lincoln. Three decades passed, and one of America's greatest men of letters, one who knew the river and its lore, advocated Federal control. He was a Missourian, Mark Twain. Another quarter century, and an able President and outstanding personality, a man of convictions and courage, a hater of cowards, a true conservationist, advocated river control. He was an American, Theodore Roosevelt. [Applause.]

The present plea, as made by the United States Chamber of Commerce, the American Federation of Labor, the great farm organizations, and other bodies, that flood control be regarded as a Federal problem is not new. In 1890 a group of New York business men in a memorial signed by the late Chauncey Depew and others declared that only the Nation could control the Mississippi and in a plea for national support asked:

Where is the State that does not directly or indirectly derive some benefit from the millions of wealth squeezed out of these sodden grounds but of which the producer retains but the pittance of the poorest living?

The Mississippi is one of the world's greatest rivers. It discharges three times as much water as the St. Lawrence, twenty-five times as much as the Rhine, and three hundred and thirty-eight times as much as the Thames. It has 54 tributaries that are navigable by steamboat and hundreds navigable only by small boats. The total mileage of navigable waterways and tributaries is estimated at 15,000 miles. At 2,000,000 cubic feet per second, flowing for a day, its waters would cover 620 square miles to a depth of 10 feet, while the flow for a week would cover 4,340 square miles to the same depth, or the entire State of Louisiana or Mississippi to a depth of 4 feet in one month, and is equal to six times the water passing over Niagara Falls. It deposits at its mouth each year a mass of soil and silt equal to a square mile in extent and to a depth of 260 feet. It "eats" annually about 9½ acres for each mile of its length. Obviously, no community, no State, can control such a force.

Conceding that flood control on the lower Mississippi is a national problem, there are those who insist that before we proceed we must know what it will cost. Eleven years ago when America, in the name of humanity, went to war, we did not wait to learn what it would cost. I submit that when again comes this same call of humanity, this "Macedonian cry," that we can not consistently wait under the pretext that we want first to see the complete program and know the exact cost.

We have looked after those in foreign fields. We will not do less for our own folk. What if before the work is finally completed and adequate protection afforded for the more than a million human beings behind the earthen banks, the Federal Government has expended a tenth part of the cost of the World War, or even as much as the capitalists of our country last year invested in foreign securities. It will, if the work be well done, be worth the price.

As Secretary Hoover has said, it is not for us to expect the 1,200,000 people in the alluvial plain to move out, but to look forward to the time when as many more will make their homes there.

The argument has been made, subtle and weak as it seems, that these people ought to move out and that "anyway, most of them are negroes." In answer, let it be said that in the saving of human life, in great humanitarian undertakings, we know no color line. Incidentally, some day in this Capital City, with its many monuments, I hope to see erected one to the memory of the "black mammy" of the South, to one who was more than servant. It may be of bronze or marble and the work of a master, but it can not give expression to the spirituals and lullaby songs of those faithful old souls. [Applause.]

Why do the negroes in the cabins, small and meager, and the owners of the big old plantation houses, some of which



seem almost to have souls, continue to live 'mid such surroundings? The answer is:

There's something in us native to the soil where we belong;  
The gift of gentle gladness or the touch of living song.  
There's something in us answering in the long result of years,  
Responsive to the message of the soil that caught our tears,  
That caught our echoed laughter in the childhoods far away  
It comes back, rushing o'er us some far time at work or play,  
And all the end and answer of the problem where we roam  
Is in the dreams remembered of the little spot called home.

[Applause.]

The magnitude of this problem is such that we can not measure it in money. There come times, such as this, when the dollar as the measure of value is as false as a 30-inch yardstick, as false as a 10-ounce pound, as false as a three-quart gallon. When I recall some of the pathetic pictures, some of the scenes of utter desolation, ruin and wreck that the river had wrought, when I in memory again take that trip through the flood-devastated regions, I feel that I would do violence to my conscience and be no credit to my country if I should at this time quibble over costs.

I see again the countryside where the waters had receded, littered with dead stock, decaying bodies producing a terrible stench. I see gutters of streets filled with powdered lime like snow. I look again across great seas of muddy water, the sites of homesteads that were, marked here and there by groves of trees. Occasional mounds, frequently crowned by last resting places of the dead, became havens for the living, for human beings and wild animals. Many of these mounds were mounds of prayer—prayer for safety and for the assurance that such a calamity should never again come. I see great sodden stretches. All is gone save here and there a water-warped help house.

As near Elaine, Ark., I see a great plantation of 3,000 acres owned by men of my own State, not one of the 175 plantation houses left in place. Most were demolished. Some were floated over against the timber line and at one point 15 were piled in a mass against a railroad bridge. Where the waters have receded, I catch the glimpse here and there of a cabin out of which the mud and slime had been scooped, the floors scoured, and a white counterpane placed on the bed. It is humble, but it is home.

In connection with the flood come many human interest stories. This is one: After the waters had receded in one stricken city, there was seen a negro carrying a sack over his shoulder. "Boss, does you think thar's any moh dangah o' flood heah?" he asked. On being assured that there was none unless another break should occur, this colored man carefully opened the bag and released an old rabbit. "Ole Mr. Rabbit, him and me done ride all night long on de same log in de rivah and I promise him that if de good Lord save me I sho look arter him."

No better picture of the flood in its relation to the colored people has been given than in these lines, "Broken Levees," by a Missouri philosopher:

O, de pale sun blush whah de black waves rush, en de flat-boat trimble  
when de ole folks whine;  
De tukkey buzz'd gloat whah de dead mule float, en de ha'nt snoop  
eroun' when de moon don't shine.  
Dey's weepin' an' a-wailin' when de watah top de pallin' end de sof'  
mud ooze thoo de crack in de do';  
En de coon dawg bristle when de steamboat whistle, de flood guinter  
kivver all de earth once mo'!  
De bird man fly to de top er de sky, en de whole worl' shout w'en he  
made dat trip;  
But we ain't got time in de muck an' de slime, whah de dead mule  
float in de ole Mississip'!

But, after all, the picture that stands out strongest in my mind is that of the optimism, hope, and persistency of the people. A gray-haired man with characteristic spirit said, "No, sah; we were not defeated; we were merely ovalpowered."

Great floods tear the human heartstrings. There is told the story of a man who saw Neptune walking upon the floor of the sea, and that this mythical god entered the Gulf of Mexico and was soon far up the Mississippi. As he journeyed, he dipped his palm into the water and drank. Soliloquizing, he said, "This is not the sea, but the water is salty." Then it is told how refugees in boats and barges passed by, deep lines in their faces. Sinking with his trident to the river's floor, Neptune said, as he went his way, "The waters taste of human sweat and tears."

At Clarendon, Ark., where the White River, whose waters originate in Missouri, had done its worst, there was wreck and

ruin. I went into a bank, a beautiful building, where the water had reached the ceiling. Next door was the office of the only newspaper in the town. The lone linotype had been propped up many feet, yet the flood covered it, as it did everything else in the office. As the waters went down, the editor and his little force, as is characteristic of the craft, as my colleague Mr. Howard of Oklahoma knows, dug the sand and mud out of the old type cases and issued an extra. In this edition were these lines:

Don't fret, and don't you cuss,  
And don't be trubble' nusser,  
Ain't never been anything so wu'se,  
But might a been a little wusser.

Can we fail to put faith in such a people, to those who in the darkest hour never doubt?

It was the same story everywhere. We heard it at Greenville, the home of the gentleman from Mississippi [Mr. WHITTINGTON], where for many weeks that splendid city was under water and through the streets of which we drove in wagons pulled by Missouri mules. This was necessary because after six weeks the water in many of the streets was too deep for automobile travel. Here we talked with some of the people gathered in the great concentration camp, one of 149 established by the Red Cross. Many of them had no homes to which to return. They had lost all. The landowners looked forward to another cropping season, and the help, with a confidence which has never been misplaced, looked to the landowners.

In the work of the Red Cross and Government agencies we can secure one of the best pictures of this national calamity. The Red Cross sent out three calls, \$17,000,000 came in; 330,000 persons were rescued from housetops, levees, mounds, and other points of temporary safety. At the height of the work this great "mother to all" organization was serving a million meals a day, and 607,000 persons were cared for. More than 200,000 head of livestock was looked after, and this was no small problem, owing to the great scarcity of feed and the difficulty of having it shipped in.

Camps varied from the crudest to the most modern. In some the housing facilities were principally box cars, in which the refugees slept and from the doors of which they fished. Hundreds of cooking stoves were used out in the open, and it was an interesting sight to see the colored women as they prepared their meals, largely of "pone and po'k," if they were given their preference. At Alexandria, La., we saw one of the most modern camps, with special dining and nursery equipment for mothers and babies, and there were many in every camp.

The greatest and perhaps the most important work of all, save that of the immediate saving of life, was represented in the battle to prevent disease. State and national agencies and the Red Cross cooperated; 410,000 were inoculated against typhoid, 163,000 vaccinated against smallpox, and literally barrels of quinine distributed. Because Congress had not been called in special session, those who had been driven from their homes were made dependent upon the Red Cross and the charity of America.

I do not charge that delay in action; that the failure of the President to convene Congress in special session was due to the fact that the South rides to the polls on a mule instead of an elephant, but I do believe that a mistake was made when in the time of dire distress this body was not convened so as to bring about earlier action.

I have referred to the helpful agencies. I have never been close to the great corporations, but, in common justice, it should be said that great credit is due the railroads for the magnificent work done. Every road in the territory did its duty. The work of the Missouri Pacific is typical. It handled thousands of refugees, taking them to concentration camps, furnished more than 3,000 box cars in varying periods from three days to three months. At the same time the expense of keeping its lines open and repairing tracks amounted to almost \$2,000,000, while the losses totaled \$7,000,000.

A year ago the Nation as a whole had caught a great vision and was determined to vitalize it until it became a verity. But when the flood waters went down many forgot. It has ever been so. We are an impulsive people, anxious to aid even to the extent of giving millions and loaning more to those in other lands.

To-day the question comes home to us: What are we going to do for our own? Are we to continue a piecemeal, penurious policy, which, since 1900, has permitted losses of two and a half billion dollars; or are we going to provide protection for these homes and the safety of every citizen, thereby doing justice to this section, which contributes to the welfare of the whole of our united Nation?

Such is the challenge that comes to this Congress! [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. O'CONNOR]. [Applause.]

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, on the base of a statue in New Orleans, erected to commemorate the wonderful statesmanship, broad benevolence, and inspiring oratory of Henry Clay, were found the words:

If I could eradicate this deepest stain, slavery, from the character of our country, I would not exchange the proud satisfaction which I should enjoy for all the triumphs ever decreed to the most successful conqueror.

Paraphrasing that sublime utterance, if I could be instrumental in releasing the people in the Mississippi Valley from the greatest slave owner and slave driver that the world ever knew, the Mississippi River uncontrolled, I would not exchange the proud satisfaction for all the triumphs ever decreed to all the conquerors that ever came onto this earth and who are immortalized in the chapters of all the histories of the globe. [Applause.]

Since I came to Congress I have preached the word of flood control, I thought, to the unconverted, to the heathen. I labored on in the vain hope that my prayer would be answered. I knew I was not going to make any great progress until some unparalleled calamity should occur in the history of the valley. I felt at times I was a distant relation of John the Baptist. Men thought I was talking for the district I have the honor to represent, to use a bromide; that I had some special interest to serve; that I was a potboiler; that I was looking for the fishes and loaves; that I wanted some appropriation to boast about in order to further my political interests and my political ambitions; but, gentlemen, that was farthest from my thoughts.

As a boy, as a child, reared on the banks of the Mississippi, in a city that had the sword of Damocles hanging over it constantly, I soon became aware of the haunting terror that dogged the footsteps of every man and woman who lived along the alluvial parts of the Mississippi River.

The Johnstown disaster, which shocked the Nation, and later on the Galveston affair, which caused people to weep, from ocean to ocean, only served to emphasize the direction of my slant of mind and to show me that a greater catastrophe was impending; that some day the Mississippi River banks would hold; that there would be no break between Baton Rouge and New Orleans; and that then the protection levee which controls the destiny of that city would give way and that New Orleans, on account of its topographical situation, would furnish a tragedy such as the world had never known, for all engineers unite in the belief that the city is so situated that a break in the river at the protection levee or Dumaine Street means that houses would be overturned and driven out to the only place that the waters could find an exit, would there act as a dam, and then begin to burn as they did at Johnstown, so that they could not be used as rafts and that 400,000 of your people, blood of your blood, bone of your bone, and sinew of your sinew, would be drowned like rats or burned in a fire such as hell has never had. That was the picture which was in my mind and that is what inspired me to sing my song here, a melancholy refrain, day after day, whenever I got the opportunity, in order to let you know that your countrymen, the men and women of that valley, were in terrible danger but particularly that the lives of the people of one of the great cities of the United States were hanging in the balance as long as this flood problem was uncontrolled.

Keep in mind, gentlemen, that as long as the levees break above New Orleans we do not have to fear, and it was only when there was the break at Bayou de Glaises, with the water sweeping down the Atchafalaya, that we knew we were safe in the 1927 disaster. For before that crevasse and those that followed when Secretary Hoover gave out the statement that he was looking, with agonized eyes, to the thirteenth city of the United States because 4 feet more of water was coming down the Mississippi than had rushed to the sea in 1922, we felt that that historic city, with all of its wonderfully inspiring memories, was marked and doomed for such a destruction as had never overwhelmed any other city in the history of the world, and it was only the break at Bayou de Glaises and the rushing of the waters down the Atchafalaya which practically made for the safety of the people of New Orleans.

In other words, the misfortune of that rich agricultural section inured to the advantage, the protection, and safety of our old city. It is a melancholy reflection to know that our protection was at the terrible cost of a temporary destruction of our kinsmen. However, in order to make doubly sure we made a

cut at Caenarvon, and we did it unhesitatingly, though with great grief and sorrow and financial cost, every dollar of which New Orleans is paying to those whose property was lost or damaged. It was in my district, and I knew the people would be inundated and driven from the homes in which they had lived, not for one or two generations but for six, seven, and eight generations. Those people go as far back for their American origin as any people on this continent. But they got out, and it was one of the most mournful trains in the history of the United States, to see them wending their way into the city of New Orleans, where they were taken into homes and given places until the threat and menace of the flood had disappeared, and we had repaired the levees and rehabilitated their homes.

No, my friends, you can not ignore this proposition. Of course, there will be men who will make money out of it, but many have made billions out of the tariff and nobody has winced. I have voted for such measures because it means for the common good and the upbuilding of the country, from my particular standpoint, though I differ reluctantly from those with whom I am associated and love on this side, the Democratic side, of the House because they are largely closer to me in blood and bone than many on your side, the Republican side.

I have seen hundreds of millions given for the development of waterways in other sections, and I am glad the Congress gave it—\$160,000,000 for the Great Lakes and about \$150,000,000 for the Ohio River alone. I say this was well done. It will make for the national greatness and the national glory and promote the happiness and welfare of our people. I have seen you give \$11,000,000,000 which went, when all is said and done, to make shambles out of Europe and for our boys to die like dogs in the mud; and later on, I have seen you permit our bankers, national and international, under the guise of reconstruction send approximately \$15,000,000,000 over the way. If you weep for Europe, whence came our ancestors, my tears will mingle with yours, but what about American Bill Jones on the Arkansas, and World War Veteran Joe Smith on the Mississippi, and Spanish-American War Tom Jones on the Missouri?

Of course, in every great enterprise and national undertaking there will be money made as long as the civilization we have based upon property rights exists, and what if a little money is made in the valley—not by us! We do not own railroads. They belong to magnates, great and small, in other sections of the country. We of the valley have been money-makers. We have always by our toll added to the wealth of other sections whose capital was invested in our factories, foundries, and mines, and fields, and farms. We have always been contributors, and just as we have contributed, just as we have run rivers of gold from that section to New York and other cities where the headquarters of railroad lines are, and insurance companies are located, and where all of the great clothing manufacturers are, have we as uncomplainingly made sacrifices for our country, because it is our own. Gentlemen, here I am, born and reared in New Orleans, and every stitch I have on, shoes, underclothes, socks, and all, come from the Northeast. There may be money made, I repeat again, out of such a gigantic proposition, but how can it be otherwise where great moneys will be expended?

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

Mr. REID of Illinois. Mr. Chairman, I yield the gentleman five minutes more.

Mr. O'CONNOR of Louisiana. So, gentlemen, we can not stand upon nickels and dimes in a matter that means so much to the people of the Mississippi Valley directly and to the Nation in its broadest and far-reaching effects. We have got to go on with the work, and so far as investigations are concerned you will become the laughing stock of America if you give that sort of a bunco song to them once more.

The engineers have been investigating for 40 long years, and for 40 years destruction and death have been threatening the people of the valley. We must make a start. Engineering is like medicine—it is experimental. There is nothing exact about it and you have got to lay the foundation and from day to day profit through your errors and build up a successful system upon wrecked theories and fallacies of the past.

You have got to go on, my friends. This is not a threat; it is a mere statement of fact. If the Republican Party, the party in power, does not solve this proposition, they will have more to explain to the people of America than they have ever had during all their long, splendid, historic career, and I honor the party because it has written into the history of this country some memorable chapters. But you can not dodge it if you would, and I know you do not want to do it if you can possibly avoid it. You have got to solve this problem, and you know it.



You can not go into another campaign with the problem unsolved, because the conclusion will be irresistible, the deduction and the inference are inevitable, that if you could not solve this, you are not able to administer the Government safely and accurately and economically along any other lines. In the minds of the American people that thought will be just as certain as night follows the day and they will accept your failure as an infallible indication of your political and mental bankruptcy. Just as false in one means false in all, inability in a great crisis like this would spell inability generally; and you have trouble enough of your own from other angles not to foolishly invite the situation which would come to you in the event that the problem was not solved. If the Republican Party, the administration, does not meet it, write Ichabod over the door of your temple—"The glory of my house has departed"—I think as the tragic farewell to greatness, a mournful announcement of political decay.

I repeat, gentlemen, we can not stand upon the nickels-and-dimes idea. "It will cost too much" will not appeal to American ears where the brains behind those ears know what you have done in so many other directions. You have helped in all other directions and to neglect your countrymen and not to give them—not charity, but only that succor which will put them on their feet and enable them through renewed purchasing power to add to the prosperity of the whole Union, would be fatal.

I remember, Mr. Chairman, in 1895 I was a clerk in a cotton house. I was a sort of chief cook and bottle washer in the establishment. I was the bookkeeper, the stenographer, and did everything, including working as an assistant cotton classifier. I mention this to show that it was a day of great poverty throughout the Southland. Then came what was looked upon as a disaster that was going to practically obliterate us and accomplish what was in the minds of many inevitably the result of the great Civil War. Cotton went down until middling hit 5 cents a pound. A bale of cotton could not pay the rent of the acre on which it was raised, and then New England set up a cry because we could not buy their boots, could not buy their shoes or clothes, and that rich powerful manufacturing section then began to understand that the country was interdependent, bound together for weal or woe, for better or worse, in sunshine and in storm, in victory and in defeat, in triumph and in disaster. [Applause.]

I believe it was Lowell, who in his immortal poem, "The Present Crisis," gave to the world over, and to his own America particularly, a message "so holy and so sublime that it would not misbecome the lips of those ethereal virtues whom blind Milton saw with that inner eye which no calamity could ever darken flinging down upon the jasper pavements their crowns of amaranth and gold." He sang into our hearts and souls that benevolence meant the advancement of those who bestowed and that bread cast upon the waters shall be returned to you after many days—that the reward of one duty well performed is the power to discharge another, and that helpfulness to a stricken people made for a realization of the yearning at every heart and brought us nearer my God to Thee—and that neglect-breeding selfishness and greed which, in turn, begot cruelty, took from man that which has ennobled him in the eyes of his Maker. In unforgettable words he carried to our better natures the assurance that right was not forever on the scaffold, that wrong was not forever on the throne. That is perhaps the sentimental aspect and view of a dreamer of dreams—but sentiment is higher and above reason when it is not the loftiest reason itself.

But if America looks at this great question solely from the standpoint of an enlightened selfishness, which many cynical philosophers assert is the basis of all civilization, from the practical standpoint of the hard-boiled statesman flood relief will be granted, the great Father of Waters and main tributaries taken over as a national obligation and converted by the genius of our governmental machinery and capacity into an asset that will build up our greatness higher and along nobler and finer lines than it will ever attain as long as the Mississippi remains the most dangerous and costly liability that ever cursed, afflicted, and disgraced a nation as opulent as the United States of America. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield myself five minutes. In order that the committee may not rise without having some idea of the foundation upon which the terrific argument made by the gentleman from Wisconsin [Mr. FREAR] is based I want to call attention to two or three things. If the gentleman from Wisconsin is right then General Jadwin has been guilty of deceit toward the people of the United States. When the Jadwin plan was put forth to the public all through the report were statements like these: "The land is of little or no value." "The land is swamp land."

If the statement of the gentleman from Wisconsin is true, they have misled the people of the United States into thinking that the flood ways are of no value or of small value, and consequently the amount to be contributed by the local interests was little or nothing. To-morrow or the next day I will read the record to you.

Now, in regard to a former Member of Congress and a former Senator appearing before the committee, I am sure the gentleman from Wisconsin, in spite of his enthusiasm, would not want to misrepresent the former Member of the House and former Senator. On page 4482 of the flood-control hearings will be found this:

Mr. JOHNSON. What legislation do you mean, Senator?

Mr. LORIMER. Legislation for flood control, including a spillway through Cypress Creek down into the Tensas Basin.

In so far as we are concerned, Mr. Chairman, if it would assure flood control, such land as we own in that neighborhood we would be very glad to contribute. It has a value of probably around \$10 an acre. It never can be worth any more, because it is in the direct path of the flood way and is also in that area that is overflowed by the backwater from the Old River in Tensas Basin.

Now, I have a couple of telegrams which I received to-day that I wish to read. One is from J. F. McIntyre, president of Willets Wood Products Co., Natchez, Miss. He says:

Chairman FRANK R. REID,

Flood Control Committee,

House of Representatives, Washington, D. C.:

Our company own 41,000 acres cut-over and timber land in Concordia Parish, La. We will sell any part of our land that is required for spillways at \$5 per acre all around, gas, oil, and timber reserved.

(Signed) J. F. MCINTYRE,  
President Willets Wood Products Co.

The next one is from Wilmer J. Thomas, vice president Delta Hardwood Lumber Co., Rayville, La.:

Hon. FRANK R. REID,

Chairman Flood Control Committee, Washington, D. C.:

Believe those opposing your flood control bill because local property owners will demand exorbitant prices are mistaken. We own 12,500 acres in Catahoula Parish and will be glad to accept \$10 per acre for flowage rights. Believe you will find most of the landowners will want only a fair and reasonable compensation.

(Signed) WILMER J. THOMAS,  
Vice President Delta Hardwood Lumber Co.

Now we are getting the record to present to the House so that you will have an idea that the committee is not guilty of any such disposition as to report out a bill where anybody will make a great deal of money.

Mr. QUIN. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. QUIN. The gentleman from Wisconsin is altogether wrong. A lot of this land is worth only \$2 to \$7 an acre, and the people would be glad to give it to the Government.

Mr. REID of Illinois. I am more sure than ever that my position is right, that local contributions will prevent any flood control, because if the land is of the value he says, how can any local levee district ever raise a billion dollars to match the Government's \$290,000,000 under conditions now existing? [Applause.]

Mr. FREAR. Mr. Chairman, I yield myself two minutes. The argument made by the chairman I will be glad to answer at the proper time. I do not think it would be wise to do so at this time. As far as values are concerned, I have given you the best information I have. The committee knows there was testimony offered of \$75 an acre. Land in the New Madrid flood way averages double that amount. As to the telegrams, that testimony was never before the committee. We have not had that kind of evidence placed before the committee to my knowledge by anyone. It is true that Mr. Lorimer made a statement as to an interest in lands that he would be glad to contribute. Whether he can contribute or not I do not know; and I do not know what lands he had in mind. He did not offer to contribute any part of the 226,000 acres in the flood way belonging to the Tensas Land Co.

Mr. SCHAFER. Does the gentleman say that former Senator Lorimer was interested in land?

Mr. FREAR. He said so before the committee.

Mr. SCHAFER. Then how can he sit here on the floor of the House if he is directly interested?

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

Mr. REID of Illinois. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and had come to no resolution thereon.

#### WITHDRAWAL OF A BILL

Mr. STALKER. Mr. Speaker, I ask unanimous consent to withdraw the bill (H. R. 12204) to authorize the Director of the United States Veterans' Bureau to accept the title to a State camp for veterans at Bath, N. Y., which was referred to the World War Veterans' Committee.

The SPEAKER. The gentleman from New York asks unanimous consent to withdraw the bill H. R. 12204. Is there objection?

There was no objection.

#### PORTRAIT OF HON. HENRY D. FLOOD

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. PORTER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following proceedings of the Committee on Foreign Affairs on Friday, March 30, 1928. The committee record relates to the ceremony connected with the presentation to the Committee on Foreign Affairs of an oil painting of Henry Delaware Flood by his widow and children. Mr. Flood was the distinguished chairman of the Foreign Affairs Committee from 1913 to 1919:

#### HOUSE OF REPRESENTATIVES, COMMITTEE ON FOREIGN AFFAIRS, Friday, March 30, 1928.

The committee met at 10.30 o'clock a. m., Hon. STEPHEN G. PORTER (chairman) presiding.

The CHAIRMAN. The committee will come to order. Gentlemen of the committee, your chairman has the honored privilege this morning of introducing a distinguished son of Virginia, Harry Flood Byrd, Governor of Virginia. [Applause.]

#### STATEMENT OF HON. HARRY FLOOD BYRD, GOVERNOR OF VIRGINIA

Governor BYRD. Mr. Chairman, members of the Committee on Foreign Affairs, ladies and gentlemen, I appear here to-day as Governor of Virginia to present to the Committee on Foreign Affairs of the House of Representatives of the United States on behalf of Mrs. Flood, a portrait of the man who served as chairman of this committee in the greatest of all wars brought us into contact with all the world and into conflict with a powerful part of the world.

This portrait preserves for us the features of Henry Delaware Flood, who served his State for 10 years in the legislative halls at Richmond, as a member of the State Constitutional Convention, and who took a leading part in that convention, which was the most important event in the history of Virginia; as a member of the Virginia Debt Commission he took also a leading part in settling that controversy between Virginia and West Virginia; and as chairman of the Democratic State committee.

He served his country for 20 years in the Congress of the United States, and he served all men when he introduced, on behalf of this committee, the resolution declaring war upon Prussian militarism.

That war, initiated by that resolution, marked the inevitable end of America's complete isolation in international affairs, and this former chairman of your committee will always retain the distinction of having played a worthy part in supreme events that revolutionized the place, the power, and the prestige of our country upon a stage as wide as the world itself.

It was Mr. Flood also who, as chairman of the Committee on the Territories, introduced the resolution conferring statehood upon New Mexico and Arizona.

But it is not for me to appreciate at length the public services of this man who was your colleague for so many years. I hold to him a more personal relation. I can not hide behind the mask of my official position the love and admiration that I felt for this brother of my mother.

In my earlier years he was to me another father. In my older years he was an affectionate and considerate elder brother.

I admired him most because of his loyalty to friends and to causes. He never forgot those who served him and he did not hesitate in the face of difficulties in championing the measures in which he believed.

He was a party man, who believed in party discipline and party organization.

For example, he was not for Woodrow Wilson in the Baltimore convention, although Mr. Wilson was born in his congressional district. But no man in either branch of Congress gave to President Wilson a more effective or loyal support, especially during the trying days of the World War.

He was as fair and square in politics as he was in business. But he never posed as the possessor of self-virtues that require self-eulogy. He was a practical, unpretentious man who went his political way without pretense and did his daily work without parade.

And because he was fine and sincere he drew and held the friendship and admiration of many men in both parties in the Congress of the United States, whose own manly qualities recognized and responded to similar qualities in him.

So much I hope you will indulge me in saying this much of this uncle whom I loved.

Now, as Governor of Virginia, acting for Mrs. Flood, I present to you the portrait of one of Virginia's most distinguished sons, who served and loved his State and country. I well know how much he valued the friendship and confidence of his colleagues on this Committee on Foreign Affairs, and I like to think to-day that his sentient spirit smiles down upon us as we place him where he may look down upon your deliberations and be, in memory, the companion of your counsels. [Applause.]

(The portrait of Mr. Flood was unveiled by his children, Bolling Byrd Flood and Eleanor Flood.)

The CHAIRMAN. Gentlemen of the committee, it is peculiarly fitting that another distinguished son of Virginia, and the successor on this committee of Mr. Flood, should respond in behalf of the committee, Mr. MOORE. [Applause.]

#### STATEMENT OF HON. R. WALTON MOORE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. MOORE. Mr. Chairman and gentlemen of the committee, I feel very much honored in being requested to perform this duty.

I might speak of my personal relations with Mr. Flood, having been associated with him in the General Assembly of Virginia, the Constitutional Convention of the State, and later having served with him here in the House of Representatives. But I shall not do that, but take a few minutes to talk about his important identification with the work of this committee, and incidentally say something of the evolution of the history of the committees which deal with foreign affairs in the two Houses.

We are surprised as we look back to find that in the earliest days there were no standing committees to handle foreign business in either branch of Congress. Prior to those committees being formed, the messages of the Presidents, so far as they touched upon foreign affairs, were distributed among various committees, or were turned over to special committees raised for the purpose when particular matters required consideration.

It is with something of pride, as a Virginian, that I recall that in 1816, when the Senate Committee on Foreign Relations, which has become so powerful and influential, was established, that was done under the leadership of one of the predecessors of Governor Byrd in the office of the chief executive of our Commonwealth, James Barbour, who was also Secretary of War in the administration of President John Quincy Adams, and later minister to England.

And I believe that, when in 1820 the House Committee on Foreign Affairs was created, that was done under the leadership of another Virginian, Representative Hugh Nelson. Before that, between 1909 and 1920, there was a House special Committee on Foreign Affairs.

In the period from 1909 until Mr. Flood passed away, there were 40 chairmen of the special and standing House committees, and of those 40 chairmen, six of whom were Virginians, but one exceeded Mr. Flood in length of service, and that was Representative N. B. Banks, who for a while served as Speaker of the House. Next to him, Mr. Flood and Representative Archer, of Virginia, who afterwards became a Senator, served each for a term of six years.

This committee, so far as the office of chairman is concerned, has had a peculiarly distinguished record. Let me mention some of the very eminent statesmen who have filled the chairmanship.

There was Nathaniel Macon, of North Carolina, for a time Speaker, afterwards a Member of the Senate and its Presiding Officer, and known throughout the country as one of the most conspicuous and trusted leaders of his party.

Another was John C. Calhoun, of South Carolina, Secretary of War, United States Senator, and Vice President.

Another—the memory of great men sometimes fades out and they are forgotten—was John Forsyth, of Georgia, Senator, Secretary of State, and minister to Spain.

Another was the wonderful orator, Edward Everett, of Massachusetts, Secretary of State and also minister to Spain.

Another was Caleb Cushing, of Massachusetts, who was Attorney General, and in many fields of action illustrated his great capacity, his learning, and his ability for service to the country.

Another was a very noted orator, who, in his day, was constantly in the eye of the public, Thomas Corwin, of Ohio, first a Representative and then a Senator, Secretary of State, and minister to Spain.

Another was John J. Crittenden, of Kentucky, who served in the Senate and as Attorney General.

Deserving to rank with those men and others of equal prominence who might be mentioned, and to be thought of in connection with them,



was our friend, whose lamented death occurred during his service of many years here.

Mr. Flood was appointed a member of the committee as far back as 1903 and became chairman in 1913. He was chairman during the time of that greatest of all tragedies to which Governor Byrd has referred. He was chairman while the world was engaged in the war, before we entered the conflict, and he was chairman when it was determined that our Government should become a participant.

There are Members of Congress still serving on one side of the Capitol or the other who belonged to the committee in 1917, gentlemen whom we all know and respect. Mr. LINTHICUM, of Maryland; the venerable gentleman from North Carolina, the only veteran of the Civil War in the House, Major STEDMAN; Mr. HARRISON, of Mississippi, now a Senator from his State; Mr. FESS, of Ohio, also now a Senator; Mr. SABATH, of Illinois; Mr. HUDDLESTON, of Alabama; Mr. CONNALLY, of Texas; Mr. COOPER, of Wisconsin; Mr. TEMPLE, of Pennsylvania; and the distinguished present chairman of this committee.

It was on the 2d day of April, 1917—a day that will always shine out on the calendar of the ages—on the evening of that day, after darkness had come and the lights had been turned on, that at 8.30 o'clock the President of the United States appeared before a joint session of Congress and declared that the hour had struck when this country should unite its fortunes with the fortunes of the nations of Europe which were combating the military aggression which seemed then almost too strong to be successfully resisted. No one who witnessed it can ever forget that scene. No one can ever forget the ringing and eloquent words which were uttered to the Congress by the President and which stirred the heart of humanity on both sides of the ocean.

That was on April 2, and on the 4th of April the Senate acted, passing a resolution declaring war, and on that very day the resolution came to this committee, was acted on promptly, reported to the House, the debate forthwith occurred, and the approval of the House voted.

No words of mine justifying the action that was taken can equal the words of the chairman of this committee, Mr. Flood, who brought the resolution before the House and led in the proceedings that were then taken. Let me read one or two sentences from his speech presenting the resolution and urging its passage. I quote from the Record:

"But it has seemed to me that during the past three weeks there has been manifested to everyone who has watched the current of events a determined and deliberate intention on the part of the German Government to insult our flag, to destroy American property, and to murder American citizens, and a nation that will not fight for its honor and for such wrongs to its people is not worthy of the love of those people or the respect of the world and will not long retain either. [Applause.] With that situation, it seemed to me there was but one course for an American and a Congressman to pursue, and that was to accept the gage of battle thrown at our feet by the arrogant autocracy of Germany. [Prolonged applause.]

"For two years and a half the world has been afire. For two years and a half of our civilization has been shaken by a convulsion unequalled in its history heretofore. But during that time the great Chief Executive of this country, by the exercise of a marvelous patience, by the exercise of great wisdom and patriotism, has kept this country out of Europe's fearful conflict. But despite all of his effort in the interests of peace, despite the wishes and the prayers of the American people in the interest of peace, despite our many courtesies to and our un-failing consideration of the German Government, this powerful belligerent, this most unscrupulous of all the European belligerents, has so acted as to make it necessary for us to enter the war, and when we do enter it we will teach that belligerent that it is a dangerous thing to arouse the long-suffering and patient democracy of this great Republic. [Applause.]"

Then he said in conclusion, the complete silence broken only by his voice:

"The American Nation is the fairest flower of civilization. Princes may be jealous of her progress and tyrants may read in her rise their own downfall; but the great heart of the people of every land and clime is hers, she is their beacon light, guiding them to the glories of this grander day. [Prolonged applause.]"

The discussion lasted but a few hours, and at its end the die was cast, and this great Republic rapidly and effectively armed for the great adventure. What occurred the world knows, and the annals of men to remotest time will record, and in those annals will always stand the name of the man, then chairman of this committee, who was so conspicuously identified with the great events of the most memorable era in his time; the man whom we are now commemorating, in the presence of his widow and children, relatives, and friends.

I for one do not believe that there is any useful connection with any transaction of high importance, making for the protection and betterment of mankind, can fail to exert a lasting influence. I do not concur in the sentiment of Edmund Burke, the most eloquent man of the most eloquent race, which is so often repeated. Burke and another were the Whig candidates for the House of Commons to represent the city of Bristol. They were campaigning in that city.

Burke had already made an address, which comes down to us as one of the most masterly he ever delivered. In a few hours his col-

league suddenly died. The people gathered about the hotel where Burke was staying, calling upon him for some expression of the feelings aroused by the event which had so unexpectedly occurred, and he used this language:

"What shadows we are, and what shadows we pursue."

We can not agree that such an estimate can have any general application. We can not believe that men who served like our friend can be regarded as having been merely shadows in a passing drama, or can be regarded as having merely pursued shadows along the track of time. It seems to me that he and all who, in a spirit of real devotion to duty, willing and eager to make every sacrifice, have performed service, can not be remembered otherwise than as having aided in upbuilding, in developing, and in promoting the progress of civilization, which is no shadowy or unsubstantial performance, but a performance essential to the maintenance of the liberties, the happiness, and the endearing welfare of humanity.

In behalf of the committee, as the friend of Mr. Flood, as a Virginian, and most of all as an American, proud of his record of achievement, I am happy to receive this portrait, which I hope will long be kept among the valued possessions of this body, of which he was such an ornament. [Applause.]

The CHAIRMAN. Gentlemen of the committee, ladies and gentlemen, we appreciate very much your presence here to-day to take part in the commemoration of the memory of a very noted American. The committee, especially its chairman, is very grateful to you.

If there is no further business, the committee will stand adjourned. (Thereupon the committee adjourned.)

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor to Lieut. Col. William J. Sperry.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 431. An act to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes;

H. R. 4702. An act for the relief of Benjamin S. McHenry, alias Henry Benjamin;

H. R. 5687. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 7908. An act to authorize the granting of leave to veterans of the Spanish-American War to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1923;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 10932. An act for the relief of the widows of certain foreign-service officers.

#### 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 16 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 18, 1928, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, April 18, 1928, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

##### COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (H. R. 10958).

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways (H. R. 12380).

##### COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States (H. R. 12288).

##### COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended (H. R. 12032).

##### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920 (H. R. 12952).

Authorizing the erection for the use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C. (H. R. 12899).

To grant to the city of Fort Wayne, Ind., an easement over certain Government property (H. R. 12409).

#### EXECUTIVE COMMUNICATIONS, ETC.

452. Under clause 2 of Rule XXIV a letter from the Secretary of the Navy, transmitting draft of a bill "For the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China," was taken from the Speaker's table and referred to the Committee on Naval Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 744. An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for

other purposes; with amendment (Rept. No. 1279). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924"; without amendment (Rept. No. 1280). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 11354. A bill to provide for the improvement and modernization of the Western Public Market in the District of Columbia, and for other purposes; without amendment (Rept. No. 1281). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 11925. A bill authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia; with amendment (Rept. No. 1282). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 2972. A bill for the further protection of fish in the District of Columbia, and for other purposes; without amendment (Rept. No. 1283). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARSS: A bill (H. R. 13107) for the relief of certain claimants who suffered loss by fire in the State of Minnesota during October, 1918; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 13108) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport; to the Committee on Interstate and Foreign Commerce.

By Mr. VESTAL: A bill (H. R. 13109) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; to the Committee on Patents.

By Mr. SIMMONS: A bill (H. R. 13110) in respect of rates of postage on semiweekly newspapers; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 13111) to amend section 6 of the act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," approved November 9, 1921 (42 Stat. 212); to the Committee on Roads.

By Mr. DOUTRICH: A bill (H. R. 13112) to provide for the carrying out of the award of the National War Labor Board of January 15, 1919, Docket Nos. 419 and 420, in favor of certain employees of the Lebanon (Pa.) plants of the Bethlehem Steel Co. and the Lebanon Valley Iron Co.; to the Committee on Claims.

By Mr. ABERNETHY: A bill (H. R. 13113) to amend the interstate commerce act, as amended, to eliminate the requirement of certificates of public convenience and necessity in respect of construction of new lines of railroad and extension of existing lines; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 13114) to amend section 197 of the Criminal Code (sec. 320, title 18, U. S. C.); to the Committee on the Post Office and Post Roads.

By Mr. LUCE: A bill (H. R. 13115) for the better utilization of Government facilities for the care of disabled veterans; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 13116) to provide an additional justice of the Supreme Court of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 13117) to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries, and for other purposes; to the Committee on the District of Columbia.

Also, joint resolution (H. J. Res. 276) to authorize the merger of street railway corporations operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. McSWEENEY: Resolution (H. Res. 171) for the consideration of H. R. 12878, a bill to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of



Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; to the Committee on Rules.

By Mr. LEHLBACH: Resolution (H. Res. 172) providing for the consideration of H. R. 25, an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926; 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. BEERS: A bill (H. R. 13118) granting an increase of pension to Maria F. Shuman; to the Committee on Invalid Pensions.

By Mr. BRIGGS: A bill (H. R. 13119) to authorize a preliminary examination and survey at Anahuac Channel, Tex., and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13120) to authorize a preliminary examination and survey at Turtle Bayou, Tex., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BUCKBEE: A bill (H. R. 13121) granting an increase of pension to Emily Emmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13122) granting an increase of pension to Jane Kinsey; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 13123) providing for payment of salary to Walter L. Price; to the Committee on Claims.

By Mr. COLLINS: A bill (H. R. 13124) for the relief of Charles B. Cameron, Frank K. Etheridge, and Hardy R. Stone; to the Committee on Claims.

By Mr. COOPER of Ohio: A bill (H. R. 13125) granting an increase of pension to Margaret M. Ward; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 13126) for the relief of Harry E. Hale; to the Committee on Military Affairs.

Also, a bill (H. R. 13127) for the relief of Lowell G. Fuller; to the Committee on Military Affairs.

By Mr. FURLOW: A bill (H. R. 13128) granting a pension to Mary J. Ormond; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 13129) for the relief of Samuel David Singer; to the Committee on Naval Affairs.

By Mr. GILBERT: A bill (H. R. 13130) granting retirement pay to Hunley Singleton; to the Committee on the Civil Service.

By Mr. IRWIN: A bill (H. R. 13131) granting a pension to Aldyth L. Barnes; to the Committee on Invalid Pensions.

By Mr. LANKFORD: A bill (H. R. 13132) for the relief of J. D. Baldwin, and for other purposes; to the Committee on Claims.

By Mr. ROWBOTTOM: A bill (H. R. 13133) granting an increase of pension to Elizabeth Jones; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 13134) granting an increase of pension to Elizabeth Ann Simpson; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 13135) granting a pension to John J. Miller; to the Committee on Pensions.

By Mr. SWICK: A bill (H. R. 13136) granting an increase of pension to Frances Adessa Blount; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 13137) granting a pension to Vernon Charles Young; to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13138) granting an increase of pension to Mary M. Edmonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13139) granting an increase of pension to Alice Allen; 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:

6864. By Mr. BACHMANN: Petition of Mrs. Joseph Frallic and signatures of 51 citizens of McMechen, Ohio County, W. Va., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

6865. By Mr. BURTON: Resolution of Star of the East Commandery, Knights of Malta, Cleveland, Ohio, at a meeting held March 30, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6866. Also, resolution of the Musical Mutual Protective Association, Cleveland, Ohio, at a meeting held April 6, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6867. Also, resolution of Ice and Water Wagon Drivers, No. 422, Cleveland, Ohio, at a meeting held March 28, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6868. Also, resolution of Lakewood Commandery, No. 518, Knights of Malta, Cleveland, Ohio, at a meeting held April 4, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6869. Also, resolution of Cuyahoga Lodge, No. 460, Knights of Pythias, Cleveland, Ohio, at a meeting held March 24, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6870. Also, resolution of Cataract Lodge, No. 295, Independent Order Odd Fellows, Cleveland, Ohio, at a meeting held April 4, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6871. Also, resolution of Marble Setters, Helpers, and Polishers, No. 38, Cleveland, Ohio, at a meeting held March 26, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6872. Also, resolution of Patternmakers Association of Cleveland, Cleveland, Ohio, at a meeting held March 30, 1928, approving the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6873. Also, resolution of Avalon Sisterhood, No. 219, Dames of Malta, Cleveland, Ohio, at a meeting held March 28, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6874. Also, resolution of German-American Typographical Union, No. 6, Cleveland, Ohio, at a meeting held April 3, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6875. Also, resolution of Cleveland Typographical Union, No. 53, Cleveland, Ohio, at a meeting held April 1, 1928, indorsing the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

6876. Also, resolution of the board of managers, Ohio Branch National Congress of Parents and Teachers, Columbus, Ohio, indorsing the Reed bill (H. R. 12441); to the Committee on Education.

6877. By Mr. CARLEY: Petition of the American Agricultural Chemical Co., protesting against special rule to consider Muscle Shoals resolution; to the Committee on Rules.

6878. By Mr. CURRY: Petition of citizens of Sacramento, Calif., and vicinity, protesting against the enactment of legislation to provide a department of education in the Federal Government with a secretary in the President's Cabinet; to the Committee on Education.

6879. By Mr. FROTHINGHAM: Petition of M. M. Coffey and others in the vicinity of Boston, favoring a Navy and merchant marine second to none; to the Committee on Naval Affairs.

6880. By Mr. GARBER: Letter of Pathé Exchange (Inc.), of New York City, in regard to the pending copyright bill; to the Committee on Patents.

6881. Also, petition of Julien N. Friant, Cape Girardeau, Mo., in support of the McNary-Haugen bill; to the Committee on Agriculture.

6882. Also, petition of New York Mercantile Exchange, in opposition to the passage of the McNary-Haugen bill for farm relief; to the Committee on Agriculture.

6883. Also, petition of M. Hays, Box 126, Sapulpa, Okla., urging the enactment of legislation for the relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

6884. Also, petition of National Association of Letter Carriers, Washington, D. C., by the secretary, M. T. Finnan, urging the enactment of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

6885. Also, petition of the Doc & Bill Furniture Co., of Oklahoma City, Okla., by A. G. Moring, president, and H. K. Banks, secretary-treasurer, in opposition to the passage of Senate bill 1752 in regard to stamped envelopes; to the Committee on the Post Office and Post Roads.

6886. Also, petition of Rev. Hale V. Davis, Oklahoma City, Okla., in support of the Fitzgerald bill (H. R. 500) for the retirement of emergency officers; to the Committee on World War Veterans' Legislation.

6887. By Mr. HUDSON: Petition of citizens of the sixth congressional district of Michigan, protesting against the passage of House bill 78, which is commonly known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

6888. Also, petition of citizens of the sixth district of Michigan, urging the passage of House bill 11, known as the fair trade act; to the Committee on Interstate and Foreign Commerce.

6889. By Mr. IRWIN: Petition of Davy Martin et al., of Cahokia, Ill., praying for the enactment of legislation in behalf of Civil War veterans and widows of Civil War veterans at this session of Congress; to the Committee on Invalid Pensions.

6890. By Mr. JOHNSON of Texas: Petition of E. W. Crittenden, Houston, Tex., indorsing the Tyson-Fitzgerald bill (S. 777, H. R. 500) for the retirement of disabled emergency officers; to the Committee on Rules.

6891. By Mr. KVALE: Petition of Hanley Falls (Minn.) Chapter No. 85, Izaak Walton League of America, urging enactment of House bill 7361, providing for establishment of a permanent waterfowl refuge in Cheyenne Bottoms, Kans; to the Committee on Agriculture.

6892. By Mr. McKEOWN: Petition of M. Hays and numerous other citizens of Sapulpa, Okla., urging a hearing on House bill 11474; to the Committee on Pensions.

6893. By Mr. O'CONNELL: Petition of the Proportional Representation League, Philadelphia, Pa., favoring the passage of the Lea resolution (H. J. Res. 181), providing for a change by constitutional amendment in the method of electing the President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

6894. Also, petition of the Zenith Butter & Egg Co., New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6895. Also, petition of the National Association of Letter Carriers, Washington, D. C., favoring the passage of the Lehlbach bill (H. R. 25) to amend the Federal retirement act; to the Committee on the Civil Service.

6896. Also, petition of the American Agricultural Chemical Co., New York City, protesting against Muscle Shoals resolution now before the Rules Committee; to the Committee on Rules.

6897. Also, petition of the officers and members of the Joint Conference of Affiliated Federal Employees on Retirement of Greater New York, favoring the passage of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

6898. By Mr. PEAVER: Petition by the members of the Oscar Brask Post, American Legion, at Grantsburg, Wis., urging the enactment of the legislation authorizing the construction and maintenance of a bridge over the St. Croix River between the counties of Burnett, Wis., and Pine, Minn.; to the Committee on Interstate and Foreign Commerce.

6899. Also, petition of the town board of the town of West Marshland, Burnett County, Wis., urging the passage of legislation authorizing the construction and maintenance of a bridge over the St. Croix River between the Counties of Burnett, Wis., and Pine, Minn.; to the Committee on Interstate and Foreign Commerce.

6900. By Mr. QUAYLE: Petition of Newport Post, No. 7, American Legion, of Newport, R. I., urging the passage of House bill 12032; to the Committee on Naval Affairs.

6901. Also, petition of N. C. Kern (Inc.), of Brooklyn, N. Y., opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6902. Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6903. Also, petition of Artistic Lighting Equipment Association, of New York City, opposing the Parks bill (H. R. 6679); to the Committee on the Judiciary.

6904. Also, petition of Zenith Butter & Egg Co., of New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6905. By Mr. WINTER: Resolution from Lower Star Valley Commercial Club, G. A. Newswander, president, Freedom, Wyo.; to the Committee on Roads.

6906. Also, resolutions from the following re House bill 9956: J. A. Landgren, chairman executive committee, Laramie Council of Industry, Laramie; C. O. Brown, president Kiwanis Club, Douglas; A. C. Rork, jr., president the Cody Club, Cody; B. T. Cullen, president Kiwanis Club, Casper; J. Clinton Cox, president Shoshoni Commercial Club, Shoshoni; J. E. McElvain, president Powell Chamber of Commerce, Powell; H. R. Sladen, commander Orin Snyder Post, No. 37, American Legion, Midwest, all in the State of Wyoming; to the Committee on Irrigation and Reclamation.

6907. By Mr. WYANT: Petition of Lodge America, No. 735, Sons of Italy in America, by Vincent di Pasquale, secretary, favoring joint resolution proclaiming October 12 as Columbus Day; to the Committee on the Judiciary.

6908. Also, petition of Home Lodge, No. 942, Independent Order of Odd Fellows, of Derry, Pa., by Charles J. Hammer, recording secretary; to the Committee on the Post Office and Post Roads.

6909. By Mr. YON: Petition of Laura Williams, of Estifanulga, Fla., and 14 other citizens, urging Congress to increase pensions of Civil War veterans; to the Committee on Invalid Pensions.

6910. Also, petition of L. G. Hanks and 35 other citizens of Escambia County, Fla., urging that the immigration laws be made more drastic, deportation quicker; to the Committee on Immigration and Naturalization.

6911. Also, petition of J. W. White, of Campbellton, Fla., and 16 other citizens, urging Congress to increase pensions of Civil War veterans; to the Committee on Invalid Pensions.

## SENATE

WEDNESDAY, April 18, 1928

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

Let Thy merciful ears, O gracious and Heavenly Father, be open to the prayers of Thy people who come to Thee. Endue their souls with such a realization of Thy all-seeing eye, before which all hearts are open and all desires known, as shall hallow and purify all their occupations and activities. Especially in behalf of those whom Thou hast intrusted with the affairs of state and who sit in the halls of legislation, we pray that their minds may ever be enlightened and their wills clarified and directed by the consciousness of that Thy searching presence, that so all things by their endeavors may be established on the best and surest foundations. Grant this, O Father, for Jesus Christ's sake. Amen.

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

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (H. R. 11723) to provide for the paving of the Government road, known as the La Fayette Extension Road, commencing at Lee & Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park, in which it requested the concurrence of the Senate.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor to Lieut. Col. William J. Sperry.