

party to actions to foreclose mortgages or other actions in respect to real estate; to the Committee on the Judiciary.

8352. By Mr. O'Connor of New York: Resolution of the Savings and loan associations in the State of New York, urging passage of House bill 13981; to the Committee on the Judiciary.

8353. By Mr. WHITTINGTON: Petition of C. D. Terrall, C. D. Patterson, sr., and others for relief for drainage districts; to the Committee on Irrigation and Reclamation.

SENATE

TUESDAY, January 22, 1929

(Legislative day of Thursday, January 17, 1929)

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

The PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

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

Ashurst	Edwards	McKellar	Shipstead
Barkley	Fess	McMaster	Shortridge
Bayard	Fletcher	McNary	Simmons
Bingham	Frazier	Mayfield	Smith
Black	George	Metcalf	Smoot
Blaine	Gerry	Moses	Steak
Blease	Gillett	Neely	Stelwer
Borah	Glass	Norbeck	Stephens
Bratton	Glenn	Norris	Swanson
Brookhart	Gould	Nye	Thomas, Idaho
Broussard	Greene	Oddie	Thomas, Okla.
Bruce	Hale	Overman	Trammell
Burton	Harris	Phipps	Tydings
Capper	Harrison	Pine	Tyson
Caraway	Hastings	Pittman	Vandenberg
Copeland	Hawes	Ransdell	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Heflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Sackett	Waterman
Dill	Kendrick	Schall	Wheeler
Edge	Keyes	Sheppard	

Mr. BLAINE. I wish to announce that my colleague [Mr. LA FOLLETTE] is necessarily absent on account of illness. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolution of the Senate:

S. 3828. An act to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board;

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians;

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.;

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.;

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.;

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

S. 5240. An act to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.; and

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

The message also announced that the House had passed the following bill and joint resolution, each with an amendment, in which it requested the concurrence of the Senate:

S. 1156. An act granting a pension to Lois I. Marshall; and

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.

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

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions; and

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

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

H. R. 7028. An act granting the consent of Congress to compact or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States are jointly interested;

H. R. 7939. An act to authorize settlement of damages to persons and property by Army aircraft;

H. R. 12404. An act authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.;

H. R. 12526. An act to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended);

H. R. 13646. An act for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes;

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended;

H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases;

H. R. 14151. An act to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River; in the State of Washington;

H. R. 14154. An act to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes;

H. R. 14156. An act to authorize an appropriation for the construction of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J.;

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear*;

H. R. 14458. An act authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 15005. An act authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;

H. R. 15006. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

H. R. 15069. An act authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 15213. An act to authorize the Secretary of the Interior to develop power and to lease for power purposes structures of Indian irrigation projects, and for other purposes;

H. R. 15324. An act authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C.;

H. R. 15382. An act to legalize a trestle, log dump, and booming ground in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillow-cases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the

United Confederate Veterans to be held at Charlotte, N. C., in June, 1929;

H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion;

H. R. 15968. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy;

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indian Harbor Ship Canal, at East Chicago, Ind.; and

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

PETITIONS AND MEMORIALS

Mr. JONES presented memorials of sundry citizens of Tekoa and Wenatchee, in the State of Washington, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. FLETCHER. Mr. President, I ask permission to have printed in the RECORD a telegram from the Leesburg Post of the American Legion favoring the cruiser bill. I ask that the telegram may lie on the table.

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

LEESBURG, FLA., January 22, 1929.

Hon. DUNCAN U. FLETCHER,

United States Senate:

Last night Leesburg Post, American Legion, voted themselves unanimously in favor of 15-cruiser bill and instructed me to wire you requesting you do all in your power to get passage on this bill.

RANDOLPH F. BLACKFORD,
Adjutant.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 5229) to amend section 876 of the Revised Statutes, reported it without amendment and submitted a report (No. 1482) thereon.

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

A bill (S. 5193) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania (Rept. No. 1483);

A bill (H. R. 8551) to create an additional judge in the district of South Dakota (Rept. No. 1484); and

A bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York (Rept. No. 1485).

Mr. WATERMAN also, from the Committee on the Judiciary, to which was referred the bill (H. R. 8295) for the appointment of an additional circuit judge for the ninth judicial circuit, reported it with an amendment and submitted a report (No. 1486) thereon.

He also, from the same committee, to which was referred the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York, reported it with amendments and submitted a report (No. 1487) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12811) to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina, reported adversely thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5269) to amend the United States mining laws applicable to the Black Hills and Harney National Forests, reported it without amendment and submitted a report (No. 1488) thereon.

BILLS INTRODUCED

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

By Mr. MOSES (for Mr. Goff):

A bill (S. 5476) granting a pension to Bertha H. Barnes (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5477) granting an increase of pension to Charles W. Paul; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5478) granting an increase of pension to Eleanor E. Gerry (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5479) for the advancement on the retired list of the Army of certain enlisted men; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 5480) for the relief of Thomas A. Dwyer; to the Committee on Naval Affairs.

By Mr. KEYES:

A bill (S. 5481) granting an increase of pension to Ida Emmott (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 5482) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. HARRIS:

A bill (S. 5483) granting an increase of pension to Elizabeth E. Carpenter; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5484) to authorize the President to reconsider the case of Leland C. McAuley and to reappoint him a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. TYDINGS:

A bill (S. 5485) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material (with an accompanying paper); to the Committee on Naval Affairs.

By Mr. OVERMAN:

A bill (S. 5486) for the relief of the widow of Rudolph H. von Ezdorf; to the Committee on Appropriations.

By Mr. NORBECK:

A bill (S. 5487) granting a pension to Louis P. Mousseau (with accompanying papers); to the Committee on Pensions.

A bill (S. 5488) to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies or tularemia in predatory or other wild animals, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. ROBINSON of Arkansas:

A bill (S. 5489) to create a national memorial military park at Helena, Ark.; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 5490) granting an increase of pension to Clara J. Gillespie; to the Committee on Pensions.

A bill (S. 5491) for the relief of Annie Gaffney; to the Committee on Claims.

LOIS I. MARSHALL

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1156) granting a pension to Lois I. Marshall, which was, on page 1, line 7, to strike out "\$5,000" and insert "\$3,000."

Mr. ASHURST. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

AMENDMENT OF SECTION 876 OF REVISED STATUTES

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the bill (S. 5229) to amend section 876 of the Revised Statutes, which was ordered to lie on the table and to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. SHIPSTEAD submitted an amendment intended to be proposed by him to House bill 16301, the independent offices appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 39, line 6, insert the following:

"No part of the sums appropriated in this act shall be used to maintain the sea-service bureau."

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. CAPPER submitted an amendment proposing to increase the appropriation for cooperative agricultural extension work

from \$1,300,000 to \$1,580,000, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was ordered to lie on the table and to be printed.

MULTILATERAL PEACE TREATY

Mr. FLETCHER. Mr. President, I ask leave to have printed in the RECORD a brief communication from James H. Paine, a veteran Florida Democrat, giving the situation as he views it from the watchtower which he has been over 90 years building. His public spirit, patriotism, and sagacity have been long recognized, and his wise counsel always welcome and regarded as important and in the highest degree helpful.

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

ST. PETERSBURG, FLA., January 15, 1929.

DEAR SENATOR: There is every indication that a vast majority of American voters (the women nearly unanimous) favor adhesion to the peace pact without reservation or qualifications. Any expression of aggressive war upon America or on the Monroe doctrine, at least during the present century, is looked upon as utterly improbable and suicidal on the part of aggressors. In fact, another "World War" would result in world-wide and irretrievable bankruptcy financially and socially.

Another war, if it comes, will not be fought on land or water but from the air, and would be utterly destructive, relegating humanity to the dark ages, when every man's hand was against his neighbor's. "Bolshevism" in its deadliest aspects would run rampant everywhere and revolution here and elsewhere would overturn all existing safeguards of civilization. No longer can the old warlike slogans stir the masses to mutual destruction, and the war would only be engineered by professional militarists until chaos resulted. The only hope is for America to join wholeheartedly in every possible "gesture" or influence leading to peace.

Politically this course should appeal to every southern Democratic leader, for there isn't the slightest doubt it would again help to "solidify" the South; and I am convinced enough Northern and Western States would recur to the world-peace ideal of Woodrow Wilson to gain a majority in the Electoral College of 1932. Democratic Senators, if they will "keep their ears to the ground," will refuse to be dragged by administration leaders into "pulling their chestnuts from the fire," for the masses are demanding peace and disarmament.

J. H. PAINE.

THE OKEECHOBEE DISASTER

Mr. FLETCHER. Mr. President, I ask permission to have printed in the RECORD an article by Mr. P. S. Day, of Coral Gables, relating to the Okeechobee disaster and dealing somewhat with the problems therein involved.

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

THE OKEECHOBEE DISASTER

About 40 miles west of Palm Beach, in the northern portion of that vast expanse of marshland known as the Everglades which spreads across southern Florida, lies Lake Okeechobee. It is a large body of water, so large that a person out in the middle of it in a launch is out of sight of land. Its normal area is about 730 square miles but its banks are so low and flat that the fluctuation of a few feet in the water level will vary the area by more than a hundred square miles.

Around its shores, particularly on the southern side, are rich black lands of extraordinary fertility. Like all the rest of the Everglades they are muck lands consisting of a thick layer of from 6 to 12 feet of a black friable soil over an underlying rock formation. While there are millions of acres of Everglades muck, the peculiar composition of most of it offers some difficulties to its agricultural use, and the experimental stage has not been passed. But here on the south shore of Lake Okeechobee the muck is tempered with the alluvial deposit of the lake, which for thousands of years before the advent of settlers and the building of dikes overflowed in the annual rainy season spreading out freely over the glades. The result is a soil of well-nigh perfect natural proportions which without artificial fertilization is highly adapted to the raising of vegetables and which will produce one swift crop after another when the principal trucking areas of the country are not in production.

In addition to the superior advantages of the soil, it is claimed that the large body of the lake provides an effective insulation against frost. This is an enviable immunity, for few seasons pass without one or two killing frosts coming out of the north to cause widespread crop damage throughout the State.

Small wonder then that the region has attracted farmers. They have been coming into the district to settle ever since the State's drainage operations reached a point where there was no longer an annual saturation and flooding of the lands adjacent to the lake. A string of half a dozen little farming settlements grew up around the southern shore of the lake. A road along the top of the dike connected those on the

southeastern side from Canal Point to South Bay and another road has been under construction across the south end of the lake to Clewiston and Moorehaven.

Canal Point is more pretentious than the rest. It lies at the junction of the Palm Beach drainage canal with the lake. The cross-State Connors Highway passes through the town. There are some substantial-looking buildings, a sugar mill, a Government experiment station, and as it is a shipping point it is quite the center of agricultural activity in the whole section.

South of Canal Point, a few miles apart, are the settlements of Pahokee, Belle Glade, Chosen, and South Bay. They are more or less alike; a few stores, filling station, perhaps a "hotel," school, and church, with small outlying homes of the farmers. The negro population normally exceeds the white, nearly all of them living in small, flimsy dwellings scattered over the large farms in groups of two or three, or sometimes a dozen or more.

In the middle of September, 1928, seasonal activity was getting under way in this section. Considerable outside colored labor had come in, for the first crop after the hot summer dormant season was being started and road work was being pushed. Times were hard, but with the planting of the fields came the perennial optimism of the farmer. Things were "looking up." And then on the 16th of the month descended calamity.

Few cataclysms of nature have cut such a long and devastating swath as the West Indian hurricane of September, 1928. Its destructive force was felt in various degrees of intensity along a path nearly 3,000 miles in length from Guadeloupe of the French Windward Isles to Atlantic City.

Originating in that cradle of such unregenerate monsters, the North Atlantic east of the Caribbean Sea, it first struck the island of Guadeloupe, which lies 300 miles southeast of Porto Rico. A swirling tidal wave swept into the coastal towns, causing 855 deaths and untold destruction. The next day, September 13, it reached the Virgin Islands, and then Porto Rico, where with the unprecedented fury of 150 miles per hour it reduced that beautiful tropical island to a pitiable state of desolation. A half a million people were rendered destitute and 300 lives lost.

From Porto Rico the storm continued its relentless march northwestward toward the Florida coast. Apprised for days ahead of its approach shipping scuttled to safety and suffered no loss. But the communities along the east coast of Florida from Titusville to Key West could only wait for the impact wherever it might come, making what preparations could be made to withstand the shock and hoping that some beneficent deflection of nature might change its course.

On the afternoon of September 16 it struck the coast a little south of Palm Beach. On a 50-mile front it gathered human lives and habitation into its maw. The Palm Beaches estimate their loss at \$50,000,000.

Still moving westward, but nearing the vertex of its parabolic path, it passed over a sparsely settled area of the Glades to the region of Lake Okeechobee. Here, in the district described above, it exacted its greatest toll—the awful total of more than 2,000 human lives. From Okeechobee it gradually bore to the north and then to the northeast as the accelerating air currents of the North Temperate Zone had their effect, and with a diminishing but still potent intensity, it swept up the Atlantic seaboard, leaving havoc in its wake.

The reason for the appalling loss of life in this limited area near Okeechobee was, of course, the sudden release of flood waters. There is nothing so destructive to human life as a swift-moving wall of flood water descending upon an inhabited district. Witness the storm tide at Guadeloupe which caused nearly three times as many deaths as in the densely populated Porto Rico, where the damage wrought was mainly from the wind and rain. From fire, earthquake, hurricane wind itself, even the flow of molten lava from a volcano in eruption, there is more chance of escape than from a 9-foot wall of rushing water.

Moreover, in a rural area the death percentage will run considerably higher than in a city where higher and more stable structures afford some refuge. The wave that engulfed Galveston in 1900 cost 6,000 lives, a frightful figure, but in proportion to the population of the flooded area much less than in these Okeechobee towns. From Pahokee to South Bay more than half were killed. The same thing may be said of the Johnstown flood, the only other American disaster with a loss of life exceeding this one.

The great Mississippi flood of 1927 with its enormous destruction to property had a comparatively low death list of 289. That water was not storm driven. At Okeechobee the hurricane-lashed waters of the lake rose in a tremendous sheet, which not only inundated the surrounding lands but dashed to pieces nearly everything before it. And for hours the wind and waves continued to beat and destroy.

It is not understood by many why the people in the Okeechobee district did not evacuate the area, inasmuch as they received various warnings of the storm's approach. It is true that for more than 24 hours it was known that a severe storm was headed in their general direction. The first advices came on Saturday, September 15. Late that night the wind became brisk and continued all day Sunday with increasing force until the hurricane was upon them.

There is this to be said about it: Every year from June to October, hurricane warnings are issued perhaps six times along the southern coast of Florida. Nearly all of the storms curve harmlessly off to sea with only a local effect of high winds. Moreover, the actual path of the storm is not known within close limits far ahead of time, and in the last few hours communication is usually paralyzed. For instance, in this case the people in the lake section did not know on Sunday afternoon at 5 o'clock that Palm Beach, 40 miles east, was at that moment bearing the full brunt of the storm. If they had known it, they would have been certain that it would strike them with hurricane force. But under the existing physical conditions there was little that they could do to escape the menace of the lake in those last few hours. There was no line of retreat for them. There was no passable road around the south end of the lake and the only road to the north was along the top of the dike. A journey over that would be fraught with danger, if not impossible, in the darkness. All that was left to them was to move toward Palm Beach over an exposed highway along the canal bank into the teeth of the storm—a most hazardous proceeding, although in the light of subsequent events it could not have been worse than to have remained.

But even if the storm struck, no one foresaw such an overwhelming catastrophe. Its center passed through Pahokee. And if its course had been, say, 15 miles farther south, the toll in the afflicted area between Pahokee and South Bay would probably have been reduced 90 per cent, at least as far as human life was concerned. The winds of a hurricane whirl in a counterclockwise direction so that the area north of the vortex received the winds successively from the northeast, east, and southeast, always blowing lakeward, while south of the center they were received from the great sweep of the lake. The left-hand rear quadrant of the storm brought the water over the dikes. Canal Point was more in the path of the storm than South Bay, but because it was always north of the center its storm tide had no such crest and the comparatively light flood damage it did suffer was from water backing up from the south.

The tragedy of September 16 on these shores makes the property damage in the track of the hurricane pale into insignificance. Those who lived through it, many of whom had members of their families literally torn from their arms and whose lives in many instances hung by a thread, have known hours of horror beyond description. The unceasing roar of the storm with its awful gusts rising to tremendous heights of intensity, each gust seeming to break something of human stability from its moorings; the constant deluge from the skies; the swift inexorable rise of all-engulfing water and blackness all around, pierced by the cries of the living going to their death; in truth, a scene which could not have been more diabolically contrived for the shattering of human fortitude.

All day Sunday, the 16th, there was a feeling of apprehension. However, some reports came in that the storm had verged to the north. As darkness came on the rain and wind increased steadily. By 7 o'clock everyone knew that the full fury of the storm was upon them. Those who could, made their way to the more substantial dwellings, the church, or schoolhouse. The ones living at greater distances out on the flats hardly knew what to do. If they started out in the direction of some refuge and the lake came over before they reached it, they would be helplessly caught by the flood. So most of them clung desperately to the little shelter that they had, holding their families together as long as they could.

Some time after 9 o'clock the lake burst over the dikes. In 20 minutes it was a raging flood 5 to 9 feet deep from Pahokee to the south end of the lake. Nearly everything was washed away in this terrible tide. The flimsy homes of the negroes were demolished; hardly a trace was left of them. Most of the more substantial homes were carried away from their foundations and with a human cargo of 25 or 30 in the loft or clinging to the rafters floated far from the original site, sometimes coming to rest in safety as much as a mile away, sometimes breaking up.

To the survivors that was an eternal night. Hundreds of them spent the long hours clinging to pieces of wreckage, many being carried so far off that they were unable to get back to the settlements for days. Toward morning the wind gradually abated, but the storm was not over until long after daylight.

The scene which the light of day revealed was one of utter desolation everywhere. The flood had reached back more than 25 miles from what had been the shore of the lake. As far as the eye could see there was nothing but water. The highest elevations, such as the roads along the dikes, were partially exposed and piled high with debris. In other places they were completely washed out and under water. The few buildings still standing, like everything else which had offered stability, were clustered with refugees. A construction barge in the canal at South Bay was a haven for over 200. A tractor in a field had served as moorings for a family of four. And on all sides floated the bodies of the victims of the deluge.

Slowly and with difficulty those who were left alive made their way through the downpour to places of safety. Most of them were either stupefied or hysterical, many of them injured and exhausted. They were in a state of extreme helplessness. Nothing could be accomplished

without boats, and there were very few of them in the entire district. They had no motor transportation and were practically cut off from West Palm Beach, which was itself in dire need of assistance.

However, word of their plight reached Miami, and some time late Monday a small relief party arrived from that city with food and medical supplies. By Tuesday various agencies of relief were on the scene. A tremendous task confronted them and bad weather for several days made organization difficult. Due to continued rain the water was rising again. Motor boats and seaplanes were brought in, but systematic recovery of the dead did not get under way until Wednesday. Up to that time the care of the living taxed every resource. All refugees except the able-bodied men were removed to West Palm Beach and Miami.

As the days passed the realization came that the tragedy was much worse than at first believed. The death list rapidly mounted as the bodies continued to be found. It was not long before identification became virtually impossible and as a sanitary measure it was necessary to cremate them in piles near where they were found.

On Friday Governor Martin and members of his staff visited the afflicted territory. His inspection of the ghastly scene convinced him that the number of dead would reach 1,500. But that was before the horrible discovery at Pelican Bay. Nearly a week after the storm it was found that a negro village of 450 inhabitants at Pelican Bay (between Pahokee and Belle Glade) had been completely wiped out. They had been trapped in a veritable sluiceway formed by a dike on one side and a railway embankment on the other converging to a point on the south which formed a death pocket from which there was no escape. The water was still 5 feet deep over the whole locality.

The official death list numbered about 2,000, but six weeks after the flood they were still finding bodies. The exact number who perished will never be known, but it is believed by those who handled the work to be considerably in excess of that figure.

Nearly 80 per cent of the casualties were negroes. Very few of their dead were identified. A large number of them were transient laborers who had come into the district to work on the farms and the roads. They were scarcely known to their employers or to each other by anything more than "Jim" or "Charlie." Besides, when they got to them it was too late. If they were missing their relatives counted them as dead.

One old negro known as "Uncle Ben" at Belle Glade who lost the seven members of his family was credited with recovering 80 bodies in one day. Finally he came across the body of his youngest daughter. Kneeling before the workers he pleaded to be allowed to prepare a grave for his child and his plea was granted.

Slowly order was brought out of chaos. The Red Cross, assisted by the American Legion, Coast Guard, National Guard, State and local officials, and citizens, performed heroic service. Fortunately the country has a natural resiliency. At the time of this writing, six weeks after the hurricane, many of the acres which were submerged are in beans, and within 45 days money will begin to flow into the region. But while the productivity of the soil and the indomitable spirit of man are great restoratives, it is too much to expect that a permanent population can live and prosper under the conditions of insecurity which have existed. Two lake disasters in as many years can not be gainsaid by volumes of statistics showing the improbability of the next one. It is time to throw such hallucinations overboard and get down to the actual ways and means of removing or at least reducing the hazard.

The Okeechobee flood problem is not new. It is part of a very complicated and baffling problem which includes the drainage of the entire Everglades. This problem of drainage has been recognized for 20 years, and during that period \$15,000,000 have been spent toward its solution. There have been acute political and financial ramifications. At the present time the gigantic project is but a fraction completed and the indications are that there will be a great deal more of the same before its consummation.

However, the menace of the lake during the storm season was not widely realized until the hurricane of 1926. The path of that storm whose center passed over Miami was south of the recent one and only the southwest corner of the lake was severely affected. The town of Moorehaven received the brunt of it. A storm tide swept over and through the inadequate levee, causing over 200 deaths in that little farming community.

After that came the realization that something must be done. Numerous meetings were held and committees formed of State officials and interested parties. The State drainage engineer submitted a plan. An engineering board made a survey for the State and submitted recommendations which, in so far as the control of the lake was concerned, did not differ materially from those of the drainage engineer. But unfortunately in the two years that followed, little was done except to repair the existing works which had proved so woefully inadequate.

The engineers' plans called for the immediate construction of a greatly enlarged and safeguarded levee on the southeastern, southern, and southwestern shores. But these plans which were available nearly two years before the 1928 storm, and which, if carried into effect, must have gone a long way toward preventing the second tragedy, were not acted upon. The estimated cost was about a million and a half dollars.

But the control plans were not considered apart from and primary to the rest of the project, as the exigency required. Instead, the drainage problem as a whole was attacked, but the complexities involved in a \$20,000,000 program were such that it never got under way.

Lake Okeechobee is the key to the drainage of the Everglades. The lake is the drainage basin for a watershed of over 4,000 square miles area lying to its north in the Florida uplands. The water is delivered into the lake by the Kissimmee River and two or three minor streams. The natural outlet for the lake, if it can be said to have one, is the broad slough, 40 miles wide and a hundred miles long, which gently slopes southward to tidewater at the extremity of the peninsula, and which is called the Everglades. The entire area is so nearly level, and the elevation of the lake above the sea is so little (about 16 feet) that no natural channels have been eroded. Consequently, in the flood season, the water from the lake and from the rainfall has simply spread out in a great sheet over the surface of the Glades, where it remained until it gradually worked its way to the southward or passed off by seepage and evaporation.

Thus the land adjacent to the south end of the lake originally, under all conditions of high water, became inundated, and for long periods of time would remain in a flooded condition. Since drainage operations have begun, the level of the lake has been somewhat reduced, but at the same time the lowering of the water table has caused a remarkable subsidence of the surrounding mucklands, in one recorded instance as much as 4.6 feet in 15 years. This has, of course, aggravated the condition which it is sought to improve.

The principal drainage works to date are six canals from the lake to the sea. All of them, except the St. Lucie, the last one built, are too long to be effective discharge outlets for the lake. The rate of fall, 2 or 3 inches to the mile, is insufficient for the necessary flow, and during the rainy season they are loaded to capacity by the run-off from the large tributary areas through which they pass.

The St. Lucie, which cuts directly east to the Atlantic, a distance of only 25 miles, is about a third as long as some of the others, and has a discharge capacity greater than all the rest combined. It is upon this waterway that the control of the lake now depends. It is contemplated to maintain the lake stage within a margin of 3 feet between elevations 14 to 17 feet above sea level, no easy task under the conditions of wet and dry seasons prevailing in Florida.

For the protection of life and property on the south shore of the lake, levees have been built from Moorehaven to Canal Point. These levees are about 5 feet above normal high-water stage and have a narrow cross section, just wide enough for a roadway along the top.

It is clear to the people of south Florida, and especially the residents within the affected area, that the entire control system must be extended and enlarged. Not only the levees but the outlet canal is insufficient. For a month or more after the September, 1928, storm the lake continued to rise with the St. Lucie Canal discharging at full capacity. Even if there had been no storm tide the level of nearly 19 feet which the lake attained was enough to cause a complete saturation and flooded condition of the adjacent territory with attendant damage to crops and property.

It is true that the rainfall in August and September, 1928, which included two storms of flood-producing character, was without precedent since records have been taken in the lake area. The enormous discharge into the lake would have taxed a system with twice the capacity. But it is for the extraordinary and unexpected that protective works must be designed if these disasters are to be prevented, and the economic practicality must be subordinated to that end.

The economic justification of spending great sums on the Everglades problem at this time has been questioned. There is no denying the fact that there is plenty of good, high, unoccupied farm land in south Florida and will be for some time whether the Glades are reclaimed or not. It lies around the rim of the great saucer which holds the Everglades. And the lowering of the whole water table, which is the result of drainage operations, has been a distinct disadvantage to these lands. It has simply meant more irrigation. So the claim has been made that the Glades should not be drained at the expense of the higher lands.

But it is largely the lateral system of drainage canals which affect the ridge land adversely and not the control features in the lake region. Moreover, the Okeechobee country is not unoccupied and undeveloped land. It is unexcelled farm land and it is populated. For these reasons it is entitled to proper safeguards of life and property. And, as in the Mississippi Valley, the land protected should not be expected to bear the entire burden of the cost of the control works. Public funds are constantly being used and legislation invoked to foster and protect industries which are, strictly speaking, uneconomical. Is the protection of life and property any less important?

FARM RELIEF

Mr. FRAZIER. Mr. President, I ask permission to have printed in the RECORD a speech by Hon. SMITH W. BROOKHART, delivered recently before the National Republican Club of New York City, on farm relief.

There being no objection, Senator BROOKHART'S speech was ordered to be printed in the RECORD, as follows:

Some people, mainly in Wall Street, say there is no farm problem, but here are the facts:

About one-third of the American people are farmers. These farmers now own less than one-fifth of the property values of the country, and they are getting less than one-tenth of the national income.

Since the deflation of agriculture in 1920 there are about sixty billions of capital investment and about 12,000,000 workers, not counting women and children. This capital and these workers produce a gross value of about \$12,000,000,000.

There are about forty billions of capital in manufacturing, or only about two-thirds as much as in agriculture; and there are fewer than 9,000,000 workers, or fewer than three-fourths as many as in agriculture; but, after deducting \$16,000,000,000 for difference in raw-material costs, this smaller amount of capital in manufacturing and smaller number of workers produced a gross value of \$44,000,000,000 as against \$12,000,000,000 for agriculture. Since labor got only \$11,000,000,000 in wages in manufacturing it is only fair to say that high wages were not the cause of this discrimination.

Valued by the same rule as the farms the railroads are less than one-third of agriculture and the number of workers about one-seventh, but they produce a gross revenue of more than half as much as the farms, and again labor gets only about one-half.

Iowa lands went down over two and a half billion dollars and railroad stocks went up more than that amount at the same time. Iowa is only typical of all the States and railroad stocks are only typical of the big stocks in general.

Recently brokers' loans have passed the six and a third billion dollar mark, or nearly one-third of the bank deposits of the Federal reserve bank members. Since 1920 these loans have scarcely been below \$3,000,000,000. Until the last year this vast reserve of surplus credit was accumulated at the rate of about 4 per cent, while the farmers of the country were compelled to pay 6 to 12 per cent. Recently the demands of this speculative bubble have become so great that it has raised the rate as high as 12 per cent for call money, and it has further increased farm rates even in the Federal land bank.

A National City Bank bulletin shows that in 1925 the national banks of the country earned 8.34 per cent upon capital, surplus, and undivided profits. The National Industrial Conference Board shows that from 1920 to 1925 agriculture earned only 1.7 per cent upon its capital investment, without adequate allowance for labor or depreciation.

In 1926 the farmers of the United States sold 41,000,000 hogs. In 1928 they sold 48,000,000. They got \$200,000,000 less for the 48,000,000 hogs than they got two years previously for the 41,000,000. This in spite of the fact that the foreign demand was increasing; that the number of hogs in Denmark had been decreased 10 per cent, in the United Kingdom 5 per cent, Germany 2 per cent, and in the Netherlands 20 per cent. For a whole generation farmers have been receiving less total money for a big crop than for a little one.

The public utilities as a whole are earning more than 7 per cent and the courts are allowing them that rate or higher, while agriculture gets only 1.7 per cent, and that upon an unfair bookkeeping.

Massachusetts has 3.69 per cent of the population, produces 3.92 per cent of the national wealth, but gets 5 per cent of the national income. New York has 9.83 per cent of the population, produces 9.81 per cent of the wealth, but gets 14.79 per cent of the national income. Iowa has 2.27 per cent of the population, produces 3.48 per cent of the wealth, and gets only 1.99 per cent of the national income. Again, Iowa is only typical of the agricultural States, and Massachusetts and New York are only typical of the industrial States.

According to the Manufacturers Record, the deflation policy of the Federal reserve bank reduced agricultural values by \$32,000,000,000 and other business by only \$18,000,000,000. This means that agriculture was deflated six times as much in proportion as other business.

Since 1920 farm lands have declined nearly \$20,000,000,000, while in industrial centers real estate has advanced more than that amount.

The farmers of the United States receive about \$9,000,000,000 for what they sell; but the consumers pay over \$30,000,000,000 for it.

Since 1910 farm bankruptcies have increased by more than 1,000 per cent, while commercial bankruptcies remain about the same.

These facts show a national calamity for agriculture without parallel in the history of the country. It is the highest duty of the statesmanship of this time to determine the causes of this great discrimination against agriculture, and to prescribe an efficient remedy. It is the duty of the new administration to solve this question and not take up a decoy bill upon the specious plea that it has a chance and we can get nothing better. All parties have pledged agriculture equality with other business, but in spite of this pledge the farmers might as well know that they will get no adequate relief during this administration, and it is a waste of time to fight for anything but a genuine solution of the farm problem. It is worse than a waste of time, because when they finally win they will be given an inadequate bill and then blamed for its failure besides.

In presenting the causes of this great discrimination against agriculture I shall center my arguments around the fact of the total wealth production of our country and a just distribution thereof.

Since 1912 the new wealth added each year has amounted on an average to about 5½ per cent; prior to 1912 and back to the Declaration of Independence it has averaged less than 4 per cent a year. This means all the work of all the people, all the earnings of all the capital, and all unearned increment or increase in property values added to all depreciation of the dollar amounts to only 5½ per cent a year. If all the wealth production of the whole country went to capital and there was an even distribution, the return of capital would only be 5½ per cent. These are Mr. Hoover's figures, and I have with me the bulletin on which they are based.

From these facts it appears certain that there is only 5½ per cent in this American pool. If, therefore, any block of capital is able to dip from the pool more than this 5½ per cent, there will be as much less for an equal block of capital. If capital is assisted by the laws of the United States in taking more than its just share in this wealth distribution, it is the duty of Congress to correct these laws. In my judgment, nearly all of the cause of this great discrimination against agriculture is due to laws of Congress.

Let us consider the transportation act. By law it authorized the Interstate Commerce Commission to work out a value for the railroads as a basis for rate making. When this value was completed it was over \$7,000,000,000 more than the market value of the railroad securities at the time. The railroads of the country are collecting about \$400,000,000 a year in excess rates, a large part of it, of course, from the farmers, to pay a return upon this excess capital. Besides, the subsidiary corporations of the railroads, through the excess profits they collect, are adding two or three hundred million dollars a year more to the operating expenses of the roads which must be paid in excess rates. The capitalization of unearned increment, which ought to be denied to every public utility, adds two or three hundred million dollars more. The waste of competition, on the admission of the highest railroad authorities 10 years ago, amounted to over \$400,000,000.

Notwithstanding all these facts, I have never attributed over about one-tenth of the cause of the farmers' present troubles to excess railroad charges. In ordinary times I think it might be 25 per cent, but the deflation of the farmers by the Federal reserve banking system in 1920, in the gigantic figures I have shown, is the greatest cause of the farmers' troubles. His interest rate and the depletion of his capital together are, in my judgment, 65 per cent of the cause of this agricultural depression.

This leaves 25 per cent to be accounted for, and I think it is due to the tariff laws which enable the manufacturer to fix the price of his product at his factory without foreign competition and to the patent laws which enable him to fix his price without any competition, either foreign or domestic. In this way the prices the farmers must pay are fixed, while in his own production he has a surplus of about 10 per cent, on an average, which goes abroad and is sold in the competitive markets of the world. The price is fixed by that sale, and that price fixes the domestic price the same, less the freight and expense of reaching the foreign market. Agriculture is the only business that has no voice in the price which it must pay for what it needs and no voice in the price it must get for what it sells. I think this is the other 25 per cent of the cause of the farmers' troubles.

All these causes have developed under the laws of the Congress of the United States. Men will cry out against putting the Government into business and then put it in to fix both the valuation and return for the railroads. They will cry out against paternalism and then demand tariff laws and patent laws for purely paternalistic protection. They cry out against price fixing and then demand banking laws that give them a monopoly in the control of surplus credit with power to fix the interest rate, while the farmers who produce 70 per cent of their raw material must compete with all the world.

The law has created corporations without number. This is usually done by laws of the State, but the Constitution gives to Congress jurisdiction and control of interstate and foreign commerce. More than 85 per cent of the railroad transportation of the country is in interstate commerce, which indicates a like proportion of our business is interstate. These corporations are creatures of the law. They have no life and no existence except through the law. Congress by silence has turned them loose in interstate commerce as birds of prey without regulation. I am well aware that 40 per cent of them have operated at a loss since 1922 and that they are preying upon each other.

Nevertheless every corporation charter is a charter of special privilege as against the farmers of the United States and as against everybody else outside of the corporations. When any stable corporation takes more than 5½ per cent in profits upon its capital, it is practicing extortion against all other people of the country by virtue of the law.

I said 5½ per cent, but that gives to capital all the wealth production of the country, but I do not think capital is entitled to all. I think some part should go to labor, to invention, to genius, and to management. The percentage would therefore be much less than 5½ per cent.

This situation calls for an agricultural remedy by law. In fact there can be no other permanent remedy. The law must give agriculture an equal opportunity with the other industries of the country.

The most immediate demand in this remedy is the control of the farmers' surplus. This can only be done in his interest, and speedily, by a Government export corporation. It must have capital enough to bid and if necessary to buy from the farmer his surplus at the cost of production and a cooperative margin of profit. In its exportable form this surplus averages about \$2,000,000,000 a year, but some of it would turn quickly. Mr. Hoover operated two such corporations during the war without a subsidy and without an equalization fee, and in the wheat corporation he turned \$59,000,000 profit back to the Treasury of the United States.

Such legislation as this is opposed as class legislation in favor of the farmers, but the railroad law guaranteed to the railroads war-time profits the first six months after they were turned back, and under the law the Treasury wrote a check for \$529,000,000 to make this guaranty good. Add to that the profits of the wheat corporation, which belong to the farmers, and the Treasury of the United States owes the farmers at least \$600,000,000 if it is to give them an equal opportunity with the railroads. In my judgment this would run an export corporation, handling all of the exportable surplus of agriculture, more than 10 years. Some of the very best financial experts in the Senate believe it would suffice indefinitely.

This export corporation should in the beginning operate exactly as Hoover operated them during the war. The Agricultural Department should determine the average cost of production. It is doing that now, but is not allowing a sufficient depreciation nor sufficient return for the labor and management of the farms. With these items figured in, its present work would be satisfactory. If this price were bid to the farmers themselves, then they would get the benefit of it and there would be no argument with middlemen or profiteers.

The next question arises, Would there be a loss upon these operations? There was no loss during the war nor after the war, and a part of the time, especially after the war, there was more danger of loss than in ordinary peace time. On many of the products there certainly need be no loss. Cotton is the biggest item. Let us take three years ago when we had the big cotton surplus. Suppose this export corporation had been in operation then. Suppose the Department of Agriculture had ascertained the average cost of production, including a 5 per cent cooperative profit on capital and it had been 26 cents a pound. Suppose that price had been bid to the cotton farmers of the United States. It would certainly have raised the whole price level to that figure. The farmers would have received 26 cents a pound instead of 10 or 11 cents, which they did receive. This would have made great prosperity in all the Southern States. It would have been a magnificent support for prosperity in the city of New York; and would there have been any loss to the Government or this export corporation? This exportable cotton amounted to about 65 per cent of all the exportable cotton of the whole world. Anybody who has 65 per cent of the world's demand bought and paid for is in reasonable control of the world market itself. If the bank can not call his notes and the sheriff can not sell him out, he is in position to ask and to obtain his price. I have talked to many experts and all have agreed that this cotton would already have been disposed of without loss. It would be possible even to take a profit over above cost and expenses.

Wheat is the next biggest item of agricultural export. It would work out about the same way. The United States and Canada together had 55 per cent of the world's wheat production in 1925. Perhaps this year it would amount to 65 per cent. Canada already has a sufficient pool, and even the working of that pool has favorably affected the world price. If the United States would join Canada, the two together could have about as much influence upon the world market of wheat as the United States could alone on cotton. Since their interests are the same, it is perfectly easy for them to join together in this cooperative movement.

The livestock products are a harder proposition, because they must be processed to be preserved. Mr. Hoover successfully handled pork products during and after the war, and successfully maintained the price of hogs to the farmers of the United States. Accompanied with the same authority, power, and capital which he had then, he can do it in time of peace.

This is not doing by legislation any more so far as results are concerned, nor as much as the tariff laws and the patent laws have done for the protected industries. Neither is it doing any more than the banking laws have done for the banks, nor as much as the railroad laws have done for the railroads.

As a final solution of this problem it is my idea that cooperative organizations should subscribe for stock in this great export corporation upon substantially the same plan that the farmers have subscribed for cooperative stock in the Federal land bank.

The Government furnished all the money to start this land bank. As the farmers took out their loans they were required to subscribe 5 per cent of each loan in cooperative stock. Already they have subscribed and paid in more than enough to liquidate the entire advancement by the Government. That land bank is owned cooperatively to-day

by the farmers of the United States, and it is the greatest land bank that has ever existed in the world. It is still under Government control, which at this time means Wall Street control, and the farmers are not getting the benefit of as low interest rates as they are entitled to get. Neither will they get their just dues until the surplus of credit of the country is taken from speculative and gambling business and turned over to legitimate business, including agriculture.

We therefore have a precedent in the law for everything that I want to do with reference to the farm problem.

In conclusion I want to say that these great cooperative organizations can not succeed and can not perform the full service they should perform to the farmers of the country until they have a cooperative credit system of their own with deposit banks, reserve banks, and all under their own control.

That the Federal reserve bank is inadequate for agriculture is now conceded in the law itself. The law has established another reserve bank. Most people do not think of it by that name, and in fact do not consider it from that standpoint. However, the intermediate credit bank is a reserve bank. The business it does is practically all reserve bank business, but it is a dehorned and denatured bank. It should be given all the power of the Federal reserve bank changed only by the requirements of cooperative banking.

Cooperative banking is the safest and the soundest in the world because it never lends money for speculative purposes. The reserve banks thus created should be permitted to organize national cooperative deposit banks to become members of the cooperative reserve. The law should also permit the little banks in the agricultural and labor sections to join this cooperative reserve bank instead of the Federal reserve bank. The United States is the only civilized country in the world that by law prohibits farmers and labor people from organizing their own savings in a cooperative system of their own under cooperative control. The farmers and laboring people have just as good a right to have a system of laws that will permit them to organize such a banking system as the commercial system has to permit them to organize a commercial banking system with its governmental reserve.

With these things done, and the proper adjustment of tariff schedules, and with a solution of the transportation problem on the lines of the Canadian National Railway, the farmers of the United States would have something like an even chance with other industries.

AMENDMENT OF THE DISTRICT CODE

The PRESIDING OFFICER (Mr. HASTINGS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2366) to amend subsection 1 of chapter 18 of the Code of Laws for the District of Columbia, relating to degree-conferring institutions, which were, on page 2, to strike out lines 15 to 18, inclusive, and insert:

2. That any such degree shall be awarded only after such quantity and quality of work shall have been completed as are usually required by reputable institutions awarding the same degree and approved by the Board of Education of the District of Columbia: *Provided*, That if more than one-half the requirements for any degree are earned by correspondence or extramural study such fact shall be conspicuously noted upon the diploma conferred: *Provided further*, That no diploma shall be issued conferring a degree in medicine or any healing art, or in law, for study pursued or work done by correspondence.

And on page 4, line 22, after the word "thereof," to insert:

And provided further, That after notice has been given as hereinabove provided and during said 30-day period or during the time said decision is under review by the Supreme Court, no diploma shall be awarded or degree conferred by the licensee.

Mr. BLAINE. I move that the amendments of the House be referred to the Committee on the District of Columbia.

The motion was agreed to.

FEDERAL RESERVE BANK BUILDING, LOS ANGELES, CALIF.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 142) authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif., which was, on page 1, line 6, after the word "owned," to insert "by said bank."

Mr. SHORTRIDGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 3828. An act to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve

individual members of the Board of Education of personal liability for acts of the board;

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. p. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. p. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians;

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railway Co. across the Benicia Arsenal Military Reservation, Calif.;

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.;

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.;

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

S. 5240. An act to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.;

H. R. 1320. An act for the relief of James W. Pringle;

H. R. 4920. An act authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913;

H. R. 15569. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes; and

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I ask that the deficiency appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARRIS] to the substitute amendment of the Senator from Washington [Mr. JONES] to the committee amendment on page 16, line 16.

Mr. TYSON. Mr. President, I wish to suggest to the senior Senator from Georgia [Mr. HARRIS], with regard to his amendment, that after the figures "1930" he strike out the period and insert a comma and add the following, in order to meet the objections made by the Secretary of the Treasury that he has no discretion in regard to the amendment offered by the Senator from Georgia; that is, to make it read:

To be used by the Secretary of the Treasury in his discretion and for the improvement of the Coast Guard and the Customs Service of the United States, for the board of patrol, and such other and any other agencies, including allocation to the Department of Justice, as in his discretion the Secretary of the Treasury shall determine to be proper.

Mr. HARRIS. Mr. President, I am very glad to have the suggestion of the junior Senator from Tennessee. I ask permission to modify my amendment, and I ask that the clerk may read the amendment as modified.

The VICE PRESIDENT. The clerk will read the amendment as modified.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by Mr. JONES as a substitute for the committee amendment, on page 16, beginning in line 16, insert:

For increasing the enforcement force, \$24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act, and to remain available until June 30, 1930.

Mr. WARREN. Mr. President, I desire only a moment to say that we have had before us all of last week and thus far this week the urgent deficiency appropriation bill. Usually such a

bill is passed during the first few days of the session. I feel that it is necessary that debate should come to a close before very long and I expect to be able to-day to complete consideration of the bill. In fact, I shall insist that we do so. I hope it will be by agreement at an early hour in the day, but if it is not agreed upon early in the day we must remain in session until we finish the bill.

Mr. HARRISON. Mr. President, may I ask the Senator from Wyoming whether it is the plan that all the general appropriation bills are to be sidetracked as soon as the deficiency appropriation bill is out of the way so that the cruiser bill may sail to a successful conclusion?

Mr. WARREN. I presume the Senator has tried to make that agreement, but I do not think it has been made.

Mr. HARRISON. No; I have not tried to make it, but I saw in the papers that the leadership on the other side of the aisle, if there is any, have agreed on that plan, and I wondered if that is to be the plan.

Mr. WARREN. I have not heard of it.

Mr. HARRISON. I could not recall an occasion where the distinguished chairman of the Appropriations Committee permitted himself to be sidetracked in order that other legislation might be passed.

Mr. WARREN. Thanks to the Senator.

CLAIMS FOR REFUNDS OF TAXES

Mr. WALSH of Montana. Mr. President, a few days ago the Senator from Wisconsin [Mr. BLAINE] submitted to the Senate from the Committee on the Judiciary a report on the bill (S. 5319) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refund of taxes. In that report certain strictures were made upon a former Solicitor of the Bureau of Internal Revenue, from whom I have a telegram this morning referring to the report and making what he claims some corrections in statements contained in it. I ask that the telegram may be printed in the RECORD.

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

The telegram is as follows:

NEW YORK, N. Y., January 21, 1929.

Hon. THOMAS J. WALSH,

United States Senate, Washington, D. C.:

I thought you might be interested in the following telegram which I have to-day sent Senator SMOOT:

"I am directing this telegram to you as chairman of the Finance Committee of the Senate and a member of the Joint Congressional Committee on Internal Revenue Taxation for the purpose of correcting erroneous statements made in the report of the Committee on Judiciary on the bill S. 5319. The statements in the report concerning the settlement of the tax liability for 1917 of the United States Steel Corporation were given currency in yesterday's newspapers. The report states, referring to the year 1920: 'So that year we have this United States Steel Corporation case settled in the solicitor's office.'

"And the report proceeds to state that reassessments of \$17,000,000 were made by the solicitor's office in the same year, after which I resigned as solicitor, and with one of my assistants 'soon after' filed a proceeding to obtain a refund of those taxes. The solicitor at that time was an officer of the Department of Justice whose duty it was to advise the Commissioner of Internal Revenue. The only matters which came before the solicitor were those referred to him by the commissioner. Neither the solicitor nor his office had authority to make assessments. The steel case was never before the solicitor's office during my incumbency, nor did I even know such a case existed. No assessment or settlement of any kind was ever made by me as solicitor, nor was anything in connection with the case ever before me during my incumbency. No claims for refund were filed by me or under my supervision for the corporation until about March 10, 1926, five and one-half years after my resignation. I had never been consulted by the corporation nor had I ever represented it in any capacity until about November, 1924, more than three years after my resignation, and then only on a specific question. Furthermore, no settlement of any kind was made in the steel case for 1917 until January 3, 1929. Prior to that time the entire case was being examined and reexamined. The final revenue agents' report, covering 2,584 pages, with exhibits, was not received until about January 1, 1926. Thereafter detailed claims for refund were filed and suits to collect were instituted to protect the corporation's rights about July 3, 1928. The payments on the original return and all others were made under protest. The report further states: 'This particular case was tried by three men of the general counsel's office or the solicitor's office, Mr. Service, Mr. Cardwell, and Mr. King,' and the report proceeds to say they were in the solicitor's office when the reassessments of \$17,000,000 were made in 1920. Mr. Service in 1920 was a member of the committee on appeals and review, an organization wholly independent of the solicitor's office, and he did not at any time serve under me and is not in the general counsel's office now or at the time this case was tried. Mr. Cardwell is an auditor in the Income Tax Unit, an organization wholly independent of the solicitor's

office, and he never served under me and is not in the general counsel's office now or at the time this case was tried. Mr. King was not appointed until after I had resigned. The statements herein contained apply as well to Mr. Alverson and my office. I understand all the papers in the case, including petitions, refund claims, briefs, and other data, were open to and examined by representatives of the joint congressional committee for almost a month before it was formally sent to the joint committee, giving them thereby about two months to consider the matter. This statement is made so that the correct facts may be known, and there the matter stands."

WAYNE JOHNSON.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Montana if the telegram which he has just had printed in the RECORD is from Mr. Wayne Johnson?

Mr. WALSH of Montana. It is.

Mr. SMOOT. I suppose it is similar to the telegram I have received from him.

Mr. WALSH of Montana. The telegram sent to me quotes the telegram of Mr. Johnson to the Senator from Utah. I ask the especial attention of the Senator from Wisconsin [Mr. BLAINE] to the statements made by Mr. Johnson. I am sure that he will be very glad to correct any misstatements of fact that are made in the report as charged by Mr. Johnson.

Mr. SMOOT. I have made an analysis of the report—

Mr. MCKELLAR. Mr. President, I wish to state that the Senator from Utah will find when he examines the report and the letter of Mr. Johnson that the respective statements are of fact and are contradictory of each other. The statements which are contained in the report are on the sworn evidence of Mr. Bond, the Assistant Secretary of the Treasury, who testified in the matter, and it is those statements that Mr. Johnson questions.

Mr. SMOOT. Mr. President, the Senator from Tennessee is mistaken, because since hearing from Mr. Johnson I have had checked up the statements to which he objects in the telegram, and I find they are statements made in the report of the committee and not in the testimony. They may have been based upon certain testimony Mr. Bond gave, but, I repeat, they are statements made in the report.

Mr. MCKELLAR. Mr. President, the Senator from Utah will find that the report is based upon the testimony of Mr. Johnson and Mr. Blair, and it is a question as to whether Mr. Johnson is correct about the matter or whether Mr. Blair and Mr. Bond, the Assistant Secretary of the Treasury, are correct about it.

Mr. WALSH of Montana. Mr. President, I should like to say that inasmuch as the report consists to some extent of strictures upon the office of the solicitor while it was occupied by Mr. Johnson, certainly an opportunity ought to be given to him to be heard.

Mr. MCKELLAR. Absolutely; I have no objection to that. His telegram ought to be put in the RECORD, and I suggested to the Senator from Utah a while ago that it should go into the RECORD.

Mr. SMOOT. The criticisms are upon actions taken a year after Mr. Johnson had resigned.

Mr. WALSH of Montana. So he says in his telegram.

Mr. SMOOT. And we checked up that statement to see if it was the case.

Mr. MCKELLAR. I have no objection to either of the two gentlemen being heard as to facts and dates.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 180) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 343) authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

CLAIMS OF GRAIN ELEVATORS AND FIRMS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, which were, in the last two lines of the preamble, to strike out "and are now justly due said claimants"; and to strike out all after the enacting clause and insert:

That the Comptroller General of the United States be, and he is hereby, authorized to ascertain the amount due on said claims, if any, and he is further authorized to settle and adjust said claims, and to certify same to the Secretary of the Treasury for payment to the several persons entitled thereto, as their respective interests may appear together with the reasonable and necessary expenses incident to the administration of this resolution, out of any funds now in the hands of the United States Grain Corporation, and belonging to the United States, or out of the funds in the United States Treasury, not otherwise appropriated: *Provided*, That attorneys' fees shall not exceed 15 per cent of the amount recovered.

Mr. SHIPSTEAD. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

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

H. R. 7028. An act granting the consent of Congress to compact or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

H. R. 13646. An act for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended; to the Committee on Banking and Currency.

H. R. 15213. An act to authorize the Secretary of the Interior to develop power and to lease, for power purposes, structures of Indian irrigation projects, and for other purposes; to the Committee on Indian Affairs.

H. R. 15324. An act authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C.; to the Committee on Naval Affairs.

H. R. 12526. An act to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended); and

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases; to the Committee on the Judiciary.

H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.; and

H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy; to the Committee on Public Buildings and Grounds.

H. R. 7939. An act to authorize settlement of damages to persons and property by Army aircraft;

H. R. 12404. An act authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.;

H. R. 14154. An act to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes;

H. R. 14156. An act to authorize an appropriation for the construction of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J.;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929;

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion; and

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.; to the Committee on Military Affairs.

H. R. 14151. An act to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington;

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear*;

H. R. 14458. An act authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 15005. An act authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;

H. R. 15006. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

H. R. 15069. An act authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 15382. An act to legalize a trestle, log dump, and booming ground in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.; and

H. R. 15968. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.; to the Committee on Commerce.

H. J. Res. 343. Joint resolution authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes; to the Committee on Indian Affairs.

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes; to the Committee on Finance.

FIRST DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARRIS], as modified, to the substitute amendment of the Senator from Washington [Mr. JONES] to the committee amendment on page 16, line 16.

Mr. GEORGE. Mr. President, I have no desire to discuss the merits or demerits of prohibition, for, if I rightly interpret the sentiment of the country, the people, the average citizens, do not care to hear discussion upon the merits or demerits of national prohibition. Indeed, where two or three American citizens gather themselves together the question of national prohibition is not infrequently under discussion, and it comes down finally, as it comes in this body, to the assertion on the one side and the positive denial on the other that the prohibition law can not be enforced. What the American people want with reference to national prohibition is action by the Government looking to its enforcement. Obviously we have reached a point in our arguments here and in the country where the answer, the decision, can only be predicated upon action by the Government to enforce the prohibition law.

What does it profit us here to enter into long discussions of this question when at last we wind up always with the assertion by those who oppose the law that the law is incapable of enforcement and with the counter assertion on the part of those who favor it that the law can be enforced. Manifestly nothing remains but an honest effort to enforce the law. So, Mr. President, when the Commissioner of Prohibition, Doctor Doran, suggested in a statement made before the House committee, which is free from any suspicion of afterthought or deliberation, that it would take \$300,000,000 adequately to enforce the law in the United States, it seems to me that an amendment to some appropriate appropriation bill increasing the amount now appropriated for the enforcement of the law, which for direct enforcement is only \$13,500,000 per annum, as I recollect, is timely.

It seems to me to be most unfortunate there should be in any quarter the charge of partisanship brought against any Senator who dares to offer an amendment, for he has taken the only logical course, the only course that can finally settle this question as the average American citizen wishes to see it settled.

There is much in the suggestion of Mr. Mellon, the Secretary of the Treasury, that we ought not to appropriate as much as

\$25,000,000 to be expended in his uncontrolled discretion and to be allocated between different services having to do with the enforcement of prohibition as this one official might see fit to allocate it.

Mr. HARRIS. Mr. President, may I interrupt my colleague? Mr. GEORGE. I yield.

Mr. HARRIS. I should like to say that my amendment has been modified so as to meet the objections of the Secretary of the Treasury so far as the allocation of the fund is concerned.

Mr. GEORGE. I understand that.

Mr. HARRIS. The amendment as modified leaves it to the President to expend whatever amount of the total appropriation he may deem to be necessary, and no more.

Mr. GEORGE. I understand the effect of my colleague's amendment, but what I was saying, Mr. President, was that there is some force in Mr. Mellon's suggestion and some force in his criticism. But we are faced by a condition. The Prohibition Commissioner has submitted his request for an appropriation of thirteen and one-half million dollars for the direct enforcement of the law. Some three or four million dollars of that is to be expended for overhead, leaving something like eight or nine million dollars for all of the field forces. Then he follows that by the statement which, as I have said, is free from any suspicion of deliberation or afterthought, that the enormous sum of \$300,000,000 will be necessary to enforce the law if the Federal Government is to do the policing of the country. Therefore the suggestion that there should be an increased appropriation ought not to subject the Senator suggesting it to any charge of partisanship.

Mr. BRUCE. Mr. President, if the Senator will allow me to interrupt him for a moment, I should like to ask him a question.

Mr. GEORGE. I yield.

Mr. BRUCE. The Senator is aware, of course, that the States of the Union at the present time are not willing to contribute more in the aggregate than the sum of \$700,000 toward prohibition enforcement?

Mr. GEORGE. Mr. President, I am not discussing the obligations of the States; I do not wish to be drawn into that field. Granted that Mr. Mellon's criticism is in a sense just and sound, since the Prohibition Commissioner himself has not and the Secretary of the Treasury himself has not allocated and asked for a reasonable and adequate sum for the enforcement of the law, what is the Senate to do but to act as it is now attempting to act and to appropriate a sum which, in its judgment, is at least adequate, as my colleague has done in his amendment.

There are obvious objections to placing in the hands of any officer of the Government the allocation and expenditure of so large a sum, particularly the allocation of that sum to departments over which he has no jurisdiction directly to preside, but we simply find ourselves faced by a condition, and that condition I have briefly brought to the attention of the Senate.

Mr. McKELLAR. Mr. President—

Mr. GEORGE. I yield to the Senator.

Mr. McKELLAR. There is a precedent for such action even at that, for I remember that two or three years ago Congress appropriated something like \$100,000,000 at one time and has since appropriated perhaps several hundred million dollars more, or will do so, and turned it over to the Secretary of the Treasury not only for the purpose of erecting buildings throughout the country for his own department but for other departments of the Government, and, as I recall, I heard no objection then that the erection of such buildings was to be put in charge of the Secretary of the Treasury.

Mr. COPELAND. And he was to decide where they were to be located.

Mr. McKELLAR. Yes. He was to decide where the buildings were to be erected; he was given virtually absolute control of that enormous appropriation, several times larger than the one which is now proposed, the discretion as to which, he says, it is unwise to give him.

Mr. GEORGE. Mr. President, it is quite true that we did leave the discretion in the Secretary of the Treasury and the Postmaster General in connection with the expenditure of a much larger sum of money than is here proposed to be appropriated, and we left to them the discretion of selecting the sites and of approving plans and of making the several investments in public buildings throughout the country. However, I do not believe that that was a wise policy, and for that reason I am saying that I think there is something in Mr. Mellon's suggestion; but the suggestion ought not, in my judgment, to control the Senate in the circumstances in which it finds itself at this time with reference to this appropriation.

Conceding the full force of his objection, in the circumstances which we are called upon to act it seems to me that we should

appropriate an adequate sum of money and call upon the Government to make an honest effort to enforce prohibition in this country.

Mr. REED of Missouri. Mr. President, will the Senator pardon an interruption?

Mr. GEORGE. Yes.

Mr. REED of Missouri. The Senator uses the term "make an honest effort." I think the Senator means an "effective" effort.

Mr. GEORGE. I will qualify the expression in that way, if the Senator desires me to do so.

Mr. REED of Missouri. An "honest" effort would seem to imply that an honest effort has not been made, and if it has not been made, then certainly the same officer is not to be trusted to carry it out.

Mr. GEORGE. I will qualify my statement in the way the Senator from Missouri has suggested.

Mr. President, we have recently passed through a campaign in this country. During that campaign those who supported Mr. Mellon were quick to say in almost every State that there had been an effective enforcement of the prohibition laws, the meager sum appropriated by the Congress of the United States being considered. Whatever other issues there may have been, and however greatly other issues may have influenced the result of the election, I have not the slightest doubt that this one question of national prohibition was itself sufficient, and in 1932 will be sufficient, to hold the balance of power between the political parties in this country, conceding that they are in any sense equally balanced when the issue is joined.

Mr. BRUCE. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. GEORGE. I shall be glad to yield; but will the Senator let me make my statement?

Mr. BRUCE. Oh, certainly; if the Senator does not want to yield.

Mr. GEORGE. I therefore think, Mr. President, that the country does not want this question made a partisan issue; that it does not wish it made a political issue between the parties; that the American people want to see the efficient, the effective, enforcement of the law; and I think we have reached a point where nothing but a bona fide effort to enforce it, and to enforce it to the limit, will answer the arguments advanced upon the one side and met by as positive denial on the other side. It has come down, not to a question of logic, not to a question of speculation, but it has come down to a question of fact.

Why should not our Republican friends be willing to vote the appropriation? Senators have called attention to the fact that we did not hesitate to appropriate more than a hundred million dollars, leaving to the discretion of this very Secretary of the Treasury the allocation of that sum of money between all of those places in this country that desired customhouses, court buildings, and post offices. We abdicated, so to speak, our function in that particular instance. Why should we not leave to him the allocation and expenditure of one-quarter or less than one-quarter of that sum of money in an effort effectively to enforce national prohibition?

The time for argument is at an end. The American people do not want this question made a party or partisan question. I have never, in anything I have done or said, undertaken to make it a partisan issue or question. There are proportionately as many voters in the one party as in the other who are favorable to the enforcement of this law. I think that we ought to disregard the suggestion made by Mr. Mellon; that we ought not to be disturbed because of the conflicting views of dry leaders outside of this body; that we ought to face this problem, meet this problem, and solve it in the only way in which we can solve it—by making an adequate appropriation.

Mr. President, it would be entirely profitless to inquire how or in what manner the enforcement of prohibition may be improved. It is useless, it seems to me, to talk about diplomatic whisky in Washington. That particular factor may enter into the enforcement of prohibition locally. It is utterly impracticable, it seems to me, and all but useless, to talk about the proper functions of the General Government as distinguished from the proper functions of the State government. Every man must admit that if this law is to be adequately enforced there must be an adequate number of enforcement officers; and, moreover, there must be an improvement in the character of the enforcement officers. In other words, whatever may be the proper function of the General Government and the proper function of the State governments, so far as the eighteenth amendment and the national prohibition act are concerned, and whatever suggestion may be made that may be helpful to the enforcement, the law never can be enforced until we have an

adequate personnel, and a high character in that personnel; and we can not get it on an appropriation of eight or nine million dollars for a country so large as ours, with 118,000,000 people.

We might as well face the issue squarely. It will take at least the amount that is suggested in this amendment, plus the amount now regularly appropriated for this service. I am speaking of the appropriation for the direct enforcement, and not those appropriations for other departments of the Government that also have to do with the enforcement of the law. If we are to enforce the law the appropriation must be increased. As I see it, there can be no embarrassment to the incoming President, because this appropriation must be expended, if not entirely, almost entirely during his administration. As I see it also, the investigation which he proposes to carry on will not be in the slightest degree retarded by this appropriation. I am glad that the incoming President has assumed the burden and taken the responsibility for that investigation—an investigation which he promised during the campaign. I think he should have it, and I think he should have it without let or hindrance upon the part of the Congress; but I do not think this appropriation will or can embarrass him. Moreover, Mr. President, if the appropriation is made, and, in the light of the investigation, when made, can not be judiciously expended, it still lies in the power of the Secretary of the Treasury to return to the Treasury—which in this instance would be a mere matter of bookkeeping—the unused portion of this fund.

That, Mr. President, is not an unheard-of procedure upon the part of the Treasury Department. My information is, though I do not speak advisedly, that even in the last fiscal year a portion of the appropriation made for the enforcement of national prohibition was not expended for that purpose, but, being unexpended, was properly returned to the Treasury.

So if the whole sum is not expended and can not be wisely and judiciously expended by the Secretary of the Treasury, he has the precedent in his own office of disposing of the unused portion of the fund. He has the precedent in his own office of making allocations of a sum more than four times the size of the proposed appropriation of \$25,000,000; and therefore there is nothing embarrassing, and I presume there will be no criticism aimed at his allocation and use of this fund.

It seems to me to be obvious that the prohibition law can not be enforced unless and until we have an adequate personnel and until the character of that personnel is such as to commend itself, as far as possible, to the good judgment of the people of the country.

It is not at all surprising that there have been abuses and that corruption has been found in the prohibition forces. When the temptation is considered, when the possibility of earning vast sums of money by an underpaid personnel is taken into consideration, there can not be the slightest surprise upon the part of anyone that corrupt conditions have from time to time appeared.

We differ here in our judgments on the simple question of whether or not prohibition is being enforced, and each man views it very much according to his own environment. In some cities it must be admitted, as my colleague has said, the enforcement of prohibition is a farce. In other cities and in other parts of the country it can not be truthfully said that the enforcement of prohibition is a farce. We are presented with numerous statistics, large numbers of arrests for violations of the prohibition law. We leave out of sight altogether the high visibility of crime, particularly this particular offense against the statutes of the United States and of most of the States. We leave out of consideration the many, many years of campaigning, of speaking, of publicity turned in the direction of violations of the prohibition statutes. Those statistics do not dismay me, and they seem to me to have but very little bearing upon the general question now before the Senate; but if they serve any purpose, they serve the purpose which in the beginning I tried to make plain, and that is that you can answer this question, whether you be dripping wet or whether you be dry, in only one way, and that is by making every possible effort to enforce the prohibition law effectively.

I think the prohibition law ought to be enforced. I believe it can be enforced. I do not doubt that it can be enforced. It can not be enforced, however, if it is made a partisan issue; but it can be enforced if the Government of the United States, with the support of the men and women who believe that it is enforceable, believe in its wisdom, in both and in all parties, say that we will not make it a partisan issue, but we will see to its enforcement.

I do not care to indulge in any criticisms of Mr. Mellon. I do not care to repeat anything that has been from time to time said concerning Mr. Mellon. I have at least sufficient

faith in Mr. Mellon to say that if he is intrusted with a large sum for the enforcement of the law, he will make more progress than has been made during the last few years in the enforcement of the law. He will at least demonstrate what we must ultimately know, whether this law can be enforced save by a President and by enforcement officers who believe in it from top to bottom. He will at least demonstrate that there must be an adequate number of enforcement officers, and that the funds must be sufficient to get the highest character obtainable for this work in the prohibition force.

Mr. President, I very much hope that during the morning hour we shall be able to enter into a unanimous-consent agreement that will lead to a vote on the pending question at some time during the day.

Mr. BRUCE. Mr. President, so far as the pecuniary aspect of the amendment of the Senator from Georgia [Mr. HARRIS] is concerned it is a matter in which I can truthfully say that I am not particularly interested. I have invariably voted for every appropriation made by Congress for the enforcement of prohibition, and I should vote for this additional appropriation of \$25,000,000 but for the fact that the very highest fiscal officer of the Government, the Secretary of the Treasury, has said that no good use can be made of it at this time.

Of course, in feeling that it would be a mistake, in the face of that declaration of the Secretary of the Treasury, to make any such additional appropriation, I am also to some extent influenced by the fact that the general counsel of the Anti-Saloon League itself, Mr. McBride, the successor of Wayne B. Wheeler, says that he also deems it inexpedient that such an additional appropriation should be made just now. Certainly he is in about as good a position as any man in the United States to form an opinion as to how far it would be wise, even from the strict prohibition point of view, to have such an additional appropriation made by Congress. Nor am I unmindful of the fact that the Methodist Board of Prohibition, Temperance, and Morals, which has been one of the most powerful influences behind prohibition for years, agrees with Mr. McBride.

So far as I know, the only active spirits connected with any of the great private agencies in this country which have been seeking to enforce prohibition who are outspokenly in favor of the appropriation are Bishop Cannon and Mr. Crawford, the president and secretary of the Board of Temperance and Social Service of the Methodist Episcopal Church South.

In that state of circumstances I feel that I could not justify myself, from the standpoint of official duty, if I were to fly in the face of the advice of the Secretary of the Treasury, and vote for this appropriation. But if the Secretary of the Treasury will say that he favors the appropriation, with the modification suggested a few moments ago, then I will be very glad to vote for it.

Nor, to turn to the utterances of the Senator from Georgia [Mr. GEORGE] a few moments ago, am I one of those who believe that prohibition can not be enforced. I believe that it can be enforced if the Government will spend enough money and multiply enough judicial tribunals for the purpose of enforcing it, and will exhibit in every respect the ruthless disregard to the fundamental principles of American civil liberty which would be involved in extreme measures of enforcement. If the Government will make the machine of prohibition enforcement elaborate enough, highly organized enough, crushing enough, it can enforce prohibition; but, as I said a few days ago, it can enforce it only as the Spanish Inquisition enforced Catholicism in Spain.

To me there was something simply pathetic in the confessions of impotence that fell from the lips of the Senator from Nebraska [Mr. NORRIS], the Senator from Washington [Mr. JONES], and the Senator from Georgia [Mr. HARRIS], with reference to prohibition enforcement, in the current debate. The only trouble about prohibition enforcement, said the Senator from Nebraska, is that there is too much partisanship in its administration. That has certainly been true in the past, whether it is true at this moment or not.

The Senator from Missouri [Mr. REED] at any rate is not likely to forget what General Andrews testified before the Senate prohibition subcommittee in April, 1926, on that subject. I read from the printed testimony taken by that subcommittee. General Andrews said:

I think that resulted in the dropping of about 300 (prohibition field agents) right there.

Senator REED of Missouri. Three hundred out of 3,600?

Assistant Secretary ANDREWS. No; out of about 2,000 field agents. And since then some of my administrators are very keen to make sure.

Now we anticipate civil service. I believe that the Congress will pass it. My reorganization bill includes a clause that the appointments shall be made under civil service. We want to come up to the day when civil service is effective in our force, with high-grade men in the organi-

zation. You know just as well as I do how the men were selected, probably, in the past.

Senator REED of Missouri. No; I do not. I wish you would tell us.

Assistant Secretary ANDREWS. Don't you, really?

Senator REED of Missouri. I do not.

Assistant Secretary ANDREWS. Well, I am told that they were selected on the recommendation of the directors in the field and the field supervisors of the more mobile force, and that there was more or less political reason for their appointment in many cases.

Senator REED of Missouri. That is, you mean they were appointed generally on recommendation of somebody in politics or somebody who held office?

Assistant Secretary ANDREWS. Or some other organization, maybe.

Senator REED of Missouri. What other organization?

Assistant Secretary ANDREWS. Well, any that are interested.

Senator REED of Missouri. Well, can you name some of them?

Assistant Secretary ANDREWS. Yes; I could name the churches and the—

Senator REED of Missouri. What churches?

Assistant Secretary ANDREWS. All the churches, so far as I know. They are all interested in this law.

Senator REED of Missouri. And they have been recommending men?

Assistant Secretary ANDREWS. I think so. I have heard recommendations from them.

Senator REED of Missouri. Who else?

Assistant Secretary ANDREWS. The Woman's Christian Temperance Union, the Anti-Saloon League, or any of these organizations that are interested in the welfare of the community and the enforcement of the law.

Senator REED of Missouri. And who represented the Anti-Saloon League particularly?

A little later Senator REED brought out the fact that it was Wayne B. Wheeler. Of course, nothing but gross, crass, unscrupulous partisanship could result from such applications of the spoils system of patronage as those. How flagrant the results were is only too well illustrated in some observations by Maj. Chester O. Mills, who was at one time the Federal administrator of the State of New York, after he lost his position through the machinations of that partisanship. I quote from Major Mills:

Gen. Lincoln C. Andrews, who was then in charge of prohibition enforcement, had notified the public, as he had repeatedly assured me, that politics would have no place in enforcement. * * * Gradually orders to exclude politicians were modified. I was told to advise with the local party leaders regarding appointments to the force of 240 men working under me. * * * In scores of cases involving useless and venal agents, suspected alcohol promoters, and outlaw breweries I felt the working of the political machine, whose wheels do not grind slowly, although they grind exceeding fine. Through weeks and months contests with the politicians multiplied, bickering increased, until finally action taken against the worst agents I have ever encountered provoked the politicians into open mutiny. * * * They complained that out of the 240 men in my district, nearly one-tenth of the entire Federal dry force, 103 were Democrats. The full roster was submitted to the bosses for inspection. There were only 12 Democrats on the force. * * * General Andrews ordered me to consult Charles D. Hilles, the national committeeman of the Republican Party from New York. Mr. Hilles and I had a conference lasting two and one-half hours. * * * He pointed out that the patronage system prevailed in every prohibition district throughout the country and that my territory would not be an exception.

Of course Mr. Hilles and other politicians in the State of New York made the seat of Major Mills so hot that he had to vacate it.

It was because of partisan scandals and outrages like these that the prohibition element in this country found that it was necessary to bring forward the Cramton bill and to place prohibition agents within the Federal classified civil service. The Cramton bill is the only measure looking to the application of the merit system of appointment to any office, Federal or State, against which I have ever voted; and I voted against that not because I did not believe that it would work a very considerable improvement in the personnel of the prohibition field force, because I did believe that it would, but because I believed that even the salutary merit system of appointment would be unable to neutralize the depraving, the corrupting influence of prohibition, and that ultimately the only result of placing these prohibition field agents under the merit system of appointment would be to discredit that system even in its preexisting applications. Just as certainly as I stand here at this moment I believe that that will finally be the result.

Mr. WHEELER. Mr. President—

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

Mr. WHEELER. I desire to ask the Senator a question.

Mr. BRUCE. I am glad to yield.

Mr. WHEELER. A statement was made a moment ago by the Senator from Georgia [Mr. GEORGE] to the effect that in certain parts of the country the law is being enforced. I know the Senator has given a good deal of thought and attention to the statistics with reference to how the prohibition law is being enforced in the States. Will the Senator tell me of any State in the Union that he knows of where it is being enforced?

Mr. BRUCE. I do not know of one single, solitary State in the Union where this law is being successfully enforced. It is only recently that attention has been called to the tremendous growth of law violations as respects prohibition in the State of Kansas, a State which adopted State prohibition long before the adoption of the eighteenth amendment.

A most striking illustration of the extent to which the prohibition law is being violated in Maine, too, another prohibition State of long standing, has been recently brought to my attention through the press of that State. No less an authority than General Andrews himself—and he was about the ablest, frankest, and most courageous man that has ever headed the Prohibition Unit—is on record as saying that bootlegging was coextensive with the entire territory of the United States. I do not want to single out any particular section for animadversion—

Mr. WHEELER. I was going to suggest that the Senator from Georgia said that possibly in some cities the law is not being enforced. From my travels over the country it would seem to me that even in the smallest communities the law is being violated just as much as it is in the larger cities.

Mr. BRUCE. That is shown most strikingly by the annual reports of the Moderation League of New York. The directors of that league are men of the highest standing in the United States in the professions, including the clergy, and in business circles; that is to say, men like Bishop Fiske, of New York, Harvey Fiske, president of one of the great New York life insurance companies, and Elihu Root, the great lawyer, and others whom I might mention. The Moderation League has brought out an annual report for a good many years, and its last report came out only a few weeks ago. Those reports show that throughout the period covered by the reports arrests for drunkenness in more than 500 cities and towns of this country have steadily mounted up. It was only this morning that the Washington Post brought to our attention the fact that during the year 1928 there were more arrests for drunkenness in the city of Washington than in any year since 1911.

Mr. WHEELER. I noticed a statement in the paper by Mr. Howard, or some one in charge of or at the head of some prohibition organization, to the effect that before Congress appropriated any more money for the enforcement of prohibition it ought to see to it that the law is enforced here in Washington.

Mr. BRUCE. Yes; that is to say, here where the President has his palatial home, here where the Supreme Court sits, here where Congress convenes—even here the Prohibition Unit is powerless to enforce prohibition.

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

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

Mr. BRUCE. I yield.

Mr. TYSON. I would like to ask the Senator from Maryland, that being the case and prohibition not being enforced, if he has any remedy for the situation?

Mr. BRUCE. I have no remedy for it except to appropriate \$300,000,000 a year and to cover the whole face of the land with courts of justice, as Mr. Doran suggested.

Mr. TYSON. I would like to ask the Senator, if that is the case, why he is not in favor of appropriating at least \$25,000,000 at this time?

Mr. BRUCE. I should most assuredly vote for it, as I said a moment ago when perhaps the Senator was not in the Chamber, had not the Secretary of the Treasury and others peculiarly interested in prohibition enforcement reached the conclusion that just at this time it would be inexpedient for the interests of prohibition itself that any such additional appropriation should be made.

Mr. TYSON. Does the Senator think the time ever will come when it will be expedient to make such an appropriation?

Mr. BRUCE. The Senator knows perfectly well, if we are going to get back to first principles in this matter, that I personally do not think that there ever will be a time before the crack of doom when it would not be an unwise thing for this country to enforce prohibition—and why? Because, as Edmund Burke once said in one of his sublime bursts of eloquence, "No; never did nature say one thing and wisdom another."

Mr. TYSON. Does the Senator think we can repeal the eighteenth amendment?

Mr. BRUCE. I do. Just as sure as God sits in His mighty pavilion in the skies, that unnatural and irrational amendment will some day be modified.

Mr. TYSON. Does the Senator feel that it ought to be enforced while it is on the statute books?

Mr. BRUCE. I do; and I have always voted to enforce it.

Mr. TYSON. I think the Senator ought to aid in getting some remedy for the enforcement which he says is not now being had.

Mr. BRUCE. I brought forward a provision for the appropriation of \$270,000,000.

Mr. TYSON. We have one pending now providing for \$25,000,000.

Mr. BRUCE. Then comes along the Secretary of the Treasury, the chief enforcement official of the Government, and says that at this time it could not be used to advantage.

Mr. TYSON. Some people might disagree with him on that question.

Mr. BRUCE. The Senator has the right to disagree. The Senator may disagree with Mr. Mellon. Some not only disagree with him but have not hesitated to misrepresent and traduce him. In that respect Mr. Mellon always reminds me of the story told by Benjamin Franklin. Some man in New England bought a lot of onions somewhere and stored them in his cellar. He could not sell them as soon as he expected to do and the consequence was that the onions began to sprout. Every day or so the owner would go down in his cellar only to find that they had sprouted still more than they had done the day before. Finally he succumbed in disgust and exclaimed: "Damn those onions. The more I curse them the more they grow." So it seems to me that the more Mr. Mellon is misrepresented and slandered the more he grows in public esteem and affection.

Some time ago I was at a great press gathering, one of the greatest in the country, and notwithstanding the high esteem in which I knew that Mr. Mellon was held by the American people, I was deeply interested to see that his rising elicited far more applause than that of any other member of the present administration who was present, and I said to one of the most distinguished newspaper correspondents at Washington. "Much as I know of the degree in which Mr. Mellon is esteemed by the people of the United States, I had not expected such a truly extraordinary ovation." "Why, Senator," replied the correspondent, "that is the kind of reception that is always given to him by the press." And I should like to know who is there in this land who knows better the virtues and the shortcomings, the worth and the lack of worth of public men, than the representatives of the press?

All that the Senator from Nebraska [Mr. NORRIS] could say, I repeat, was, "There is too much partisanship in the administration of the prohibition law," and that notwithstanding the fact that we only recently passed the Cramton bill for the very purpose of eliminating partisanship from the workings of that law.

Then followed the suggestion of the Senator from Washington [Mr. JONES] as to how prohibition is to be enforced. He said, "The thing to do is what I do. Whenever I secure the appointment of a prohibition agent I make him give me a written pledge that he will faithfully perform his duty." Think of that! No wonder that the sagacious, practical, hard-headed Senator from Virginia [Mr. GLASS] should at once have spoken up and said, "Well, if a man would not be bound by the official oath he has to take as a Federal officer, what reason is there to believe that he would be bound simply by a written pledge that he might give to the Senator from Washington?"

So far as I am concerned, because my true relations to prohibition remain yet to be fully understood, I have never had a man appointed to the Prohibition Service that my last word to him was not, if not literally, yet substantially, "Do not disgrace yourself or me by not doing the full measure of your duty as a prohibition agent, without fear or favor."

As to my friend, the Senator from Georgia [Mr. HARRIS], all that he could do in the course of this debate was helplessly to admit that there are now 50 bootleggers for every one of the old saloons.

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

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

Mr. HEFLIN. I did not hear the Senator from Georgia make that admission, but if he did—and I am sure he did if the Senator from Maryland says he did—

Mr. BRUCE. I certainly thought he did.

Mr. HEFLIN. If that is the situation, I want to say that from my observation of the blind-tiger business and the boot-

leggers, and of the barroom business, all the blind tigers combined did not sell one-fiftieth of the amount of whisky the barrooms sold in the United States.

Mr. BRUCE. How can the Senator say that when in many communities there are more arrests for drunkenness to-day than there were during the preprohibition day? How can he say that when such an authority as Mr. Bigelow, of the State Health Commission of Massachusetts, has recently declared that the increase of deaths from alcoholism throughout the entire census registration area since the enactment of the Volstead law has been 500 per cent? How can he say that when the health records of the community in which I live, not to go any further, disclose such facts as these: Since the enactment of the Volstead law the death rate from alcoholism in the State of Maryland has risen from 2 per 100,000 population in 1921 to 11 in 1928? The statistics from which I quote are derived from the Census Bureau. In the State of New York cases of alcoholic insanity have trebled.

How can less liquor be sold and there be more arrests for drunkenness than ever, more deaths from alcoholism than ever, more cases of alcoholic insanity than ever?

While I am referring to conditions in the State of Maryland, I might add another illustration to show how utterly groundless is the idea that savings-bank deposits in this country go hand-in-hand with prohibition. Only a few days ago the press called attention to the fact that in Maryland, certainly a State that has given the prohibition authorities, in proportion to population, about as much trouble as any other State in the Union, the gain in savings-bank deposits per capita last year was not less than \$37 per inhabitant. I might go on to show that the groundlessness of such a suggestion is also illustrated by Australian statistics that have been called to my attention. Prohibition does not exist in Australia. Yet, if I am correctly informed, savings-bank deposits in Australia are larger per capita than they are in the United States.

Mr. HEFLIN. Mr. President, will the Senator permit me to interrupt him there?

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

Mr. BRUCE. I yield.

Mr. HEFLIN. Mr. President, I was in the House of Representatives when there were open barrooms in the city of Washington, and it was a rare thing to walk down the street in the afternoon and not to see from a half dozen to a dozen or more drunken men staggering out of saloons and getting into vehicles and going home or staggering on the streets. I have not seen a half dozen drunken men in Washington in a half dozen years.

Mr. BRUCE. I have just referred to the fact that there were more arrests for drunkenness in Washington last year than in any year since 1911.

Mr. HEFLIN. I should also like to say to the Senator that in those days when the barrooms were on trial; when the people were watching the barrooms, and an effort was being made to get rid of them, the barrooms controlled the local politics, they had their hands on the policemen, and men could get drunk and revel in whisky but there was no report made of it. Now, however, they have their sleuthhounds running everywhere and getting up every case they can in order to hurl it against the prohibition amendment. That is what I think of that.

Mr. BRUCE. That may be so down in Alabama, because, of course, activity has to be redoubled in order to deal with the situation which that State has to handle. I brought out the fact only a short time ago that there are 20 arrests for drunkenness per 10,000 inhabitants in the city of New York, while there is an average of 231 arrests for drunkenness per 10,000 inhabitants in three of the cities of Alabama.

Mr. HEFLIN. Mr. President, in my State, I think, the law is very well enforced. It is difficult to enforce it entirely in the large cities, but I dare say that in fifty-odd counties in the rural portions of my State the law is enforced, although, of course, not absolutely enforced. However, the conditions that obtain are so much better than those that obtained under the barroom system that the people would not even think of going back to the old system.

Mr. BRUCE. Well, drunkenness, of course, under present conditions is not as visible as it used to be, for the simple reason that there is no longer the open corner saloon that existed formerly, and, consequently, drunkards are not picked up by the police on their way from the corner saloon to their homes as formerly. Drinking has been shifted to no small degree to the home from the saloon. One of the very worst results of prohibition is that all kinds of brewing and fermenting operations are now being carried on in the home, under the very eyes of young children, which were not carried on under the license system.

Mr. HEFLIN. The difference is now, it is said, that men get drunk steadily in the home, while under the old barroom system they got drunk and went home and raised Cain with the whole family.

Mr. BRUCE. The point I am making is that conditions are such that drunkenness is not so visible as it used to be, but it exists in the same or nearly the same volume that it did formerly, and is steadily increasing.

Mr. HEFLIN. Will the Senator permit me to interrupt him right there?

Mr. BRUCE. I will ask the Senator to excuse me for a moment. Take, for instance, a community like that in which I live. I asked the police commissioner of Baltimore city not long ago whether he had changed his regulations with reference to arrests for drunkenness—that is to say, whether the police of Baltimore city were now instructed to be more strict than formerly. He said, "Not at all; there has been no change of any kind in our police regulations with reference to arrests for drunkenness." Yet, at the same time, as I have said, we find that dreadful increase in deaths from alcoholism in Maryland to which I referred a few moments ago.

Mr. HEFLIN. To show the Senator how well the law is being enforced in some places in my State they tell a story about an old gentleman whom they call Uncle Johnnie. He lived down at Greenville, Ala., and they said, "Uncle Johnnie, you used to be all the time talking about prohibition and advocating prohibition; we do not hear you say anything about prohibition now. What is the matter with you?" "Well," he said, "by golly, it has got to be so that you can't get any for yourself." [Laughter.]

Mr. BRUCE. There is no such dearth, so far as my observation prevails. Furthermore, the Senator must bear in mind that, so far as certain elements of our social life are concerned, there is more temperance and self-restraint now than there was formerly in the matter of drink. Self-restraint in the matter of drink was becoming more and more marked, as the Senator knows, when the eighteenth amendment and the Volstead Act went into effect. I have seen many people drink a glass of wine since the enactment of the Volstead Act, but I have never seen any individual at a social entertainment since that time who did it in the slightest degree under the influence of drink. That being so, why, I ask, should all of us be deprived of the privilege of drinking in moderation? Unquestionably when not abused drink is a perfectly proper and legitimate source of human enjoyment. It quickens the human faculties, it mellows the human sympathies. I am speaking of drink unattended by excess. Why, therefore, should they who drink in moderation be deprived of the physical gratification of drink because of the comparatively small percentage of the entire community who can not drink without drinking immoderately, but would yet continue to drink under any circumstances, prohibition or no prohibition, law or no law?

Mr. HEFLIN. The Senator knows what St. Paul said about that?—

If meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend.

There are some people who can not drink in moderation.

Mr. BRUCE. I believe also that St. Paul recommended a drink to one of his contemporaries for his stomach's sake, did he not?

Mr. HEFLIN. That was when he was sick.

Mr. BRUCE. I do not recall that.

Mr. HEFLIN. The law provides that one may get a prescription at a drug store of good whisky, whisky made in a proper manner by a distillery, and he can get it every 10 days. One can also buy port wine, and various other kinds of liquor can be legally purchased under similar circumstances, because the law permits it. That is how I know.

Mr. BRUCE. How did the Senator find that out?

Mr. HEFLIN. If I needed it for medicinal purposes, I could get it, and so could the Senator.

Mr. BRUCE. I might say that there is no need of my falling back on any medical consideration so far as a harmless glass of wine or two are concerned.

Mr. President, the Senator from Montana [Mr. WHEELER] asked a very pertinent question as to what extent bootlegging prevails throughout the United States. I have some figures here, if I can only lay my hands on them, relating to that subject. Because the most strenuous and enthusiastic advocates of prohibition seem to come from the South, I called attention only a few days ago to the fact that in 1925, 70 per cent of all the distilleries which were seized by the Prohibition Unit were seized in the 11 old Confederate States; and, not to give too personal a direction to my remarks, I might say to the Senator from Georgia [Mr. GEORGE] that I brought

out on the floor of the Senate about two or perhaps three years ago the fact—and I brought it out in the light of a number of communications which I had received from prominent citizens of Atlanta—that the preceding Easter Sunday in Atlanta had been marked by more drunkenness than had ever been known in the history of the city during either the pre or the post Volstead era. Now, I am going into a little detail.

Mr. GEORGE. Mr. President, will the Senator pardon an interruption?

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

Mr. GEORGE. I do not know on what authority the Senator from Maryland bases his statement, but I do not think it can be true. I have seen more whisky come to my little town than is now coming there—

Mr. BRUCE. I am sorry that I can not yield, but the Senator a few moments ago was quite unwilling to accord me the privilege of asking him a question or so.

Mr. GEORGE. I regret very much that I did not do so.

Mr. BRUCE. If time were not such an urgent matter with me now, I would be glad to yield.

Mr. HEFLIN. I suggest to the Senator from Maryland that he referred to the Senator from Georgia and to his State.

Mr. BRUCE. If the Senator from Georgia will just let me complete the statement which I am about to make, I will be glad to yield to him. I must say, now that I am about to leave this body, that it is a source of great regret to me that I ever failed to yield at any time to any Senator when he asked me to do so.

Some time ago Mr. Lawson Purdy, the head, if I am not mistaken, of the Department of Taxation and Assessment in the City of New York, wrote an article for the New York Times headed Figures of Moderation League, showing that only 10 cities in the United States have a smaller number of arrests per 10,000 population (than New York). He has this to say about Georgia:

Georgia, if we may believe Representative Upshaw, is a very temperate State and wishes to avoid the contamination of its neighbors. It is hard to get statistics from Georgia. We have statistics for only four cities with a population of 256,729 and 9,636 arrests, being 375 per 10,000—

As against 20 per 10,000 for the city of New York.

The trouble about our friends from the South—and I can speak about it freely in that connection, for I myself happen to be a southerner—is that they do not find statistics quite as agreeable reading as do the inhabitants of some other portions of the United States, and consequently, for that reason, they are not as familiar as they might be with prohibition statistics relating to the South.

Let me turn now to some of the other Southern States besides Georgia and compare the conditions in those States with the rate of 20 arrests for drunkenness per 10,000 inhabitants in the city of New York.

Before I do that, however, let me advert for a moment to Kansas and read what this article says about Kansas.

The writer says:

Compare some of the States that vote dry with the city of New York, which votes wet. Kansas should afford a good comparison. Statistics for seven cities in Kansas with a population of 153,431 show 1,723 arrests, or 112 per 10,000—

That is not as bad as Georgia, it is true, but still it is more than five times as bad as New York—

There is only one place in Kansas for which we have statistics that shows a lower ratio than New York, that is Newton—population, 9,781; 15 arrests. Wichita is the other extreme; it has 149 arrests per 10,000, more than seven times as many as New York.

Then passing from Kansas, where they have been trying for generations to enforce prohibition, and where things are worse to-day than they have been for some time, Mr. Purdy passes to what he calls the "wetness of the South." First of all, he takes up Arkansas:

In Little Rock there were 695 arrests for drunkenness in 1925, or 107 per 10,000.

Mississippi comes next with two cities. Columbus is very low in the list. There are only 45 cities in the United States with a lower record for drunkenness than Columbus; still it is almost twice as high as New York. Vicksburg had 173 arrests per 10,000, eight times more than New York's record.

North Carolina follows, and the average for five cities is 136 per 10,000, nearly seven times that of New York.

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

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

Mr. BRUCE. I will yield to the Senator from Georgia first. The Senator from Georgia desired me to yield, and I gladly yield to him. I should have yielded to him just after I made my reference to Georgia.

Mr. GEORGE. I beg the Senator's pardon for not having yielded to him in my time. I did wish to finish the statement I was making. That was the only reason why I declined to yield.

Mr. BRUCE. That is all right, Mr. President.

Mr. GEORGE. I do not want to interrupt the Senator, except simply to say that when we compare crime statistics, and particularly when we deal with the question of prohibition, we must take into consideration the character of the population.

Mr. BRUCE. Of course, we must; and there are special reasons why there should be more arrests for drunkenness in some sections than in others.

Mr. GEORGE. Yes, sir.

Mr. BRUCE. And if there were not, you would not have been the advocates of prohibition that you have been.

Mr. GEORGE. I think there is a good deal in what the Senator says; but the Senator's statistics, if they led to anything, would lead to the conclusion that New York is the soberest place in the country.

Mr. BRUCE. It is. It is the most civilized place in the country.

Mr. GEORGE. And the soberest?

Mr. BRUCE. And the soberest. In other words, they have more self-restraint in New York. They have more civilization, and consequently more self-restraint.

Mr. GEORGE. I make no reflection upon the city or the people of the city; but I can not think that, taking its population by and large, it is any soberer than other cities.

Mr. BRUCE. The Senator, of course, has not lived in a great cosmopolitan city such as I have lived in. Did the Senator ever move among large groups of Italians, for instance, and see them drink?

Mr. GEORGE. No.

Mr. BRUCE. Or French, and see them drink?

Mr. GEORGE. No.

Mr. BRUCE. They know how to drink without making beasts of themselves. In the first place, Italians as a rule drink only wine, and it is a point with them not to drink even that to excess. Of course the population of New York is largely a foreign population, and the habits of this foreign population have been formed in the Old World and brought over here. Consequently, if it is from countries like Italy it drinks with a degree of moderation and self-restraint that I am sorry to say is not characteristic of our native population.

Mr. GEORGE. It would be very difficult for me to believe, Mr. President, in the face of any statistics, that there is less whisky consumed per capita in New York than in Little Rock or almost any other city that might be mentioned.

Mr. BRUCE. I do not say less drinking per capita. I say less drunkenness.

Mr. GEORGE. There might not be as much open drunkenness, because you have a different population to consider. There might not be as many arrests.

Mr. BRUCE. Mr. President, I do not say that there is less drinking. I say that there is less drunkenness, because, of course, if my theory is right, prohibition is not indicative of a high order of civilization, but of a low order of civilization—that is to say, a state of society under which men have not the moral restraint to keep their appetite for drink within bounds.

Mr. GEORGE. I understand the Senator's contention about it; but I do not think there is anything in the Senator's statistics, and I do not think the country thinks there is anything in them.

Mr. BRUCE. There is a lot of drunkenness in them.

Mr. GEORGE. There may be lots of drunkenness in them; but no man who lives in the South could ever be persuaded that there is more whisky consumed there now than formerly.

Mr. BRUCE. I can judge only from the number of arrests for drunkenness that are reported from that section as well as from other sections, the number of deaths from alcoholism, and what not. It seems to me that you can not have people arrested for drunkenness, and dying of alcoholism, or lapsing into alcoholic insanity, without all the morbid sequels of every description that follow drunkenness.

Mr. GEORGE. You might easily have very much worse whisky, and you might easily have very many more deaths from consuming it.

Mr. BRUCE. No; the whisky of the South—I do not speak from personal observation, but I speak from highly credible testimony—the whisky that is used in the South as a rule is a pretty pure, good article. I know nothing about that of my

own personal knowledge, I repeat; but I have had persons who do know say to me that the whisky that is manufactured by the southern stills is free from the toxic qualities that mark whisky that is manufactured in other portions of the United States, and can be drunk with a higher degree of impunity.

Mr. GEORGE. Let me make this statement to the Senator, and let him look on the other side of the picture just a little, whatever may be his views. I am not arguing from the standpoint of my view about anything, or how I would like to have this particular law operate; but let me ask him to take the other view of it.

Just before I came to the Senate last fall a car of ladies, one of whom is very dear to me, left one of the near-by cities of my State long after nightfall and traveled the distance of 65 miles to my home. That could not possibly have happened at the time when whisky was legally sold in that city or in that section of Georgia. There is not a man who would have permitted it. Those are facts that speak much louder than the gathered statistics of a few statisticians, spread about by a few newspapers whose representatives associate with about 1 per cent of the population of a city, and that 1 per cent within the realm where drinking is very much indulged in.

Mr. BRUCE. All I have to say is that the conditions were absolutely different in the southern community in which I was born and bred. I grew up on a plantation with a population of some 500 people, all of whom were negroes, with the exception of a mere handful of whites. I have been familiar with that plantation as boy and man for more than 60 years, and there never was a grave crime of any description committed on it. I recollect that two great big silver flagons used to stand on a table near the front door of the mansion house on that plantation night and day. Who would leave any silver flagons in the part of the world where I live, or in the parts of the world where most of my brother Senators live, exposed to theft in that manner? I say without a moment's hesitation that, so far as I know, the life of man and the honor of woman were just as safe in that old Virginia community before the adoption of the eighteenth amendment as they are to-day.

Now, let us pass on to North Carolina. I am still quoting Mr. Purdy; and here I must be very careful, of course, not to wound the susceptibilities of my friend the senior Senator from North Carolina [Mr. SIMMONS], for whom I entertain the very highest degree of respect:

North Carolina follows; and the average for five cities is 136 per 10,000, nearly seven times that of New York. Wilmington is the temperate spot, with 70 arrests per 10,000, and Durham is the wet spot, with 353 per 10,000. If New York had as many arrests as Durham, it would have over 180,000 instead of 11,011 arrests.

Texas is fourth on the list. We have statistics from eight cities, no one of them as temperate as New York; but one is very temperate, indeed, as cities go—Sherman, 15,031 people; 39 arrests; 26 per 10,000. The average for Texas is 199 per 10,000, with two cities vying with each other for the record—Dallas and Galveston, with 286 per 10,000 each. The 8 cities of Texas have a population of 439,000. There were 8,786 arrests for drunkenness, or 199 per 10,000.

South Carolina comes next with seven cities. The average for the seven is 208 arrests per 10,000. Orangeburg is the most temperate with 82, and Greenville with the greatest number of arrests for drunkenness, 436 per 10,000. Just remember that New York has 20. If there were as many arrests in New York in proportion to population there would be over 230,000 arrests instead of 11,011. The seven cities in South Carolina have a population of 178,614. There were 3,718 arrests for drunkenness, which is 208 per 10,000.

Virginia comes next with nine cities having a population of 465,782. There were 10,462 arrests for drunkenness, almost as large a number as in New York. The average for the nine Virginia cities is 224 arrests per 10,000.

It gives me the greatest pleasure to call the attention of my friend the Senator from Virginia [Mr. GLASS] to the statement that follows:

The most temperate spot is Lynchburg—

That, of course, is the home of the Senator—

with 160 per 10,000, and at the other extreme is Roanoke with 503 per 10,000.

Lynchburg is not very far from Roanoke, and I can not help but suspect that some of its citizens slip over at times to Roanoke and help to run up the per capita number of arrests for drunkenness there.

It was possible to obtain statistics of arrests for drunkenness in only three cities in Alabama. The population of the three cities is 245,279; arrests for drunkenness, 5,684, being 231 per 10,000 of population. It is noticeable that these three cities—Birmingham, Troy, and Mobile—had half as many arrests for drunkenness as the city of New York.

Mr. HEFLIN. Mr. President, they must be very careless about getting up statistics in New York. I should think the number would be a hundred times more.

Mr. BRUCE. No; I think your people are a little careless about giving occasion for such statistics as I have been citing.

Mr. GLASS. Mr. President, is it not fair to assume that they are very careless about arresting drunken people in New York and very rigid about it in Virginia?

Mr. HEFLIN. Yes. I do not think they pay much attention to them.

Mr. BRUCE. If the New York police are careless about anything it never has been brought to my attention. The New York police force is supposed to be one of the finest police forces in the world.

Mr. SIMMONS. Mr. President—

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

Mr. BRUCE. Yes.

Mr. SIMMONS. I do not wish at this time to get into any discussion with the Senator with reference to statistics; but I have been a little surprised, to express it mildly, that the Senator takes New York with which to compare the prohibition conditions in all the other States of the Union. I should like to ask the Senator from Maryland if the State of New York, in which the city is situated, or the city of New York in any way assist the Federal Government in the enforcement of the prohibition law there?

Mr. BRUCE. As I understand, they do. Indeed, facts have been brought to my attention frequently which show that the New York City and State police at times render the most effective assistance to the Federal prohibition agents.

Mr. SIMMONS. Does not the Senator know that the enforcement act adopted by the Legislature of New York was repealed a short time ago?

Mr. BRUCE. Yes, of course it was; but that did not do away with the duty, the Senator knows as a lawyer—

Mr. SIMMONS. And there is no cooperation with the Federal Government by the city of New York or by the State of New York in the enforcement of this law.

Now, I want to ask the Senator another question. Has he statistics to show how many Federal agents have been assigned to the enforcement of this law in that city of 6,000,000 people, where it is the general belief in this country that there is more violation of the enforcement law than in any State in this Union?

Mr. BRUCE. It is a mistake.

Mr. SIMMONS. I do not believe it is. From the information I have had from people who live in that city, and I believe the information is correct, there is no adequate enforcement there except by the Federal Government. I would like to have the Senator give the Senate and the country the statistics showing how many Federal officials are assigned to the enforcement of the law in that great center of crime in this country.

Mr. BRUCE. Of course, I deny that it is any such center of crime.

Mr. SIMMONS. It is.

Mr. BRUCE. It is the habit of many to picture New York as a painted Jezebel, the scarlet woman of the United States, and all that, a den of vice, and so on. It simply is not true. The Senator quite forgets that it is not the business of prohibition agents to arrest men for drunkenness. They arrest people for violations of the Volstead law. It is the duty of the State and city police to arrest men for drunkenness. I admit that there are not as many prohibition agents in the city of New York as proper prohibition enforcement calls for. Indeed, I brought out the fact only yesterday that in order to enforce prohibition in the State of New York Mr. Buckner, the former United States district attorney for the southern district of New York, stated that there would have to be 185 more courts and an expenditure of \$75,000,000 a year.

Now I shall pass on to some other States.

Mr. SIMMONS. Mr. President, why would they need 185 more courts for the enforcement of prohibition if there were only 10,000 arrests a year there?

Mr. BRUCE. I do not see any reason for believing that there is not just as much effort to enforce prohibition in the city of New York as in other parts of the country. I think it can be freely admitted that there are not enough prohibition agents to enforce prohibition anywhere in the United States.

Mr. SIMMONS. A few days ago the Senator in his speech, laid great stress upon the fact that somebody—Durant, I believe—stated that if we were going to enforce the prohibition law there would be need of—how many judges was it, one hundred and some.

Mr. BRUCE. Mr. Buckner said 185 additional courts would be necessary.

Mr. SIMMONS. Additional judges in the State of New York? Mr. BRUCE. Yes.

Mr. SIMMONS. Yet the Senator now tells the Senate that there are only 10,000 arrests in that State.

Mr. BRUCE. Prohibition agents do not make arrests for drunkenness.

Mr. SIMMONS. If so many more judges were appointed for the enforcement of the law, it would seem that there would be a judge in that State for a very small number of violators.

Mr. BRUCE. There is no use in my repeating that prohibition agents do not make arrests for drunkenness. Why should I cover that ground again, if I may say so without discourtesy to the Senator?

Mr. SIMMONS. If the Senator will pardon me—

Mr. BRUCE. I will have to ask the Senator to excuse me.

Mr. SIMMONS. I rather insist that after the remark of the Senator a little while ago, as a matter of courtesy—and I am sure the Senator does not desire to show me any discourtesy—

Mr. BRUCE. I have tried to answer the Senator.

Mr. SIMMONS. I should not have spoken as I did if the Senator had not referred the other day to these judges in connection with the congested condition of the courts in New York and the violations of the prohibition law.

Mr. BRUCE. I imagine that there is no more congestion there in proportion to population than there is elsewhere. Mr. Doran said that to police prohibition fully the whole face of the country would have to be covered by courts, not simply the State of New York.

Mr. SIMMONS. I will say to the Senator now that we have only three Federal judges in North Carolina, and they have no difficulty whatever in disposing of the cases that come before them. In fact, I believe they have only about two or three sessions of their courts a year, which last never longer than two weeks, and they try not only prohibition cases, but every other infraction of the Federal law.

Mr. BRUCE. All I have to say in reply to that is that if all the judges in North Carolina feel it to be their duty, as did the judge whose communication was read here a few days ago, to express an opinion about the public policy of prohibition, it would be just as well if, instead of having three judges in North Carolina, they had only two.

Now let us pass on to Kentucky. Mr. Purdy states:

We have statistics for six cities in Kentucky with a population of 387,288. The arrests for drunkenness were 9,285, which is 239 per 10,000. Ashland is the high spot, with 991 arrests per 10,000. * * *

We have statistics for only three cities in Louisiana. Among their population of 417,404, arrests for drunkenness numbered 14,691—more arrests for drunkenness than in the city of New York.

Three cities in Louisiana. No wonder my friend the Senator from Louisiana [Mr. BROUSSARD] is such an ardent antiprohibitionist.

Tennessee is the tenth on the list of the 12 Southern States. We have statistics for only three cities. The average is 355 per 10,000. The population of 417,404, arrests for 204,252; arrests for drunkenness were 7,263.

Then we come to Florida. Of course, everything grows in Florida with rank, tropical luxuriance.

Last on the list is Florida. There was controversy in Tampa over the fact that Tampa has a high record of arrests for drunkenness. The population of Tampa in 1920 was 51,608. A Tampa newspaper contends that in five years Tampa doubled its population. Let us assume that it did, although disinterested observers do not credit it with so large an increase. Tampa would still have a record of 581 per 10,000, which is enough. The population of the three Florida cities in 1920 was 161,915; the number of arrests 9,598, which is 592 per 10,000.

That, I believe, completes the list of the Southern States. Immediately after leaving them, let me turn just for a moment to the statistics for Maine, where prohibition is supposed to have existed longer than it is supposed to have existed even in Kansas. This writer, Mr. Purdy, says:

Maine has had prohibition for 77 years, and we have the statistics for 11 Maine cities. One of them has a better record for temperance than New York. Brewer; population, 6,064; arrests, 18 per 10,000. The high spot is Lewiston; population, 31,791; arrests, 290 per 10,000. The average for the 11 cities in the State of Maine is 158 per 10,000, nearly eight times the New York rate.

Mr. HEFLIN. Mr. President, I for one must challenge the New York rate. I do not believe that is correct.

Mr. BRUCE. The Senator does not want to believe that it is correct.

Mr. HEFLIN. No; I can not believe it is correct, because I know something about New York. I remember a very distin-

guished lawyer who closed a speech up there before a jury by saying:

Drunk on beer, wine, and rum,
New York, thy name is delirium.

Mr. BRUCE. That probably was composed by some Alabama poet.

Mr. HEFLIN. He was a very distinguished western lawyer, representing Thaw. I did not come from Maryland. I am inclined, however, to think that the people of whom the Senator speaks as being drunk down in Tampa, Fla., may have gone from up in this region somewhere.

Mr. BRUCE. No; the drift is all northward. Of course, as I said before, I am not bringing forward these statistics by way of invidious discrimination against the Southern States. Everybody knows that southern society is stratified, if I may use such an expression, in a wholly different way from society in other parts of the United States. I am happy to say that all the elements that make up its population are achieving a greater and greater degree of progress from year to year.

But one reason why the southern people are so strongly committed to the cause of prohibition is the peculiar composition of their population, which is essentially different from the social composition of other populations in the country. They have a large element in their population which in its earlier history simply could not be expected to exercise the proper degree of self-restraint, though it, too, I am glad to say, is making steady progress in every respect toward better things, and the result was that prohibition was precipitated on the South more rapidly than it would otherwise have been.

If I were to go through the rest of the country, there would be found not exactly the same conditions that are found in the Southern States as respect arrests for drunkenness per 10,000 population, but for all practical purposes very much the same conditions would be found, because, to repeat General Andrews's statement, bootlegging is coextensive with the entire territory of the United States.

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

Mr. BRUCE. Certainly.

Mr. SIMMONS. Did the Senator say that the 10,000 cases of arrest in New York to which he referred were all for drunkenness?

Mr. BRUCE. Yes.

Mr. SIMMONS. In making the comparisons with other States, did the Senator give only the figures as to arrests for drunkenness?

Mr. BRUCE. I think Mr. Purdy's article deals exclusively with arrests for drunkenness.

Mr. SIMMONS. I was disposed to think that the Senator probably had gotten his statistics with reference to the other States mixed up, and referred not only to arrests for drunkenness but to arrests for moonshining and bootlegging.

Mr. BRUCE. Oh, no; this writer is simply rebutting the idea that New York is a particularly drunken place, to use his language; that is all.

Mr. NEELY. Mr. President, does the Senator know how the inebriety of New York compares with that of Pittsburgh and Philadelphia?

Mr. BRUCE. I could ascertain that without any difficulty. I am sure that it compares more than favorably, because New York is a very temperate community, relatively. Another thing Senators will be surprised to hear is that in the matter of the ratio of divorce to marriage the State of New York has a better record than most other parts of the United States.

Mr. SMITH. By whom were those figures compiled?

Mr. BRUCE. By the Department of Commerce.

Mr. BLEASE. We do not have any divorces in South Carolina.

Mr. BRUCE. No; I know you do not, and that was true down to the time of the reconstruction period. Then the alien carpetbagger came in and changed your law, and as soon as you kicked him out you reenacted your law, did you not?

Mr. BLEASE. That is right.

Mr. BRUCE. I wish every other State in the Union had a similar law, to forbid divorce except for one matrimonial offense.

Mr. BLEASE. I agree with the Senator; we would have more virtue in this country.

Mr. BRUCE. A Chicago sociologist predicted only a few days ago that during the coming year there will be one divorce in the United States for every five marriages. It seems to me it is to that field of human infirmity and shortcoming that the efforts of bishops like Bishop Cannon and Bishop Clarence True Wilson might well be directed rather than to the field of prohibition.

I grew up in a community where there was no such thing as divorce. I am speaking of the same southern Virginia com-

munity to which I referred a few minutes ago. With the exception of an occasional husband who made his wife and children unhappy by drinking to excess, there was no such thing in that community as marital estrangement. The old saying in southern Virginia was, "Once a wife always a wife," and I wish to God that day could return to rebuke the present generation.

It does seem to me that instead of clerical zeal in this country being so frequently headed, to use the striking words of the poet Keats, "for some false impossible shore" like prohibition, it would be much better if it were applied to the reclamation of the home from the degrading and disintegrating influences that are slowly, to all appearances, making the marital relation in this country a mere mockery. We rarely hear of one of the Anti-Saloon League ministers condemning divorce, notwithstanding that even in a southern community like that of the Senator from Texas [Mr. SHEPPARD], divorce has reached a ratio to marriage little less than appalling.

Divorce is too delicate a subject for them to take up with their parishioners. Speaking about that subject in their churches would be too much like talking about halters in the house of the thief, to recall the old Spanish proverb.

I am sorry that the Senator from Montana [Mr. WHEELER] was not here—he doubtless was called out of the Chamber by circumstances which he could not control—when I was bringing forward figures to show that bootlegging and arrests for drunkenness are coextensive with the entire territory of the United States.

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

Mr. BRUCE. Certainly.

Mr. WHEELER. I know that when one makes any statement with reference to the enforcement of prohibition he is generally accused by some prohibitionist of being a wet, but this statement was given to me by one of the men who is an ardent prohibitionist in the city of Butte. He said that at the present time in the city of Butte there are more saloons or more places where liquor is sold than there were before the days of prohibition.

Mr. BRUCE. I saw a statement to that effect only a few days ago, and it was apparently an absolutely authoritative statement.

Mr. WHEELER. Apparently there is no attempt there upon the part of the authorities to enforce the law at all, because there is no excuse, where they are selling liquor openly in violation of law, for the enforcement officers not doing their duty.

Mr. BRUCE. No excuse whatever, and that brings me to my idea of why it is that the prohibition law is not enforced. Other Members of this body have tried their hands at finding an explanation. Perhaps I may be a little more fortunate in finding one that fits the case. I discovered it in the statement of General Andrews, the former head of the Prohibition Unit, that the greatest obstacle to the enforcement of the prohibition law is official bribery. To use a simile that I have previously employed, prohibition enforcement is a kind of mop that from official corruption becomes so dirty in the process of mopping that finally it is wholly unfit for its office.

The Senator from Washington [Mr. JONES] said, "Oh, there are special reasons why we must appropriate large sums of money for the enforcement of prohibition as distinguished from other things that are enforced by our Federal agencies." Now what are those things? We do not hear of any large additional appropriations by the Federal Government for the punishment of murder, for the punishment of counterfeiters, or even for the punishment of violations of the antinarcotic laws, unless since prohibition first began to stimulate the use of narcotics.

(At this point Mr. WARREN approached Mr. BRUCE and spoke to him sotto voce.)

Mr. BRUCE. The Senator from Wyoming says to me that I promised him last night that I would not speak for more than half an hour, but I answer that I am like Benedict in Shakespeare's play who declared that when he said that he would die a bachelor he did not know that he would live to be married. [Laughter.]

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

Mr. BRUCE. Certainly.

Mr. HEFLIN. I do not want to prolong the Senator's speech, because I know the Senator does not want to contribute to a night session any more than I do. But I want to say to him that while we do not enforce the law in some of the localities where there are a number of speakeasies or blind tigers, some States of the Union that want prohibition ought not to be deprived of it, because there are localities that do not want it and where the law is not enforced.

Mr. BRUCE. I agree with the Senator entirely, and that is why I proposed an amendment to the Federal Constitution pro-

viding that any State in the Union which desired prohibition should have it and that any State that did not want it should not be bound to have it. If the Senator will only follow in my wake, which he will never do, I could lead him up to that happy consummation.

Mr. HEFLIN. The Senator, perhaps, remembers the story of the epitaph on the old tombstone. It read:

As you are now, so once was I.
As I am now, so you will be.
Prepare for death and follow me.

And the bystander wrote just below it:

To follow you I'm not content,
Unless I know which way you went.

[Laughter.]

Mr. BRUCE. Could there be any possible doubt, after the six years during which I have been here, as to the direction in which I am headed? [Laughter.]

Mr. President, I am going to be considerate of the feelings of my good friend the Senator from Wyoming [Mr. WARREN] and conclude just a little earlier than I might naturally do under the circumstances. I want to say that the real reason why the prohibition law can not be enforced, except by the expenditure of hundreds of millions of dollars and by the creation of a vast number of courts and other judicial agencies, is because the prohibition law undertakes to make something criminal that is not criminal *per se*.

Mr. WHEELER. Does not the Senator think that we ought to appropriate this money so that we can have a fair test to see whether or not it really can be enforced?

Mr. BRUCE. I have no objection to that at all.

Mr. WHEELER. I heartily agree with the Senator's views when he says that the law is not being enforced in the country. I do not think it is being enforced in any part of the country any more than it is in some other part. But every time I tell some one that the law is not being enforced I am immediately told that it is because Congress does not appropriate the money or because of the fact that we do not give the enforcement officials sufficient money.

Mr. BRUCE. It is partly because Congress does not appropriate more money. Congress necessarily hesitates to appropriate \$300,000,000 or \$400,000,000 for prohibition enforcement and to cover the States of the country with courts. I have always said that if we were to appropriate all the money and to create all the courts, jails, and penitentiaries that prohibition calls for, it might, despite the amount of bribery that prohibition enforcement generates, be enforced.

But my point is that prohibition is not enforceable except by truly extraordinary agencies of enforcement, because, first of all, it commands no real respect at the hands of thousands and millions of the inhabitants of the United States, and, secondly, because the process of prohibition enforcement develops under the temptations of prohibition lucre so much official faithlessness.

Just think of it! Here we were told yesterday that no less than 180 customs officials had just been dismissed from the Federal service at the city of Detroit for conspiring with rum runners to violate the Volstead law. The truth is prohibition addresses powerful solicitations to the weak side of human nature. Millions of dollars are embarked in the illicit liquor traffic. They are forever inciting the bootlegger to use a part of this fund for bribing prohibition agents, and forever subjecting prohibition agents to temptation, which is all the more urgent because they know that many of the most reputable citizens of the United States do not hesitate to patronize the bootlegger.

The prohibition law is not respected because it is not a respectable law, because it is an unnatural law, because it is an irrational law, because it should elicit no favorable response from any thinking mind or from any normal, healthy conscience. That is the true philosophy of the subject. Those are the reasons why prohibition can not be enforced except at the price of an expenditure of money that would be oppressive to the taxpayer in the highest degree and the creation of repressive Federal instrumentalities of such magnitude and searching operations as almost to forbode the death of civil liberty itself.

Just recall to what a pass this country has been brought in its futile, fruitless efforts so far to enforce prohibition! I saw in the press yesterday that the fourth poor wretch in the State of Michigan is now doomed to imprisonment for life for violations of the Volstead law; and that no fewer than 187 of the individuals who handed in essays in the Durant competition for the best essay relating to prohibition actually advocated capital punishment as a proper measure of punishment for such

violations. Some of those essayists even went back to the dark ages and advocated torture, whippings, and other cruel and unusual penalties for them.

Mr. WHEELER. Mr. President, I should like to call the Senator's attention to the fact that during the Dougherty investigation Mrs. Remus, the wife of the notorious bootlegger who finally bought up 17 distilleries, came before the Senator from Iowa [Mr. BROOKHART] and myself, and with a handful of checks, stated that she had paid out, on behalf of her husband, \$1,000,000 in bribes to officials in the State of Ohio, in the State of New York, and in the city of Washington, and that she was willing to testify to whom and how it was paid, providing that she would be given immunity. Of course, we were not able to give her immunity.

Mr. BRUCE. Think of that! That, however, is hardly worse than the condition of things that has been only recently disclosed in the city of Philadelphia, that city the moral welfare of which the good Gifford Pinchot is supposed to have had under his watchful supervision when he was governor of Pennsylvania, and where Gen. Smedley D. Butler was sent for the purpose of conducting his crusade, merciless in its beginnings and comical in its conclusion.

Let me call, for illustration, attention to a Philadelphia dispatch which appeared in the Baltimore Sun during the latter part of last year, under date of November 7:

Three police inspectors, 10 police captains, and 2 district detectives were discharged by the civil service commission to-day.

Two of the captains and the two district "specials" were served with subpoenas in the county prison, where they are serving sentences for extortion, conspiracy, and bribery in connection with the rum traffic.

Then this dispatch goes on to say:

The 13 men "beheaded" are among 22 whom the grand jury declared "unfit to hold any public office because of their unexplained bank accounts."

Then the dispatch continues:

The special grand jury questioned witnesses about large deposits in various banking institutions, specially the \$9,000,000 supposed bootleg money in the Union Bank & Trust Co.

Mr. WHEELER. Mr. President, did the Senator from Maryland say \$9,000,000?

Mr. BRUCE. I said \$9,000,000. Last year the Detroit Free Press computes \$50,000,000 worth of liquor was smuggled into this country largely through the connivance of Federal officers within a radius of 25 miles of Detroit.

Mr. WHEELER. The leading citizen in many communities is getting to be a bootlegger now, is he not?

Mr. BRUCE. Of course, for bootlegging is said to be a highly profitable occupation that promises, to use Doctor Johnson's expression, "potentialities of wealth beyond the dreams of avarice."

I turn to another later dispatch, dated November 8, from Philadelphia, which reads:

PHILADELPHIA, November 8 (special).—A police captain and a detective to-day joined the exodus of police bureau members described by the "racket" grand jury as "unfit to hold any public office," the civil service commission dropping them from the roster.

This brings the number of the latest "beheadings" of police officials to 17, 10 captains—

Ponder that—10 captains!—

three inspectors and two district detectives having been discharged by the commission yesterday.

Members of the district attorney's staff are preparing indictments against 21 policemen formerly attached to a South Philadelphia station who are accused of graft and extortion. The bills will be submitted to-morrow.

SIX SERGEANTS IN LIST

In the list are 6 sergeants, 3 detectives, and 12 patrolmen.

In other words, wherever we find a State enforcement law, wherever we find a liaison between State enforcement officers and prohibition agents, there we find the same kind of official faithlessness, depravity, and corruption that has recently been revealed in the city of Philadelphia. It is because of our knowledge of the moral ruin worked by the combination of State enforcement agencies with the Federal prohibition force that we in Maryland have been unwilling, and I trust shall always be unwilling, that our brave and honorable Baltimore policemen who have never been charged with one single, solitary violation of the Volstead Act since that law went into effect, so far as I can recall—should sustain any cooperative relationship whatever to the Federal Prohibition Unit.

Mr. TYSON obtained the floor.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. TYSON. I yield.

Mr. CURTIS. Mr. President, last evening I tried to get a unanimous-consent agreement, but was unsuccessful. I should like now to submit a request for unanimous consent. I ask unanimous consent that after 3 o'clock to-day debate on the pending amendment and all amendments thereto and substitutes therefor be limited to five minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WHEELER. I object.

Mr. BLAINE. Mr. President, I could not hear the request of the Senator from Kansas.

Mr. CURTIS. The request has been objected to, so I withdraw it.

Mr. TYSON. Mr. President, I have listened with great interest to what the Senator from Maryland [Mr. BRUCE] has said. If the conditions in this country are as bad as he says they are, something ought to be done and done quickly.

I wish now to address the Senate as briefly as possible on the amendment of the senior Senator from Georgia [Mr. HARRIS] to the first deficiency bill, to appropriate an additional \$25,000,000 for the enforcement of prohibition.

Mr. President, I believe that prohibition is the most important issue before this country to-day. There were many important issues in the last presidential campaign, but I believe prohibition was the paramount issue.

The last campaign put the prohibition question more fully before the country than it has ever been put before, and while the election was not a direct referendum on the prohibition question, it was sufficiently so to let everyone realize, if he had never realized it before, that this country is dry, that it believes in the eighteenth amendment, and that it is determined to have that amendment enforced.

Mr. President, I do not think we should delay action in this matter. Everyone appreciates that the prohibition law is not being satisfactorily enforced; that enforcement ought to be improved; that it is discreditable to Congress to permit the present conditions to go on.

It is proposed by some Members of the Senate to wait on Mr. Hoover; but if there is something we can do now, why not do it!

No one seems to know whether Mr. Hoover will call an extra session of Congress, and if so, no one knows when he will call it, nor whether he will take up the prohibition question. It has been intimated in the press that if a special session shall be called, the House will limit the questions that may be considered there, and I have not discovered that the prohibition question is one of those that will be permitted to be considered. Even if it should be considered, it may take six months before any action can be had upon prohibition measures so as to bring about a more thorough enforcement of the law.

If we wait on Mr. Hoover, it will probably be well into next year before anything is done.

No law can be properly enforced without providing the necessary organization and the necessary machinery for carrying on. Congress is charged with the greatest duty of all—to see that this necessary machinery and organization are provided. We have a condition here, Mr. President, and we must meet it.

As I see it, there never has been any topic about which there is so much exaggeration and misinformation and false statements, false propaganda, and malicious efforts to deceive as about prohibition.

I can not go as far as my distinguished friend the senior Senator from Georgia, the author of the amendment, and say prohibition enforcement is a farce; for, notwithstanding all complaints, I believe the law is fairly well enforced.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. TYSON. I yield to the Senator.

Mr. HARRIS. The Senator from Georgia said that prohibition was a farce because Congress did not appropriate money enough to enforce the law.

Mr. TYSON. I accept the statement of the Senator from Georgia. I believe, however, that it has become more and more difficult to enforce this law because of the experience that bootleggers have had, the new and organized ways they have learned of evading the law and of reaching some prohibition-enforcement officers, the better means of transportation which they enjoy by reason of good roads and automobiles, together with the organized efforts on the part of those living in foreign countries to aid our citizens to evade and violate the law.

The Secretary of the Treasury has been criticized for the last eight years for failure to enforce the law. I will say that I do not believe Mr. Mellon has ever been sympathetic with the law, but I believe the Department of Justice should come in for its just share of this criticism.

I can not believe there has been any enthusiasm or zeal in the Treasury Department during the last eight years in the enforcement of the prohibition laws; but violators of the law must be tried and punished if the law is to have force and effect, and the courts of the country have permitted the dockets to become clogged with cases, and the sentences imposed have been largely a farce; and, in my judgment, the Department of Justice is as much to blame as is the Treasury Department.

There are 21,000 prohibition cases on the dockets now, and there have been about the same number on the dockets at the end of every fiscal year for the last eight years; and yet the Department of Justice has made no recommendations of importance to the Congress to relieve this condition, nor has the Treasury Department made recommendations to relieve the conditions along these lines.

The enforcement of the prohibition law is one of the most difficult if not the most difficult thing this country has ever undertaken. The people of the United States for 300 years have been in the habit of drinking alcoholic liquors whenever they desired. With many it was almost as much a part of their lives as their daily meals. Most people enjoy alcoholic stimulants; and the habit is so set upon millions of the present generation that they rebel against what they believe to be an intolerable tyranny and deprivation of their personal liberty.

The press of the country does not appear to be sympathetic to enforcement and is not helpful.

Under such circumstances efficient and complete enforcement is impossible. It is largely a matter of education, and it will take years to change the habits of the people, and a long campaign of education is necessary. But, Mr. President, we must be patient, and not be discouraged, and continue the work.

I sympathize deeply with anyone charged with the enforcement of these laws; but this is the law, and I believe a good law, and therefore we must go forward with it, and in time I am confident we will have efficient and satisfactory enforcement.

I have a very high opinion of Mr. Mellon as a Secretary of the Treasury and feel that he has been a great success in every department except the Prohibition Department. I think he can improve that department greatly; and I think he not only owes it to the country but he owes it to his own reputation as an executor and administrator promptly to improve the enforcement of the prohibition laws.

We are proposing here to give him a large sum of money and put it in his hands and give him carte blanche and ask him to get results. Who could wish for more?

The Secretary has not said he could not use this money.

The Secretary, in his letter to Senator WARREN, states:

For instance, one of the major difficulties encountered in making the prohibition laws truly effective is the congestion in the United States courts occasioned in large part by numerous pending prohibition cases. It would seem desirable, therefore, if the Congress deems it advisable to appropriate an additional sum of \$25,000,000 for this general purpose, that some consideration should be given to whether a part of this sum at least should not be allocated to the Department of Justice. As to the needs of the Department of Justice I am, of course, not in a position to express an opinion.

Mr. President, that is the reason why I suggested to the Senator from Georgia, who offered the amendment for an appropriation of \$25,000,000, that he change his amendment so that the wishes of the Secretary in that respect could be complied with, and that he would have discretion in the expenditure of this great sum of money.

It will thus be seen that the Secretary of the Treasury is of the opinion that there are not enough courts, there are not enough assistant United States district attorneys, in all probability, and that there ought to be additional courts and additional United States district attorneys or assistant United States district attorneys.

Knowing of the great dissatisfaction throughout the country with the way in which the prohibition laws were being enforced, and believing it was largely due to the fact that the Prohibition Unit was in the Treasury Department, and that the law would be better enforced in the Department of Justice, I had a bill prepared at the beginning of this session to transfer the Prohibition Unit to the Department of Justice; but after the bill was prepared I made an investigation of the effect of it.

I saw Mr. Doran, the Commissioner of Prohibition, and many other men in his department, and also the heads of the Anti-Saloon League; and they convinced me that it would be a

Prosecutions under the national prohibition act in Federal courts, fiscal year ended June 30, 1928—Continued

Judicial districts and administrative districts	Terminations				Convictions					Per cent of convictions receiving jail sentences	Sentences					Civil suits						
	Total terminations	Dismissals	Not-pressed	Acquittals	Verdicts of guilty	Plead guilty	Nolo contendere	Total convictions	Per cent of convictions		Amount of fines	Average sentence imposed per each conviction	Injunctions		Libels		Compromises					
													Days	Fines	Won	Lost	Forfeitures	Releases	Number of cases	Amount of compromise accepted		
District No. 9:																						
Northern Georgia	1,270	158	69	71	159	813	0	972	76.5	33.3	110	5	26	\$39,336.00	40.9	40.46			20	3		
Middle Georgia	1,179	21	387	49	98	624	0	722	61.2	48.6	144	10	15	29,664.50	72.2	41.08	5		23	7		
Southern Georgia	594	20	206	7	23	338	0	361	60.7	46.5	52	3	6	19,037.00	52.1	52.73			48	2		
Total	649	57	130	120	54	288	0	342	52.6	14.9	9	3	16	42,685.00	9.7	124.80	1		71	14		
District No. 10:																						
Northern Florida	254	2	94	5	4	148	1	153	60.2	25.4	4	11	3	12,830.00	11.5	83.85						
Northern Alabama	509	10	39	87	66	307	0	373	73.2	46.3	44	8	1	29,473.02	43.1	70.01			8	5		
Middle Alabama	96	24	0	15	1	56	0	57	59.3	3.5	1	3	1	1,935.00	7.9	33.94	2		3	2		
Southern Georgia	329	2	7	17	44	250	9	203	92.0	20.4	23	1	28	26,878.08	27.5	88.70			13	3		
Northern Mississippi	840	139	5	23	31	642	0	673	80.1	46.2	144	24	9	98,502.75	78.1	146.36	5		11			
Southern Mississippi	432	94	10	11	10	307	0	317	73.3	37.2	49	16	17	18,983.70	57.2	59.88	7		5			
Eastern Louisiana	1,331	68	25	38	15	1,184	1	1,200	90.1	11.1	42	1	26	208,796.00	12.6	173.99	1	11	42			
Western Louisiana	335	46	5	14	13	257	0	270	80.5	55.9	27	4	2	11,987.75	36.4	44.39	3		17	6		
Total	4,126	385	185	210	184	3,151	11	3,346	81.0	29.5	339	10	27	409,886.30	36.5	122.35	16	13	99	16	107	11,377.85
District No. 11:																						
Eastern Kentucky	4,339	51	490	443	664	2,691	0	3,355	77.3	21.2	442		14	354,084.00	47.4	105.53	3	4	1			
Western Kentucky	996	13	277	34	74	598	0	672	67.4	41.8	59	5	12	58,575.00	32.0	87.16	6	11	4	3		
Eastern Tennessee	905	37	111	73	112	564	8	684	75.5	41.9	83	5	17	77,446.00	44.1	113.22			20	2		
Middle Tennessee	1,065	59	136	128	121	616	5	742	69.6	42.5	138	4	6	58,352.89	67.1	78.64	8	8	8	10		
Western Tennessee	291	50	0	11	8	222	0	230	79.0	18.6	12		7	30,126.96	15.6	130.98	3	8	3			
Total	7,596	210	1,014	689	979	4,601	13	5,683	74.8	28.8	733	11	26	578,584.85	46.4	101.80	20	31	33	18	26	19,360.55
District No. 12:																						
Indiana	773	11	23	12	74	653	0	727	94.0	69.8	107	1	27	85,181.00	53.0	117.16	195	5	19	6		
Northern Ohio	1,875	109	42	23	108	1,591	2	1,701	90.7	63.6	317	1	10	278,683.03	67.1	163.83	341	209	86	47		
Southern Ohio	425	1	30	3	7	382	2	391	92.0	50.8	50	11	24	59,038.06	46.9	150.99	29	1	67	14		
Total	3,073	121	95	38	189	2,626	4	2,819	91.7	63.4	475	3	1	422,902.09	60.6	150.02	565	215	172	67	71	32,600.00
District No. 13:																						
Northern Iowa	283	59	0	1	2	221	0	223	78.7	12.5	4	5	5	50,825.00	7.1	227.91			1	14	2	
Southern Iowa	245	15	6	3	11	210	0	221	90.2	38.9	25	3	4	89,900.00	41.1	316.28	3					
Northern Illinois	1,567	562	17	68	95	819	6	920	58.7	39.1	60	6	18	191,395.85	23.6	208.03	398	42	91	37		
Southern Illinois	578	11	165	4	16	378	4	398	68.8	33.4	47	3	27	123,310.81	42.8	309.82	87	60	4	4		
Eastern Illinois	445	12	42	18	41	332	0	373	83.8	79.0	88	10		107,055.00	85.7	287.01	170	21		1		
Eastern Wisconsin	487	13	33	10	36	395	0	431	88.5	72.8	129	7	10	48,565.00	108.2	112.67	77	3	14	2		
Total	3,605	672	263	104	201	2,355	10	2,566	71.1	47.3	356	0	4	591,051.66	49.9	230.33	735	127	123	46	220	54,093.30
District No. 14:																						
Western Wisconsin	255	9	25	1	5	215	0	220	86.2	68.6	32	1	27	20,644.00	52.6	93.83	27		1			
Minnesota	1,268	8	157	3	16	1,083	1	1,100	86.7	62.2	213		20	204,336.00	69.7	185.76	225	29	10	7		
North Dakota	48	9		1	3	35	0	38	79.1	31.5	3	4	20	3,315.00	32.1	87.23	10	2	11			
South Dakota	193	52	5	1	5	130	0	135	69.9	28.1	11	8		15,025.00	62.2	111.29			4	2	1	
Total	1,764	78	187	6	29	1,463	1	1,493	84.5	59.3	260	3	7	243,320.00	62.7	162.97	262	35	24	8	93	12,272.51
District No. 15:																						
Northern Oklahoma	1,093	191	6	25	52	800	19	871	79.6	38.3	233	11	23	57,546.50	96.7	66.06						
Eastern Oklahoma	1,145	96	0	13	59	977	0	1,036	90.4	36.6	88	7	15	79,744.00	30.7	76.97			1			
Western Oklahoma	659	128	0	11	29	491	0	520	78.9	51.5	60	2		48,933.00	41.6	94.10	1		14	1		
Kansas	10	0	1	1	2	6	0	8	80.0	25.0		3		475.00	11.2	59.37						
Nebraska	611	131	25	7	7	441	0	448	73.3	26.5	11	2	20	49,162.65	8.2	109.73	6	7	12	8		
Total	3,518	546	32	57	149	2,715	19	2,883	81.9	38.2	393	2	28	235,861.15	49.1	81.81	7	7	27	9	15	2,050.00
District No. 16:																						
Eastern Arkansas	540	130	21	28	35	326	0	361	66.8	51.5	65	7		27,198.00	65.4	75.34						
Western Arkansas	157	7	30	6	8	106	0	114	72.6	24.5	0		5	6,390.00	18.9	56.05	1		7	2		
Eastern Missouri	914	68	7	4	12	820	3	835	91.3	51.6	74	8	1	173,381.94	32.1	207.64	1	1	7			
Western Missouri	621	31	36	2	19	522	11	552	88.8	61.2	92	6	3	65,328.00	60.3	118.34	27	13	2	1		
Total	2,232	236	94	40	74	1,774	14	1,862	83.4	52.2	238	9	9	272,297.94	46.1	146.23	29	14	9	3	121	15,902.09
District No. 17:																						
Northern Texas	1,387	261	0	53	93	980	0	1,073	77.3	35.1	59	1	6	129,846.55	19.8	121.01			9	5		
Eastern Texas	419	91	0	21	34	293	0	327	74.4	16.5	16	1	28	25,821.00	17.7	78.96	26	2				
Southern Texas	1,017	201	0	46	70	700	0	770	75.7	33.7	104	2	24	57,600.00	48.7	74.80	33		20	9		
Western Texas	1,328	199	0	25	73	1,031	0	1,104	83.1	41.8	255	2	23	91,677.50	83.2	83.04	26	4	25	11		
Total	4,171	752	0	145	270	3,004	0	3,274	78.4	35.2	434	8	21	304,945.05	47.8	93.14	85	6	54	25	87	11,452.50

Mr. TYSON. I did not understand that there were any conflicting statements.

Mr. REED of Missouri. I have tried to make it plain that a number of Senators have insisted that the courts are not busy; that they are not congested; that there are plenty of courts to try the cases. The Senator has just told us that one reason why jury trials have not been had is that if we had jury trials the courts could not dispose of the business. I am not saying that the Senator has made conflicting statements, but I say that his statement conflicts with the statements of others.

Mr. TYSON. That may be true, Mr. President; I do not know exactly what other people have said, but I want to say that I take it that the Secretary of the Treasury ought to know more about this matter than anybody else, and what does the Secretary of the Treasury say about it?

Mr. REED of Missouri. I think the Senator is correct.

Mr. TYSON. I want to read this into the Record. It is in the letter which he wrote, I think, to Bishop Cannon, or some gentleman who had written to him, and it is published in this morning's Washington Post. The Secretary said:

As I pointed out in my letter of January 12 to Senator WARREN, prohibition enforcement does not rest solely upon the Bureau of Prohibition, but its success—

Mark the word "success"—

success depends largely on the cooperation afforded by the Coast Guard, the Customs Service, and the border patrol, and, what is even of more vital importance, on the possibility of bringing to trial cases prepared by the Prohibition Bureau and ready for trial.

POINTS OUT OTHER NEEDS

What I endeavored to point out in my letter to Senator WARREN is that the Harris amendment makes the additional funds available to the Prohibition Bureau only, and restricts the uses by the bureau, with no discretion in the Secretary of the Treasury.

There are now 21,000 liquor cases pending in the Federal courts and causing congestion, with no relief in sight.

The Customs Service needs additional guards in the principal ports and the border patrol needs strengthening, while in so far as the Coast Guard is concerned, Admiral Billard is at present undertaking a survey as to the ships needed to replace a number of destroyers whose usefulness has been pretty nearly exhausted, and is prepared to recommend an increase in the commissioned personnel of the Coast Guard.

Furthermore he said:

I note that in your telegram you suggest that the restrictions be removed and that \$25,000,000 be made available to the Secretary of the Treasury to spend as he sees fit.

Mr. President, I tried to remedy that by making a suggestion to the senior Senator from Georgia, and I think his new amendment will correct that defect.

This, of course, is not the Harris amendment now pending in Congress, and aside from the fact that it would make no provision whatsoever for relieving the congestion in the courts, which to-day constitutes one of the major problems in the field of prohibition enforcement, I want to suggest whether you consider it good practice to place so vast a sum in the hands of a public official with unlimited discretion as to its use?

What I wish to call to the attention of the Senate is the fact that the Secretary of the Treasury, perhaps for the first time, has brought in a report, and says that the major problem in the enforcement of the prohibition laws is the relief of congestion of the courts. That is the major problem. We are speaking about a lot of things, about arrests, and so on, but the problem is, after you get men arrested, to get them tried. What good would it be to have 10,000 policemen in Washington arrest 10,000 men, and have no means for having them tried and punished? I say that that is the meat and the crux of this law-enforcement question, and until we succeed in having a court that can try every offender within a reasonable time, we may expect not to have any proper enforcement of this law.

It is said that in the courts of the southern district of New York, where there are six judges, there were 9,000 prohibition cases last year, but it must be remembered that that was in addition to all the other cases. New York is a great city; there is a tremendous amount of civil business conducted there, and yet they had 9,000 prohibition cases. The courts could not possibly try those cases. They had to accept practically what those men were willing to pay, and that is the reason why those miserable little fines were imposed, and why practically no jail sentences were given. Until we punish men, they will not think they have committed any crime to amount to anything. That is the thing to which the Senate ought to give its attention. We ought to pass a bill at this session dealing with that subject. If we do pass this bill and permit this \$25,000,000 to be appro-

riated, the Secretary of the Treasury can not create courts. He can only employ assistants, and if the courts are clogged so that the cases can not be tried, men can give bond and go out and continue to do the very things next day which they did yesterday.

It is a deplorable condition, Mr. President, when a criminal can go into a court in this country and almost dictate his own sentence owing to the crowded condition of the docket. I speak advisedly. I have discussed this matter with the Prohibition Unit, with men who have had actual experience in this matter, and they tell me these are the facts. If the Congress of the United States does not relieve this situation, then they should be held responsible for nonenforcement as well as the Secretary of the Treasury.

The Prohibition Unit informs me that this condition can never be overcome until we have more judges and more assistant United States district attorneys, whose special duty it will be to keep the docket cleared of prohibition cases.

Especially is this true when district judges are situated in populous cities where there is a great number of civil cases to be disposed of, as well as other criminal cases.

The Secretary further says in his letter:

The problem of smuggling is an important one. Its prevention is largely dependent, in so far as our sea coast is concerned, on the adequacy of the fleet maintained by the Coast Guard and in part on an adequate customs force at our various ports; and in so far as our land borders are concerned, on an effective patrol of the borders. On account of our failure thus far to secure a satisfactory agreement with Canada, which, in my opinion, would materially reduce the liquor traffic coming over the Canadian border, the necessity of a thoroughgoing survey as to the best means of increasing the effectiveness of our border patrol is apparent.

Mr. President, it is the duty of the Secretary of the Treasury, knowing these conditions, to set out to meet them. He is the man who is responsible. Responsibility can not be put on Doran or Lowman; it is the responsibility of the Secretary of the Treasury. When he sends men to the courts of this country to be tried, it is up to the Department of Justice to see that they are tried. We have a dual responsibility here. The Treasury Department insists that they are sending so many cases now to the Department of Justice that they can not get them tried. Therefore it is the Department of Justice that is largely at fault, as much so, in my judgment, as the Treasury Department.

The Secretary of the Treasury realizes that the prevention of smuggling could be largely aided by an increased force of the fleet maintained by the Coast Guard and an adequate customs force at our various ports, and, so far as our land borders are concerned, by an effective patrol of the border.

Mr. President, it stands to reason from these statements of the Secretary that he realizes that our Coast Guard is not sufficient and needs strengthening; that we have not an adequate customs force at our various ports; and that we have not an effective patrol of our borders.

We never can have prohibition until we stop the sources of supply, and this is the main source of supply in this country to-day.

With the money which we are proposing to give him he could strengthen the Coast Guard wherever he felt it necessary, increase the customs force at the various ports, and also increase the patrol at our border.

Until this is done, Mr. President, everybody must admit that we can not hope to keep liquor, and vast quantities of it, from coming in from Canada, Mexico, and elsewhere.

The Secretary further says:

Looking to the future, it will no doubt be advantageous to provide additional funds for increased border patrol of the Customs Service and an increased customs force at some of the principal ports of entry and increased equipment for the Coast Guard.

I ask, Mr. President, how are these things to be brought about unless there is an additional appropriation? As I understand the Budget as now made out, there is provision for the use of every single dollar that has been appropriated, so that if we are going to have any increase in enforcement, any increased efficiency in the Coast Guard, the border patrol, or the Customs Service we must have more money in order to carry those agencies forward.

It seems to me, Mr. President, that this is a positive statement by the Secretary of the Treasury that more money is needed.

He does not say how much, but when we appropriate \$25,000,000 and put it in his hands to be used at his discretion, it seems to me that we have done all that he could possibly ask, and it shows our confidence in him.

I believe, furthermore, that the field men should have an increase in salary. As I understand it, these men now get \$1,500 and \$1,800 per year. This is entirely too little for men employed in such important and hazardous duties. I do not see how the department has succeeded in getting any suitable men at these salaries. They ought to be raised to \$2,500 and \$3,000.

Any man employed as an inspector or as a field agent has to be away from home a great deal and is put to unusual expense, and it is no wonder if some yield to temptation. It seems to me that the Government, by giving such small salaries, invites yielding to temptation, and is almost particeps criminis with the prohibition agent who falls by the wayside.

Mr. President, there are some twenty-five hundred prohibition agents throughout this country now. That is an average of about 50 for each State. What could 50 policemen or 50 deputy sheriffs do toward keeping down crime in any State of the Union, and especially in those States that have no State laws for prohibition enforcement?

I am in favor of appropriating this money and turning it over to the Secretary of the Treasury for better enforcement. I am confident if he has this great amount of money at his disposal, he, and those under him, will find a useful way to employ a part, if not all, of it.

It will be a spur to every official in the department to feel that the Congress of the United States is behind him. Double the amount of field men can be used and the great amount of liquor coming in from Canada and other foreign countries can be greatly decreased.

I have always believed that the Prohibition Unit was right in making its main effort against the source of supply, and this will require a great many more men than they now have, especially on the Canadian border.

I believe there will be no lack of applicants for civil service appointments if the department will go after this matter vigorously and let the public know that it needs men and will accept the applicants without undue partisanship.

I am willing to trust the Secretary of the Treasury with this money, and will trust him to use it economically, and if all is not used, it can be turned back into the Treasury. Pass this appropriation, and law enforcement will have made a long step forward.

I believe the paramount thing to do now in the enforcement of prohibition is to provide for additional associate judges and assistant district attorneys charged with the duty of looking especially after prohibition cases. If this is not done, it will be useless to continue to arrest great numbers of violators of the law who can never be brought to trial and thus tend to make a farce of the law.

It seems to me that the Congress, if it desires to see the law enforced, will readily see that without an increase in machinery to try these cases, enforcement will be no better no matter how much money we appropriate nor how many investigations we make.

The Secretary of the Treasury is being criticized because it is claimed he does not enforce the law. He says in effect it is necessary to clear the court dockets to make prohibition enforcement effective. The thing for Congress to do is to accept the opinion of the Secretary and remedy the situation by appointing additional forces for the trial of cases.

Mr. President, I ask unanimous consent to insert in the RECORD a summary of the prohibition cases on hand October 31, 1928, by judicial districts; also a memorandum which I have had prepared relating to the condition of the dockets in the various judicial districts of the United States, showing that in some districts the judges seem to be very diligent and have tried hundreds of cases by jury, while in other districts they have tried but few. I simply want to submit these statistics for the consideration of the Senate and for the information of the public in order that, if possible, we might get better enforcement and a more diligent effort, if possible, on the part of the district judges of the United States to dispose of prohibition cases.

Mr. McKELLAR. Mr. President, do the Senator's figures apply to the whole country?

Mr. TYSON. Yes. There may be a few districts I have not been able to get, but the figures cover largely the entire country.

The PRESIDING OFFICER. Without objection, the request of the Senator from Tennessee is granted.

The summary and memorandum are as follows:

Fifty per cent of cases pending in following States

New York	5,245
Georgia	1,769
West Virginia	1,008
Illinois	986

North Carolina	923
Florida	811
New Jersey	772
Total	11,514
<i>Cases on hand October 31, 1928, by judicial districts</i>	
Alabama:	
Northern	73
Middle	69
Southern	108
Alaska:	
First division	16
Second division	3
Third division	1
Fourth division	3
Arizona (one district)	198
Arkansas:	
Eastern	168
Western	40
California:	
Northern	143
Southern	164
Colorado (one district)	121
Connecticut (one district)	15
Delaware (one district)	19
District of Columbia (one district)	298
Florida:	
Northern	60
Southern	751
Georgia:	
Northern	988
Middle	242
Southern	539
Hawaii (one district)	32
Idaho (one district)	165
Illinois:	
Northern	678
Eastern	92
Southern	216
Indiana:	
Northern	159
Southern	84
Iowa:	
Northern	23
Southern	34
Kansas (one district)	29
Kentucky:	
Eastern	458
Western	69
Louisiana:	
Eastern	77
Western	29
Maine (one district)	32
Maryland (one district)	343
Massachusetts (one district)	171
Michigan:	
Eastern	339
Western	22
Minnesota (one district)	272
Mississippi:	
Northern	132
Southern	87
Missouri:	
Eastern	103
Western	203
Montana (one district)	445
Nebraska (one district)	219
Nevada (one district)	63
New Hampshire (one district)	17
New Jersey (one district)	772
New Mexico (one district)	38
New York:	
Northern	1,444
Eastern	812
Western	1,005
Southern	1,984
North Carolina:	
Eastern	117
Middle	381
Western	725
North Dakota (one district)	52
Ohio:	
Northern	365
Southern	91
Oklahoma:	
Northern	128
Eastern	199
Western	398
Oregon (one district)	73
Pennsylvania:	
Eastern	209
Middle	53
Western	338
Porto Rico (one district)	758
Rhode Island (one district)	82
South Carolina:	
Eastern	472
Western	62
South Dakota (one district)	125
Tennessee:	
Eastern	315
Middle	327
Western	74
Texas:	
Northern	271
Eastern	178
Southern	83
Western	127
Utah (one district)	60
Vermont (one district)	28

Virginia:	
Eastern	50
Western	107
Washington:	
Eastern	42
Western	314
West Virginia:	
Northern	172
Southern	836
Wisconsin:	
Eastern	204
Western	97
Wyoming (one district)	33
Total	22,602

TREASURY DEPARTMENT,
BUREAU OF PROHIBITION,
Washington, December 7, 1928.

Memorandum

The following record of national prohibition cases and their disposition in certain judicial districts is presented for your information. In the perusal of these figures it should be borne in mind that the average number of cases thrown out of the United States courts during the last fiscal year was 15.6 per cent of the terminations. About 7 per cent of the terminations are trials by jury with the Government winning approximately two-thirds of the cases:

FIFTEEN-MONTH PERIOD ENDING SEPTEMBER 30, 1928

NORTHERN CALIFORNIA—TWO JUDGES

This district imposed jail sentences in only about 5 per cent of the convictions last year. Of the 10 persons convicted in conspiracy cases during the year but 1 person received a jail sentence which amounted to one day. Note the large number of cases nol-prossed and dismissed.

Commenced	1,044
Terminated	978
Convictions	692
Pleas of guilty	692
Trials by jury	21
Acquittals	7
Nol-prossed	2
Quashed or dismissed	277
Percentage of terminations nol-prossed and dismissed	28.5

DISTRICT OF COLUMBIA—FOUR JUDGES

Only 5 per cent of the terminations are trials by jury. Very low sentences are imposed and very few jail sentences given. Last fiscal year only 158 jail sentences imposed in 1,719 convictions. Note the large number of cases nol-prossed and dismissed.

[September report not received]

Commenced	3,129
Terminated	2,909
Convictions	1,852
Pleas guilty	1,783
Trials by jury	122
Acquittals	58
Nol-prossed	956
Quashed or dismissed	43
Percentage of terminations nol-prossed and dismissed	34.3

SOUTHERN FLORIDA—TWO JUDGES

Comparatively large number nol-prossed and dismissed.

Commenced	711
Terminated	439
Convictions	271
Pleas guilty	224
Trials by jury	107
Acquittals	60
Nol-prossed	19
Quashed or dismissed	19
Percentage of terminations nol-prossed and dismissed	24.6

NORTHERN GEORGIA—ONE JUDGE

Note the large number of cases handled. Results show an average per cent of convictions and jail sentences imposed. Fines are low.

Commenced	1,253
Terminated	1,137
Convictions	865
Pleas guilty	732
Trials by jury	187
Acquittals	54
Nol-prossed	35
Quashed or dismissed	183
Percentage of terminations nol-prossed and dismissed	19.1

MIDDLE GEORGIA—ONE JUDGE

Large number of cases for one judge and a large amount of cases thrown out of court.

Commenced	902
Terminated	1,215
Convictions	829
Pleas of guilty	724
Trials by jury	145
Acquittals	40
Nol-prossed	303
Quashed or dismissed	42
Percentage of terminations nol-prossed and dismissed	27.5

SOUTHERN GEORGIA—ONE JUDGE

Small number of trials by jury. Large number nol-prossed. Only 14 per cent of convictions get jail sentences. Average for country, 28.5 per cent.

Commenced	373
Terminated	511
Convictions	343
Pleas, guilty	325
Trials by jury	24
Acquittals	6
Nol-prossed	149
Quashed or dismissed	13
Percentage of terminations nol-prossed and dismissed	31.7

NORTHERN ILLINOIS—THREE JUDGES

Small number of cases for three judges. Low jail sentences imposed.

Commenced	1,063
Terminated	792
Convictions	643
Pleas of guilty	598
Trials by jury	52
Acquittals	7
Nol-prossed	2
Quashed or dismissed	139
Percentage of terminations nol-prossed and dismissed	17.8

MASSACHUSETTS—THREE JUDGES

Small number of cases for three judges. Very few trials by jury. Only 28 jail sentences during the year. Low average sentence.

Commenced	461
Terminated	476
Convictions	397
Pleas of guilty	393
Trials by jury	8
Acquittals	4
Nol-prossed	69
Quashed or dismissed	6
Percentage of terminations nol-prossed and dismissed	15.7

NEW JERSEY—FOUR JUDGES

Comparatively small number of cases. Low average sentences.

Commenced	711
Terminated	355
Convictions	250
Pleas of guilty	233
Trials by jury	21
Acquittals	4
Nol-prossed	98
Quashed or dismissed	3
Percentage of terminations nol-prossed and dismissed	28.4

NORTHERN NEW YORK—TWO JUDGES

Large number of cases. Very small number of trials by jury. Only 175 jail sentences imposed. Low average jail sentence.

Commenced	2,656
Terminated	2,301
Convictions	2,068
Pleas of guilty	2,048
Trials by jury	24
Acquittals	4
Nol-prossed	86
Quashed or dismissed	243
Percentage of terminations nol-prossed and dismissed	14.2

EASTERN NEW YORK—THREE JUDGES

Heavy courts; mostly pleas guilty. Average sentence per every conviction, \$81.19 and 5.4 days.

Commenced	2,537
Terminated	3,240
Convictions	2,655
Pleas of guilty	2,570
Trials by jury	148
Acquittals	72
Nol-prossed	39
Quashed or dismissed	474
Percentage of terminations nol-prossed and dismissed	15.8

WESTERN NEW YORK—TWO JUDGES

Large number thrown out of court. Small number of trials by jury. Low jail sentences.

Commenced	1,011
Terminated	1,235
Convictions	524
Pleas of guilty	505
Trials by jury	31
Acquittals	12
Nol-prossed	581
Quashed or dismissed	118
Percentage of terminations nol-prossed and dismissed	56.5

SOUTHERN NEW YORK—SIX JUDGES

Very low sentences. Average last fiscal year per every conviction, \$26.03 and 0.6 of a day. Average jail sentence based on number of jail sentences given is only 41.1 days. Average for country, 120.7 days. Small number of jury trials, about one-half of them resulting in acquittals.

[September report not received]

Commenced	10,231
Terminated	9,432
Convictions	8,604
Pleas of guilty	8,583
Trials by jury	39

Acquittals	18
Nol-prossed	291
Quashed or dismissed	519
Percentage of terminations nol-prossed and dismissed	8.5

WESTERN NORTH CAROLINA—TWO JUDGES

Small number of jury trials. Large number thrown out.

Commenced	1,063
Terminated	850
Convictions	479
Pleas of guilty	411
Trials by jury	112
Acquittals	34
Nol-prossed	146
Quashed or dismissed	181
Percentage of terminations nol-prossed and dismissed	38.9

WESTERN PENNSYLVANIA—THREE JUDGES

Low average jail sentence (7.8 days). Large number of pleas guilty. About one-half of the jury trials resulted in acquittals.

Commenced	1,188
Terminated	1,395
Convictions	1,154
Pleas of guilty	1,101
Trial by jury	99
Acquittals	46
Nol-prossed	189
Quashed or dismissed	6
Percentage of terminations nol-prossed and dismissed	13.9

EASTERN PENNSYLVANIA—THREE JUDGES

Small number of cases for three judges. About half of the cases tried by juries are acquitted.

Commenced	650
Terminated	482
Convictions	340
Pleas of guilty	275
Trials by jury	105
Acquittals	40
Nol-prossed	101
Quashed or dismissed	1
Percentage of terminations nol-prossed and dismissed	21.1

Conspiracy report of this district is interesting:

	1925	1926	1927	1928
Indictments filed	4	1	0	2
People involved	15	2	0	38
Convictions	0	18	0	0
Acquittals	0	5	4	0
Nol-prossed	1	117	2	0

¹ Pleas of guilty.

MIDDLE PENNSYLVANIA—ONE JUDGE

Low average sentence, \$139 and 10 days per every conviction last fiscal year. Forty-five jail sentences imposed during year, averaging 61 days each.

Commenced	363
Terminated	385
Convictions	280
Pleas of guilty	242
Trials by jury	65
Acquittals	27
Nol-prossed	77
Quashed or dismissed	1
Percentage of terminations nol-prossed and dismissed	20.2

EASTERN NORTH CAROLINA—ONE JUDGE

Fifty-one and three-tenths per cent cases are jury cases. Small number of acquittals. Average jail sentence per every conviction, 89.4 days.

Commenced	543
Terminated	530
Convictions	390
Pleas of guilty	185
Trials by jury	272
Acquittals	67
Nol-prossed	49
Percentage of terminations nol-prossed and dismissed	13.7
Quashed or dismissed	24

MIDDLE NORTH CAROLINA—ONE JUDGE

More than one-third of cases are jury cases. Average jail sentence per every conviction, 63.3 days. High per cent of convictions. Small number thrown out of court.

Commenced	632
Terminated	544
Convictions	441
Pleas of guilty	276
Trials by jury	206
Acquittals	41
Nol-prossed	34
Percentage of terminations nol-prossed and dismissed	11.3
Quashed or dismissed	28

WEST VIRGINIA—ONE JUDGE

Large number cases for one judge. Four hundred and eighty of the convicted were probated for five years each without any sentence being imposed. Small number of jury trials.

Commenced	2,752
Terminated	2,641
Convictions	2,145

Pleas of guilty	2,126
Trials by jury	22
Acquittals	3
Nol-prossed	464
Quashed or dismissed	29
Percentage of terminations nol-prossed and dismissed	18.6

Number of cases pending in Federal courts at the end of each year

1921	10,365
1922	16,713
1923	23,052
1924	22,380
1925	25,334
1926	20,434
1927	20,173
1928	18,005

Mr. HARRISON obtained the floor.

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

The PRESIDING OFFICER (Mr. HASTINGS in the chair). The clerk will call the roll.

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

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

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.

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

Mr. CURTIS. I ask unanimous consent that at the conclusion of the remarks of the Senator from Mississippi [Mr. HARRISON] debate on the pending amendment and all amendments thereto and substitutes therefor be limited to 10 minutes for each Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARRISON. Mr. President, I was content to say nothing on the original amendment reported by the Committee on Appropriations carrying an appropriation of \$25,000,000 for law enforcement, but the action of the distinguished Senator from Washington [Mr. JONES] and certain circumstances which have arisen since have provoked me into participating in the discussion.

It is a peculiar change of front upon the part of the leader from Washington to desire now to reduce the appropriation after he and others voted for it in the committee reporting it to the Senate. And it is a peculiar amendment that he now offers. Coming so soon after his conference with the late apostle of good will to South America, I am wondering whether it expresses the views of the next President of the United States. There is so much confusion existing about so many things at this particular time, including the question of who are to be members of the Cabinet presiding over the various departments of the Government, whether there is to be an extra session of Congress, what the new President's views are relative to this and that question, that I am almost at a complete loss as to just what the situation really is.

The Senator from Washington—and I am sorry he is not now in his seat—has always stood for large appropriations for enforcement of the prohibition law and has always allied himself with the prohibition forces of the country. I was delighted to hear him in his address the other day say that in the late campaign there was no prohibition issue. Of course, there were men and women in both of the great political parties who differed from their standard bearer touching this great question. I have differed with some of my best friends on it. I have differed with the leaders of my own political party respecting it. I recall that as a Member of the House on one occasion I voted to override the veto of a great Democratic President, one whom I delighted to follow, when he vetoed the Volstead Act. So we may have different views from those held by the leaders of our parties on this great political question, because long since the

American people concluded that as long as we keep the prohibition question in politics we will get nowhere respecting it. We have seen the same thing happen relative to our entrance into the League of Nations.

The Senator from Washington, in his proposed amendment reducing by some \$24,000,000 the appropriation for the enforcement of the prohibition law, proposes to use this small sum in many different ways. For instance, he proposes to use a part of the \$250,000 "for dissemination of information." What that means we are not yet told. He wants to use a part of it for "an appeal for law observance and law enforcement." Whether the particular apostles who went over the country in the late campaign misrepresented views, and so forth, are to be put under civil service we know not. It may be that the distinguished Senator from Washington wants to take care of some of those men so that they may go to some of the meetings and speak for law enforcement—

and for expenses in connection with travel of officers and employees in attending meetings of sheriffs and chiefs of police, and other meetings.

It is quite true, as the distinguished Senator from Wisconsin [Mr. BLAINE] has said, if that appropriation be provided under the language written by the Senator from Washington [Mr. JONES] the money could be used in sending officers to various meetings to post on billboards placards appealing to people to stand by prohibition and not be used, as it should be used, in providing for a larger number of men to go out and police the country, bring offenders to the bar of justice, and see that they are convicted of crime.

We are answered with a statement that the courts are clogged, that we need more courts.

Mr. President, since 1922 we have created 39 new Federal district judgeships in the United States. It was only a little while ago that we passed an omnibus judgeship bill here because it was said the necessity existed of enforcing this and other laws in the country.

However, be that as it may, both political parties in the last campaign stood for enforcement of prohibition as well as of other laws of the country. One party was just as strong in its expression, just as strong in its advocacy of enforcement as was the other political party. The leaders differed as to whether or not the law ought to be changed, and so forth. I did not agree with some of the leaders of my party, but I respect the views of other people on this question, because the American people have never been united on it, and I do not know that they ever will be united on it. However, the law is here, it should be enforced, and should not be stifled by either prohibitionists or by those who are lukewarm respecting its enforcement.

The Secretary of the Treasury says we ought to increase the facilities of the Coast Guard, and so on. I submit, Mr. President, that in the last bill covering that matter which we passed here and which, I think, is now a law, we increased the appropriation for the Coast Guard by \$767,000; we gave to the Secretary of the Treasury every cent that he requested for the Coast Guard. The Appropriations Committee were liberal. The bill is now the law, and the appropriations carried by it for the Coast Guard have been increased to that amount. For the Customs Service we have appropriated every cent that the Treasury Department requested; indeed, we increased the appropriation this year over last year for that particular service by \$1,816,000.

Every defect that might have been pointed out respecting the \$25,000,000 appropriation proposed by the Senator from Georgia [Mr. HARRIS] has been remedied by his amendment as he has now modified it.

Mr. President, I said I did not know but that the Senator from Washington in moving to reduce this appropriation to \$1,250,000 was expressing the views of the next President of the United States. Certainly there are Senators here who know his views; somebody has certainly been able to find out his views. When he spoke in the campaign he lauded the present administration to the skies.

It is said that on one occasion when he spoke by the time he was half way through his speech three-quarters of the audience had left. But his speeches were carried in all the newspapers of the country. He had a great interlocking radio-broadcasting system; and he spoke loudly and eloquently, as I have said, and with the utmost sincerity as to his faith in the administration, pledging his talents and his ability to carry on the policies of the Coolidge administration.

In those campaign speeches, Mr. President, there was not a single head of any department of this Government but was praised by the distinguished President elect. He spoke of the great granitelike ability of the distinguished Attorney General;

he spoke of the fine work done by the Secretary of State, and also by the Secretary of the Navy, by the Postmaster General, and all of the other members of the Cabinet; but yet to-day after his return from South America, where he went on his censored good-will trip, everyone—if the newspapers can be believed—is in as much confusion as to what is going to happen as he was on the day of the election.

Mr. President, I ask why should there now be such confusion in other directions just as there is relative to his prohibition stand? The Republican candidate for the Presidency praised the fine constructive ability of the Secretary of State, lauded his work in putting through the peace pact, in the settlement of the Nicaraguan difficulty, and in the diplomacy displayed in our relations with Mexico, and yet among all the candidates who are mentioned for appointment to the high post of Secretary of State not a word is said about the incumbent—Frank B. Kellogg? We hear of Mr. Fletcher, who journeyed with the President elect through the peaceful waters of the Pacific, who made the long trip around the South American coast with him, spoken of as the next Secretary of State; we hear Mr. Dwight Morrow, who performed so well in Mexico, spoken of as the next Secretary of State; but no newspaper correspondent, no one who is close to the President elect, has ever suggested the name for appointment as Secretary of State of Frank B. Kellogg. Yet it was because of his conduct of foreign affairs during the last few years that the President elect in his campaign speeches lauded the Coolidge administration and said that he would carry on.

Take the Attorney General, the great friend of the President of the United States.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. HARRISON. Not just now, if the Senator will permit me to proceed.

The Attorney General came from the mountains of Vermont, and in many ways is somewhat like the President of the United States. If there was one appointment made by President Coolidge that was personal in its nature, it was the appointment of Mr. Sargent as Attorney General. His work was applauded by the President elect, who in his campaign speeches told how, since the Department of Justice had gotten rid of Daugherty, it had administered the law; it had enforced the law in all the courts of the land. Yet at this time, when the newspapers are publishing pages and columns about the next Cabinet, we find no mention of him.

They are mentioning Mr. Donovan, for instance, which brings to my mind certain facts and incidents which are not forgotten. Many of the prohibitionists of the country, perhaps, would like Mr. Donovan to be Attorney General of the United States, and there are many other elements in the country, perhaps, who would like to see him Attorney General. No doubt the distinguished Senator from Idaho [Mr. BORAH] would like to see Mr. Donovan appointed Attorney General of the United States. It will be remembered that, following an investigation by the Department of Justice, a jury acquitted and exonerated a distinguished Member of this body of certain charges that were brought against him after the sleuths of the department had gone out and conjured up tales to his detriment, although a committee of honorable Senators, headed by the distinguished Senator from Idaho [Mr. BORAH], had investigated the charges, gone to the bottom of the case, had unanimously agreed that there was nothing in the charges, and gave to the Senator from Montana [Mr. WHEELER] a clean bill. It was Mr. Donovan, of whom we hear so much to-day, of whom we read in the public press, that he may be named as the next Attorney General of the United States, who had something to do with that incident.

Then we read the next day that there is a timorous disposition about appointing him Attorney General; that he might fit in better as Secretary of War; and so the newspapers tell us that there is about to be kicked out the present Secretary of War who has reflected so much credit upon the present administration, who has molded the Army together and kept it upon a harmonious basis. In the campaign speeches by the President elect he was lauded as a great Secretary of War, and the work that he did in the Mississippi flood-control matter was cited; yet, as was done in the case of Mr. Culbertson, formerly a member of the Tariff Commission, he is to be transported overseas and given a diplomatic position.

We are told in the press that the present Secretary of War, one of the cogs in the great Coolidge machine, who was praised to high heaven and whose policies the President elect was going to carry on, is to be transported to some diplomatic place and Mr. Donovan is to be made Secretary of War. So we are left in a confused state as to whether Mr. Donovan

wants to take the position of Secretary of War or to be the Attorney General of the United States; but in all that we read and all that we hear no word has ever come from any friend of the President elect or from the President elect himself that John Sargent might be renominated as Attorney General of the United States.

Take the Secretary of the Navy, who, it is said, was appointed to his present position on the indorsement of Mr. Hoover. He has not secured his job. It is said that he whispers around to certain Republican leaders and asks them the question, "Have you heard anything about me?" [Laughter.] Other men, Mr. Robinson, of California, for instance, and Mr. Cramer, of North Carolina, are mentioned for the job of Secretary of the Navy.

Let us take now the Secretary of Labor. Was there ever a man who was more diligent, more persuasive in his eloquence, and more constant in his devotion to the candidacy of Mr. Hoover before the convention and afterwards than Mr. Davis? Mr. Mellon might have disagreed with him, but Mr. Hoover knows of the devotion of the Secretary of Labor. It is true the Secretary of Labor and Mr. Hoover have had some differences in the Cabinet. They differed, perhaps, about the national-origins test; they could not agree in their report to Congress as to whether or not it should be put into effect, and they may have differed about some other questions; but we know that every time the distinguished junior Senator from New York [Mr. WAGNER], when unemployment was rampant in this country, would make a speech and say there were four or five million men out of employment, Mr. Davis, as one of the apostles of the present administration, would give out a statement the next day and show that a million and a half men had gone to work the night before. [Laughter.] So Mr. Davis has been constant in his loyalty and devotion to the Coolidge administration; and yet in this confused state of political thought of all the men that we hear mentioned for the position of Secretary of Labor we never hear the present Secretary's name. We hear talk of Lewis, of Pennsylvania; of Mr. Doak, and of others; but this man who stood by the Coolidge policies, which Mr. Hoover in his campaign speeches pledged to carry on, is lost in the shuffle.

Now, take the Postmaster General. We love Harry New. He was one of us here once. He has made a good Postmaster General. He has appointed whom the Republicans wanted him to appoint; he has not paid so much attention to civil service, but there never was a Republican who did. [Laughter.] He inaugurated the air mail service of this country, broadened and enlarged it, and made it effective. He was appointed on the recommendation of JIM WATSON. Perhaps Will Hays wants to get the Postmaster Generalship again. That may be the fly in the ointment. We also hear of Bascom Slemp as a probable candidate for Postmaster General. It is quite true that he has certain qualifications for the position. [Laughter.] He knows the South and how to distribute patronage down there.

Mr. CARAWAY. Mr. President, did the Senator from Mississippi say Mr. Slemp knows how to distribute patronage?

Mr. HARRISON. Yes; distribute patronage.

Mr. CARAWAY. I did not understand the Senator.

Mr. HARRISON. And we hear of other distinguished Republican leaders, from Jim Good on; but nothing is mentioned about the present Postmaster General being reappointed to the Cabinet of President-elect Hoover.

Take the Secretary of the Interior. Of course, I know that you gentlemen are very proud of the last appointment to this place, and I will admit that it was a better appointment than some other appointments that have been made by the Republican administration to that office, but we hear nothing said now about reappointing Mr. West to this particular job. It is some one else. They do not know who it will be. It is said that the distinguished Senator from Utah [Mr. SMOOT] has a man in mind; that he wants to place one of his distinguished and loyal friends in that particular job. He is close enough to them down there now. There is no need for that; but of all the men we hear mentioned for it, we do not hear that the President elect is going to reappoint the man whom President Coolidge has appointed to carry out the Coolidge policies.

Take the Secretary of Commerce—the very man who was appointed, it is said, at the insistence of the President elect himself—Mr. Whiting. Do you hear his name mentioned for Secretary of Commerce? No. He is not mentioned for that place at all. But we hear much of the eager desire of Mr. Walter Brown to land that plum for services rendered.

And so you go down the line, and you come to the Secretary of the Treasury. Of course, he may be pushing himself a little bit in this particular controversy. He may be getting into a little deep water with some of his old allies in the campaign

just closed. We read the other day in the papers that they have about settled their controversy; that Mr. Mellon is to go in and stay in for about 14 months, with the understanding that he is then to be given a long furlough, and Mr. Ogden Mills is to be appointed to the place.

But it seems that the New York political situation was not ironed out as well and as smoothly as we had thought it was in the beginning, because we heard a loud voice from over at the other end of the Capitol the very next day, the voice of the chairman of the Rules Committee, Mr. SNELL, and he says that the New York Congressmen must be consulted with reference to this matter.

But, Mr. President, this confusion that exists everywhere, this growing concern on the part of distinguished gentlemen who think they are entitled to a Cabinet position and who do not know yet whether they are going to be appointed to it, may be a part of the censorship that was imposed by the President elect in his recent "good will" trip to South America. We have all read of that censorship on the *Maryland* and on the *Utah*. The man who was placed in charge of it by the next President, Mr. George Barr Baker, is said to have been spoken of for one of these high Cabinet positions. It may be that there has been a change in the plans since the President elect requested the Appropriations Committee the other day to create a new position, carrying a salary of \$10,000, and the chairman of the Appropriations Committee gladly acquiesced in it, and the distinguished Senator from Utah [Mr. SMOOT] acquiesced in it. Word came up to them that he said, "I shall need another secretary. I am going to have more correspondence than the present President. I need to take care of a certain fellow." Anyway, it may be said that that might have been in his mind. He wanted two secretaries. It is inexplicable why the distinguished Senator from Utah and the distinguished Senator from Wyoming did not comply with the request and give him two. That was the message that came to the Appropriations Committee—that he needed two additional secretaries when he became President of the United States. He wanted to take care of two fellows instead of one; and so it may be that there was some conflict, some confusion, as to whether Mr. Akerson or Mr. George Barr Baker was to get this particular place. It may be that something will be done about that at the next Congress.

It has been suggested that when the new President comes in he will ask of Congress a larger appropriation to enforce this law; that he will carry out his campaign pledges by doing that; and that you will then make the appropriation. I submit to you that that is impossible under your plan. If what we hear is true—and if there is any denial of it, I wish some leader would rise and deny it—when the extra session of Congress meets, under your plan or the plan of the House leaders, you are going to organize one committee or two committees—the Rules Committee and the Ways and Means Committee. It is said that you are not going to have the Appropriations Committee organized, so that you will not be bothered with all that; that you will not have the other committees organized to consider a whole lot of other legislation; but you are going to organize the Ways and Means Committee and pass a tariff bill, and organize the Agricultural Committee, perhaps, and bring the bills over here under those circumstances. So it matters not how the President in his inaugural address or his first message to Congress may appeal for increased funds to enforce the prohibition law; you will not have the agency with which to do it unless you change your plan and pass it during the extra session of Congress.

Mr. President, there is no politics in this proposition. Both political parties—and I think about 99 per cent of the American people—believe in the enforcement not only of the prohibition law but of every other law on the statute books. At least it is our duty to provide the means so that there can be an honest endeavor to enforce the law; and, so far as I am concerned, I want no alibi from anyone with reference to this great question. I am willing to vote the \$25,000,000 and place it in the hands of the present Secretary of the Treasury if he is to be the next Secretary of the Treasury, or in the hands of Mr. Bill Donovan, if he is to be the next Attorney General of the United States and there should be a transfer of the Prohibition Unit over to the Department of Justice. Let them have the necessary money. This appropriation lasts until the 30th day of June, 1930, nearly a year and a half. If this appropriation is not made now it would be at least a year before an increased appropriation could be made to enforce this law; and it would seem to me that the least thing we could do is to adopt the amendment offered by the distinguished Senator from Georgia [Mr. HARRIS].

Mr. President, I desire at the close of my remarks to have inserted in the *RECORD* an article on censorship, and how it

worked during Mr. Hoover's recent trip around South America, as written by a distinguished newspaper correspondent, Mr. George H. Manning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit A.)

Mr. CARAWAY. Mr. President, before the Senator sits down, is it George Barr Baker that the Senator is talking about?

Mr. HARRISON. George Barr Baker is the censor.

Mr. CARAWAY. Is he the same gentleman who was peddling around those papers purporting to be diplomatic correspondence with Mexico, or at least had them and showed them to somebody?

Mr. HARRISON. He is the same gentleman. He used to be editor of Everybody's Magazine.

Mr. CARAWAY. Is he the one of whom Mr. Lane, I believe, said that they had to get these papers away from him with some difficulty?

Mr. HARRISON. That is the same George Barr Baker.

EXHIBIT A

[From the Editor and Publisher and the Fourth Estate for January 12, 1929]

CHARGE PRESS CENSORSHIP ON HOOVER GOOD-WILL TRIP TO SOUTH—WASHINGTON CORRESPONDENT CORPS REPORTED INDIGNANT AT DELETIONS IN COPY AND GENERAL ATMOSPHERE OF INTIMIDATION—THREE CORRESPONDENTS FORCED TO RISK LIVES IN AIR

By George H. Manning, Washington correspondent, Editor and Publisher
(By telegraph to Editor and Publisher)

WASHINGTON, D. C., January 10.—Washington newspaper correspondents who accompanied President-elect Herbert Hoover on his good-will tour of South America are indignant at censorship of their dispatches during the trip.

While the actual deletion of stories was not frequent or at great length, the atmosphere almost of intimidation which prevailed imposed psychological conditions which are regarded by the correspondents as far more important than the restriction actually practiced.

In many instances, they declare, no stories were sent or even written because the newspaper men felt that it would be useless to attempt to get them radioed from the ships which carried the party. Actual incidents which were not reported or which were inadequately handled for this season included the following as the most important items:

A series of opinions given Mr. Hoover and the party by American firms and native chamber of commerce at points the party stopped that the visit of American battleships for maneuvers in South American waters is a nuisance and threatens good relations.

The wounding of a native policeman by a member of the crew of the *Maryland* at Lima, Peru.

The storm encountered in the Pacific by the *Maryland*.

Journalistic circles here and in other cities have registered a protest that is still growing against the methods employed on the trip. No similar censorship has been attempted by Government officials within the memory of the oldest Washington newspaper man, it was said, and the Baltimore Sun characterized the proceedings as "insufferable."

"By what authority was a censorship established over the news writers who accompanied the President elect?" continues that paper. "They were sent on that trip by press associations and individual papers to report the important news that resulted from Mr. Hoover's appearance in the Latin-American nations. In that mission they had a status as independent and as necessary to the public as that of any other individuals or groups.

"They constituted the one instrument by which the people of this Nation could hope to have an impartial record of what occurred in a momentous series of contacts between their President elect and the nations of Latin America.

"By what authority, legal, political, moral, or other, were these men told 'thus far may you go in your dispatches to be read by the American people and no further?' Who declared them political appendages of the tour?"

Every news story written on board the *Maryland* and the *Utah*, the two American battleships which carried the good-will party, had to be submitted by the writer to George Barr Baker, press liaison officer for Mr. Hoover, according to the newspaper men who were on the trip.

Before news dispatches were transmitted over the ship's radio each of them was required to bear Mr. Baker's O. K. The ships operated as much as possible with the Washington naval station in sending the stories. They were turned over from there to the Washington bureaus of the papers or press associations or to commercial lines for delivery.

On the *Maryland*, which carried the party on the first leg of the tour, five copies of each dispatch were required from the reporters. One of these extra copies went into the Navy Department files, another

was used for sending the story, and a third is reputed to have been for the inspection of Capt. Victor Kimberley, commander of the battleship.

Disposition of the remaining copies is a profound mystery to all the correspondents.

Demands on the reporters were lightened by one copy when the transfer was made to the *Utah*. In addition to this favor, the privilege was given the reporters of receiving a copy on which was marked the hour of transmission.

At the time of the transfer a mimeographed memorandum from Mr. Baker was placed in the reporters' hands with a brief direction, as follows: "The O. K. system will be continued." This reference to the submission of dispatches for approval was accompanied by data as to the hours of radio service.

This system resulted in the deletion, according to the correspondents, of words, lines, and even paragraphs in stories written by many of the correspondents.

One reporter representing a press association withdrew an entire article at Mr. Baker's "suggestion." This "suggestion" was that he "thought it would be better" to withhold the story at the time.

An Associated Press dispatch written by one of its two reporters who made the trip was delayed for five hours, it was declared. When ultimately sent, changes had been made in it, he charges; this dispatch concerned the storm which the *Maryland* weathered in the Pacific.

Deliberate suppression of facts is charged to the officers by the reporters on at least one occasion. This occurred at Lima when an enlisted member of the *Maryland's* crew became involved in an argument with a Peruvian policeman. During the trouble the policeman was shot. No correspondent was able to obtain any information as to how the man was wounded or as to the cause of the altercation.

"Policy" also demanded the exclusion from news dispatches of the numerous complaints received throughout the trip against the maneuvers of the Pacific Fleet in the waters of Latin-American countries.

Consequently no mention has been made of the apparent connection between these advices to Mr. Hoover and the order from Washington canceling the visit of the fleet.

These complaints included charges of riots consequent upon American battleships touching at the ports and strained diplomatic and commercial relations generally, and they are regarded by the newspapermen as having a direct bearing upon the decision of the Navy Department.

It was emphasized by the reporters that this censorship was not attempted on land when stories were sent by commercial cable or wireless. They also refused to discuss the restrictions during the trip, in the best interests of Mr. Hoover, with the consequent lack of publicity concerning conditions until the return.

They declare that there was some basis for the censorship aboard the *Maryland*, because of less modern radio equipment than the *Utah's*, and because of unsettled atmospheric conditions. The latter was the chief difficulty encountered in transmission at various times.

The newspapermen themselves met this situation by appointing a committee from their ranks to assign wire time for all dispatches and limit the number of words to be sent at one time.

No such difficulties were encountered, however, on the *Utah*, it is said, and there was no possible physical reason for the censorship after the change to that battleship. Evidence as to this is cited in the fact that Mr. Baker's approval or disapproval of dispatches was not related to their length but to what they said.

Mr. Hoover and his representative, Mr. Baker, take the position that their "suggestions" did not constitute a censorship, and that the policy was "merely advisory." Although Mr. Baker is a commander in the United States Naval Reserve, he did not accompany the party as a naval officer or representative, but was a member of the President-elect's personal party.

Aside from the censorship, which had both its annoyance and humor, the newspaper men on the party had many enjoyable and unfortunate experiences during the trip.

The correspondents, for the most part, deeply resented the action of the commander of the *Maryland* in leaving port at Antofagasta, Chile, and leaving behind three of the newspaper men who were a little late in returning to the ship.

When the Hoover party reached Antofagasta, which is close to the border of Bolivia, that country having no port, a delegation of Bolivian officials called on Mr. Hoover. A reception was arranged for them and it was announced that the newspaper men might go ashore for a time but should return by 12.30 p. m. About 12 or 15 went ashore.

When the Bolivian delegation left the ship about 1.30 and preparations were made for weighing anchor, a check-up revealed that Rodney Dutcher, of NEA Service; William Philip Simms, representing Scripps-Howard; and Price Bell, of the Chicago Daily News, had not returned from "shore leave."

Although Antofagasta is in the nitrate desert region and the town folk are not particularly kindly toward Americans, the *Maryland* steamed away, leaving the three American newspaper men behind. So

far as known no effort was made on the part of the *Maryland's* officers to ascertain if Dutcher, Simms, and Bell were ill or well, and the ship departed leaving the three newspaper men alone in a foreign country without preparation for a stay of more than a couple of hours.

It developed that they had been the guests of the commander of the port who had invited them uptown and continually protested that because of the office he held he could give full assurance that the *Maryland* would not leave until 3 o'clock. When they returned to the dock the *Maryland* was gone.

Next morning, with the sympathetic aid of Ambassador Culbertson and officials of the Chilean Government, arrangements were made to take them by rail, a gasoline hand car, and airplane to Santiago, the next port of call for the *Maryland*.

Two airplanes were placed at the disposal of the correspondents by the Chilean Government officials. One of them, an English plane, took Simms and Bell, because they were slim, and Dutcher, who is rather portly, took passage in the other, a rickety old American plane.

The plane carrying Simms and Bell made a chilly flight in a snow-storm over the Andes and placed them with the rest of the party in Santiago. The plane in which Dutcher attempted to make the trip stayed up only about 15 minutes and returned to the field without accident. The other plane made a return trip and carried Dutcher along to join the party on the following day.

The newspaper men are still laughing over what happened to one of their number who went out for the evening to one of the American embassies in Latin America to "visit" and left word behind with one of his colleagues to protect him if anything important happened. It did, and one of his associates filed 1,500 words for him on the incident under a special arrangement for expedition of the dispatch at the rate of \$1 a word which cost the office \$1,500. Another companion undertook to do a kindly turn for the socially inclined missing reporter and filed 1,200 words on the same story at a cost of about \$250. It is reported that two more of his companions also filed stories for the missing man, but proof is lacking.

The object of the sympathetic attention of his colleagues is happy in the fact that the home office paid the tolls.

Eighteen reporters and seven news photographers accompanied Mr. Hoover on his good will trip to South America, which left San Francisco on November 19, and returned to Washington last Sunday.

Mr. BLEASE. Mr. President, I have been very much amused at some of the discussions upon this question, and I have been very much pleased indeed that some people who were so free to criticize any statement in reference to the violation of the prohibition act have now conceded that the law has not been enforced.

In the late campaign we were told all over this country that if Alfred E. Smith were elected President of these United States there would be no enforcement of the prohibition law; and when it was stated on the rostrum that the law was not now being enforced, but was a farce, those who said so were held up to ridicule and made fun of.

Mr. President, I shall vote for this amendment. I want to see this law and every other law enforced.

I hold in my hand a picture and an article clipped from this morning's *Washington Herald*. The picture shows a truck in the charge of certain policemen. I shall ask the clerk to read it, and shall ask that it be inserted at the end of my remarks. The heading is *French Embassy Almost Loses Truck Load of Liquor to Police*.

It is stated in this article that the Assistant Secretary of the Treasury, Mr. Lowman, ordered that this carload of liquor be released by the policemen of the District of Columbia and that it be turned over to the French embassy.

I shall never sit in this Hall contended and vote to allow these people who are not American citizens to have liquor and wine and beer, serve it to their guests, serve it in their homes, and, in some instances, sell it, under the protection of the men who say that they are enforcing the prohibition law; and at the same time, gentlemen of the Senate, if an American citizen born here, bred here, and who himself and whose people have fought the battles of this country and bared their breasts to the cannon of the country's enemies, after a hard day's work, possibly on a cold, rainy day, goes to his home in the afternoon and partakes of a drink of what is called whisky, he is immediately seized, arrested, locked up in jail, and possibly put on the chain gang, while these foreigners are allowed to have all the whisky they want.

The lawyers at their banquets have all the whisky they want. The newspaper people at their banquets have all the whisky they want. The doctors at their banquets have all the whisky they want. Who is it that is being deprived by this law? If prohibition is good enough for Henry Ford's workmen, it is good enough for Henry Ford; and if it is good enough

for the poor people of this country, then I say the law should be enforced for all men alike.

The Senator from Nebraska [Mr. NORRIS] the other day made some remarks along this line. While I am not criticizing him, yet there is in his committee to-day, and has been since December, 1927, a bill asking that this law be enforced for all people alike. There is another bill before his committee asking that the ambassadors and other foreigners in this country shall not be allowed privileges not given to American citizens. Those bills have not been acted upon. Not one word has been said about them, yet this violation of the law goes on. Some little imitation of a man calling himself white runs over some girl here on the street and says, "I am an ambassador's servant." Our policemen must stand aside and let that man go free. Even though the man strikes a policeman, he dare not strike back as has been reported here time after time.

Mr. President, I ask the Senate in all good faith that if they make this appropriation they pass a bill something on the order of the one I have introduced providing that this law be enforced to all people alike—Americans, non-Americans, and all others—and that we do not continue to put ourselves in the position of depriving American citizens of rights and privileges given to other people.

Mr. President, proof of these things can be shown. It might pinch some people's shoes to show where they get their liquor. It might be shown that some of that liquor comes from embassies to their homes. It might pinch some people's shoes to have it known that they go to embassy receptions and drink liquor. Yet when it comes to voting you can not get a vote or a bit of assistance from them to stop what those same people are endeavoring to stop as to other people.

Let us be fair. Let us be men. If we are going to put this law on other people, let us abide by it. If we are going to let foreigners have liquor, and some of us go to the embassies and drink it and have it sent to our homes, then let us allow other people in America to have the same privilege.

I believe in fairness and equality in the enforcement of law. I believe all men should have equal punishment when they are convicted of violations of the law, and all men should have equal rights. I believe that if this law is going to be enforced it ought to be enforced to the letter.

I am in favor of the law; my people are in favor of it; we want it; but we want a fair enforcement and honest enforcement of it.

The senior Senator from Maryland [Mr. BRUCE] gave some figures here a while ago and referred to my State as one where whisky is drunk. We have people in my State who drink whisky, and I had hoped that the Senator would go a little further and show the quality of liquor consumed in my State, and the number of people who are killed by liquor in the various States. I think my State would stand pretty well in the quality of its liquor and in the small number of deaths from drinking it. Let our motto be, "Equal privileges to all."

Mr. President, I ask that the article which I send to the desk be read by the clerk.

The PRESIDENT pro tempore. The clerk will read.

The article was read, as follows:

[Washington Herald, Tuesday, January 22, 1929]

FRENCH EMBASSY ALMOST LONES TRUCK LOAD OF LIQUOR TO POLICE

The French Embassy almost lost 624 quarts of choice liquor last night.

Twelfth precinct police interned a truck load from Baltimore marked for Jules Henry, secretary of the embassy, and arrested the two drivers on charges of transportation and possession when they failed to produce the necessary papers entitling them to proceed.

Diplomats scurried about pulling wires. An hour later an order from police headquarters released the two men, and a command came from Assistant Secretary of the Treasury Lowman to turn over the precious goods to the French Embassy.

Policemen T. F. Heide and John Berry, of the twelfth precinct, saw the heavy truck passing down Rhode Island Avenue, manned by Frederick David Trabing and Conrad Trabing, brothers, of Baltimore. The Trabings come through every week with French Embassy liquor, police say, but they could not produce any authorization for their journey last night.

Believing the embassy destination mark might be a "blind," police escorted the truck to the station. News of the capture spread and a large crowd soon was on hand, gazing wistfully, until legal technicalities were waived and men and goods discharged.

Mr. BLEASE. Mr. President, I ask that the four bills which I send to the desk be printed at the conclusion of my remarks.

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

S. Res. 287, Seventieth Congress, second session

IN THE SENATE OF THE UNITED STATES

January 5, 1929

Referred to the Committee on the Judiciary and ordered to be printed
Amendment intended to be proposed by Mr. BLEASE to the resolution
(S. Res. 287) providing for the appointment of a committee of five
Senators to investigate the enforcement of the eighteenth amendment
to the Constitution of the United States, viz:

On page 1, line 4, after the words "United States," insert the following: "which shall include all ambassadors, embassies, members of legations, representatives of foreign governments, and all other inhabitants, citizens, and public officials, whether temporary or permanent of this or any other country, and of whatever nationality, race, creed, or color in the United States of America."

S. 785, Seventieth Congress, first session

IN THE SENATE OF THE UNITED STATES

December 6 (calendar day, December 9), 1927

Mr. BLEASE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A bill to enforce the laws of the United States without fear or favor or partiality

Be it enacted, etc., That on and after the signing of this act by the President of the United States all officers of the law working under the Government of the United States or any department thereof, and at any point within the jurisdiction of the United States as hereinafter defined, shall enforce equally and without partiality or discrimination all of the laws of the United States against all persons, regardless of race or color, native-born or naturalized American citizens, visitors from any other nation, whether their visitation be temporary or permanent, all temporary residents of the United States, whether in official capacity or otherwise, and all other persons at any and all times and all places within the territory of the United States, which territory shall include all of the houses and lands of whatever kind and nature and all buildings or structures of whatever kind and nature, the same lying and being situate in that territory known as the United States of America and bound on the east by the Atlantic Ocean, on the north by the Dominion of Canada, on the west by the Pacific Ocean, and on the south by Mexico and the Gulf of Mexico.

Sec. 2. That any officer failing or refusing to perform his duties as set out in section 1 shall be guilty of a felony and shall be punished by immediate discharge from office, and upon conviction such fine and imprisonment in the discretion of the judge before whom he is tried.

S. Res. 31, Seventieth Congress, first session

IN THE SENATE OF THE UNITED STATES

December 6 (calendar day, December 9), 1927

Mr. BLEASE submitted the following resolution; which was referred to the Committee on Finance, January 17, 1928. The Committee on Finance discharged, and referred to the Committee on Foreign Relations:

Resolution

Resolved, That the Assistant Secretary of the Treasury, Hon. Seymour Lowman, who is in charge of the enforcement of the Volstead Act, be requested to investigate immediately, and inform the Senate, whether or not whisky, wine, or beer has been served by any of the foreign ambassadors, ministers, consuls, or other agents of any other countries in Washington, District of Columbia, since the passage of the Volstead Act; and if it is now being done, and, if so, with the approval of the President of the United States or any other official whose duty it is to enforce the said law; and further, if it is true that the recent representatives of the Italian delegation to this country in reference to the settlement of its debt to the United States were permitted to bring into this country champagne, whisky, and beer, or either of them, and, if so, by whose permission, and if they did, why were they not promptly arrested as American citizens would have been?

Second. That a similar request be made of Hon. James M. Doran, Commissioner of Prohibition.

Third. That a similar request be made of the Secretary of the Treasury.

S. 786, Seventieth Congress, first session

IN THE SENATE OF THE UNITED STATES

December 6 (calendar day, December 9), 1927

Mr. BLEASE introduced the following bill; which was read twice and referred to the Committee on the Judiciary:

A bill to prevent double prosecution for same offense

Be it enacted, etc., That from and after the passage of this act no person who shall have been tried and convicted in any State court of any offense, or of selling, transporting, or storing contraband liquors,

whisky, wine, or beer, shall thereafter be tried for the same violation or offense in a Federal court; nor shall any person be subject for the same offense to be twice put in jeopardy of life or liberty in both the State and Federal courts. The conviction in either shall bar prosecution in the other.

Mr. HEFLIN. Mr. President, I shall not detain the Senate very long. I am in favor of the appropriation of an adequate amount of money to enforce the prohibition law. I think the amount ought to be increased at this time.

The prohibition law is being enforced in many places. If those Senators who are constantly attacking the law and its enforcement would travel through the States and attend the courts in the various counties they would find that the law is being enforced and that people are being prosecuted and convicted for violating it. Of course, the law is not enforced absolutely to the letter. I do not know of a single law upon the statute books that is. We have a law against murder, and it is being violated in every State in the Union.

The Senator from Maryland referred to an incident down in Atlanta where some whisky was being drunk and sold just before Easter Sunday, but the Senator did not tell about a young man, a college boy, who not long ago went out to get a thrill, and who wanted to kill somebody in order to have that peculiar kind of thrill, and murdered a drug clerk one Sunday night.

There are other laws that are being violated every day. We have a law against people running an automobile at a reckless rate of speed. Would the Senator repeal the law on that subject because it is not fully enforced? I do not know of a single law upon the statute books that is enforced to the letter.

Mr. President, when statistics are presented contrasting the old system with the new I grow exceedingly weary with certain Senators who tell us that more whisky is being drunk than was drunk under the barroom régime. It is not true. There is not one one-hundredth as much whisky being consumed now as was consumed in the United States under the miserable barroom system.

What did the barrooms do? They controlled the politics of many of the towns and cities of the country and they controlled the politics of some of the States of this Union. The barroom brigade was in control, and if a man ran for office and he favored putting down the whisky traffic, the barroom bunch would oppose him and encompass his defeat if it were possible to do so.

What were they doing? They were selling whisky, and at the time the eighteenth amendment was adopted the meanest kind of whisky.

I know something about that situation. In my State in many places we banished the barroom and set up the dispensary, and municipalities became corrupted by it. The men whose business it was to purchase the whisky for the town dispensary in many instances were accused of graft, and they bought from the whisky interests whisky that was very cheap and very sorry. There was some high-grade whisky, and some of the sorriest whisky they had had dope in it. I once saw an empty whisky barrel sawed in two by a gentleman who wanted to use it for washtubs. There was in that whisky barrel three times as much plug tobacco as my hat would hold. They had put it in the whisky and the whisky had absorbed the nicotine and tobacco juice and it swelled out those plugs until they were as thick as my wrist or thicker. They were selling all sorts of concoctions for people to drink in the barroom days. They were poisoning the people with that vile stuff.

I remember an instance at the capital of my State. A very fine young man who lived out in the State came over to the capital for something. He took two drinks in a barroom and was sitting down in a shoe shiners' chair sound asleep and two other men and myself had great difficulty in arousing him at all. He had taken two drinks of sorry whisky, which was being sold under license permitted by law.

I know of a case where in a drunken brawl in a barroom a young man's throat was cut from ear to ear, killed by his companion and friend in a drunken row. Both of them were drunk. And two sad and sorrowful families were bowed in grief over that awful tragedy of the barroom.

That is not all I have seen. When I hear gentlemen talk about denying the poor people and the laboring people the right to have whisky in abundance, I reflect that prohibition is the greatest blessing that has come to the poor people of America, the greatest blessing that has come to the toiling masses of our country. What are those particular people doing? They are living sober lives, and their sober boys are outstripping the drunken sons of the rich in college. Their boys are forging their way to the front and are becoming the heads of the industrial establishments of the country, and these sober, clear think-

ing, and clean-living boys are going to be the men of wealth and power in the near future.

If nothing else will do them, let those who want to drink and debauch themselves go on as they are going, and let the poor man's son be sober and live an industrious, upright, honest life, and he will become a very useful and influential man. You do not have to make a laboring man drunk in order to make him work and support his family.

I will tell you what I witnessed once at Birmingham, in my State. We had a campaign on to drive the barrooms out, and the wives and children of the laboring men of Birmingham were invited to parade the streets of Birmingham. They did so. It was a touching and pathetic sight. Why were they parading? They were appealing to the voters to drive the barrooms out, and why? Because many of them said, "On Saturday night, when our husbands start home with the week's pay in their pockets, they go by the barrooms. They take a drink or two; they are doped and made stupid; they are led into the poolroom, and they do not know anything else until they are locked up in the calaboose at midnight, the contents of their purses are gone, and their wives and little children waiting, waiting in the deep watches of the night, for the return of the husband and father, but he does not come." And he did not come, and they did not know where he was until Sunday, when they got word that he was in the lock-up. After the barroom bunch got his money they turned him over, drunk and penniless, to the policemen, and they locked him up. That is what happened in the cruel and wicked old days of the barroom. These women said, "We are trying to have the barrooms driven out of Birmingham." And they helped to drive them out, and what have we there now? We have the finest class of laboring men, sober, with heads erect and light upon their faces. They are putting money in the bank, they are building little homes on the mountain sides about Birmingham, and they are educating their children and providing well for their families. So we have a different order of things at Birmingham and other places all over the country.

Mr. President, I do not want to see the great mass of people who are being blessed and benefited by prohibition lose those blessings and benefits in order to furnish intoxicating drinks to certain lawless cities filled with foreigners who care nothing for American ideals and institutions.

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

Mr. NORRIS. Mr. President, the Senator from South Carolina [Mr. BLEASE] in his remarks a few moments ago referred to four bills. Technically, one is a proposed amendment to the joint resolution introduced by the Senator from Washington [Mr. JONES], one is a resolution, and the other two, I think, are bills. The Senator has called attention to the fact that no action has been taken thereon by the Judiciary Committee.

There are, of course, many hundreds of bills referred to the Judiciary Committee, as is the case with other committees. I was satisfied that every bill and every resolution that the Senator from South Carolina had introduced and which had been referred to the Judiciary Committee had been, under the rule of the committee, properly referred to a subcommittee. I sent for the clerk of the committee and I was told by him that I was right in that belief, that each one of the so-called bills or resolutions to which the Senator referred was referred to a subcommittee and that the Senator was notified in writing that they were so referred and was given the names of the members of the subcommittee. I am satisfied that the subcommittee having charge of any bill or resolution which the Senator from South Carolina or any other Senator has introduced and on which he wants action will be glad to give him the privilege of a hearing. I am satisfied that every bill which has been referred to the Committee on the Judiciary has been referred to a subcommittee and given consideration by the subcommittee.

Mr. BLEASE. I did not intend any reflection on the chairman of the committee or on the committee itself, but the bill with reference to the whisky business to which I referred has been in the committee over a year. I have never been notified to appear before the committee or any subcommittee.

Mr. NORRIS. Has the Senator been notified of the appointment of a subcommittee?

Mr. BLEASE. I was notified just a few days ago.

Mr. NORRIS. If the instruction of the chairman of the committee is not followed I would be glad to have any Senator call my attention to it. It is for the clerk to notify the Senator introducing the bill of the appointment of a subcommittee and the names of the members of the subcommittee. The clerk is also directed to send the bill to the chairman of the subcommittee so that they can proceed to take action.

Mr. BLEASE. I simply called attention to the matter because I wanted to show that while this violation of the law is going on, while this exemption of foreigners is being allowed day after day, the Senate has had a bill before it for over 13 months and no action has been taken on it. I did not intend any reflection on the committee.

Mr. NORRIS. I am entirely in sympathy with the Senator in his efforts to get some action, if we can, to control the matter of the intoxicating liquor that is being handled by people connected with the embassies. I have taken the matter up with the Secretary of State and had quite an extended correspondence with him about it a year or two ago.

The incident to which the Senator refers is not the first instance of the kind where liquor has been seized by the police officials and has been sent back because some representative of an embassy, through our own Secretary of State, demands that it be done. The law is in existence providing punishment for the illegal sale of liquor. It applies to everybody. But there is a serious question as to how we can approach an abuse of the law when persons connected with embassies are not amenable to our laws, but only to the laws of some foreign nation.

I am going to take up with the proper enforcement officers the matter of a letter which I received since I addressed the Senate on this subject the other day. The writer gave me the name of an individual who, he said, is connected with an embassy. He gave the name of the embassy and said this individual is engaged in the bootlegging business in the city of Washington, and that if the officers will get after the man they will be able to convict him. That presents a little different case from the one to which the Senator from South Carolina referred and from the one I referred to the other day where a large quantity of liquor had been seized by the enforcement officers and they had released it upon the demand of our Secretary of State because he had been importuned to do so on statements made by representatives of an embassy.

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

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

Mr. CARAWAY. I realize that as old as intercourse between nations is the matter of courtesy extended by one nation to representatives of another nation, but under modern conditions does not the Senator seriously think there ought to be a curtailment of immunities granted, at least to the lesser of those employed or engaged in the service of some foreign nation here?

Just this morning I noticed an article from London indicating that there is to be a serious effort made to curb the immunity granted to representatives of foreign nations in England because of accidents so frequently occurring as the result of some reckless person driving an automobile and causing an accident. In this country I think somebody ought to take the initiative to curb the privilege that is now enjoyed in that respect. I am not at all certain that the day of diplomacy as we have had it heretofore is not already a thing of the past as far as any useful purposes can be served.

Mr. NORRIS. If the Senator will permit me, I should like to conclude, because my time is limited.

Mr. CARAWAY. I did not realize that his time was limited. I beg the Senator's pardon.

Mr. NORRIS. I agree with the Senator about the point he has just raised. I think that some of the privileges to which he has referred ought to be curtailed. The bootlegging of liquor is not the only question. The driving of automobiles in our streets, paying no attention to local regulations and local laws, is another question.

I want to say, however, that if any embassy wants intoxicating liquor as an embassy, and wants to use it according to its own ideas, I doubt very much whether it is wise in us to try to interfere. I would not want to interfere. But when somebody from the embassy, perhaps just an ordinary employee, goes out with liquor and bootlegs it and sells it or offers it for sale or makes a business of it, that is an entirely different proposition. I do not believe there is a foreign embassy in Washington the head of which would stand for that kind of business. I am really not criticizing them, but I am told over and over again that the condition exists; and in the particular instance to which I have referred I have the name of the man who it is alleged is engaged in the bootlegging business. That man is amenable to our law, and when he is arrested for selling liquor, no embassy ought to be allowed, by any of our officers in the State Department or by any court of any prohibition officer to secure immunity merely because he happens to be an employee at the same time of a foreign embassy.

These things we can properly reach, but there are, of course, questions involved different from that when we undertake to say to an embassy, "You shall not have liquor in your em-

bassy." I presume they have a right to have it if they confine it there. I have no disposition to interfere with that situation of course. They are in their own jurisdiction then and are not subject to our laws. But when an employee of an embassy sells liquor or when an employee of an embassy recklessly drives an automobile to the damage and injury of every other driver on the street, he ought to be amenable to the same law that I am or that anyone else is.

Mr. BLEASE. Did they not violate the law when they hauled liquor from Baltimore to an embassy just recently, when that liquor was not hauled by a foreigner connected with an embassy, but when American citizens not representing any embassy hauled it, and when it was being hauled by American boys on an American truck over American roads?

Mr. NORRIS. I should think they would be amenable to our laws. That would be my judgment of it.

Mr. BLEASE. Why should those men to whom the Senator would give this \$25,000,000 be permitted to violate our liquor laws? Of course they are violating our liquor laws.

Mr. NORRIS. In the case I mentioned, another officer of the law ordered the liquor turned loose. In my judgment, as I said in writing to the then Secretary of State, when a consignment of liquor—in that case I think something over 11 barrels of whisky—

The PRESIDENT pro tempore. The time of the Senator from Nebraska has expired.

Mr. BRUCE. Mr. President, I desire to add just a word to what I have already said in the course of this debate for the purpose of protesting against the bulldozing telegram sent to Secretary Mellon by James Cannon, jr., chairman, and Eugene L. Crawford, secretary, of the Board of Temperance and Social Service of the Methodist Episcopal Church South, and Bishop Thomas Nicholson, president of the Anti-Saloon League. We all remember that only a short time ago the Hearst press unearthed the fact that the executive committee of the Anti-Saloon League had failed by only a single vote to indict President Coolidge for failure to do his duty in relation to prohibition enforcement, and now Bishop Cannon, Mr. Crawford, and Bishop Nicholson have called the attention of every Senator this morning to their "request"—to use their own term—to Secretary Mellon to give his approval to this additional appropriation of \$25,000,000 for prohibition enforcement.

When their telegram is read it is found to be no request at all but simply another threatening and blustering communication such as the Anti-Saloon League has so often addressed to public officials. Who are these people anyway? Are they ministers of the gospel, or are they common politicians? Some French wit once said, "There are three sexes, men, women, and clergymen." Of course, that was a malicious thing to say. I have had the honor to know many clergymen who were distinguished from their fellow men only by the higher plane of moral superiority in every respect on which they moved. Among them were many evangelical ministers. Their lofty integrity, their purity of life, their dignity, their fidelity to the reserve of their sacred calling did them infinite honor. But divines like these Anti-Saloon League divines—if I can use such a term as divines in such a connection at all—do seem to belong to some kind of neuter gender.

They do seem to be some sort of tertium quid, lacking as they do the mental balance of men and the considerate gentleness of women.

When I think of them in connection with the evil influence that they have exerted over elections, legislative bodies, and the appointing power I am always reminded of the malignant observation of John Randolph of Roanoke in the Virginia constitutional convention of 1829-30 that no countries are so badly governed as countries that are governed by women, except countries that are governed by priests. God forbid that any clergyman of this kind should ever come near me for the purpose of exercising any office that appertains to his profession. If he were to sprinkle baptismal water upon the head of a child I should expect its scalp to be scalded rather than hallowed. If he solemnized the marriage of a maid I should not be surprised to see the orange blossoms that encircled her brow immediately wither and die under the scorching effect of his abusive breath. So far as I am concerned, just as soon would I have a raven perched upon the head of my bed as to have such a clergyman approach me in my last agony.

If he were to preach a funeral sermon over my corpse, I believe that, like Lazarus, I would throw aside the cerements of the grave and come back to life in indignant resurrection.

These three men come here and say to the Secretary of the Treasury:

It will be difficult for the average citizen to believe there is much zeal or eagerness on the part of the Secretary of the Treasury to secure

adequate enforcement if he refuses this opportunity to develop and carry out an adequate program.

In other words, they are arrogating to themselves the function of browbeating and berating no less a functionary than the Secretary of the Treasury.

In the year 1924 this Bishop Nicholson admitted in a speech that he delivered at Washington that whatever else the champions of prohibition might say they were obliged to admit that drinking among women was rapidly increasing. So it was, so it is, and so it will continue to do unless the moral shipwreck that is being worked in the case of so many individuals, men and women, by prohibition is brought to an end by the termination of the prohibition law itself.

This is the Bishop Cannon who came over to the Eastern Shore of Maryland during the presidential campaign and fanned the flame of detestable religious bigotry, sowed discord in the breasts of our people; and instead of teaching them how to obey the injunction of our Saviour "Love ye one another," taught them the devil's creed, "Hate ye one another." Not only did he under the mask of prohibition distill the poison of his anti-Catholic prejudice into the hearts of our people but he even undertook to cast calumnious reproach upon the Italians and Poles who make up no small part of our Maryland population.

Ah, how readily could he learn lessons of courtesy and self-restraint from our Italian population—men whose social relations are marked by the highest degree of politeness and gracious hospitality, and who can drink wine without the least excess. Much, too, could he learn from our Polish population, and the native Polish genius which has so often flowered out into brilliant achievements of art. But Bishop Cannon's object, as I have stated, was to create a bitter Pool of Marah in our midst, to do all he could to induce our people to forget what, after all, was the most glorious tradition in their history; that is to say, their tradition of religious tolerance, that thing which, in the language of the Scriptures, has been their very crown of glory, their very diadem of beauty. And he came not without success, for feelings of sectarian animosity were aroused by him and others like him in the breasts of our people that I am afraid will not die down for the next generation or so.

So as an humble follower of Christ, who has never failed to pray for forgiveness morning and evening since he learned to pray at his mother's knee, who has all his life been a regular church attendant, I say in that capacity, as well as in my capacity as a United States Senator, that I resent and reject with scorn the domineering interference of such men as Bishop Cannon in the public life of this Nation.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Mr. SIMMONS. Mr. President, I hesitate at this late hour to have anything to say upon a question that has been so thoroughly thrashed out. My only purpose in taking the floor is to express my earnest interest and sympathy with this effort to contribute to the enforcement of the prohibition law.

Of course there are those who think that the prohibition law is vicious; who think that it ought not to be enforced. They are entitled to their opinion, but the great body of the people of this Nation, without reference to party affiliation or political creed, are deeply in sympathy with that law. At any rate, Mr. President, it is written into the Constitution of our country, and in that Constitution it is going to stay.

Complying with the mandate of that constitutional provision the two Houses of Congress, speaking the voice of the people of this country, have solemnly declared that the prohibition law shall be enforced. Many efforts have been made since the enactment of that law to secure its modification, but they have been without success. Every time this question has been presented before the people in any aspect whatsoever, as it was in the last campaign, they have reinforced their command to the Congress to see to it that the law shall be enforced. Not only is that true of the men but of the women of the Nation as well.

The Senator from Maryland inveighs against government by women. Mr. President, there is no government by women in this country, but the voice and the prayers of the women of America are a vital influence in the affairs of men, and that influence since they have been invested with the ballot has always been, and in my judgment always will be, exercised in the interest of higher standards of life and morality and government and not in the interest of lower standards.

Mr. President, this is not the place to enter into an acrimonious discussion as to whether prohibition is a good thing or a bad thing or whether the prohibition law ought to be enforced or ought not to be enforced because of its fundamental weakness and vice as some have contended. The one question before the Senate at this time is: Are we going to supply the

agents of the Government with sufficient funds in order to enforce this law adequately and efficiently? Cover it over by oratory, eloquence, and vituperation as you may, Mr. President, in the last campaign and before that campaign the consensus of opinion in this country was that the law was not being properly enforced, that it was not being as effectively enforced as it might be.

The answer then came to us and to the country in defense of that dereliction that the blame was upon the Congress of the United States because of its failure to supply the Treasury Department with sufficient funds with which to make the law effective. That was the defense advanced in the last campaign; that has been the defense during all of these years when the law was going unenforced—the lack of sufficient funds; the stinginess of Congress. Now, Mr. President, we come with open hands and say to the Secretary of the Treasury, the chief agent of enforcement in this country, and to his department, "We give you here more money than the Budget asked for the enforcement of the law, more money than you asked for its enforcement, in order that you may have no excuse to give to the people hereafter if you fail to exercise every facility, every agency that may possibly be employed to make this great law effective." Did I say "a great law," Mr. President? I wish to express my individual judgment that no law which has ever been written upon the statute books of this country at the command of the Constitution has been of as great importance to the masses of the people of the United States or has meant so much for the advancement of the moral standards of the people as has the prohibition law.

The officer of the Government who says he can not use money with which to make the enforcement of the law effective trifles with the people of America; he trifles with the intelligence of the country. If he can spend \$13,000,000 ineffectually because it is not sufficient, he can spend this small additional amount more effectually, although it is not adequate to the task.

Mr. President, I have no patience at all with the arguments which have been made against this proposed appropriation. First, the argument is made that it is not needed. Thirteen million dollars are now available with which to enforce the law, the most difficult of enforcement of any law ever written upon the statute books of this country, a law which lends itself to violation by reason of the profits that are involved in its violation and by reason of the depraved appetites of a part of our people—\$13,000,000 to enforce the prohibition law in 48 great States of this Union with a population of about 120,000,000, representing, apportioned among the States, about \$250,000 to each State to enable the Federal Government to enforce the law.

If the Secretary of the Treasury can not use this money to make effective his efforts to enforce the law—which efforts everybody recognizes as having been futile and ineffective—he need not spend it. I do not particularly expect that the Secretary of the Treasury will spend it; but he has no mortgage upon the position which he occupies.

The PRESIDENT pro tempore. The time of the Senator from North Carolina has expired.

Mr. SMITH. Mr. President, I believe this is the first time that I have ever risen on the floor of the Senate to make any statement in reference to how I personally stand with regard to the eighteenth amendment.

I was a Member of this body when the question was voted upon for the submission of the amendment to the people. I was also a Member of this body when more than seven-eighths of the States promptly ratified it. I was also a Member of this body when, very recently, the people of America seemed to reinforce the position they took when, through their several legislatures, they indorsed it.

So far as my attitude upon this question goes, I am not very greatly concerned as to the position that may be taken in reference to it by any group of men, whether in the form of the organized church or whether in the form of a voluntary body such as the Anti-Saloon League. Certain things that individuals and groups may do may be deplorable, but that in no way affects your relation and mine to a great question which involves in itself either welfare or disaster to the country over which we are set up as the legislators. We must settle with ourselves individually the question as to how we stand in reference to a great issue that has been incorporated in the organic law of this country by perhaps the greatest and most immediate response from all the States that has ever been made in reference to the ratification of a constitutional amendment.

Now there come reports that the law has not been and is not being enforced. From its very nature it naturally would not be enforced in so great a measure as the sanguine proponents of the law might hope. It is in keeping with the very nature of the matter that it has not been enforced any better or to any greater extent than it has been. But the greatest vice-

producing agent in Christendom is the manufacture and sale of intoxicating liquors, especially those known as distilled liquors.

The other day when the Senator from Nebraska [Mr. NORRIS] was discussing the matter and reading evidence which seemed to show that those charged with enforcement were not in sympathy with the law and were not trying to enforce it, the thought occurred to me that if the allegations made by the Senator from Nebraska and others were true—that those charged with the enforcement of the law were not in sympathy with it and were not zealously trying to enforce it—it was to the everlasting credit of the American people that it was being so splendidly enforced, in view of all the circumstances, without the sympathy and cooperation of the enforcing officers.

I shall not attempt any incursions into the question of whether or not prohibition is a proper subject of national legislation. It is already incorporated in the organic law of our country. It is a part of our Constitution. Whether or not it should have been placed there does not enter into this question. The question is not whether we are going to act in accordance with what some one outside says or the reports that come in but what is our attitude as a body? My attitude is, as long as I am a Member of this body, that if I err I am going to err on the side of trying to enforce the law, so far as appropriations for its enforcement are concerned.

I agree with the Senator from North Carolina [Mr. SIMMONS] that it is perhaps the greatest manifestation of the spirit of America that has ever occurred in its history that we have incorporated into the Constitution and the laws enacted for the purpose of carrying it out those things necessary to outlaw the immemorial crime-producing element of the manufacture and sale of intoxicating liquors. We are boasting of being the greatest Nation on earth, and I believe we are, morally, politically, and industrially. The crowning glory of America is the fact that she has outlawed and is using her best men and her best forces to bring about the cessation and to minimize the effect of the greatest social crime-producing, vice-producing element that ever has cursed humanity, and I shall cast my vote for the appropriation to carry on the work of eliminating from our organized society, as far as possible, the presence of this inherently pernicious element.

Mr. BRATTON. Mr. President, I think everyone concedes that prohibition is permanently a part of the law of the land. The whole discussion revolves around whether it can be enforced.

I doubt if any right-thinking man indulges in the well-considered hope that the eighteenth amendment will be repealed in your time or mine. That question has been so firmly settled and fixed that discussion of it would be entirely superfluous.

It is my belief that the people of this country are divided into three groups upon the question of prohibition:

One group desire a continuation of the present system.

One group desire to repeal the whole system and return to the preprohibition days.

A third group—and I think they are larger numerically than either of the two former ones—believe thoroughly in prohibition and subscribe whole-heartedly to it industrially, socially, civically, morally, and righteously; but they are both dissatisfied and unsatisfied with the enforcement accorded it ever since its inception and until the present time. I think they have cause to feel that way about it. I feel that way about it myself. I have voted for prohibition in every form in which it has been submitted from precinct to Nation. I intend to continue doing so until I am convinced that it can not be enforced. I am not yet convinced of that fact.

The argument revolves around the question of enforcement. As the junior Senator from Georgia [Mr. GEORGE] said to-day, people are arrayed in two groups, one asserting that it can be enforced, the other asserting that it can not be enforced; so that enforcement is the question with which we properly should be concerned. It is the question with which the citizenry of the country are concerned. Mothers and fathers who are interested in homes and sons and daughters are vitally concerned with the enforcement of prohibition.

The statement is made by prohibition officers all over the country that the reason the prohibition law is not enforced is because they have inadequate enforcement facilities and an insufficient number of enforcement officials. That statement is heard everywhere as an alibi, as an excuse, as an explanation for the failure to give us adequate enforcement. When the recently made statement of Doctor Doran is kept in mind to the effect that it will require \$300,000,000 annually to enforce prohibition adequately, coupled with the further fact that we now appropriate only \$13,500,000 annually, there is great force in the statement repeatedly made that it is not being enforced because

they have insufficient money and an insufficient number of men with which to enforce it.

I believe that the vast majority of the people of this country earnestly desire enforcement; I earnestly desire it. I, for one, am willing to place at the disposal of the enforcement officials \$25,000,000 additional in order that they may be facilitated to give the country enforcement. Let us test the proposal, and see whether or not, with proper facilities and a good-faith effort, it can be enforced.

I am wholly unwilling to turn backward. I am unwilling to concede that it is unsound morally, righteously, civically, or industrially. Neither will I concede that it is a failure in this country, populated by the highest type of men and women that God Almighty ever created or prospered.

So, Mr. President, I shall support the proposal to place at the command of the Treasury Department \$25,000,000 additional in order that the people of this country may have what they voted for when they adopted the eighteenth amendment, and what we supported when we passed the Volstead Act, and give the law a fair test and trial, in order that it may no longer be said that we have not enforced it because we have had insufficient men and insufficient money.

It is my belief that if \$25,000,000 will bring about substantial enforcement it will be the greatest advancement industrially, commercially, socially, civically, morally, and righteously that the country has taken in a long while in the past.

I shall not detain the Senate longer; I merely desire to give the Senate the reasons upon which I shall cast my vote in favor of the amendment of the senior Senator from Georgia [Mr. HARRIS] to place this additional sum at the command of the enforcement officers of the country.

The PRESIDENT pro tempore. The question is on agreeing to the amendment, as modified, proposed by the Senator from Georgia [Mr. HARRIS] to the amendment proposed by the Senator from Washington [Mr. JONES] to the amendment proposed by the committee.

Mr. REED of Missouri. Mr. President, will the President pro tempore kindly have the proposition upon which we are now to vote read?

The PRESIDENT pro tempore. The amendment will be read for the information of the Senate.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by the Senator from Washington [Mr. JONES] as a substitute for the committee amendment, on page 16, beginning in line 16, insert the following:

For increasing the enforcement force, \$24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act and to remain available until June 30, 1930.

Mr. REED of Missouri. Mr. President, I think everybody has made up his mind on this question, but, following the example of the Senator from New Mexico, I would like to give the reason for my vote.

In the first place, I am completely at sea with reference to the position of the proponents of this amendment. We are told by one class of its proponents that prohibition is a success, that it has obliterated drunkenness, that it has produced sobriety, that it has brought prosperity into the homes of all of the people of their States, that labor is now bearing its money home to the wife and to the children, and that this is a blessing we already possess. Of course, if that is true, the job has already been done, and there is nothing left to be done except to continue on in the good way that has brought these happy conditions.

We are told by another class of proponents of this amendment that prohibition is a farce; that for 10 long years it has been a farce; that prohibition has never been enforced; that it is altogether a failure; and that an honest attempt has not been made to enforce it.

Both of those statements can hardly be correct. They are just as far apart as two statements can be. Nobody can reconcile them.

If the latter proposition is true, if there has never been an honest attempt to enforce this law, then we should not be appropriating any money to-day to be dishonestly used by men who have dishonestly conducted the business in the past. I am not saying that the charge is correct that they have been dishonest. Those who make the charge that the law is not enforced have said that identical thing in substance and effect.

It must be pretty well understood that the same man will enforce this law in the future who has been enforcing it for the last eight years, Mr. Mellon. It is pretty well understood that he is to remain in his present position. If he does remain there, and if he has been dishonest in the past, if he has not tried to do his duty in the past, why give him \$24,000,000 more so that he

can have that much more money to improperly or improvidently waste? There does not seem to be much answer to that, in my judgment, although I have no doubt that somebody can make some kind of an answer that will be entirely outside of the issues we are discussing here now.

I can not understand that kind of logic myself. If it were conceded that the Secretary of the Treasury had been an honest and efficient man, and if it were conceded that prohibition had not been successful, and if the Secretary stood here and said to us, "I can expend a certain sum of money in addition to that which has been allotted to me, and can do it wisely and providently and economically," then we would have an argument to appeal to us to pass this amendment. But the Secretary does not take that position.

Before I discuss that phase of it for a moment, however, let me revert to the statement of the distinguished Senator from Tennessee [Mr. TYSON]. He takes the position that the law has not been enforced, and he charges, not once, but many times, in his address, that it is impossible to enforce it because we have not enough courts.

That is denied, and it is said we do have the courts. But assuming that the Senator from Tennessee is right, and that we do not have enough courts, and already the courts are overburdened with business, and are congested, so that they can not handle the business that is now before them, what is the use of creating more prohibition officers to bring more business to courts which already have more business than they can attend to, as he says?

Manifestly the first thing to do would be to create the additional courts, to prepare ourselves so that when money was appropriated in the future, something could be done to bring a result from the expenditure of that money, and hence we would first create the courts, and not create the business, and, having created the business, wait until some indefinite time in the future to create the courts.

Then comes the further question. I have been a Member of this body now for nearly 18 years. That has been a long time for the country to endure me, and for my brother Senators to put up with me. But in that time I have observed the wisdom of other Senators, if I have not always followed it, and this is the first time I have ever known Congress to be forcing an appropriation upon a department which the department said it did not need and did not want. If this bill passes, appropriating money to a department which the department says it does not need and is not prepared to expend, it will be the first time in the history of the Senate, I think, that such a bill has passed.

If we were to pass a bill containing such a provision as this, and no good results came, the Secretary of the Treasury could well say, "I told you in advance that we were not prepared to use this money, that we did not have the machinery, the necessary preliminary steps have not been taken, and you have simply given an additional amount of money with full knowledge of the fact that the department was not prepared to expend it."

I have one further observation. I am opposed to appropriating money for vague, uncertain, and indefinite purposes, and putting it into the hands of the President, or putting it into the hands of any person, to expend according to his own volition and notion. Twenty-five million dollars is a considerable sum of money. It must, however, be added to an expenditure already of \$59,000,000, for while thirteen and a half is the direct appropriation, it is admitted that the real expenditure is \$59,000,000.

The PRESIDENT pro tempore. The time of the Senator from Missouri has expired.

Mr. CARAWAY. Mr. President, I am inclined to believe that everyone has already made up his mind how he is going to vote with reference to this appropriation. Everyone who is opposed to the prohibition law and rejoices that it has not brought all the blessings its proponents had predicted will vote against the appropriation. There has never been a better time for anyone to go on record as favoring or disapproving prohibition, and Senators are going to vote according to their attitude toward the law. On the other hand, everybody who believes that the law itself is a good law, that prohibition is a blessing and not an evil, and that it can be enforced, is going to vote for the amendment.

Personally there are two reasons which would compel me to vote for it. In the first place, I believe prohibition is a blessing and not a curse. Secondly, I believe that the law can be enforced and will be enforced.

I believe that if there is no alibi we will see a very marked improvement in the enforcement of the law. If the money is provided under this amendment, it will not necessarily have to be expended if there is no demand for its expenditure. On the other hand, when the departments charged with the enforce-

ment of the law are confronted with a situation which compels them to enforce the law or to admit their inefficiency—in other words, when they have no longer an alibi—we are going to see the law enforced.

I have no doubt but that the law can be enforced. I have no patience with anybody who says this is a law that can not be enforced. I know it can be enforced if the instrumentalities for enforcement are put into the hands of those who want to enforce it. There is no reason why this law can not be enforced as well as any other law, except for one thing. There is no other law on the statute books to which so many people who were either instrumental in putting it on the statute books, or are now charged with its enforcement, are always denouncing and decrying the efforts made to enforce it and predicting its failure.

I do not think the law has been enforced, and I do not believe there is a Senator on this floor who believes there has been an honest effort to enforce it. If there has not been an honest effort to enforce it, there is a reason for that failure.

The only thing we can do at this time is to supply every instrumentality, and then, if the officers charged with the enforcement of the law do not do their duty, we can take other steps, and we will do so.

I have no fault to find with the people—I do not care whether they are preachers or laymen—who express their convictions, whether they are expressed to the Secretary of the Treasury or to Congress or to the President of the United States, that the law is not being enforced and that there is a growing public opinion charging some people in high places with a failure to enforce the law because they are out of sympathy with it. Anybody out of office is just as much interested in this Government as is the man in office. He has just as much right to his opinion and just as much right to express his opinion and certainly ought not to be criticized if he expresses an honest opinion. He has the right to criticize the Congress if we shall fail to supply every instrumentality that may be required to enforce the law, and say, "I do not believe Congress is in sympathy with the law, I do not believe that Congress wants the law enforced," and I shall not fall out with him for so doing if we turn down this amendment. He has a perfect right to express his opinion that the present Secretary of the Treasury is out of sympathy with the enforcement of this law and is not trying to do so. He would have had a perfect right to so express himself with reference to the President if he felt that way about it.

There is no immunity in this country going with the holding of office. There is nobody that is above the honest criticism, the honest censure of the humblest man or woman that walks the earth. So far as I am concerned, I do not fall out with a man when he uses that right and uses it with all the vigor he possesses. I do not believe there is an honest effort to enforce the law and I do not believe there ever has been.

I do not believe there is any sympathy with the enforcement of the law upon the part of some people who have been charged with it, just as I know there is no sympathy with its enforcement among certain Members who sit here in the Senate and who have denounced the law. I have not any doubt in my mind that there are men in jail to-day who got their inspiration and courage to violate the law because they heard it denounced by men who helped to make it.

This is a good time to say at last that we are in sympathy with the law we have made. If the instrumentalities have not been supplied, let us supply them, and when they are supplied then if the men charged with law enforcement will not enforce it, let us put others in office who are in sympathy with the law, so that we will have the law enforced.

Mr. SHORTRIDGE. Mr. President, we are on the eve of a new administration. I have faith in Herbert Hoover. The American people have faith in Herbert Hoover. In his address of acceptance of the Republican nomination for President, delivered at Palo Alto, Calif., he said:

I recently stated my position upon the eighteenth amendment, which I again repeat. I do not favor the repeal of the eighteenth amendment. I stand for the efficient enforcement of the laws enacted thereunder. Whoever is chosen President has, under his oath, the solemn duty to pursue this course.

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

Common sense compels us to realize that grave abuses have occurred, abuses which must be remedied. An organized searching investigation of fact and causes can alone determine the wise method of correcting them. Crime and disobedience of law can not be permitted to break down the Constitution and the laws of the United States.

We have been given to understand, Mr. President, that he proposes to bring about an exhaustive study and survey of the

whole situation. Let us await the result of such study and survey, and to the end that that survey and study may be exhaustive and thorough and searching, I submit that we shall perform our duty fully at this hour if we approve of and adopt the amendment proposed by the Senator from Virginia [Mr. GLASS]; in a word, if we authorize the sum named in the Senator's proposed amendment, \$250,000, for the purposes indicated.

Mr. BROOKHART. Mr. President, I desire to present for the RECORD a little bit of information with reference to one phase of the prohibition question. I am not one of those who claim the law has been enforced in every detail or that it ever will be enforced in every detail. Nevertheless, I think it has been the most successful experiment in both an economic and a social way that we have ever undertaken in a national way in our country.

I think that the enforcement has not been what it should be. I am going to vote for the \$24,000,000 amendment. I believe it should be used and used efficiently. I am not satisfied with the efficiency of the enforcement of the prohibition law, and the principal objection I have to that efficiency is the fact that a plan adequate to meet the situation has not been proposed or carried out by the Treasury Department. I think they have not been in sympathy with the prohibition law and have neglected it and not cared to enforce it as it should be.

While that is true, I realize at the same time that many of the charges against prohibition are groundless. I think one reason why we need more money is because some of the States have not complied with the mandate of the Constitution itself.

The eighteenth amendment puts the same obligation upon the State of Maryland to have an enforcement law that it places upon the Congress of the United States. Maryland has neglected that duty, but the people of Maryland are aroused to the situation. I have lived almost two years now out among the people of Maryland and they are on the dry side of the question. Those who are on the wet side who have not already been retired are going to be retired as fast as the people of Maryland get a chance at them.

Therefore, while the amendment should be adopted, I want to place in the RECORD a contradiction of some of the charges which have come here about the abuses of the use of liquor at this time. The claim is that drinking has increased in the colleges of the United States and that the young people are being debauched. I want to deny that statement. I say that they are in better condition and are living better and their purposes are higher than they have ever been at any other stage in the history of the United States. In support of that statement I submit an editorial from the Evening Journal of my home town, which contains a letter from Col. Morton C. Mumma, retired, of the Regular Army, who has had a long and intimate experience with college students among the universities of the country and who is able to speak as accurately as any man in the country of those conditions. I ask that the editorial incorporating the letter may be inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington (Iowa) Evening Journal, January 11, 1929]

DRINKING IN THE COLLEGES

In a recent issue of the Des Moines Register there appeared an article by Rupert Hughes on the subject "College Students Drinking Too Much," which many people read, no doubt, and it is equally probable that some of them were unduly impressed by the Hughes article. There are some people to-day, as there have been in all periods of our history, who think that the young people of "this day" are going to the dogs just as fast as they possibly can and faster than ever before. The only exception may be their own children.

Many of our older people who remember the past, as it was, do not agree to that proposition, however. They believe in the young folks of this day; believe that they are the best ever, and they are. Such a rule must prevail, generally, else civilization would die. But it prevails, anyway, to-day by reason of the fact that the average of people are much more reasonable, better hearted, wiser, more sympathetic, more considerate, less superstitious, clearer brained than ever before.

Mr. Hughes, in his article, saw great debauchery in the colleges. If he was in any of the same colleges 30 years ago, 25 years ago, 20 years ago he saw more, much more. But he may have forgotten, or he may be one of those who sees no beauty in any present, but has distorted remembrances of the past, or he may, possibly, have had contact with an exceptional institution only.

At any rate, a week later, in the same paper there appeared an article by Col. Morton C. Mumma, challenging Mr. Hughes's diagnosis of the "college" case. Colonel Mumma has had a rare opportunity to observe "drinking in colleges," as his article will explain. The following is his letter:

"I am surprised that you would publish the writing of Rupert Hughes which appeared in the Sunday Register of December 23 with the accepted caption 'College Students Are Drinking Too Much.' The illustration heading the article and the article itself in its entirety constitute a slander on the good name of American youth, and especially of those in our colleges and universities. I presume this article was accepted as news, but I have always been of the opinion that the essential of news is truth.

"I do not know the extent of either Mr. Hughes's contact with or observation of college men and women, but I am quite willing to match my own experience with his, and in so doing I say positively that he is either blind to the truth or is prostituting it to meet his own desires. For 28 years I have been an official at athletic contests, especially football and baseball, in the East and Middle West. Since the advent of prohibition my activities in this respect have been confined, with a few exceptions, to the western conference and the Missouri Valley. For 4 years before the war, and for nearly 10 years since, I have been a resident on a college campus and in an unusual way have been brought in close contact with student life. Since the war I have officiated in football games at which there were approximately 4,000,000 people in attendance. I have observed students and alumni on trains going to games, watched them while they were wending their way to the stadium, traveled on trains with them after games, stayed in hotels occupied by them before and after games, and attended a great many fraternity parties after games, and to generalize, as Mr. Hughes has done, by saying that 50 per cent of the college boys and their friends were more or less drunk is a slander that merits the utmost contempt.

"No matter how impossible it is to say just what percentage are noticeably under the influence of liquor I want to emphasize that in my judgment I have not seen an average of one person in a thousand in that condition out of the vast throngs I have carefully observed.

"A few years ago in an Ohio city a prize fight was scheduled between two nationally known contenders—one white, the other colored. This fight was only a few miles from a military camp which I commanded, and many from my command attended. Because I knew that a large contingent of colored people would be in attendance—Ohio near this locality has a large colored population—I went over, being apprehensive that there might be some trouble after the fight. I arrived early and took station just at the entrance where I observed practically every one of the 40,000 attending. I had several other officers and noncommissioned officers with me instructed to observe especially for evidence of liquor. Not one of us saw a single person in that prize-fight audience who could be positively marked as intoxicated. This never happened in the days prior to prohibition—in fact, liquor concessions would probably have been a part of the receipts.

"In liquor days I spent one racing season as a reporter for a racing paper, visiting all the tracks of the grand circuit.

"My duties involved a visit to the stable of every trotter and pacer in the program. Drinking and drunkenness were evident everywhere; liquor was openly sold under every grandstand.

"Since the war I have attended several meetings on the same circuit. Drinking from pocket flasks may still be seen, but drunkenness, especially among the employees of a stable, is so rare as to cause comment.

"But to get back to the objects of Mr. Hughes's attack: In all the cities and college towns in which I have officiated in big games there has been just one occasion in the last 10 years when the evidences of liquor were such as to give rise to an opinion even approximating that expressed by him in his article. In this instance as in all others where drinking has been noticeable the offenders were almost invariably from the ranks of alumni and not students. Of course I am not blind to the fact that some students do have liquor and use it at times to excess, but by comparison with liquor days the instances are so rare as to cause comment. In too many cases, also, the offenders are numbered among the so-called respectable class, men who, because of their wealth and social position, feel secure in their violation of the law. According to my observation by far the greater number of cases of excessive drinking will be found in hotel rooms after a game and on special trains returning from games and not among students on the campus or in the fraternity houses. I have known 15,000 students on the campus of the University of Iowa and not one-tenth of 1 per cent of them have used intoxicating liquor to the extent that it has been noticeable. As I said earlier in this letter I had an unusual opportunity to know the facts. Rupert Hughes's expressed opinion may be ascribed to one of the following: He has poor powers of observation; he has observed and written about a particular and exceptional occasion; he has distorted the facts for literary purposes; or like most antiprohibitionists has an utter disregard for facts in order to influence opinion. Probably all of these have influenced his scandalous article."

Mr. BROUSSARD. Mr. President, when the Senator from Georgia [Mr. HARRIS] first offered his amendment I told him I would vote for it. Subsequently the Senator from Washington [Mr. JONES] offered an amendment which provided for a propaganda bureau in the Prohibition Department to which I am very much opposed. I wish to ask the Senator from Georgia now if his amendment as modified incorporates or retains the \$250,000 for the propaganda work in that department?

Mr. HARRIS. My amendment strikes that out.

Mr. BROUSSARD. Does the Senator's amendment provide for any sum to maintain such a propaganda bureau in the Prohibition Bureau?

Mr. HARRIS. It does not.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia as modified.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered.

The Chief Clerk proceeded to call the roll, and Mr. BARKLEY answered to his name.

Mr. BRATTON. Mr. President, what is the exact question on which the vote is being taken?

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARRIS], as modified, to the amendment of the Senator from Washington [Mr. JONES] to the committee amendment on page 16, line 16.

Mr. BRATTON. Mr. President, if in order I would like to have the amendment read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by Mr. JONES as a substitute for the committee amendment on page 16—

Mr. MOSES. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from New Hampshire will state the point of order.

Mr. MOSES. The roll call having been begun and a Senator having answered to his name, the roll call can not be interrupted.

The VICE PRESIDENT. The Senator is correct. The point of order is sustained.

Mr. BLACK. Mr. President, I ask unanimous consent that the amendment may be stated, so that we may know what we are voting on. I understood that we were about to vote on the amendment of the Senator from Washington [Mr. JONES].

The VICE PRESIDENT. It is the amendment of the Senator from Georgia [Mr. HARRIS]. The clerk will proceed with the roll call.

The Chief Clerk resumed the call of the roll.

Mr. COPELAND (when his name was called). On this question I have a pair with the senior Senator from Ohio [Mr. FESS]. If he were present, he would vote "nay." If I were permitted to vote, I should vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], which I transfer to the junior Senator from Utah [Mr. KING] and vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). My colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness.

Mr. BLAINE (when Mr. LA FOLLETTE's name was called). My colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness.

Mr. BRATTON (when Mr. LARRAZOLO's name was called). My colleague [Mr. LARRAZOLO] is absent from the Chamber on account of illness.

Mr. RANSDALL (when his name was called). On this vote I have a pair with the junior Senator from Ohio [Mr. BURTON]. If he were present, he would vote "nay." If I were permitted to vote, I should vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Indiana [Mr. ROBINSON] and vote "nay."

Mr. SMITH (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON]. If he were present, I am informed he would vote "nay," and if I were allowed to vote, I should vote "yea."

The roll call was concluded.

Mr. JONES. I wish to announce that the Senator from West Virginia [Mr. GOFF] is necessarily absent on account of illness. If he were present, he would vote "nay." He is paired with the Senator from Rhode Island [Mr. GERRY].

I also wish to announce that if the junior Senator from New Mexico [Mr. LARRAZOLA] were present, he would vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce that the junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness.

The result was announced—yeas 50, nays 27, as follows:

YEAS—50

Asburt	Capper	Fletcher	Hayden
Barkley	Caraway	Frazier	Heflin
Black	Couzens	George	McKellar
Blease	Dale	Glass	McMaster
Bratton	Deneen	Harris	Mayfield
Brookhart	Dill	Harrison	Neely
Broussard	Edwards	Hawes	Norris

Nye
Overman
Pine
Pittman
Robinson, Ark.
Sackett

Schall
Sheppard
Shipstead
Simmons
Steck
Stephens

Swanson
Thomas, Okla.
Trammell
Tydings
Tyson
Vandenberg

Wagner
Walsh, Mass.
Walsh, Mont.
Wheeler

YAYS—27

Bingham
Blaine
Borah
Bruce
Curtis
Edge
Glenn

Gould
Hale
Hastings
Johnson
Jones
Kendrick
Keyes

McNary
Metcalf
Moses
Oddie
Phipps
Reed, Mo.
Reed, Pa.

Shortridge
Smoot
Steiwer
Thomas, Idaho
Warren
Waterman

NOT VOTING—18

Bayard
Burton
Copeland
Fess
Gerry

Gillett
Goff
Greene
Howell
King

La Follette
Larrazolo
McLean
Norbeck
Ransdell

Robinson, Ind.
Smith
Watson

So the amendment of Mr. HARRIS in the nature of a substitute for the amendment of Mr. JONES to the amendment of the committee was agreed to, as follows:

In lieu of the matter proposed to be inserted by Mr. JONES as a substitute for the committee amendment, on page 16, beginning in line 16, insert the following:

"For increasing the enforcement force, \$24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act and to remain available until June 30, 1930."

The VICE PRESIDENT. The question recurs on the so-called Jones amendment as amended, proposed as a substitute for the committee amendment.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question is now on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. GLASS. Mr. President, I gave notice of an amendment which I present now as an independent provision of the bill, to follow the amendment which has just been adopted.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. To be inserted in the bill after the amendment which has just been agreed to, it is proposed to insert the following:

For the purposes of a thorough inquiry into the problem of prohibition under the provisions of the eighteenth amendment of the Constitution, and laws enacted in pursuance thereof, \$250,000, or as much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall make report of the result of such investigation to the Congress together with his recommendations with respect thereto, said sum to be available until June 30, 1930.

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

The amendment was agreed to.

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

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Missouri. There is a division of opinion among Senators as to whether we have adopted simply the Harris amendment, in the nature of a substitute, or have adopted the Harris amendment and also the Jones amendment, so that both appropriations stand.

Mr. ROBINSON of Arkansas. The Harris amendment was offered as a substitute for the Jones amendment.

Mr. REED of Missouri. Then it is substituted for it, and that is the amendment which stands.

Mr. ROBINSON of Arkansas. Yes.

Mr. McKELLAR. Mr. President, I offer the amendment which I send to the desk, and ask that it may be read.

The CHIEF CLERK. On page 16, line 9, it is proposed to strike out the proviso contained in lines 9 to 15 and in lieu thereof to insert:

Provided, That section 3220 of the Revised Statutes (title 26, sec. 149, p. 737, U. S. C.), as amended by act of Congress on May 29, 1928, be, and the same is hereby, amended to read as follows:

"SEC. 3220. In case of any claim filed with the Commissioner of Internal Revenue before the approval of this amendatory act for refund, credit, or abatement of income, war-profits, excess-profits, estate, or gift taxes, or other internal-revenue taxes (whether such claim arises from illegality of assessment, of collection, of penalties, or of unjust or excessive taxation), the commissioner, under rules prescribed by the United States Board of Tax Appeals, shall, upon final action by him upon the claim, certify the claim to the board where the commissioner recommends a refund, credit, or abatement, and where the amount claimed or recom-

mended for allowance is more than \$10,000. The commissioner, under rules prescribed by the board, shall also certify with such claim all papers and proof in reference to such claim, with his recommendation and reasons therefor, in such form and manner as the board may by rule require. Where the amount claimed is more than \$10,000, should the commissioner not recommend the refund, credit, or abatement in the amount claimed, the taxpayer shall have the right to institute, by petition to the board within such time as the board shall by rule prescribe, a proceeding for the determination of the claim, and in such cases the commissioner shall, upon order of the board, certify to the board the papers, proof, and recommendation and reasons therefor as above specified. The board shall have jurisdiction to hear and determine on the merits any claim certified to the board by the commissioner or instituted before the board by the taxpayer under this paragraph in the same manner as is provided for in cases of deficiencies, with the right of either the commissioner or the taxpayer to submit additional proof.

"Any such claim made after the approval of this amendatory act shall, where the amount claimed is more than \$10,000, be instituted, within the period of limitation provided by law, only by petition for refund and/or credit or abatement filed by the taxpayer with the board. The board shall have jurisdiction to hear and determine the claim on the merits in the same manner as is provided for in cases of deficiencies; and in such cases the commissioner shall, upon order of the board, certify to the board all papers and proof in reference to the claim in such form and manner as the board may by rule require.

"The jurisdiction of the board under this section shall be concurrent with the Federal courts, and any judgment of the board determining any claim under this section shall be final unless within six months the taxpayer or the commissioner has filed a petition for a review of such judgment of the board in such manner as is provided for in cases of deficiencies.

"All judgments or decrees of a court or of the board for the refund of internal-revenue taxes, and all judgments of any court against any collector or deputy collector for any internal-revenue tax collected by him and the costs and expense of the suit, and all judgments for damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector in any suit against him by reason of anything done in the due performance of his official duty, shall be certified to the Congress for payment.

"All claims, whether filed before or after the approval of this amendatory act, for credit and/or refund, or abatement of income, war-profits, excess-profits, estate, or gift taxes, or other internal-revenue taxes, or penalties in connection therewith, illegally assessed or collected, or for refund of such taxes unjustly assessed, or excessive, or wrongfully collected, shall, where the amount claimed is not more than \$10,000, be determined by the commissioner, and any refund, credit, or abatement therein shall be made by him, under regulations prescribed by the board.

"At the beginning of each regular session of Congress the commissioner shall make a report to the Congress, by internal-revenue districts and alphabetically arranged, of all refunds and credits authorized by him in excess of \$500, and the board shall make a like report, with its findings and orders, of all refunds and credits or abatements authorized by it."

Mr. McKELLAR. Mr. President, this amendment for the present is offered under a suspension of the rules, of which I have already given notice, and I propose now to discuss the matter with that statement.

Mr. WARREN. Mr. President, will the Senator allow me to interrupt him?

Mr. McKELLAR. I will.

Mr. WARREN. Of course the Senator knows very well that this amendment would have to be ruled out of order, as it is legislation.

Mr. McKELLAR. I know nothing of the kind.

Mr. WARREN. It proposes to alter laws already on the statute books having nothing whatever to do with the appropriations, so that it could not be considered in connection with the bill that is now before us. It has not been properly passed upon by any committee. It is merely a measure which the Senator introduced originally as a bill, and which he has since changed and put in the form of an amendment. As I have said, it has not been before the committee at all.

I do not wish to interrupt the Senator, because I understand that he proposes to move to suspend the rules.

The VICE PRESIDENT. A two-thirds vote is required on a motion to suspend the rules. The point of order lies against the amendment as general legislation. The Chair will hold that it is general legislation.

Mr. McKELLAR. I have offered the amendment under a suspension of the rules. When I offer it as an amendment not under a suspension of the rules I hope the Chair will permit the matter to be ruled upon at that time, and not now.

Mr. President and Senators, for a number of years I have sought in some way to correct the abuses that have grown up

about tax refunds, and I desire to explain to you very briefly the situation as it is disclosed by the evidence.

The other day, when this matter came before the subcommittee of the Committee on Appropriations, I secured the attendance of Mr. Blair and the Assistant Secretary of the Treasury, Mr. Bond, and Mr. Parker, connected with the Joint Committee on Internal Revenue Taxation, and took their testimony; and upon their testimony I want to speak to you now about what is contained in this amendment, and the reasons for the amendment.

It has been constantly stated by the Treasury Department for a number of years that the collections from additional assessments were about four times what was paid out in tax refunds. Instead of that being the fact, I find that during the last eight years there has been collected on reassessments in round numbers \$3,900,000,000, while during the same period there has been paid out by the Internal Revenue Department in tax refunds, in credits—which means exactly the same thing—or in abatements—which means exactly the same thing—the stupendous sum of about \$3,300,000,000. In other words, without regard to the cost of the collection of these reassessments, there has been about \$600,000,000 difference between the entire amount collected and the entire amount paid out to favorite taxpayers during those eight years.

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

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I do.

Mr. SWANSON. Do I understand that over \$3,000,000,000 was improperly assessed against the taxpayers, and subsequently remitted? I should like to have an investigation of this kind, and I hope the Senator will amend his proposal so as to cover it, because I should like to vote for it. I think one of the worst features of this matter is the reckless, lawless way in which the representatives of the Treasury Department make assessments against people and compel them to hire lawyers to defend themselves against unjust taxes. If three billions of these taxes were imposed and then remitted, one of two wrongs has been done: Either they were unjustly imposed, and the taxpayer was oppressed, or they were improperly remitted.

I should like to see a more honest and better assessment of taxes; and I should like to have the Senator amend his proposal so as to cover that matter.

Mr. McKELLAR. If the Senator from Virginia will be just a little patient with me, I think I can demonstrate that he ought to vote for the measure that is proposed. I know he will agree, and I believe every Senator here will agree, that these abuses that have arisen in the Internal Revenue Department ought to be corrected.

Mr. SWANSON. Mr. President—

Mr. McKELLAR. I hope the Senator will let me go on for the present.

Mr. GLASS. Mr. President, adverting to what the Senator from Tennessee has just said, may I inquire whence he derives the figures he has given?

Mr. McKELLAR. I shall be delighted to tell the Senator. I can not say it all in one word; but I have it here on the indisputable evidence of the Treasury officials themselves—notably, Mr. Bond, the Assistant Secretary of the Treasury in charge of refunds, and Mr. Blair, the head of the department.

Mr. GLASS. I do not find it in the testimony, and I have read every word of it. I am a member of the subcommittee, but was unavoidably absent from the meeting at which this matter came up. Therefore I put myself to the pains of reading every word of the testimony.

Mr. McKELLAR. I am afraid the Senator did not get all of it. The Senator will recall that Mr. Bond was to give us certain additional information. What came out before the committee, let me say to the Senate, was this:

Mr. Blair and Mr. Bond both admitted that \$935,000,000 had been paid back in cash to taxpayers up to 1928. So much for that. I then called upon Mr. Bond for further information and I hope the Senate will bear with me while I read a very short letter. This letter is dated January 11, immediately after the hearings before the committee:

Hon. H. H. BOND,

Assistant Secretary of the Treasury, Washington, D. C.

MY DEAR MR. BOND: I will be greatly obliged if you will send me down by special messenger in the morning a list of all those who have been allowed credits or abatements of taxes during the years from 1920 to date.

Notice, "from 1920 to date."

I have been reliably informed that there is such a list already compiled in your department, and I know it will not be much trouble. Of

course, I want the amounts. If, under your interpretation of the law, you are unwilling to give me the names of the taxpayers to whom abatements, credits, or depletions have been allowed, I will be glad if you will give me the amounts of these credits, abatements, or depletions by year; in other words, the total amount from 1920 up to date.

I am sure from what I have been informed and from what I know about the necessity of the department for having such information for the Director of the Budget that the figures are available.

Your immediate attention to this will greatly oblige.

Very sincerely yours,

KENNETH McKELLAR.

Mr. SMOOT. Mr. President—

Mr. McKELLAR. Will the Senator pardon me for just a moment? I want to get these facts before the Senate.

I now have from Mr. Bond the figures as to the credits allowed. I want to call the attention of the Senate, however, to the fact that he starts in 1923 and winds up in 1928. He did not start in 1920, as I asked him to do. I am just going to read the millions in dealing with these figures. I will not go into the thousands and hundreds.

Mr. GLASS. I suggest that the Senator just give us the totals.

Mr. McKELLAR. There is another reason for giving them. This is very short:

1923, \$306,000,000 in credits.

1924, \$355,000,000 in credits.

1925, \$226,000,000 in credits.

1926, \$339,000,000 in credits.

1927, \$262,000,000 in credits.

1928, \$199,000,000 in credits.

The total of those six years is the stupendous sum of \$1,679,000,000, which, by a simple calculation, added to the cash refunds, amounts to the enormous sum of \$2,614,000,000.

Now I call your attention to the fact that the figures for 1921 and 1922 are not given. I call your attention to this further statement in the memorandum inclosed by Mr. Bond in his letter, from which I read:

It will be noted that in the latter years there has been a substantial reduction in the abatements and credits.

In other words, the 1923 abatements were \$306,000,000. In 1928 the amount was \$199,000,000. The Assistant Secretary seized upon that fact to indicate—though some of the amounts for other years in between were greater—that the amounts toward the end were less. If we will take 1921, and assume that they paid out the same amounts in 1921 and 1922 that they paid out in 1923, that will add over \$600,000,000 more to this fund, which will produce the figure of about \$3,300,000,000.

I stop here long enough to say that ever since this law went into effect the department has honeycombed this whole Nation with tax gatherers examining into the returns of every taxpayer in this country, from the smallest to the highest perhaps. They have gone over them with a fine-tooth comb; and one of the things that make the income tax law unpopular is the fact that this horde of tax gatherers are going out through the country—

Mr. WARREN. Mr. President—

Mr. McKELLAR. I decline to yield at this time. I will yield a little later to the chairman of the committee.

This horde of taxgatherers have been going out through the country examining into the income-tax returns of every business man, every corporation, every individual; and after examining them they have reassessed and collected \$3,900,000,000, and they have paid out in secret, Senators—paid out in secret by committees in the Treasury Department that nobody knows—

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him? I wish to ask the Senator a question.

Mr. McKELLAR. I very much prefer to go on, because I do not expect to take a great deal of time, but I do want to explain this situation to the Senate.

Mr. WARREN. I simply desire to make a suggestion. The Senator made some remark about the witnesses who came before us.

Mr. McKELLAR. I hope the Senator will not go into that now. I am going to quote their testimony in so many words.

Mr. WARREN. If the Senator will not yield, of course, I will not interrupt him. I simply wanted to ask a question.

Mr. McKELLAR. I shall be very glad to have the Senator do so.

Mr. WARREN. I want to know if those witnesses who came before us acted the part of gentlemen and officers, and if they were open and frank in every way except where the law did not permit them to give figures?

Mr. McKELLAR. I am making no criticism of the two witnesses at all. I think very highly of the Commissioner of Inter-

nal Revenue. I had never met Mr. Bond before, but I think very highly of him. What I object to is the infamous system of secrecy, the system itself, not the individuals. I want it distinctly understood that I am not making charges against individuals. What I am attempting to do is to show the Senate and the country the outrageous system of making secret returns to taxpayers, which none of us know anything about, and are not permitted to know about.

Let me call attention to what is asked here now. The department asks for an additional appropriation of \$75,000,000, an emergency fund, to pay these refunds for the balance of the year. We have already given them \$130,000,000 this year. They said they had \$22,000,000 left, and were paying it out so rapidly that between now and July they would need \$75,000,000 more. I said, "Mr. Bond, what are the reasons for these refunds amounting to \$75,000,000?" "I can not tell you."

"What claims have you to pay?" "I can not tell you."

"Mr. Blair, what claims do you propose to pay out of this \$75,000,000?" "I am not permitted to tell you. The law prohibits me from telling you."

Think of it, Senators, they come and get a regular appropriation of \$130,000,000 to pay out secretly in refunds, and then come back for an emergency appropriation of \$75,000,000, to be paid out in like manner, and yet they are not willing to tell the Senate what claims are to be paid, and why they are paying that money out. Is it possible we are going to keep that up?

Mr. SMOOT. Will the Senator yield now for me to make a correction?

Mr. McKELLAR. I would rather go on and explain the matter, but if the Senator desires to ask me a question, of course, as the Senator from Utah is a member of the committee, and I am very fond of him, I will yield to him.

Mr. SMOOT. I wonder if other Senators got the impression I did from the statement the Senator made, that these were refunds on taxes beginning with 1920, and running through 1921, 1922, 1923, and 1924?

Mr. McKELLAR. I did not say anything of the kind.

Mr. SMOOT. The Senator must know that all of these refunds come from 1917.

Mr. McKELLAR. Oh, no; they come all the way through the years from 1917. I am glad the Senator has asked the question, and I would like to answer it. I will take the year 1917 and give the Senate a concrete example. In the year 1917—

Mr. ROBINSON of Arkansas. Mr. President, I make the point of order that the Senator from Tennessee has the floor and that the Senator is entitled to proceed with his remarks without conversation on the floor.

The VICE PRESIDENT. The Senate will be in order.

Mr. McKELLAR. I hope Senators will not indulge in conversation so that I can explain this matter which is very important. It is the most important matter that has come before the Senate this year, or any other year. No such enormous amount, in actual value, can be imagined. When I tell Senators that the secret rebates and credits which have been made in the last eight years amount to more than the entire value of every shred of property in the State of Louisiana, including New Orleans, including real estate, and every other kind of property, they will realize what this means. The entire wealth of the State of Louisiana is about \$3,000,000,000, and the amount that has been paid out in the last eight years is over \$3,000,000,000.

When I tell Senators that the entire wealth of the State of Alabama is less than \$3,000,000,000, and that the amount which has been paid out in rebates is more than \$3,000,000,000, they will realize what sort of a question is involved.

The question involves an enormous amount of credits and cash—and the credits are just exactly the same as cash—paid out secretly by the department. Mr. Blair, an honest man, as I believe him to be, said exceedingly frankly, "I never pass upon a claim"; and he does not. He did not know anything about any claim. There was not one case he claimed to know anything about. It is not the head of the bureau but clerks in the bureau who pass upon the claims, and I want to give a concrete example.

In the year 1917 the United Steel Corporation made its own voluntary tax return. Let us not forget the date; it made a voluntary tax return in 1917. I do not know what that return was; we can not find out. A Senator is not permitted to know. A Senator can not find out what they paid from that hermetically sealed department. But let us assume, for the sake of the argument, that the United States Steel Corporation voluntarily came forward and paid half a billion dollars in taxes of all kinds that year. I do not know what they paid; I am

merely guessing at it and using that amount for the sake of the argument. They made a voluntary return. We suppose they made an honest return.

In 1919, two years later, what happened? The return was examined later on in the department—in the solicitor's office of the department, according to the testimony of Mr. Blair and Mr. Bond—and they found that mistakes had been made, and that the United States Steel Corporation should be assessed \$7,000,000 more. They paid that, and I believe the record shows—I will not be absolutely sure about it—that they paid it without protest.

Mr. GLASS. No; the record shows that they paid it under protest.

Mr. McKELLAR. I think not; but that is immaterial. About a year later the department again reassessed the United States Steel Corporation \$6,000,000 more, and they paid that.

Mr. NORRIS. The same year?

Mr. McKELLAR. A year later, but for the same year.

Mr. NORRIS. That is what I mean.

Mr. McKELLAR. I am not talking about anything else but the year 1917. In 1920 they reassessed it \$320,000 again for the same year, 1917, and they paid that. In 1921 they reassessed it the fourth time, and they paid that fourth reassessment. Those several assessments amounted to \$17,000,000. No claim for a refund was made as to that year then, either on the original investment or on the subsequent assessment—in the aggregate amounting to \$17,000,000.

Mr. SMOOT. The assessments were paid under protest, and they paid them because if they had not done so they would have had to pay 6 per cent interest.

Mr. McKELLAR. The Senator may have private information, but there is nothing in the record about it.

Mr. GLASS. Right on that point I want to ask the Senator if he does not consider it a frightful indictment of the efficiency of the Internal Revenue Bureau that it takes all these years and all these different assessments to determine what ought to be the tax assessed against a great corporation.

Mr. McKELLAR. I agree with the Senator; but I have something that is so much more important than that at this minute that I want to give it to the Senate, if I may.

Mr. GLASS. I do not think there is anything more important than that the Internal Revenue Bureau shall accurately assess taxes against taxpayers and acquit them of their responsibility to the Government.

Mr. McKELLAR. In the erudite words of that distinguished statesman, Al Jolson, "You ain't heard nothing yet."

Mr. President and Senators, at the time those four assessments were paid there were five men in the solicitor's department. I do not know what the facts are, but Mr. Bond and Mr. Blair both testified, as appears in the record, that these claims were settled in the solicitor's office, as it was called then; it is now the general counsel's office. They testified. I do not know whether it is so or not, because it is hermetically sealed so far as I am concerned; but that is the testimony. There were five men in that department at that time. One was a Mr. Service, one was a Mr. King, one was a Mr. Cardwell, and they are still in that department. A fourth one was a Mr. Wayne Johnson, who was then the solicitor, or part of the time was the solicitor. Another one was a Mr. Alverson, who was his assistant.

On September 25, 1920, as I remember the date, Mr. Johnson resigned his office, and Mr. Alverson resigned a few days later; and on February 25, four or five months afterwards, those two gentlemen were admitted to the practice of law in the Treasury Department. In 1923, apparently when the two years had expired when they might file such claims of all the United States Steel Co.'s attorneys in this country, Mr. Wayne Johnson, formerly the solicitor, when these assessments were made, and Mr. Alverson, brought suit for the United States Steel Corporation to recover the \$17,000,000 of additionally assessed taxes, with interest thereon, and also to recover, I believe, a hundred million dollars of the voluntary assessments and payments of taxes made by the company in the first instance.

Mr. CARAWAY. Did I understand the Senator to say that these were the men who made the assessments?

Mr. McKELLAR. They were in charge of that department. I am assuming that Mr. Bond and Mr. Blair testified to the truth, and I believe they did.

Mr. SMOOT. Mr. President—

Mr. McKELLAR. If the Senator will wait one minute, I will get to the matter.

Mr. SMOOT. I have the dates here, and Mr. Wayne Johnson—

Mr. McKELLAR. Mr. Wayne Johnson sent a telegram here denying what Mr. Bond and Mr. Blair had sworn to. I do not

know which is right. Mr. Wayne Johnson himself said they had nothing to do with the original assessments or reassessments. Whether they did or not, I am not advised, and I can not say. I am going on the record made by these two gentlemen.

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

Mr. McKELLAR. I yield.

Mr. WALSH of Montana. Referring to the interrogation addressed to the Senator by the Senator from Arkansas, I do not understand that the solicitor's office would have anything to do with the assessment in the first instance.

Mr. McKELLAR. The reassessments; oh, no.

Mr. WALSH of Montana. Or the reassessments.

Mr. McKELLAR. I do not know, but that is what Mr. Blair and Mr. Bond testified to, and I will read the testimony in a few minutes.

Let us see what happened. Here were five men in that bureau, in the solicitor's office, if you please, in the general counsel's office, if you please, and two of them became lawyers and the other three became the judges. The three—Mr. Service and Mr. King and Mr. Cardwell—became the committee which passed on these claims.

This is what happened: From 1923 to 1928 those claims were being tried before the department, and at the same time lawsuits were being brought in the Court of Claims for, I think, \$150,000,000.

In 1928 this committee of three made an allowance. What testimony they had nobody knows; we could not find out. It was against the rules to tell us and against the law, they said. They allowed \$15,000,000 principal out of the \$17,000,000.

Mr. President, I should like to have a little order in the Chamber. I have a good, strong voice and I ask Senators to bear with me a little while. I assure them I am not talking against time. I am trying honestly and sincerely to lay the facts before the Senate as they appeared in the hearing. Will not Senators listen for a few minutes? If they want to uphold this secret method of paying out these enormous sums of money, it is no matter of mine. I can stand it as well as anybody in the Nation, but I would like to go on for a few minutes and at least lay the facts before the Senate.

These three men paid \$15,000,000 out of the \$17,000,000 reassessment and then gave them \$11,000,000 more interest, amounting to \$26,000,000. But is that all? Not at all. They went back and ripped up the voluntary assessment, and they allowed a credit on subsequent years to the Steel Co. of \$28,000,000 more and \$3,000,000 more in interest, making a grand total of \$57,000,000 at one time for one year. The year 1918 has not been settled yet, and they have a claim of \$50,000,000 to settle on similar grounds.

Mr. WALSH of Montana. Mr. President, I would like to ask a little explanation on that point.

Mr. McKELLAR. I am very glad to yield.

Mr. WALSH of Montana. As I understand the Senator, he spoke about a voluntary assessment?

Mr. McKELLAR. Yes.

Mr. WALSH of Montana. That is, the Steel Co. returned that they were obligated to pay so much?

Mr. McKELLAR. And paid it.

Mr. WALSH of Montana. And without any protest on their part at all?

Mr. McKELLAR. They did not seem to know whether there was a protest.

Mr. WALSH of Montana. The department looked it over and said, "You have reported too much and are entitled to a refund"?

Mr. McKELLAR. Ten years afterwards.

Mr. GLASS. Mr. President, if that were so, why should not the department say, "You are entitled to so much"? If the Commissioner of Internal Revenue or his agents assess me \$50,000 of taxes and thereafter find that they have taken \$10,000 of my money to which the Government is not entitled, why should not they voluntarily return it to me?

Mr. WALSH of Montana. They should; but that is not the situation, as I understand it from the statement now made by the Senator from Tennessee.

Mr. McKELLAR. Will the Senator pardon me a moment? I want to say that in making this argument I am not against the Government returning every dollar that it has unjustly or unlawfully taken from a taxpayer. It is the secret method to which I am objecting.

Mr. SMOOT. That is the law.

Mr. McKELLAR. It is being done secretly, with nobody, not even the Congress of the United States, having the power to find out about what the \$75,000,000 is.

Mr. HEFLIN. The Senator wants to have it done in the open. Mr. McKELLAR. I want to have it done in the open and not in secret.

Mr. ROBINSON of Arkansas. How many times was the assessment for 1917 audited?

Mr. McKELLAR. Four times, according to the record.

Mr. GLASS. And that is the very system that I say is the vice of the whole thing.

Mr. McKELLAR. It is one of the vices.

Mr. ROBINSON of Arkansas. Does the Senator remember within what period those several audits occurred?

Mr. McKELLAR. I will give the Senator the exact dates. I asked the witnesses that very question and can give the Senator the dates. The first of the audits was made on December 29, 1919, for \$7,190,165.71. The second was made December 30, 1920, for \$6,369,497.75; the third on February 14, 1921, for \$167,073.30; and the fourth on August 29, 1921, for \$4,000,000. These aggregated \$17,000,000 plus. They were audited evidently by the department on four different occasions and each time they were audited an additional amount was required and an additional amount was paid.

Mr. WALSH of Montana. What explanation was made of the successive allowances?

Mr. ROBINSON of Arkansas. Just a moment, if the Senator please.

Mr. McKELLAR. I shall be glad to answer that question in just a moment.

Mr. ROBINSON of Arkansas. It has been quite a considerable period since I read this case, but my recollection is that in subsequent years several audits were made of the same assessment—perhaps in 1924, though I am not sure.

Mr. McKELLAR. They have been audited ever since, and the final credit and return by way of credit was \$28,000,000, with \$3,000,000 of interest, applicable on taxes for subsequent years—and credits are just the same as money—a total of \$150,000,000 principal and \$11,000,000 interest on reassessments.

Mr. ROBINSON of Arkansas. What I would like to understand is what explanation is given by the authorities in charge for the repeated audits, and why one audit should not have been sufficient to determine the issue.

Mr. McKELLAR. Let me explain just what they said.

Mr. GLASS. If I may answer the Senator from Arkansas right there, the reason was that at that time the system of income tax was new, just inaugurated, and the Bureau of Internal Revenue had to establish here in Washington a school to teach auditors how to audit accounts. That school, as I recall, was maintained perhaps for more than two years, and hundreds of persons had to be taught how to assess taxes and how to audit accounts.

Mr. ROBINSON of Arkansas. That does not reach the question I had in mind. As I recall it a suit was brought and was pending in court—in fact, I think it had gone to the Supreme Court of the United States—involving the issues respecting the taxes for 1917 of the United States Steel Corporation.

Mr. McKELLAR. So far as the record is concerned, it does not show that there was anything done with the suit except to bring it for a large amount in the Court of Claims. I suppose it is intended to dismiss it now though I do not know. We can not tell anything about it. They may prosecute the suit and get another refund. Who knows?

Mr. ROBINSON of Arkansas. Were there changes made in 1924?

Mr. McKELLAR. No; not in 1924. The first audit was made in 1919, and they called that an office audit and gave that as a reason for the new audit. Now I want to call attention to another remarkable part of this so-called refund system. Here is what Mr. Bond testified:

Every large corporation knew that before its tax matters were finally closed its books would be audited with the greatest care and the work reviewed and their tax finally determined on the basis of those facts.

In another place he said that up to this good hour the moment one of the large corporations pays its taxes on its own assessment it at the same time files a petition for a tax refund. It has gone into the tax-refund business. It just continues to keep after them year by year until 10 years afterwards, in the case of the 1917 tax, it was still after them.

There is another element about the tax refund of 1917 that I want to call to the attention of Senators. There were about \$12,000,000, including principal and interest, paid out in violation of the Secretary's own regulations in the matter, and admittedly so as shown by the record, \$7,000,000 in principal and \$5,000,000 in interest. The reason they gave for it was this—and the only reason why we have any facts about it is that this was

the one, single, and only case that ever went to the Joint Committee on Internal Revenue.

Mr. REED of Pennsylvania. O Mr. President!

Mr. MCKELLAR. It is only one that they have ever passed on, then.

Mr. GLASS. The Senator means it is the only one they have commented on.

Mr. MCKELLAR. I will give it to the Senator exactly in a moment.

Mr. GLASS. That shows, if the Senator will permit me, that the joint congressional committee is not worth a thrip.

Mr. MCKELLAR. I tried to get the Senator not to vote for it at the time.

Mr. GLASS. I do not know that I did.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. MCKELLAR. Certainly.

Mr. REED of Pennsylvania. Does not the Senator know that every refund involving \$75,000 or more has gone to the joint committee since that act was passed?

Mr. MCKELLAR. Of course, and let me tell the Senator how it is done. They have an agent and, by the way, he is a very delightful gentleman, and, I think, a man of some ability, too, a Mr. Parker.

Mr. WARREN. I hope the Senator will answer the question of the Senator from Pennsylvania.

Mr. MCKELLAR. I am going to do it. Of course, I am going to do it. I have not the slightest notion of not doing it.

Mr. PARKER is an agent of the committee. All these questions come to him and he says he has no authority to do anything with them. The matter comes to him and he looks at it and can make any suggestion he wants. But the Steel Corporation the last time, early in December, just last month, when its claim was before the committee, for some unaccountable reason brought about a different situation. I think Mr. GARNER is subject to the severest reprimand on the part of the House and the Senate and the department and everybody else, because he was inquisitive enough to ask something about it. He violated all the rules, of course, but he did. He was an inquisitive man and asked something about it, and Mr. Parker told him something about it, and in that way the horrible secret got out.

Mr. REED of Pennsylvania. Mr. President—

Mr. MCKELLAR. Just a moment, please, because I am answering the Senator's question. I was examining Mr. Potter.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me to ask the Senator from Pennsylvania a question about the point?

Mr. MCKELLAR. Certainly.

Mr. ROBINSON of Arkansas. How many times has that tax assessment for 1917 been audited, if the Senator knows?

Mr. REED of Pennsylvania. It has been one continuous audit for about nine years. The file in the case in the Bureau of Internal Revenue occupies hundreds of thousands of pages. The final settlement letter rendered last year covers 2,700 pages.

Mr. ROBINSON of Arkansas. Does the Senator remember how many times it was said to have been audited and changes made in the assessment?

Mr. REED of Pennsylvania. Yes; it was at least five times.

Mr. ROBINSON of Arkansas. That was my recollection.

Mr. REED of Pennsylvania. In the first place, let me explain—

Mr. MCKELLAR. No; I will get to that in a moment. I will yield to the Senator later to let him explain it. I want to read from the evidence now:

Senator MCKELLAR. What cases are there now amounting to over \$75,000—refunds of over \$75,000—that are before the committee or that have been transmitted to your committee by the bureau?

Mr. PARKER. I am under the same limitations about naming those cases.

He could not name them because they were secret.

Mr. SMOOT. That is the law.

Mr. MCKELLAR. Yes; that is the law. The Senator from Utah helped to enact the law—

Mr. SMOOT. So did the Senator from Tennessee.

Mr. MCKELLAR. Hermetically sealing the Bureau of Internal Revenue in so far as any reports are concerned. I continue reading from the record:

Senator MCKELLAR. Well, can you give me how many there are? Can you give me the number of them? If the name is so sacred, let us have the number.

Mr. PARKER. After all, they are coming up while I am sitting here. I can give you the number as of a certain date, or how many we have received up to a certain date.

Senator MCKELLAR. Now, how in the name of Heaven has the United States Steel Corporation's name been given—how did it leak out; how

did the people get hold of its name with regard to this matter, when the other names are so carefully preserved, except as to the Tobacco Co.? How in the world did you gentlemen ever let those two names of those two concerns get out?

Mr. BOND. Because Mr. GARNER got upon the floor and described the whole case. I do not say that in criticism, but because you ask the question.

Senator MCKELLAR. Well, that is awful on Mr. GARNER's part, I should imagine. I think that he ought to be dealt with. I am speaking ironically, of course. I want the record to show that.

I spoke ironically a few moments ago. I think Mr. GARNER has performed a great patriotic service in his efforts in this matter to prevent a continuance of such a secret system of tax refunds.

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

Mr. MCKELLAR. Let me finish reading the extract and then I will yield.

So it was due to Mr. GARNER that those two names got out. It was over your protest, I suppose?

Mr. PARKER. No, sir; but Mr. GARNER is a member of this committee. Mr. GARNER has a right to see our records. He has a different standing from all others, except members of our committee, so far as our records are concerned.

Senator MCKELLAR. He had a right to see any of these records?

Mr. PARKER. Yes.

Senator MCKELLAR. Then it was not such a heinous offense to Mr. GARNER to disclose the names of these two concerns (pp. 42 and 43)?

Senator MCKELLAR. Are hearings on these tremendous sums held and are they open to the public?

So we find that the principal case—I will speak of the Tobacco case in a few moments—is that of the United States Steel Co. It has claims for tax refunds, I suppose, for all the years, according to this testimony, from 1918. It has been testified that it had a claim for \$50,000,000 for 1918.

Mr. GLASS. Mr. President—

Mr. MCKELLAR. I promised to yield to the Senator from Pennsylvania; then I will yield to the Senator from Virginia.

Mr. REED of Pennsylvania. Mr. President, the Senator said that he did not know how the committee happened to take up the Steel Corporation case, and then he proceeded to guess that it was because Mr. GARNER had insisted upon it.

Mr. MCKELLAR. No; I did not guess at all; I quoted from the testimony.

Mr. REED of Pennsylvania. I can show the Senator how the committee happened to take up the case. Mr. Parker, who had carefully investigated all the claims for refunds as they were turned over to the joint committee, with much more skill than any member of the committee could do it, came to this one, and thought it was so big and so important that he ought not to take the responsibility for it, and he suggested, very properly to the chairman, Mr. HAWLEY, that he call a meeting of the joint committee in order to learn the facts.

Mr. MCKELLAR. Mr. Parker is to be commended for his action and it might have been a great pity that he had not called the attention of the committee to other cases, but evidently he did not do it, because this was the only claim of all the claims with which the joint committee undertook to deal.

It considered the matter, I believe, for two days, according to the testimony, and at the end of that time left the matter where it was; it paid no further attention to it.

Mr. HAWLEY wrote a letter and said it was the unofficial opinion, I believe, of the committee, or the sense of the committee, that the bureau might as well go through with the claim, and that it might as well be allowed. The joint committee took no vote on it; they made no revision of it; they did not do anything with it except to express that sort of vague, indefinite opinion through the chairman of the committee, Mr. HAWLEY.

Mr. REED of Pennsylvania. O Mr. President, if the Senator will permit me to interrupt him, we had a very fully attended meeting of the joint committee for two days in succession, but no member was willing to offer a motion that this claim be disapproved. The Treasury said flatly that if our committee disapproved the settlement they would turn it down and force the case to go through to judgment in the Court of Claims, but no member of the committee, Republican or Democrat, was willing to offer such a resolution of disapproval. I am sure I was not.

Mr. GLASS. Mr. President—

Mr. MCKELLAR. I yield to the Senator from Virginia.

Mr. GLASS. In the very nature of things could a joint congressional committee dealing occasionally with tax assessments be supposed to know as much about them as the accredited

trained auditors of the Treasury Department? Therefore what is the use of the joint congressional committee?

Mr. McKELLAR. There is none whatever.

Mr. REED of Pennsylvania. Because we might have had a doubt about it after the very full and frank explanation that was given to us and after a study by our experts, and if we had any doubt about it we would have expressed that doubt, and then the claim would have gone to suit. They told us flatly they would not make settlement if we had any doubt about it.

Mr. GLASS. It is to be conceived that the one expert of the joint committee knows more about the intricacies, the difficulties, and the insuperable perplexities of tax assessments than the officials who are employed by the Government and trained for that very work?

Mr. REED of Pennsylvania. Yes. Mr. Parker is one of the ablest men in the United States on questions of internal revenue taxation.

Mr. GLASS. Why does not the bureau hire him then and stop all these difficulties?

Mr. REED of Pennsylvania. Because we do not want to let go of him.

Mr. ROBINSON of Arkansas. Mr. President—

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

Mr. REED of Pennsylvania. This is a public fight.

Mr. McKELLAR. No, Mr. President; it is not a public fight.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Tennessee has yielded to me. I presume that one of the purposes of having the expert to whom the Senator has referred is to afford a check on the proceedings of the department?

Mr. REED of Pennsylvania. Absolutely, and we chose him because of his conspicuously fine work with the Couzens committee. Nobody could think that Mr. Parker was prejudiced in favor of the Treasury Department. He has rendered us loyal, faithful, and able service.

Mr. McKELLAR. Mr. President, since there has been some question raised, let us see what was the opinion of the joint committee. I will give it to the Senate. I read the following letter:

Washington, December 19, 1928—

I hope the Senator from Virginia will listen to this.

Mr. GLASS. Mr. President, I have read every line of it.

Mr. McKELLAR. I am glad the Senator has done so.

HON. DAVID H. BLAIR,

*Commissioner of Internal Revenue, Treasury Department,
Washington, D. C.*

MY DEAR MR. COMMISSIONER—

This letter was written by Mr. HAWLEY, chairman of the joint committee—

The Joint Committee on Internal Revenue Taxation at two sessions held on December 17, 1928,—

The committee did not hold meetings on two days, as I thought, but two sessions on that one day—

considered some of the problems involved in arriving at the tax liability of the United States Steel Corporation for the year 1917, with special reference to the computation of the consolidated invested capital.

After considering the statements of your representatives, the preponderant opinion of the members of the committee was that the committee should not interfere with your bureau—

They did not pass on the claim—

in the determination made and the refund proposed.

The staff of the committee is still engaged in making certain mathematical checks of this case. If any questions arise in connection with such checks, they will be taken up in the usual way before the expiration of the 30-day period.

Very truly yours,

W. C. HAWLEY.

Just when that period began I do not know, but it was on the 19th of December when the letter was written, and during the early part of the present month the hearings were held—

Mr. NORRIS. Mr. President—

Mr. McKELLAR. Let me finish what I am about to say, and I will yield to the Senator in a few moments. Let me get the exact date of the hearing. It was on January 9, 20 days after the letter had been written, and then the amount had been paid. It was a rush case, an emergency case; as soon as Mr. HAWLEY said "Go ahead" the money went out of the Treasury.

Mr. NORRIS. Mr. President—

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

Mr. NORRIS. I should like to have the attention of the Senator from Tennessee and other Senators for just a moment.

Mr. McKELLAR. I will be glad to listen to the Senator from Nebraska.

Mr. NORRIS. We are now considering the most important proposition that we have had before us in connection with this bill. It is long past the time to quit; most of the Senators have gone to dinner; we ought not to expect to dispose of a matter such as this with the slim attendance we have here. It seems to me we ought either to take a recess or adjourn until to-morrow.

Mr. McKELLAR. I may say I will be very happy to have that done. I should like very much if this matter could go over until to-morrow.

Mr. WARREN. Surely we can take a few moments more to complete the work on this bill.

Mr. NORRIS. We can not complete this work this evening.

Mr. McKELLAR. It would be impossible to do that.

Mr. NORRIS. The Senator from Tennessee is not anywhere near through, and are those of us who remain going to vote blindly on this question without hearing it fully debated and having all the facts brought out? I do not want to interfere with the procedure, but it seems to me it is unreasonable to expect to proceed with this discussion this evening. Senators are talking among themselves—the few who are present—and wondering why we are going on with this farce, with practically no Senators here, and a question involving \$75,000,000 or \$80,000,000 in taxes before the Senate by an amendment which, if agreed to, will bring about a very important change in our tax-collecting system.

Mr. WARREN. Mr. President, this amendment has really nothing to do with the money that is sought to be appropriated by this bill. The Senator from Tennessee is seeking to attach to the appropriation bill a measure which has been reported by another committee, as the Senator from Nebraska knows.

Mr. NORRIS. This amendment has all to do with the law.

Mr. WARREN. As I have said, this amendment was before another committee and was reported by that committee as a separate bill. It is now proposed to engraft it as legislation on the pending appropriation bill.

Mr. NORRIS. If the Senator does not want to compromise or feel inclined to adjourn until to-morrow or recess until to-morrow—I do not care which, and I do not care at what time we may meet to-morrow—I protest that this is not the proper way to legislate; it is not the way in which the Senate ought to proceed.

Mr. WALSH of Montana. Mr. President, I should like to say with respect to the suggestion made by the Senator from Wyoming that, of course, even if we concede that the amendment is inappropriate under ordinary circumstances on an appropriation bill, the Senator from Tennessee has moved to suspend the rules, and certainly he has that right.

Mr. WARREN. That motion is before us, and we can vote on it in a few moments.

Mr. WALSH of Montana. But that is a debatable motion.

Mr. McKELLAR. I am going to explain the matter.

Mr. NORRIS. We are going to have full debate on it.

Mr. WALSH of Montana. The Senator from Tennessee is certainly within his rights in debating his motion and endeavoring to impress its importance and desirability upon the Members of the Senate.

Mr. WARREN. I am not complaining about that at all.

Mr. WALSH of Montana. From his remarks the Senator from Wyoming seems to think that this is an entirely inappropriate procedure and one that is of no great importance at all.

Mr. WARREN. Of course, it is important, as the Senator himself knows if he has heard the amendment read.

Mr. WALSH of Montana. Of course, and it is entirely proper under the motion of the Senator from Tennessee to suspend the rules.

Mr. WARREN. I am willing to have that motion put.

Mr. WALSH of Montana. Of course, but the Senator from Tennessee is not willing.

Mr. McKELLAR. No; I am not.

Mr. NORRIS. Mr. President, others of us are not, either; we want to know what the truth is about this question before we are required to vote on it. I do not want to vote blindly. I know that there is not a third of the Senate here, and we can not suspend the rules without a two-thirds vote.

Mr. WARREN. There are plenty of Senators about the Chamber.

Mr. NORRIS. I know there are Senators about, but they ought to be here and listen to the argument.

Mr. McKELLAR. Mr. President, I should like very much if this matter could go over until to-morrow. I would be perfectly willing to have the Senate meet at 11 o'clock to-morrow.

Mr. NORRIS. That is what I suggested some time ago.

Mr. WARREN. Mr. President—

Mr. McKELLAR. Just a moment. Every Senator here knows that I have been constantly interrupted, and very properly so because it is a matter of importance and I am glad to be

interrupted, but I can not give all the facts that I have within my knowledge without more time.

Mr. OVERMAN. Mr. President, this is such an important matter that I think the chairman of the committee ought to agree to a recess until to-morrow morning at 11 o'clock. Then we can take up this matter; Senators will be fresh; they can hear the argument and know what they are doing. Most of the Senators are absent now; they do not know the facts; they do not know how to vote; and if they vote under the present circumstances they will have to vote as someone else tells them to vote.

Mr. HEFLIN. Mr. President, the Senators who are here have been here all afternoon and they are tired, while many others are not here. I agree to the suggestion that the question which the Senator from Tennessee has brought before the Senate is the most important one that we have considered, and we ought to be informed on it. Senators who are not here ought to be here to listen to the discussion. This question is going to be discussed at length. I intend to discuss it to some extent, as do other Senators. If it could go over until to-morrow, I think we could finish it on that day.

Mr. WARREN. Mr. President, I will ask the Senator from Nebraska what has he to say about fixing a time for voting on the question.

Mr. NORRIS. I have nothing to say as to that. I am merely seeking light on the whole subject.

Mr. SMOOT. Mr. President, I had hoped that we might get a vote on this amendment to-night, perhaps for personal reasons as well as others. I have accepted an invitation to speak at Camden, N. J., to-morrow at the launching of the cruiser *Salt Lake City*, and I have to leave Washington at 8.30 o'clock in the morning. I can give the information which I have to the Senator from Pennsylvania and let him present it to the Senate, but I beg Senators, if we shall take a recess, not to make up their minds upon the basis of what has already been said. We have entirely satisfactory reasons for the action taken, and I want the Senate to understand them.

Mr. McKELLAR. If I have made any mistakes I want to be corrected, but I do not think I have made any.

Mr. SMOOT. The Senator has made mistakes in what he has presented to the Senate.

Mr. McKELLAR. I do not think so, but if I have I want them to be corrected.

Mr. SMOOT. If I had an opportunity to present the facts to the Senate, I think I could convince the Senator that he has made mistakes, and that he would so acknowledge.

Mr. McKELLAR. If I have made a mistake, I am willing to state publicly that it is a mistake.

Mr. COUZENS. Mr. President, I move the Senate adjourn.

Mr. SMOOT. Wait a moment.

Mr. McKELLAR. Just a moment, Mr. President.

Mr. COUZENS. Mr. President, the motion is not debatable.

Mr. ROBINSON of Arkansas. But the Senator from Michigan can not take the Senator from Tennessee off his feet.

Mr. COUZENS. I understood the Senator from Tennessee to say that he was willing that an adjournment should be had. I did not make the motion without having heard him say that.

Mr. McKELLAR. Why can not this matter go over until to-morrow?

Mr. WARREN. Mr. President, I should like to say a few words if the Senator from Tennessee will permit me.

Mr. McKELLAR. I yield to the Senator from Wyoming.

Mr. WARREN. We have other appropriation bills besides this to pass here. We have to quit on the 4th of March.

Mr. ROBINSON of Arkansas. We are going to have an extra session. I am in sympathy, however, with the Senator's desire to dispose of the appropriation bills.

Mr. McKELLAR. I am, too.

Mr. WARREN. If Senators think we are going to finish every night before this time, I am sure they are going to pass up unconsidered a great deal of proposed legislation. I think we ought to determine now whether we are willing to spend more than five hours in our daily sessions when we have such a short term.

I do not suppose Senators think it is any pleasure for me to stay here hour after hour each day. I do not believe it is any more pleasure to me than to anyone else. I did not expect any especial consideration when I consented to take the chairmanship of this committee; but there is no reason why a filibuster on the part of a Senator for an hour or two every day should keep me here every day and night.

Mr. NORRIS. The Senator does not intimate that the Senator from Tennessee is filibustering?

Mr. WARREN. No; not the Senator from Tennessee.

Mr. ROBINSON of Arkansas. There is no evidence of any filibuster.

Mr. NORRIS. That is right.

Mr. McKELLAR. I have been interrupted by 40 Senators here this afternoon.

Mr. ROBINSON of Arkansas. The Senator from Tennessee has not had 10 minutes in which to state his case.

Mr. NORRIS. No; he has not.

Mr. OVERMAN. Let us take a recess, and do the right thing.

Mr. NORRIS. Let us have a motion to adjourn if we can not get any agreement.

Mr. McKELLAR. I am a member of the Appropriations Committee, and I want to expedite this matter; but I want to say that it is so important, in my judgment, that we must have a reasonable time in which to discuss it, so that all the facts can be brought out.

Mr. GLASS. Yes; I am a member of the subcommittee, and I am not prepared to vote now. I should not like to vote on the ex parte statement of the Senator from Tennessee, however accurate it may be. I have read all the testimony, but I am not ready to vote.

Mr. McKELLAR. Mr. President, if I may, I move that we take a recess until to-morrow at 12 o'clock.

Mr. WARREN. Mr. President, if the Senator wishes to assume the management of the bill, of course, he is at liberty to do so. I had expected to ask unanimous consent for a recess until 11 o'clock.

Mr. ROBINSON of Arkansas. I think that is fair—to meet at 11.

Mr. WARREN. Objection is made by the Senator from Michigan [Mr. COUZENS]. I am perfectly willing to amend it to 12 o'clock, since we can not obtain unanimous consent to meet at 11.

Mr. McKELLAR. Wait one minute. Let the chairman of the committee make a unanimous-consent request that we recess until to-morrow at 12.

Mr. WARREN. I ask unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock to-morrow.

Mr. NORRIS. Why does not the Senator move a recess now?

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Senator from Wyoming asks unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock to-morrow.

Several Senators addressed the Chair.

Mr. WARREN. Mr. President, how can I make a motion with this mob about me?

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

Mr. WARREN. I make the motion now.

Mr. NORRIS. Then, Mr. President, I will submit a motion that will take precedence of that, if that is the way the Senator is going to do. I move that the Senate adjourn.

Mr. McKELLAR. No; the chairman has moved a recess until to-morrow at 12 o'clock.

Mr. NORRIS. I have no objection to that.

Mr. McKELLAR. I hope the Senator will agree to that.

Mr. MOSES. Mr. President, a parliamentary inquiry.

Mr. HEFLIN. I hope the Senator from Nebraska will withdraw his motion for this reason: An adjournment will give a morning hour, while if we recess we will go right on with this bill.

Mr. NORRIS. I have no objection to a recess.

RECESS

Mr. WARREN. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, January 23, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, January 22, 1929

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most merciful Father in Heaven, Thou who are so full of human tenderness and art forever renewing the face of this old earth, we praise Thee for this new day. Be so gracious as to remind us that personal responsibility is again with us; it presses upon us from every department of life and is always as evident as the air we breathe. Our supreme task is to always keep alive that divine spark within, namely, conscience. Our skill and knowledge aside from this are nothing. Put our liberty under the restraint of this divinity. Indeed may it be God within. Beyond all wealth and honor are the timeless virtues to which we are related; they are purity, love,