By Mr. GIBSON: A bill (H. R. 17227) granting an increase of pension to Eunice G. Trombly; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 17228) for the relief of the city of Perth Amboy, N. J.; to the Committee on Claims. By Mr. LETTS: A bill (H. R. 17229) granting an increase of

By Mr. LETTS: A bill (H. R. 17229) granting an increase of pension to Luella Belle Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17230) granting an increase of pension to Sarah E. Wilson; to the Committee on Invalid Pensions.

By Mr. LOZIER; A bill (H. R. 17231) granting a pension to Annie E. Carson; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 17232) granting a pension to Elizabeth McComas; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 17233) granting a pension to Martha E. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17234) granting a pension to Rosa Brownmiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17235) granting a pension to Dema Castner; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 17236) granting an increase of pension to Tamsen Yorgey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

12338. By Mr. BACHMANN: Petition of Clara G. Allen and other citizens of Paden City, W. Va., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

12339. Also, petition of the Basnett Co. and other citizens of Mannington, W. Va., protesting against any change in the tariff on hides and leather used in the manufacture of shoes; to the

Committee on Ways and Means.

12340. By Mr. BRIGHAM: Petition of H. S. Howard, recorder of the Commandery of the State of Vermont of the Military Order of the Loyal Legion of the United States, protesting against a provision in the second deficiency bill to construct a memorial to General Lee; to the Committee on Appropriations.

12341. By Mr. BURDICK: Petition of Nathan Schwartz and 34 other ex-service men, members of Local 387, of Providence, R. I., National Federation of Post Office Clerks, urging the passage of the McKellar bill (S. 860); to the Committee on the Civil Service.

12342. By Mr. CANNON: Petition of Sam G. Pollard, suggesting methods for better enforcement of the eighteenth amendment to the Federal Constitution; to the Committee on the Judiciary.

12343. By Mr. CARTER: Petition of Californians interested in tariff on sodium sulphate; to the Committee on Ways and

Means

12344. Also, petition of the California Vineyardists' Association, protesting against the passage of any bill having for its purpose the repeal of the Hoch-Smith resolution; to the Committee on Interstate and Foreign Commerce.

12345. By Mr. CRAIL: Petition of parties from Los Angeles, Calif., opposing an increase of tariff on stained glass; to the

Committee on Ways and Means.

12346. By Mr. DYER: Petition of residents of St. Louis, Mo., assuming an attitude of dissatisfaction toward the Chemical Foundation, whose organization resulted from the transfer by the United States during the war of property worth nearly \$1,000,000,000; to the Committee on the Judiciary.

12347. By Mr. EATON: Petition of 47 retail shoe dealers and their customers, protesting against any change in the tariff on hides and leathers used in the manufacture of shoes; to the

Committee on Ways and Means.

12348. By Mr. FITZPATRICK: Petition of the United States Casualty Co., urging the passage of House bill 15769, authorizing an appropriation to reimburse various insurance companies for losses sustained in the explosions of October 4 and 5, 1918, of the T. A. Gillespie Loading Co., Morgan, N. J.; to the Committee on War Claims.

12349. By Mr. GARBER: Petition of American Medical Association in opposition to the enactment of House bill 14070, a bill to provide a child welfare extension service, and for other purposes; to the Committee on Interstate and Foreign

Commerce.

12350. Also, petition of J. W. Jenkins, Kansas City, Mo., in argument against House bill 13452; to the Committee on Patents.

12351. Also, petition of Oklahoma Cottonseed Crushers Association, Oklahoma City, Okla., in support of a tariff on all edible oils; to the Committee on Ways and Means.

12352. By Mr. JOHNSON of Texas: Petition of J. W. Smith, of Denton, Tex., favoring the Curtis-Reed bill; to the Committee on Education.

12353. By Mr. LAMPERT: Petition signed by residents in Fond du Lac, Wis., requesting duty on manufactured leathers imported into the United States to combat the cheap labor of Europe in competition with American labor; to the Committee on Ways and Means.

12354. By Mr. LANKFORD: Petition of 1,072 members of the Fourth Presbyterian Church, Philadelphia, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

12355. Also, petition of 1,998 citizens of the city of Philadelphia and vicinity, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

12356. By Mr. LINDSAY: Petition of Dimon Steamship Corporation, New York, strenuously opposing passage of Senate bill 1781, load-line regulation; to the Committee on the Merchant Marine and Fisheries.

12357. Also, petition of David W. Sowers, chairman of stock-holders committee of Kansas City Joint-Stock Land Bank, urging that objection to passage of House bill 14000 be raised; to the Committee on Banking and Currency.

12358. By Mr. McCORMACK: Petition of Mattapan Post, American Legion, Mattapan, Mass., unanimously urging repeal of national-origins clause, now a part of the immigration laws; to the Committee on Immigration and Naturalization.

12359. By Mr. McSWEENEY: Papers to accompany House bill 17210, for the relief of Emma Pepper; to the Committee on

Claims.

12360. By Mr. MAAS: Petition of citizens of St. Paul, Minn., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12361. By Mr. MOORE of Virginia: Petition of William J. DeFriest, Victor B. Wheeler, and others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

12362. Also, petition of Mrs. Paul H. Herrell, Mrs. E. F. Curtis, and others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

12363. By Mr. O'CONNELL: Petition of the National Fertilizer Association, Washington, D. C., with reference to the Madden bill (H. R. 8305); to the Committee on Military Affairs.

12364. Also, petition of David W. Sowers, Buffalo, N. Y., opposing the passage of House bill 14000, amending section 29 of the farm loan act; to the Committee on Banking and Currency.

12365. Also, petition of the Holland Laundry, of Brooklyn, N. Y., and Augustus C. Froeb, of Brooklyn, N. Y., opposing the 45 per cent ad valorem duty on imported soap oils; to the Committee on Ways and Means.

12366. By Mr. SELVIG: Petition of citizens of Wilkin, Mahnomen, and Norman Counties, Minn., urging the passage of

House bill 10958; to the Committee on Agriculture.

12367. By Mr. STOBBS: Petition of residents of Worcester, Mass., opposing passage of House bill 78 or any compulsory Sunday observance bills; to the Committee on the District of Columbia.

SENATE

FRIDAY, February 22, 1929

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

Lord God of hosts, whose mind embraces all mankind, whose heart is wide to harbor all our race, we thank Thee that though the ages stretch beyond our grasp, though life puts on her myriad forms and wastes herself in vain designs, Thou holdest all within the hollow of Thy hand, and though the march of man reaches from dusk to dawn, from the abyss to the throne, and generations rise and pass away, Thou leadest everyone.

and generations rise and pass away, Thou leadest everyone.

Make us, therefore, ever mindful of Thy loving care, and, as we reverently pause in the midst of thronging duties to pay grateful tribute to the Father of our Country, bring into captivity every thought, that we may commune with what is high and holy in Thy sight and rejoice only in the fair and fragrant things of virtue and honor.

Kindle within us a flame in this aspiring hour that shall consume every grosser passion, that from our life henceforth, as from a lamp of Thine, a light may shine upon the ways of men. Through Jesus Christ, our Lord. Amen.

ROBERT B. HOWELL, a Senator from the State of Nebraska, appeared in his seat to-day.

THE JOURNAL

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

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. BLAINE. I wish to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

I desire to announce that the Senator from Connecticut [Mr. McLean], the Senator from New Hampshire [Mr. KEYES], the Senator from Rhode Island [Mr. METCALF], and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness.

Mr. MOSES. I wish to announce that my colleague [Mr.

KEYES] is absent owing to illness

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. Washington's Farewell Address will be read by the Hon. JAMES A. REED, of Missouri

WASHINGTON'S FAREWELL ADDRESS

Mr. REED of Missouri read the address, as follows: To the people of the United States:

Friends and fellow citizens, the period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office of which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incom-

patible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not

disapprove my determination to retire. The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the Government, the best exertions of which a very fallible judg-ment was capable. Not unconscious in the outset of the inferiority of my qualifications, experiences, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, of fortune often discouraging—in situations in which not un-frequently, want of success has countenanced the spirit of criticism,-the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficience—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtuethat, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry.-The south, in the same intercourse, benefiting by the same agency of the north, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the north, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The east, in a like intercourse with the west, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at The west derives from the east supplies requisite to its growth and comfort-and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the west can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations,—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart burnings which spring from these mis-

representations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secured to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by Will it not be their wisdom to which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish governpresuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the per-manency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:-that experience is the surest standard by which to test the real tendency of the existing constitution of a country:that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to

4000

maintain all in the secure and tranquil enjoyment of the rights |

of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—
It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst

enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself, a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and

restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional rlot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.-To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.-But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instru-

ments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon

attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater dis-bursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant: that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its

vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affections, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposses each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigating by pride, ambition, and other sinister and pernicious The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in

the parties from whom equal privileges are withheld; and it | gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!-Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be

the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. cessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good

faith;-Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially Hence, therefore, it must be unwise foreign to our concerns. in us to implicate ourselves, by artificial ties, in the ordinary

vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisi-tions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why, by interquit our own to stand upon foreign ground? weaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition,

rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are

recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided

by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers,

has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speak-

ing, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error. I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government-the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

UNITED STATES,

GEO. WASHINGTON.

17th September, 1796.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 1781) to establish load lines for American vessels, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate No. 39, as amended, to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the

concurrence of the Senate:

H. Con. Res. 56. Concurrent resolution to provide for the printing and binding of the proceedings in Congress and in Statuary Hall of the unveiling upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell presented by the State of Kentucky, and for the distribution of the 2,500 copies authorized to be printed; and

H. Con. Res. 57. Concurrent resolution to provide for the printing of the first edition of the Congressional Directory of

the first session of the Seventy-first Congress.

ENFORCEMENT OF PROHIBITION LAW-CORRECTION

Mr. BORAH. Mr. President, I desire to insert in the RECORD a brief item from the New York Herald Tribune of to-day. It refers to an error made by that newspaper in ascribing a certain statement to me.

The VICE PRESIDENT. Without objection, the item will be

printed in the RECORD.

The item referred to is as follows:

QUOTATIONS FROM REED ATTRIBUTED TO BORAH—ERROR IN TRANSMISSION CAUSED THE HERALD TRIBUNE ERROR

The New York Herald Tribune has received the following telegram from Senator William E. Borah:

"Washington, February 21, 1929.

"To the EDITOR OF THE HERALD TRIBUNE:

"The quotation attributed to me in your leading editorial to-day is taken literally from Senator Reed's speech. I made no such utterance. I am sure you will do me the justice to make the correction in your paper.

"WM. E. BORAH."

The quotation which Senator Borah refers to was as follows:

"Men and women who in the old days would never have served a drink in their homes, or, if they did, would serve a little glass of wine, now dish it out, and mothers hand their daughters the liquor—girls of the same type who a few years ago would never have received anything but warning from their mothers. Girls guzzle it with boys."

The Herald Tribune deeply regrets that an error in transmission wrongly attributed this statement by Senator Reed to Mr. Borah.

ANNUAL REPORT OF PUBLIC BUILDINGS COMMISSION

Mr. SMOOT presented the annual report of the Public Buildings Commission for the year ended December 31, 1928; which, with the accompanying illustrations, was ordered to be printed as a Senate document.

REGULATION OF INTERSTATE TRANSPORTATION

Mr. BLAINE presented resolutions adopted by the Chicago & North Western Railway Employees' Club, of Green Bay, Wis., favoring the passage of legislation to regulate all interstate transportation, whether by bus, motor truck, or coastwise water carrier, etc., which were referred to the Committee on Interstate Commerce.

DAMAGES BY CANADIAN SMELTER

Mr. DILL. Mr. President, I have a joint resolution adopted by the State Legislature of the State of Washington on the subject of damages being done to citizens of that State by a smelter located across the Canadian line. The resolution is somewhat lengthy and I will not ask that it be read, but I ask that it may be printed in the RECORD following my remarks and referred to the Foreign Relations Committee.

I merely wish to add that the smelter mentioned is causing destruction on the American side of the line that is positively taking away the livelihood of the people who live there. The joint high commission which is investigating it with a view to settlement is proceeding rather slowly. I had hoped the commission might have made a report before this time in order that some action could be taken to protect the people on this side of the Canadian line.

The joint resolution was referred to the Committee on Foreign Relations, as follows:

Resolution

Be it resolved by the House of Representatives of the State of Washington in legislative session assembled, That—

Whereas there is situated near Trail, British Columbia, Canada, a certain smelting and refining plant for the treating and smelting of min-

eral ores, which said plant is owned and operated by the Consolidated Smelting & Refining Co. (Ltd.), and is one of the largest operated on the American continent, and located about 8 miles north of the international boundary line, and due north of Stevens County, State of Washington; and

Whereas it is conceded by responsible officials of said Consolidated Smelting & Refining Co. (Ltd.) that in excess of 1,000 tons of sulphur dioxide (SO₂) is emitted from the stacks of such smelter during every

24 hours; and

Whereas about the year 1925 the stacks of such smelter plant were raised from a height of about 230 feet to a height of about 409 feet, and since the time of such raising of such stacks injury and damage from gases and fumes emitted therefrom has become very destructive to lands and homes in northern Stevens County, Wash.; and

Whereas property owners of northern Stevens County, Wash., have complained of damages from such fumes and gases over an area of approximately 25 miles by 40 miles, and such damage is continuous and gradually spreading and increasing in degree of destruction; and

Whereas responsible officials of said Consolidated Smelting & Refining Co. (Ltd.), at a hearing before the International Joint Commission at Northport, Wash., on October 10, 1928, stated that in their judgment such fumes and gases could not be controlled at such smelter plant unless at great and unreasonable expense and hardship, and thereupon requested of such commission that the Consolidated Smelting & Refining Co. (Ltd.) be permitted to come into the State of Washington and make private settlements for such damages, and that such settlements be approved by the said commission as though testimony had been taken under Article X of the existing treaty, and, if this permission should be refused, that said Consolidated Smelting & Refining Co. (Ltd.) be permitted to purchase smoke easements in the State of Washington; and

Whereas in the area now affected by such gases and fumes there is a large acreage of property owned by the State of Washington, the county of Stevens, the Government of the United States, and by private property owners, and if such gases and fumes are permitted to continue to lodge thereon the total market value of these lands so affected will be virtually destroyed, homes and farms will be abandoned, tax values destroyed, and tax burdens shifted to others who are property owners in the State of Washington; and

Whereas the flow of these destructive gases and fumes in and upon the territory of the State of Washington from the above-mentioned smelter plant can be avoided by the action of the said Consolidated Smelting & Refining Co. (Ltd.) either by reducing the height of the smelter smokestacks or by the use of modern machinery and chemical processes now in use in other smelter plants: Therefore be it

Resolved, That the house of representatives of the twenty-first legislative assembly, representing the people of the State of Washington, respectfully protest against the invasion of the territory of the State of Washington and the rights of the people therein by gases and fumes drifting through currents of the air from the plant of the Consolidated Smelting & Refining Co. (Ltd.) situated near Trail, British Columbia, Canada, and do hereby call upon the Congress of the United States to assist in proper steps—

1. To bring about the prompt cessation of the invasion of American territory and the rights of the people therein by gases and fumes drift-

ing from the aforesaid smelter plant.

2. That upon the permanent cessation of such invasion of gases and fumes from such smelter plant that the State of Washington, Stevens County, and persons owning property therein be promptly paid and reimbursed for damages suffered by reason of such gases and fumes aforesaid; be it further

Resolved, That a copy of this resolution be forwarded to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives from Washington in Congress, and to the Secretary of State for the United States, and to the members of the International Joint Commission at Ottawa, Canada, and at Washington, D. C.

I, the undersigned, hereby certify that the above is a true copy of a resolution unanimously adopted by the house of representatives February 15, 1929.

A. W. CALDER, Chief Clerk.

Chief Clerk.

CLAIMS OF MONTANA INDIAN TRIBES AGAINST THE GOVERNMENT

Mr. WALSH of Montana. I send to the desk a memorial of the Legislative Assembly of the State of Montana embodying a resolution in the nature of a memorial relating to a suit brought in the Court of Claims by certain Indian tribes of the State of Montana, in which complaint was filed on the 10th of July, 1925, and to which no answer has yet been filed by the Government, awaiting action by the Comptroller General. The delay seems to be altogether indefensible. I ask that the memorial may be published in the RECORD and referred to the Committee on Indian Affairs.

The memorial was referred to the Committee on Indian Affairs, as follows:

House Joint Memorial 4 (introduced by Nelson and Jones) to the Congress of the United States requesting that speedy consideration be given claims of the Indian tribes herein mentioned and that the Comptroller General be directed to submit his data on the compilation of the counterclaims of the United States against said Indian tribes

To the Honorable Senate and House of Representatives of the United

States of America:

Whereas the various tribes of Indians of the State of Montana have instituted an action by the filing of a petition in the Court of Claims of the United States No. E-427, under date of July 10, 1925, to hear, determine, and adjudicate the rights of the said various tribes of Indians arising under certain treaty stipulations, covenants, and agreements; and

Whereas the said petition has been pending and unnecessarily delayed too long in the said Court of Claims; and

Whereas the Comptroller General has been dilatory in filing the counterclaims of the United States and has thereby unnecessarily prolonged the consideration of this action; and

Whereas the said various tribes of Indians who are now citizens of the United States, by virtue of the act of Congress of June 2, 1924, and have therefore become an integral part of the Nation and are entitled to some consideration in respect to their vested property rights: Now, therefore.

Your memorialists request that said petition now pending in the Court of Claims be given speedy consideration and urge that you request or command the Comptroller General to submit his data on the compilation of the counterclaims of the United States against said various tribes of Indians; namely, Piegan, Blood, Blackfeet, Gros Ventre, and Nez Perce Tribes of Indians who have instituted the said action by the act of Congress approved March 13, 1924, entitled "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington (43 Stat, L. 21); and be it further

Resolved, That the said Comptroller General be compelled to submit the said data or an estimate of the said counterclaims at as early a date as possible in order to expedite the speedy adjudication of the said

claims of the said various tribes of Indians; be it further

Resolved, That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress with the request that they use every effort within their power to bring about an accomplishment of the ends and purposes herein indicated.

THE DECENNIAL CENSUS AND CIVIL SERVICE

Mr. BRUCE. Mr. President, I ask unanimous consent to have printed in the Record a considerable amount of material bearing upon the amendment which I have offered to the census bill, providing that all the supervisors, supervisor clerks, special agents, interpreters, and enumerators who are to be employed in connection with the taking of the next decennial census shall be selected under civil-service rules and regulations.

I wish to say just a word in this connection. I was induced to offer the amendment by a consideration which was very well expressed in a paper put forth by the National Civil Service

Reform Association, which stated that—

Past experience shows that the grossest abuses, frauds, inaccuracies, corruption, and extravagance have followed every exemption of census employees from the provisions of the civil service law.

The material I desire to have inserted in the RECORD consists, first, of a statement of our different censuses, beginning with the census of 1890, prepared by a civic group in the city of Washington, followed by a letter from Mr. John T. Doyle, secretary of the United States Civil Service Commission, written to me on January 8, 1929; a letter from the same writer to Mr. J. W. Carson, secretary to the Senator from Michigan [Mr. COUZENS], dated January 14, 1929; a letter from the secretary of the National Civil Service Reform League to my colleague [Mr. Tydings], dated December 11, 1928; a protest by the National Civil Service Reform League, urging the adoption of the amendment offered by me to the census bill; a letter from the Southern California Civil Service League, dated February 5, 1929, to me, urging the adoption of my amendment; a similar letter from a member of the Women's Department of Civil Service of the City of Baltimore, the writer being Mrs. J. A. Wilson, a prominent lady of Baltimore, urging the adoption of the amendment; a letter from the State Federation of Pennsylvania Women to me, dated January 8, 1929, urging the adoption of the amendment; a letter from Mrs. Charles E. Ellicott, president, and Mrs. L. Emmett Helt, jr., secretary, of the American League of Women Voters, in the form of a resolution adopted by that league, also urging the adoption of the amendment; a copy of article from the Woman's Journal of July, 1928, entitled "Mrs. Knapp," reciting the gross abuses and scandals developed in the taking of the census in the State of New York.

The material also includes an editorial from the St. Louis Daily Globe of February 11, 1929, approving the adoption of

the amendment; an editorial from the St. Louis Post-Dispatch of February 6, 1929, headed "Census and Civil Service"; a letter from Prof. Albert Bushnell Hart, of Harvard University, dated January 3, 1929, relating to the amendment; another letter from Mr. Godfrey L. Cabot, one of the most prominent citizens of Boston, whom many Senators know, relating to the same subject; and, lastly, a letter from Adelbert Moot, of Buffalo, N. Y., to me, dated February 5, 1929, bearing on the same subject.

There being no objection, the matter submitted by Mr. Bruce was referred to the Committee on Commerce and ordered to be

printed in the RECORD, as follows:

JANUARY 15, 1929.

CIVIL SERVICE AND THE CENSUS

Since December 12, H. R. 393, a bill to provide for the Fifteenth Decennial Census has been on the Senate Calendar, having been favorably reported with amendments from the Committee on Commerce. An additional amendment not considered by the committee, but of great public interest, has been proposed since the bill was reported, and is now on the table ready to be called up whenever the bill is considered by the Senate. By amending section 3 of the bill it would remove the exemption from civil-service regulations which is now given in respect to the appointment of special agents, supervisors, enumerators, and interpreters to be employed in taking the census and would make the merit system apply to those employments.

In introducing that amendment, Senator Bruce, of Maryland, its sponsor, is carrying on a long fight to extend civil-service rules to the

temporary census-taking force.

A BRIEF OUTLINE OF THAT FIGHT

The civil service act was passed in 1883. In the summer of 1889 President Harrison was requested by the Civil Service Commission to adopt competitive examinations for the selection of the census force for the approaching decennial task, the taking of the Eleventh Census. He refused and left with the superintendent of the census the power to make selections for the service. The superintendent recommended the supervisors, each one to be in charge of a district and they designated the enumerator. It was the spoils system all the way through, with the usual charges of waste and scandals which had always accompanied the taking of the census.

In March, 1897, a bill was introduced to provide for taking the Twelfth Census. It had a provision that the employees should be appointed under the classified civil service. The Senate committee struck the provision out, and when the President appointed a new Census Director the force was again appointed under the patronage system.

In 1908, in preparation for the next, the Thirteenth Census, President Roosevelt sent a special message to Congress, urging that the census employees should be selected by civil-service rules. Nevertheless, a bill characterized by the spoils features passed both Houses. It was vetoed by the President and returned to the Congress with a vigorous message upholding civil-service standards. The bill was returned in the last short session, just before a new administration was to come into power. To the chagrin of the friends of the patronage system, the incoming President, Mr. Taft, announced that he would veto any bill which contained the same spoils provisions.

A chastened Congress therefore passed a bill which required civilservice examinations for a considerable portion of the temporary census force—all the clerical staff was included—a force of about 7,000

workers.

The bill provided that the supervisors (a little more than 300 in number) were to be appointed by the President and confirmed by the Senate. About 1,800 special agents and approximately 65,000 enumerators were not specifically placed under the civil service, but the Director of the Census at that time (Mr. E. Dana Durand) was a friend of the merit system, and he prescribed an examination to be conducted by the Civil Service Commission.

The census of 1910 is the high-water mark, so far as civil service is concerned. It has had less serious criticism than any other census within the last 40 years. Both the accuracy of its statistics and its use of public funds were widely commended in contrast to the general attacks on previous enumerations.

The act providing for the census of 1920 (the fourteenth) retained the civil-service provisions of the preceding act, so far as the temporary clerical staff was concerned. However, it directed that the supervisors should be appointed by the Secretary of Commerce upon the recommendation of the Director of the Census. These supervisors in turn were authorized to appoint, with the approval of the Director of the Census, the enumerators and interpreters. Special agents were appointed by the Director of the Census. Civil-service rules were not mentioned at all in this act. The Director of the Census was given complete discretion.

To that extent the provisions of paragraph 3 of section 3 of the pending bill are a backward step, for the director is specially ordered to

appoint this staff without reference to the civil service act. The Bruce | amendment would strike out that prohibition and substitute a provision making civil-service rules apply.

THE PRESENT ASPECT OF THE CONFLICT

The group of temporary employees which Senator Bruce's amendment would reach is large and important.

At the hearings on the pending bill which were held by the House committee in January, 1928, it was stated by a representative of the Census Bureau that during the coming census there will be a temporary clerical force of from 7,000 to 8,000 persons. These will be employed under civil-service rules according to the bill. The group of special agents, supervisors, supervisors' clerks, and interpreters will be larger than that. Ten thousand was the estimate given. And in appointing this group the director is instructed to do so without reference to the civil service act. Likewise the 95,0000 enumerators, which it is estimated will be necessary, are exempt.

The Civil Service Commission, by letter and by representation, urged that the proposed exemption should be removed from all of this group except enumerators. The enumerators are so many in number and their term of employment is so short-normally from 15 to 30 days-that their appointment by competitive examination is neither so easy nor so important to secure as that of the special agents and supervisors appears to be.

There will be approximately 375 supervisors in the field during this census. Each supervisor will select the enumerators under him, direct them, and be responsible for the work in his district. The length of employment for supervisors will vary-from four months to a year

The group of special agents is larger. Under the census law of 1902 special agents are appointed to collect statistics in the field. Their duties are varied. It would appear from the brief statement on the subject made at the hearing before the House committee that many aspects of census taking apart from the simple population enumeration may fall to their jurisdiction. Records of marriage and divorce, of religious bodies, of city and State finance are made by special agents, and for this purpose the representative of the Census Bureau testified that State and city officials and clergymen often receive temporary appointments as special agents of the Census Bureau. It is estimated that about 2,000 special agents will be needed during the coming census

A BRIEF SUMMARY OF THE ARGUMENTS

Representatives of the Census Bureau testified at the House hearing that it would be impossible to place this group of special agents, supervisors, enumerators, etc., under civil-service rules because the employment is temporary.

The spokesman for the civil service stated in answer that placing positions under civil-service regulation does not necessarily mean that a competitive examination must be offered. The civil service act provides for special noncompetitive examinations and likewise it permits shortterm employment without examination. The practice is regularly followed. Officials of the Civil Service Commission have publicly stated that they would be satisfied to permit such an exemption in the case of all the census enumerators. In this connection the experience of the 1910 census should be recalled. Then, although not required by law, the enumerators were selected through practical examinations conducted by the Civil Service Commission at the request of the Director of the

That leaves special agents and supervisors and supervisors' clerks as the major group to be considered.

No argument is advanced to support the exemption of supervisors' clerks, but opposition to the inclusion of the supervisors themselves is usually based on the assertion that it is difficult to secure suitable candidates under civil-service procedure in addition to the fact that the employment is temporary. Supervisors should be persons enjoying the confidence of the community, with organizing and administrative experience. The integrity of the census figures must be their responsibility. To secure an honest and intelligent staff of enumerators a representative of the Census Bureau stated at the hearing, "We would have to depend on the judgment and honesty of the supervisor who appoints the enumer-It is an important position and to argue that it should not ators." be subject to civil-service regulation is to assume that under those regulations qualified persons can not be secured. That is an assumption not warranted by an examination of the facts.

A constantly increasing number of positions which demand administrative and organizing ability are being filled by the Civil Service Commission. Every department of the Government depends upon it to fill positions requiring those abilities. The commission's examining boards throughout the country offer a means of securing proper personnel which no single Government bureau has available. The commission itself states that it would have no difficulty in obtaining suitable candidates to certify to the Census Bureau for appointment as supervisors in the coming census.

Likewise in the case of special agents. In the past grave abuses have developed because some special agents have been retained from one census to another, often doing work properly coming under the perma-

nent classified service. The only argument advanced against the inclusion of this force of 2,000 is based on the temporary nature of their employment.

In answer to this objection the Civil Service Commission again points out that it is its privilege and policy to give exemption from examination in the case of employment which is actually temporaryfrom one to two months for example (p. 51 of the House hearings).

In addition, the flexibility of its rules encourages whatever modification of examining procedure might be necessary to give the Census Bureau the opportunity to secure the best-qualified staff available for the short-time employment.

To quote the representative of the commission who testified at the hearing (p. 56):

"We would consult with the Census Bureau officials, find what the duties are, and what, in their opinion, is the type of man they need, and would reach an agreement as to the kind and scope of the examination, then proceed to establish lists so as to be ready when they are needed."

No argument has been advanced in behalf of these exemptions which is not familiar to those who have protested similar exemptions in the past. Every one can be applied to any extension of the merit system. They were all used to prevent the inclusion of the clerical staff employed in Washington during the census period. However, the civil-service rules were applied and there is no suggestion that it has not been successful.

IN CONCLUSION

No one contends that the Director of the Census could not select competent appointees without civil-service rules if he were permitted to do it without the interference from political sources which we know as the spoils system. It may be assumed that any bureau chief might discover and employ an able staff if his independent judgment as to qualifications were to be his only guide. However, it would be naive to assume that such a condition exists and unnecessary to present the arguments for the merit system. The civil service act is a protection to right-minded Members of Congress from the immense pressure upon them to find jobs for their importuning constituents. It is a protection to the honest bureau chief against the entreaties of those harrassed Members of Congress. Finally it is a protection to the public.

The coming census is unusually important. The 1920 enumeration was taken during the postwar period when there were unusual difficulties in its way. In addition the group of employees to which the Bruce amendment would apply was not selected under civil-service rules. The figures of that census have been severely challenged. The chairman of the Census Committee in the House stated in the hearing on H. R. 393 that one of the principal reasons why no reapportionment bill had been passed was because of the lack of confidence in that enumeration.

A reapportionment bill has just passed the House. Certainly public confidence in the reports of the census about to be taken should be sought. There would seem to be no better safeguard than to apply the merit system to the whole service and remove the stigma of the spoils system from the entire staff.

The particular problems of organizing a large temporary force should be recognized and can be met under civil service law. By cooperation with the Census Bureau Chief, by modification of its examining procedure to provide suitable tests and proper exemptions in the case of strictly temporary work, the difficulties cited in opposition to the application of civil-service regulations can be overcome. The virtues of the civil service need not be defended now, nor the scandals of the old spoils system discussed. It need only be said that there appears to be no valid reason why the employment policies of this Government should be suspended in respect to the temporary census staff. Therefore the amendment offered by Senator BRUCE should be adopted.

> UNITED STATES CIVIL SERVICE COMMISSION, Washington, D. C., January 8, 1929.

Senator WILLIAM CABELL BRUCE.

United States Senate.

MY DEAR SENATOR BRUCE: The commission is pleased to observe your amendment to H. R. 393, providing that the census field force shall be subject to the civil service act.

The census act for the Thirteenth Census (1910) required the commission to hold examinations and establish registers from which appointments were to be made by the Director of the Census. The results of those examinations showed the practicability of supplying eligibles in large numbers in a limited time. On June 30, 1909, the Census Bureau had on its rolls about 650 names of persons employed in Washington. By June 30, 1910, the force had increased to approximately 3,000, and on October 1, 1910, to about 3,650. All of these were appointed as a result of competitive examinations and by selection from the head of the register with due regard to the apportionment. The 71,500 census enumerators in that census and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. The Director of the Census made use of the commission's nearly 5,000 local examining boards, candidates being assembled at points convenient to their places of residence. The results of the application of the merit principle in the Thirteenth Census appear to justify the belief that the same system should be followed in the selection of the personnel required in the Fifteenth Census.

The commission is of the view that the civil service act and rules are sufficiently flexible to admit of their application in a practicable degree to the field force of the census, and that where necessary exception could be made from competition by action of the commission.

Your amendment is therefore favored.

By direction of the commission; Very respectfully,

JOHN T. DOYLE, Secretary.

JANUARY 14, 1929.

Mr. J. W. CARSON,

Secretary to Senator Couzens, United States Senate.

DEAR MR. CARSON: In response to your letter of January 12, I would state that at two previous censuses the enumerators and special agents were appointed through the machinery of the commission on request of the Director of the Census. In its twenty-seventh report, page 15, the commission said:

"The 71,500 1910 census enumerators and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. Although not required by law, they were ordered by the Director of the Census. The Director of the Census made use of the commission's local examining boards, the candidates being assembled at points convenient to their places of residence. This method was a great improvement over that followed in the census of 1900, when the examination papers were filled out by the competitors at their homes."

The commission has large registers of suitable eligibles for rural carrier, clerks and carriers in post offices, clerks in the Railway Mail Service, and for a large number of various field positions.

The failure to use the eligibles who have been obtained at large expense is inconsistent with good faith on the part of the Government. The appointment of this large census force every 10 years under the patronage system fosters in the public mind a cynical disbelief in the merit system and discourages qualified persons from undertaking the examinations.

Such further examinations as might be necessary could be promptly held by the commission's nearly 5,000 boards of examiners under the direction of the commission's 13 district secretaries. The supervisors, clerks, interpreters, enumerators, and special agents could be selected under appropriate tests of fitness either from existing registers or by competitive or noncompetitive examination or by allowing temporary appointment without examination.

The civil service act and rules are so flexible that no embarrassment would be experienced in making such appointments under them. For instance, the weighers of mail were appointed from the commission's registers by voluntary action of the post office. It is merely a question of the commission being given the comparatively small additional appropriation. It would be found a great economy to use the commission's facilities as was done by the War and Navy Departments during the war period and for the bonus force.

Very respectfully,

JOHN T. DOYLE, Secretary.

NATIONAL CIVIL SERVICE REFORM LEAGUE, New York City, December 11, 1928.

Hon. MILLARD E. TYDINGS,

United States Senate, Washington, D. C.

DEAR SIR: On behalf of the National Civil Service Reform League, we respectfully and earnestly urge that you disapprove in its present form the census bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses. The blanket exemption from the provisions of the civil service act for all special agents, supervisors, supervisors' clerks, enumerators, and interpreters which appears in the bill as passed by the House should be stricken out.

In urging you to eliminate this general exemption we are not unmindful of the possibility that it may prove to be impracticable to select all the enumerators through competitive examination. A specific exemption from the rules of competitive examination in the bill itself is, however, unnecessary in order to take care of any exemptions that may be desirable. The civil service act specifically provides for just such situations as may arise in the administration of the census act. Under the civil service law the President is authorized to provide by Executive order for the exemption from competitive examination of any position or class of positions.

Experience in previous censuses conducted by the Federal Government and also by State governments has shown that the large majority of employees included in such positions as special agents, supervisors, supervisors' clerks, enumerators, and interpreters have been selected solely upon the basis of political affiliation and without regard to fitness for the work to be done where such positions have been filled without competitive examination. Only recently New York State has had an

example of the waste and corruption which follows the distribution of such positions as political patronage. The cost of the 1925 census for the State of New York was estimated at \$1,200,000, but this was not sufficient to complete the compilation of statistical information which was intended to be produced.

The employees in the New York State census bureau, with but three exceptions, were employed without any tests of fitness by the civil-service commission. A report recently issued by an official investigator on behalf of the governor states that about \$200,000 was either illegally or wastefully expended under this type of administration.

We are sure that you will wish to place in the bill every possible safeguard against the waste of public funds in the administration of the decennial census. We believe, therefore, that you should be willing to entrust to the judgment of the President the extent to which it may be practicable to select the census employees after competitive examination.

Respectfully yours,

H. ELIOT KAPLAN, Secretary.

A PROTEST AGAINST AN INEFFICIENT CENSUS—NATIONAL CIVIL SERVICE
REFORM LEAGUE URGES ADOPTION OF THE BRUCE AMENDMENT TO THE
CENSUS BILL

The permanent staff and employees of the United States Census Bureau are appointed in accordance with the provisions of the civil service law. The work of the bureau from year to year has been eminently satisfactory.

In connection with the proposed decennial census to be taken in 1930 it is provided by H. R. 393, now before the Senate, that all other temporary employees—special agents, supervisors, supervisors' clerks, enumerators, and interpreters—who, it is estimated, will number about 100,000, shall be appointed by the Director of the Census without reference to the civil service law. The Director of the Census may delegate to the supervisors authority to appoint enumerators.

Thus in its present form the bill makes possible the appointment of about 100,000 persons with no assurance whatever that their qualifications will be taken into account. Whether the enumerators are selected by the director or by the several hundred supervisors will make no particular difference, for the supervisors, being patronage appointees, will naturally and inevitably appoint enumerators on a political and patronage basis.

Experience in previous Federal censuses taken under similar bills has proved disastrous in the character of the employees selected, the inaccuracy of the work, and the lack of public credit given the census. The result of the work under such a system is discredited even in advance of the enumeration, for if a party in power has a free choice between a nonpolitical and a political agency for taking the census, and chooses the latter, composed of officials of its own political faith, the presumption is against the fairness of a census so taken. The results will reflect the bias of those who take it. And even if it were fair many would not believe it to be fair. And if at the close of the work inaccuracies are shown, resulting in the advantage of the party by which it is taken, the work is sure to be attributed to political manipulation.

In the census of 1890 the employees were selected without competition, principally upon nomination by Republican Members of Congress. In many places the enumerators were instructed by the supervisors and others to do political work. In New York City, where the enumerators were named by the Republican organization, several men with criminal records secured appointment. Yet private houses were opened to such men with the understanding that the Government considered them trustworthy. Many facts indicated that the New York census was inaccurate and incomplete, and the police authorities, by order of the mayor, had a recount made, which showed a population greater by nearly 200,000 than that given by the Federal authorities. The recount showed that in many wards large numbers of residents, often entire houses, had been omitted. As the enumerators were Republicans, and as the city was preponderantly Democratic it was naturally inferred that the underenumeration was intentional and made for the purpose of reducing the city's representation in Congress.

It was afterward estimated by the director himself that \$2,000,000 and more than a year's time would have been saved if the Census Bureau had been placed under the civil service law.

The census of 1900 suffered from the same defect. Senators and Representatives were asked to nominate persons for appointment; and it was inevitable that the appointees should use the power given them for the benefit of their party and of the particular Congressmen through whom they had secured their places. In one Maryland county the returns were deliberately padded in order to secure additional representation in the Maryland House of Delegates for the party in power. For this purpose graveyards and summer hotels were canvassed and imagination was largely drawn upon. In many cases the deceptions were unbelievably crude; small children were listed as school teachers, farm laborers, and carpenters. The Federal grand jury which brought in the indictment said in their report: "So long as such appointments are treated as part of the spoils of politics the recurrence of such frauds and scandals as have been revealed by our investigation may be expected."

The 1890 and 1900 censuses were taken under a provision of law excluding competition; that is, necessitating appointments being made under the spoils system. Every man competent to speak with authority because of his knowledge of and familiarity with the work of those censuses has stated that the result was to produce extravagance and demoralization.

In the 1910 census, although the bill provided that enumerators should be appointed by the supervisors, who, in turn, were appointed by the Director of the Census, at the request of the director these employees were selected through the machinery of the United States Civil Service Commission. A generally satisfactory and reliable census was obtained.

Only recently New York State has had an example of the waste and corruption which follows the distribution as political patronage of such positions as special agents, supervisors, enumerators, and interpreters.

The cost of the 1925 census for the State of New York was estimated at \$1,200,000, but this was not sufficient to complete the compilation of statistical information which was intended to be produced. The employees in the New York State Census Bureau were employed without any tests of fitness by the Civil Service Commission. A report issued by an official investigator on behalf of the governor states that about \$200,000 was either illegally or wastefully expended under this type of administration.

Two objections have been made to the appointment of census employees through civil-service examination. The argument has been made that the enumerators to be appointed are so numerous and their terms of service so short that it would be undesirable and perhaps impossible to require them to go through the formalities of a civil-service examination. This argument has been answered by the Civil Service Commission itself, as follows:

"The census act for the Thirteenth Census required the commission to hold examinations and establish registers from which appointments were to be made by the Director of the Census. The results of those examinations showed the practicability of supplying eligibles in large numbers in a limited time. On June 30, 1909, the Census Bureau had on its rolls about 650 names of persons employed in Washington. By June 30, 1910, the force had increased to approximately 3,000, and on October 1, 1910, to about 3,650. All of these were appointed as a result of competitive examinations and by selection from the head of the register, with due regard to the apportionment. The 71,500 census enumerators in that census and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. The Director of the Census made use of the commission's nearly 5,000 local examining boards, candidates being assembled at points convenient to their places of residence. The results of the application of the merit principle in the Thirteenth Census appear to justify the belief that the same system should be followed in the selection of the personnel required in the Fifteenth Census.

"The commission is of the view that the civil service act and rules are sufficiently flexible to admit of their application in a practicable degree to the field force of the census and that where necessary exception could be made from competition by action of the commission."

The other objection to civil-service examination of these employees is that the 100,000 persons thus added to the Government pay roll and given civil-service status would endeavor to retain Government employment after completion of the census. Such efforts of temporary employees to create for themselves permanent positions could not be successful if Members of Congress would refuse to yield to political pressure put upon them by these employees or their friends. Exemption from examination, and exclusion from the classified civil service, however, would not deter census employees from using all the influence they could muster to permit their transfer or inclusion in the classified service. In fact, this very thing, which it is feared might occur if employees were appointed under the civil service law, has repeatedly occurred in the past, when they were appointed through political patronage.

Past experience shows that the grossest abuses, frauds, inaccuracies, corruption, and extravagance have followed every exemption of census employees from the provisions of the civil service law.

There is no legitimate reason for appointing the census employees without civil-service examination, for

1. The Civil Service Commission states that it is able and ready to fill the places by examination, and already has available lists of thousands of eligibles.

In case of an emergency requiring examination to be waived the President has full authority to suspend the civil service law.

Senator William C. Bruce, of Maryland, has introduced an amendment to the pending census bill providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters subject to the civil service law. No valid reason can be advanced why this amendment should not be adopted. Repeated experience shows that while plausible reasons can always be found for including exemptions in a census act the real motive is always to be found in the opportunity thus given for patronage and spoils. The adoption of the Bruce amendment would insure an accurate and reliable census.

SOUTHERN CALIFORNIA CIVIL SERVICE LEAGUE, February 5, 1929.

Hon. WILLIAM C. BRUCE,

Senator from Maryland, Washington, D. C.

DEAR SENATOR BRUCE: We write to commend you upon the amendment which you have introduced to the pending census bill providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters, subject to the civil service law, and trust that it will be adopted.

With best wishes, we beg to remain,

Respectfully yours,

SOUTHERN CALIFORNIA CIVIL SERVICE LEAGUE, By KIMPTON ELLIS, Secretary.

1013 St. PAUL STREET.

To the Hon, Senator BRUCE:

At a meeting of the Woman's Department of Civil Service on last Friday a resolution was passed indorsing your resolution putting the employees of the Census Department under the civil-service rules. We hope that you will continue to urge the passing of this.

Yours truly,

MARY W. WILSON. (Mrs. J. A.)

STATE FEDERATION OF PENNSYLVANIA WOMEN, 1927-1929

January 8, 1929.

To the Hon. WILLIAM C. BRUCE,

United States Senate:

The State Federation of Pennsylvania Women, through its civilservice committee, thanks you for your bill amending the census bill by providing that all persons employed in taking the census shall be appointed under the provisions of the national civil service law.

The federation regards this amendment as most important, having a vivid memory of the inefficiency, extravagance, and corruption that have prevailed at other takings of the census when so many employees were appointed for partisan and political reasons.

IMOGEN OAKLEY, Chairman of Committee.

MARYLAND LEAGUE OF WOMEN VOTERS,

Baltimore, Md.

Whereas the extension of the civil service of the United States to include the employees to be engaged for the purpose of taking the census has been proposed; and

Whereas it is our belief that this will operate to increase the efficiency of the service: Therefore be it

Resolved, That the Maryland League of Women Voters indorses the proposed amendment to House bill 393; and be it further

Resolved, That we respectfully petition the Senate of the United States to adopt the proposed amendment.

Mrs. Charles E. Ellicott,

President.

Mrs. L. Emmett Holt, Jr.,

Secretary.

[Editorial from the Woman's Journal, July, 1928, page 20]
MRS. KNAPP

The conviction of Mrs. Florence E. S. Knapp, former secretary of state in New York, who was charged with grand larceny in handling the State census funds, has been generally accepted as just. Apparently the presiding justice was judicial and able, and the trial proceeded to logical conclusions from the evidence-largely evidence given reluctantly by Clara Knapp, Mrs. Knapp's stepdaughter. The offense was seriousappropriation of census funds by Mrs. Knapp's indorsement of a check for \$2,875 made out to Clara Knapp, which the young woman, a college teacher, testified that she never earned and never saw. Though Mrs. Knapp denied the charge, her stepdaughter's testimony carried conviction. This charge was but one of several of the same nature. And however sorry for Mrs. Knapp one may be, anyone who is concerned about the future of women in politics and public life must be satisfied with the verdict. Had Mrs. Knapp escaped because she is a woman, should she now escape some punishment, however slight, women would suffer, not gain. Appointment or election of women would be less likely. The tendency to hold all women responsible for what Mrs. Knapp has done would be strengthened.

But there remains something unsatisfactory about the Knapp case, and a feeling has been expressing itself throughout the State that justice was not fully done. The census was a political grab bag. Thousands of jobs were turned over to party bosses for distribution as part of the rewards for the success of the party in the last election. Is it likely that Mrs. Knapp was the only one to secure some graft from the big sum expended? There were notable absences from the witness chair. One gets the impression that, though probably guilty of inexcusable graft, Mrs. Knapp, out of party loyalty, may have allowed men grafters to hide behind her petticoats. The feeling grows that there may have

been others who should have been tried with her and who, under the same persistence, would have been found equally guilty. This explanation of the public sentiment in the State of New York concerning this memorable trial of a woman in public office is due the women of the Nation.

[From the St. Louis Globe-Democrat, Monday, February 11, 1929]
THE 100,000 CENSUS JOBS

The 100,000 appointees required in taking the next Federal census will receive pay ranging from \$5 and \$8 a day to \$3,000. Distributed as election spoils, it must not be supposed that these places are the less esteemed because the work and pay last in most instances not more than four weeks and in a few other instances six weeks.

It is just such jobs as these that are highly appreciated as enabling a myriad of political debts to be paid. Local workers whose ordinary activities would not permit them to take a permanent official appointment are provided with appreciated recognition, and the pay, being fairly good while it lasts, is received with the gladness with which unexpected windfalls, pin money, and modest strokes of good fortune are received.

The amendment to the census bill of Senator Bruce, of Maryland, requiring the appointments to be made under the Civil Service Commission's regulation, hits Congress with a chill. The points he makes are not answered by pleas that his amendment would only introduce red tape, complicating the work of making the selections, and that these 100,000 temporary jobs are aside from the scope and purpose of the elaborate merit system.

As a matter of fact, the laws under which the Civil Service Commission operates are framed to cover census jobs of this precise kind. They are "emergency" appointments for which full provision is made. The adoption of his amendment would not mean a full compliance with all the conditions as to competitive examination required in the case of permanent appointments. Only qualifications showing a fitness for "emergency" jobs would have to be determined, and the procedure would be correspondingly informal.

A fitness certified to on that basis surely would be preferable to a fitness graded down to the standards of the spoils principle. Mr. BRUCE is correct in saying that the 1910 census was taken under a provision of law identical with his amendment and that the plan worked satisfactorily.

[From the St. Louis Post-Dispatch, Wednesday, February 6, 1929]

Senator Bruce, of Maryland, has offered an amendment to the census bill, now before Congress, providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters subject to the civil service law. Its purpose is to remove the 1930 census from partisan politics and to insure an accurate count.

In its present form the census bill makes possible an orgy of patronage dispensing. Approximately 100,000 workers are needed in the field force and, unless some safeguard is placed in the law, the Director of the Census and his aids may make appointments for political purposes without any regard for qualifications for the work.

According to the National Civil Service Reform League, a reliable census was obtained in 1910, when, at the request of the Director of the Census, supervisors of the census were selected through the machinery of the United States Civil Service Commission. For the law to give the director such wide discretion might have less happy results next time.

Previous census takings, notably that of 1890, have been scandalously conducted. In 1890 Republican Members of Congress were permitted to choose the field force. A check of its work showed that in New York City large numbers of residents, often entire houses, had been omitted. The inference was that Republican census takers had deliberately underestimated the population of a Democratic city to reduce its membership in Congress. In 1900, in Maryland, graveyards were canvassed to obtain additional representation in the house of delegates for the party in power.

Past experience has abundantly proved the desirability of Senator Bauce's amendment, not only to assure an honest and reliable count but to prevent the wasteful use of census funds.

CAMBRIDGE, MASS, January 3, 1929.

Senator BRUCE,

United States Senate Building, Washington, D. C.

Dear Senator Bruce: It appears that you are backing up the common-sense proposition that the employees of the Census Bureau shall be selected in accordance with the civil service law. One of the long-standing abuses of our National Government is the selection of persons not qualified for the tasks of making the decennial enumerations for the United States census. The qualifications are not severe, but it is essential that the enumerators should be accustomed to figures, competent to carry on simple accounts, intelligent, and honest. The breakdown of the census in New York State was principally through the appointment of incompetents, as well as a scandalous waste of public

money, which could have been prevented by the appointment of well-qualified persons.

Business men the country over ought to stand for that principle because of the immensely important decisions that must be made upon the basis of the movement of population from decade to decade and from place to place. Though not a Baltimore constituent, I am a United States constituent of yours in the satisfaction I take in your effort for the public welfare.

Cordially yours,

ALBERT BUSHNELL HART.

GODFREY L. CABOT (INC.), Boston, Mass., February 5, 1929.

Senator W. C. BRUCE,

Washington, D. C.

DEAR SENATOR BRUCE: I beg to express to you my personal appreciation of your action in introducing an amendment to the census bill placing the employees under civil-service rules. I don't know of any bunch of employees where this rule can be applied with more benefit or less inconvenience to the departmental heads. They are obliged to select a great number of men in a hurry, and this will enable them to select the best men under circumstances that will minimize the personal annoyance to them from the unsuccessful applicants.

Secondly, during the comparatively short time of employment these employees are not likely to seriously deteriorate in mind or body, as inevitably happens with the lapse of time in the case of permanent appointments. Therefore the problem in getting rid of an undesirable employee against whom, however, no serious charges can be made is much less likely to present itself in temporary than in permanent appointments, and the difficulty of doing so is not likely to be nearly so great, because such incumbents are much less likely to put up a hard fight for reinstatement in a temporary job than in a permanent one.

Hoping this will find all well with you and your family, and begging to be warmly remembered to Mrs. Bruce, I am,

Yours very sincerely,

GODFREY L. CABOT.

BUFFALO, N. Y., February 5, 1939.

Hon. WILLIAM C. BRUCE,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I observe that you propose to amend the census bill by providing that those who shall take the next Federal census shall be selected by examinations under the national civil service law, and thus that census will be taken and prepared in a businesslike way, as I understand the last one was, instead of the old political job way, that used to disgrace our Federal census just as it disgraced our last State census in this State. While I do not belong to your political party, I do belong to any political party for the time being that thus proposes to substitute patriotism, common sense, and economy, and the reign of law for plain old fashioned political jobbery. More power to your elbow, and especially to your brain.

Sincerely your friend,

ADELBERT MOOT.

NEW JERSEY SENATORIAL ELECTION (REPT. NO. 1861)

Mr. McNARY. From the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, referred to as the Reed committee, I submit a report on the New Jersey senatorial contest. I ask that the report may be printed and lie on the table.

The VICE PRESIDENT. Without objection, the report (No. 1861) will be printed and lie on the table.

PENNSYLVANIA SENATORIAL ELECTION (REPT. NO. 1858)

Mr. REED of Missouri. On behalf of the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, I submit a general report touching the Vare case, and merely make the statement that the report is unanimous by the committee upon the record as it stands. The junior Senator from Utah [Mr. King] has expressed his views in a separate document, which is appended to and made a part of the report. I ask that the report of the committee may be printed and lie on the table. I will ask the senior Senator from Utah how many extra copies should be printed?

Mr. SMOOT. That would have to be estimated for. I can not tell the Senator how many could be printed under the law.

Mr. REED of Missouri. I think, Mr. President, that a thousand copies will be first and last demanded.

Mr. SMOOT. I think, under the law, a thousand copies may be printed.

The VICE PRESIDENT. Without objection, the report (No. 1858) will lie on the table and a thousand copies will be printed.

Mr. REED of Missouri. I have one word further to say. I wish to give notice that on to-morrow I intend to call this report to the attention of the Senate as a privileged matter.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on Irrigation and Reclamation, to which was referred the 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, reported it without amendment and submitted a report (No. 1857) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15723) authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes, reported it without amendment and submitted a report (No. 1859) thereon.

Mr. EDGE (for Mr. EDWARDS), from the Committee on Naval Affairs, to which was referred the bill (H. R. 16533) to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J., reported it without amendment and submitted a report (No. 1860) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, reported an additional amendment to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and submitted a report (No. 1727, pt. 3) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 5555) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, reported it without amendment and submitted a report (No. 1862) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 1530. An act for the relief of Gilpin Construction Co.; S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park;

S. 5179. An act to improve the efficiency of the Lighthouse

Service, and for other purposes; and

S. J. Res. 213. Joint resolution to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress.

BILLS INTRODUCED

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

By Mr. BRATTON:

A bill (S. 5861) granting a pension to John L. Tenney; and A bill (S. 5862) granting an increase of pension to R. L. Baca; to the Committee on Pensions.

By Mr. GILLETT:

A bill (S. 5863) for the relief of Isabel Alger; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 5864) to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.; to the Committee on Military Affairs. By Mr. HOWELL:

A bill (S. 5865) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887; and

A bill (S. 5866) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 5867) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.; to the Committee on Commerce

By Mr. ROBINSON of Indiana:

A bill (S. 586 granting a pension to Virgil H. Effinger; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 5869) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system; to the Committee on Military

By Mr. CAPPER: A bill (S. 5870) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. ASHURST:

A bill (S. 5871) granting relief to disabled ex-service men in submitting final proof on homestead entries; to the Committee on Public Lands and Surveys.

By Mr. KING:

A bill (S. 5872) for the relief of Indians, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. SMOOT submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 80, line -, insert the following:

"Salt Lake City, Utah, post office, courthouse, etc.: The authoriza-tion for the acquisition of additional land and the commencement of extension and remodeling of the post office, courthouse, etc., at Salt Lake City, Utah, contained in the act approved May 29, 1928, making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and for other purposes, is hereby amended so as to authorize the Secretary of the Treasury, in his discretion, either to carry out the above authorization or to enlarge and extend the present Federal building so as to provide in part for the required additional accommodations, and also to acquire a site with the building thereon and to remodel and extend said building as an annex to the post office, courthouse, etc., to provide the further necessary additional accommodations, and the appropriation contained in said act is hereby made available for providing the required accommodations under such method as the Secretary of the Treasury may select: Provided, That the total limit of cost for providing for all the accommodations required shall not exceed the limit of cost fixed in said

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 84, line 2, insert the following as a new paragraph:

" NOGALES, ARIZ., INTERNATIONAL STREET

"For grading and paving of the Federal strip of land known as International Street, belonging to the United States, along the international boundary line between Mexico and the United States and adjacent to the city of Nogales, Ariz., said paving to extend from the east side of Nelson Avenue to the top of the hill beyond West Street, with the necessary fence, retaining walls, storm sewers, the installation of an ornamental lighting system, and other items necessary in connection therewith, \$30,000, and in addition the unexpended balance of the appropriation of \$40,000 under this heading in the second deficiency act, fiscal year 1928, approved May 29, 1928, is continued and made available until June 30, 1930, for the purposes of this paragraph."

Mr. NORBECK submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:

"To carry out the purposes of the act approved act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers,' toward the one-half cost of the memorial and landscaping to be borne by the United States, \$100,000, to be immediately available."

RESTRICTIONS ON EXPORT OF ARMS

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD the following articles from the New York Times of February 11, 1929, relative to Senate Joint Resolution 215, declaring it unlawful to export arms and other articles for use in war to any country violating the provisions of the multilateral treaty for the renunciation of war.

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

MOVE TO BACK PEACE PACT WITH TRADE EMBARGO ON VIOLATORS, ASKING LIKE PLEDGE OF OTHER NATIONS

(Special to the New York Times by Richard V. Oulahan)

WASHINGTON, February 10 .- A movement to put teeth in the Kellogg multilateral treaty renouncing war as an instrument of national policy, otherwise known as the pact of Paris, recently ratified by the Senate, will be started to-morrow when Senator ARTHUR CAPPER, of Kansas, a member of the Committee on Foreign Relations, will offer a joint resolution designed to authorize the employment of nonforcible sanctions or disciplinary measures against any adhering government which violates the pact.

The Capper resolution, the text of which was made public to-night, provides, in effect, that this Government shall establish an economic boycott against any such nation and invests the President with authority to issue a proclamation forbidding the export of munitions of war to any offending government. This approximates the economic boycott provisions of the League of Nations covenant. No resort to force by the United States is contemplated in the provisions.

The fundamental principle enunciated and the authority conveyed in these resolutions are contained in the following provision:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

From this it will be seen that the authority to be conveyed to the President may be qualified or withdrawn if Congress enacts a law to that effect or the President himself issues a proclamation declaring that the economic boycott is not to be employed.

Another provision states it to be the policy of the United States that its citizens shall not be protected by the Government if they give "aid and comfort" to a nation which violates the pact. The resolution also requests the President to negotiate treaties with other adherents of the treaty to insure that their nationals will not be protected by their governments if they give assistance to an offending nation.

It is provided, however, that the policy of refusing protection to American citizens in such circumstances shall not apply against a violating nation which has failed to make a declaration that it will not protect its citizens when engaged in similar practices.

Senator Capper stated to-night that he had no expectation of obtaining action on his resolution in the present Congress, which will come to an end three weeks from to-morrow, or in the extra session, which is to convene in April. His idea in offering the measure at this time, he explained, was to allow discussion of the proposal and the forming of public opinion, so that its purpose would be thoroughly understood when Congress assembled in regular session in December, at which time he would press for its adoption.

In making public the text of his resolution, Senator Capper gave out a statement explanatory of his purpose.

WOULD "UNDERWRITE THE PEACE PACT"

In his statement of explanation Senator CAPPER said:

"The purpose of this resolution is to put the Government of the United States on record, in response to an insistent and well-nigh unanimous public demand, by taking the next step toward safeguarding international peace, following the ratification of the pact of Paris.

"This resolution renews in substance a proposal contained in my resolution of December 9, 1927, that any nation signatory to the pact of Paris which breaks its word shall not be aided directly or indirectly by our nationals in carrying on its war.

"My resolution also contemplates that our Government shall at once negotiate treaties or understandings with other signatory powers for similar action on their part.

"The moment it becomes clear that a nation which has solemnly promised to renounce war as an instrument of national policy, but which nevertheless provokes or invites a war, will not be able to buy munitions or supplies from the American people with which to carry on the war, then that war will come to a sudden end. In fact, I doubt whether it will ever be begun.

WOULD "UNDERWRITE THE PEACE PACT"

"In other words, I believe the adoption and effectuation of this resolution will tend to make the peace pact effective. It will in a measure underwrite the peace pact without compelling us to police the world.

"I hope and believe that public opinion will approve this resolution and that before long it will receive the overwhelming, if not unanimous, approval of both Houses of Congress. It is not expected that action will be taken at this session, but the introduction of the resolution, it is hoped, will bring about discussion and consideration which will result in action at an early date in a succeeding session.

"The full import and implications of the pact of Paris have not yet been recognized by many persons, including not a few of those who write on such subjects for periodicals.

"The peace pact, or multilateral treaty, marks a new era in international relations and international law. In this new era we must learn to think and to speak in terms of realities, not in terms of worn-out and abandoned policies which the pact of Paris openly and emphatically renounces.

"Fortunately, as our own record shows and as Sir Austen Chamberlain recently has stated in the House of Commons, there are no reserva-

tions on the part of nations signatory to the pact. It is an absolute renunciation of war as an instrument of national policy.

"Therefore it is not only logical but necessary that a nation like our own, which intends solemnly to keep its word in this respect, shall not aid any other nation that may prove faithless, either directly or indirectly.

"Let that once become known and announced to the world and any government will hesitate a long time before it violates the pact of Paris.

"The enthusiasm which greeted the conclusion of the pact of Paris, in foreign nations as well as in our own; the readiness with which arbitration treaties are being concluded between the United States and other nations; these give testimony to the strong popular support of the movement against war.

"The people and the peoples of the world want peace. They want the assurance of peace, if that is possible.

"In face of the engagements of the pact and in face of the widespread treaties of arbitration and conciliation, it would be anomalous, to say the least, for the people of the States which have bound themselves by the terms of the pact to encourage its breach by permitting the shipment of arms and munitions of war to the treaty breaker. It would be a breach of faith on the part of a signatory to encourage their nationals by contributions of goods or money, to sustain an offending nation and aid that nation in striking down the defenders of the pact.

"It is in defense of the honor of this Nation that it should not give aid and comfort to a treaty-breaking State. It is of vital interest to this Nation that it should seek to prevent the outbreak of war by warning possible treaty-breaking nations of the attitude the United States will take.

SEEKS TO CHECK TRAFFIC IN ARMS

"What is proposed in the new resolution is simply to carry out the spirit of the Briand-Kellogg past, to prevent conscienceless nationals from making a profit out of aiding and abetting nations that violate the pact.

"The spirit of the pact should be borne in upon the mind of the citizens as well as that of the statesman. It should be impressed that war will not be a means of carrying on a profitable trade with the belligerent nations, a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt upon the surviving people of the Nation.

"Rather it should be impressed upon the consciousness of every citizen and every statesman that the effect of the pact will be to diminish or cut off that trade, so that it will no longer be in the interest of armament makers or the private traffickers in blood money to connive with a government which in defiance of its obligations lets loose upon the world the pestilence of war."

That purpose, he said, was to have the United States Government go on record in favor of refusing to aid any nation signatory to the multilateral treaty which broke its word, "directly or indirectly," by violating the covenant. In his opinion, any war undertaken by a signatory would end when that nation found it would be unable to buy war supplies from the United States. "In fact," added Senator Capper, "I doubt whether it will ever be begun."

CARRIES OUT SPIRIT OF TREATY

The outstanding feature of Senator Capper's statement is the explanation that his resolution "is simply to carry out the spirit of the Briand-Kellogg pact, to prevent conscienceless nationals from making a profit out of aiding and abetting nations that violate the pact."

To understand that purpose better, it is necessary to have in mind the essential provisions of the treaty renouncing war. These features are stated in the following articles:

"Article 1. The high contracting parties solemnly declare that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

"Article 2. The high contracting parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or whatever origin they may be, which may arise among them shall never be sought except by pacific means."

This treaty was the result of a statement made by Aristide Briand, Foreign Minister of France, on April 6, 1927, the tenth anniversary of the entrance of the United States into the World War, that "France would be willing to subscribe publicly with the United States to any mutual engagement tending to outlaw war," and proposing that the two countries agree to renounce war "as an instrument of national policy."

In the following November Senator CAPPER announced that when Congress assembled in December he would offer a resolution designed to carry out the purposes of the Briand proposal. By that time it had become clear that the Coolidge administration did not favor making with France alone a treaty renouncing war and believed any such agreement should include all nations. Senator CAPPER's resolution provided that the pact should take the multilateral form. It contained, however, a provision under which this Government would regard as "an aggressor nation" any government which violated the agreement.

TEXT OF THE CAPPER RESOLUTION TO ENFORCE WORLD PEACE

(Special to the New York Times)

WASHINGTON, February 10.—The text of Senator CAPPER's resolution in support of the Kellogg peace pact and supplementing the international effort to outlaw war is as follows:

"Whereas the Congress of the United States on August 29, 1916, solemnly declared it 'to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration

to the end that war may be honorably avoided; and
"Whereas the United States, in pursuance of this policy, has concluded with a number of countries and is negotiating with many others
a treaty of arbitration and conciliation in a new form under which
the parties agree to submit to arbitration all differences relating to
international matters in which they are concerned by virtue of a claim
of right made by one against the other and to submit to a permanent
international commission for conciliation any dispute not submitted to
arbitration, and has thus shown its intention to carry out on its part
the polley of the United States; and

"Whereas the United States has taken a further step in advancing its policy by ratifying the multilateral treaty for the renunciation of war in which it is declared that the contracting powers are:

"Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made, to the end that the peaceful and friendly relations now existing between their people may be perpetuated:

"Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be defined the benefits furnished by this treaty; and

"Whereas it is a breach of its obligations with the United States for any country which is a party to the multilateral treaty for the renunciation of war to have recourse to war as an instrument of national policy in its relations with any other party to the treaty; and

"Whereas the governments which have associated themselves by the treaty 'to the end that peaceful and friendly relations between their peoples be perpetuated 'should not permit their nationals to encourage a breach of the obligations of the treaty by exporting to a government which has committed such breach arms, munitions, or implements of war, or other articles for the support of such government; and

"Whereas the declaration of its policy by the United States to prevent such encouragement by its nationals of a breach of the treaty would have a great effect in accomplishing the object of the treaty, that war may be honorably avoided: Now, therefore, be it

"Resolved, etc., That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

"SEC, 2. It is declared to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty.

"Sec. 3. The President is hereby requested to enter into negotiations with other governments which ratify or adhere to the said treaty to secure agreement that the nationals of the contracting governments should not be protected by their governments in giving aid and comfort to a nation which has committed a breach of the said treaty.

"SEC. 4. The policy of the United States as expressed in section 2 hereof shall apply only in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy."

[From the New York Times, February 11, 1929]

EDUCATORS, CHURCH, CIVIC, AND POLITICAL LEADERS SUPPORT STRENGTHENING OF PACT

Senator Capper's proposal of an arms embargo against any nation violating the Kellogg pact received the indorsement yesterday of several civic and political leaders, as well as authorities on international affairs.

Some commentators qualified their opinions, however, regarding the power conferred upon the President and the general effects of the plan.

Among the expressions of opinion were the following:

"Governor Franklin D. Roosevelt: I have only heard the very interesting proposal of Senator Capper over the telephone and can, therefore, say nothing more on the spur of the movement than to reiterate my previous statements that the Kellogg treaties, while excellent in themselves, need additional agreements both for the elimination of war causes and for giving the treaties themselves more authority than they have now."

Dr. Nicholas Murray Butler, president of Columbia University: "Senator Capper's proposed new joint resolution is of very large importance and points the way to the next step to be taken by our Government, under the guidance of American public opinion, along the path to peace.

The action which it proposes is the logical consequence of the pact of Paris itself, which the Senate ratified by a practically unanimous vote on January 15 last.

"Despite the cynics and the legalists, both in Senate and out of it, who do not seem to understand in the least what has happened in the world, the pact of Paris marks the opening of a new era in international relations. It substitutes a declaration as to national policy, made on the highest moral ground, for the usual and conventional treaties and arrangements to advance the peace of the world by constantly preparing for war.

"American public opinion is in dead earnest in this matter and will hall Senator Capper's resolution with great enthusiasm. The resolution, in its impressive preamble, summarizes once more the established policies of the people and Government of the United States, and then simply provides that no nation which breaks its word in respect to its renunciation of war as an instrument of national policy shall be supported or aided in its war-making efforts by citizens of the United States who may be ready to provide such pledge-breaking nation with munitions and supplies for material gain.

"This joint resolution should be adopted as speedily as may be. It should be widely discussed and debated throughout the land until its meaning is clearly understood and appreciated. The President should quickly enter into negotiations with the other signatories of the pact of Paris to induce them to adopt a like policy. In other words, let no nation which has signed the pact of Paris allow its nationals to aid any other nation in breaking the moral promise and pledge of that pact.

"Recent debates in the Senate on the pact of Paris and on the so-called cruiser bill, like much that is written in the periodical press, show no realization whatever of the fact that there is no longer any such thing as neutrality in war and that the words, freedom of the seas, are an empty name of historical significance only.

"Neutrality and freedom of the seas have meaning when war is an established institution. When, however, war is renounced as an instrument of national policy, neither neutrality nor freedom of the seas has any meaning whatever.

"The hand of every pledge-keeping nation must be raised against that nation which breaks its pledges. Just so soon as this fact is understood in all its bearings, there will be no nation left so valiant or so mad as to violate the pledge which it has solemnly given in signing the pact of Paris.

"Senator Capper's joint resolution, introduced to the Senate in December, 1927, and its nation-wide support were then herald of the pact of Paris and led the way to its negotiation and almost unanimous ratification. Let us hope that this second Capper joint resolution will have an equally happy result.

"Prof. James T. Shotwell, of Columbia University: Senator Capper's resolution is a notable effort to solve the question of naval armaments along the only line which promises real hope, namely, a limitation upon the use of navies, which would automatically call for a limitation in their size.

"If in time of war the United States does not insist to the full upon the historic privilege of neutrals but recognizes that neutrality has acquired a moral character, now that war is no longer the free prerogative of sovereignty, then those nations which under the covenant or treaty of Locarno are obliged to maintain peace by pulling down the aggressor nation will be relieved of their greatest anxiety, which is the maintenance of America's rights to trade with the aggressor State.

"Senator CAPPER'S resolution deals with one of the most real elements in the problem of national security, and it allies the United States with the forces of international law and order without involving us automatically in police measures against the violating state. It is a well-conceived and necessary policy. It has history behind it.

"The first to point out the need of the restatement of the rights of American neutrality was Mr. David Mitrany in his short but compact volume, 'The Problem of International Sanctions,' published in 1925. In that same year, at the one hundred and twenty-second annual meeting of the Massachusetts Congregational Conference a resolution was passed and forwarded to the fellow member, President Coolidge, along substantially the lines of the second clause of Senator Capper's resolution, although at that time there was no Kellogg-Briand treaty to which to attach it.

"For the last three years this idea has been advanced from time to time in meetings throughout the country and has never met with any serious opposition. It was left, however, for Senator Capper to crystallize this sentiment into a definite proposal for action by the Senate. The seriousness of the armament question may now secure for it the attention which it deserves."

FORT DOUGLAS MILITARY RESERVATION

Mr. BINGHAM. Mr. President, from the Committee on Military Affairs I report favorably without amendment the bill (H. R. 14924) to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes. I understand the senior Senator from Utah desires the present consideration of the bill.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill. I do not think it will lead to a moment's debate. The bill has a favorable report accompanying it from the War Department.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent for the present consideration of the bill.

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

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant and convey to the city of Salt Lake, a municipal corporation of the State of Utah, for street purposes, the land within the extension of Fifth South Street on the Fort Douglas Military Reservation, Utah, more particularly described as follows, to wit: Beginning at the intersection of the north line of Fifth South Street produced and the west line of Fort Douglas United States Military Reservation, said point being 391.48 feet east and 63.37 feet north of the city monument at the intersection of Thirteenth East and Fifth South Streets, thence east 1,320 feet, thence south 131.01 feet, thence west 1,320 feet, thence north 131.01 feet to place of beginning: Provided, That the city of Salt Lake shall construct and maintain a street thereon without expense to the United States: And provided further, That when said land shall cease to be used and maintained as a street it shall revert back to the United States and the instrument of conveyance shall recite such reversionary condition.

Mr. BLEASE. Mr. President, I wish to say now that I shall not object to the request of the Senator from Utah [Mr. Smoot], but for the remainder of this session I shall object to the immediate consideration of any bill or any joint resolution that may be brought before the Senate unless preceding that a quorum call of the Senate shall be had. There are Senators here who object to certain measures. This maner of legislating may give some one who wishes to do so the opportunity of catching a certain Senator out of the Chamber and asking unanimous consent to have a measure passed.

I do not wish to be discourteous. Therefore, I give public notice that for the remainder of this session, if I shall be in the Chamber, I shall object to the consideration of any bill or any joint resolution unless first a roll call of the Senate be had.

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

Mr. WAGNER obtained the floor.

Mr. BINGHAM. Will the Senator from New York yield to me to submit another report?

Mr. WAGNER. I yield to the Senator from Connecticut.

PILGRIMAGE OF GOLD STAR MOTHERS

Mr. BINGHAM. Mr. President, from the Committee on Military Affairs I report favorably and with amendments the bill (8.5332) to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries. It is the so-called Gold Star Mothers' bill. I had intended to ask unanimous consent for its immediate consideration, but in view of the statement just made by the Senator from South Carolina [Mr. Blease], and of the fact that I do not desire to take the Senator from New York [Mr. Wagner] off his feet for a roll call, I shall not do so. I, however, give notice that I shall call the bill up at the first available opportunity.

The VICE PRESIDENT. The bill will be placed on the calen-

dar.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. FESS. Mr. President, I submit a conference report, to which I call the attention of the Senator from South Dakota [Mr. Normeck].

The VICE PRESIDENT. The report will be read. The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3848) creating the Mount Rushmore National Memorial Commission and defining its purposes and powers having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Page 2, line 3, insert in lieu of the matter stricken out by the House amendment the following: "Provided, That the secretary may be paid such salary for his services as may be determined by the

commission. The commission is also authorized to pay such actual and necessary expenses as the secretary may incur in the performance of his duties. Such salary and expenses shall be paid by the treasurer of the commission upon the order of the secretary thereof and then only when approved and countersigned by the chairman of the executive committee"; and the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Page 3, line 5, strike out all of the last sentence of the said House amendment; and the House agree to the same.

SIMEON D. FESS,
F. H. GILLETT,
KENNETH MCKELLAR,
Managers on the part of the Senate.
ROBERT LUCE,
JOSEPH L. HOOPER,
A. L. BULWINKLE,
Managers on the part of the House.

Mr. NORBECK. Mr. President, I rise to move that the Senate agree to the conference report on Senate bill 3848, an act creating the Rushmore National Memorial Commission, and defining its powers and duties.

Again we have listened to the reading of Washington's Farewell Address, which gives new inspiration to meet every national problem and combat every difficulty. I believe it especially fitting in connection with this anniversary to state, Mr. President, that to-day there is being carved on the sides of Mount Rushmore, in the Black Hills of South Dakota, the loftiest elevation of solid granite between the Rocky Mountains and the Atlantic seaboard, a colossal memorial statue of the first President of the Republic. The completed plan comprises a heroic group of our Nation's builders, to commemorate the founding, expansion, preservation, and unification of the United States, in the form of statues of Washington, Jefferson, Lincoln, and Roosevelt, carved on a scale several times greater than that wonder of the ancient world, the Great Sphinx of Egypt, together with a vast entablature 80 feet wide and 120 feet high, bearing deeply incised in imperishable stone the story of our country written by Calvin Coolidge.

The design is by the well-known artist, Gutzon Borglum. It is believed this will be one of the great works of art of this continent

Rushmore Mountain, a prominent peak of the Harney Range, is a huge granite upthrust of excellent texture, having a sheer precipice of more than 300 feet, below which the mountain gradually slopes. Each figure of the memorial group scales to the proportion of men 465 feet high, fading into the ledge at the waist line, the tops of the heads being upon the sky line. All are in the round.

This mountain is in the heart of a rugged, strikingly scenic, and beautiful mountain range rising to a height of over 7,000 feet. The work was begun and the mountain dedicated to the memorial by President Coolidge, with suitable ceremonies, on August 10, 1927. Considerable progress has since been made on the Washington statue, which it is expected can be completed this summer.

The bill provides that one-half the cost of the entire work shall be borne by the United States. It carries an authorization for the appropriation of not exceeding \$250,000 for this purpose. No part of the appropriation shall be expended, except to match funds received from other sources by the commission, or already expended by its predecessor. The entire undertaking will be under the control of a commission of 12 members to be appointed by the President of the United States. Proper safeguards to the Government are provided. The commission is to make annual report to Congress. The memorial will be open to the public at all times without admission charge.

The association has already secured from popular subscription in cash \$53,000 and donations of machinery and equipment to the value of \$17,500, or a total of \$70,500.

The friends and promoters of the undertaking, I am pleased to say, have met a splendid response on the part of the public and they believe that the raising of the balance required by subscription will not be long delayed.

South Dakota has undertaken the construction of a highway to the memorial wholly for tourists and pleasure traffic, without any commercial implication whatever. This road is in process of construction and will cost approximately \$200,000; \$65,000 has already been expended upon said highway.

The following is the dedicatory address of President Coolidge delivered at Mount Rushmore on August 10, 1927:

PRESIDENT COOLIDGE'S ADDRESS

We have come here to dedicate a corner stone that was laid by the hand of the Almighty. On this towering wall of Rushmore, in the heart of the Black Hills, is to be inscribed a memorial which will represent some of the outstanding events of American history by portraying with suitable inscription the features of four of our Presidents, laid on by the hand of a great artist in sculpture. This memorial will crown the height of land between the Rocky Mountains and the Atlantic seaboard, where coming generations may view it for all time.

It is but natural that such a design should begin with George Washington, for with him begins that which is truly characteristic of America. He represents our independence, our Constitution, our liberty. He formed the highest aspirations that were entertained by any people into the permanent institutions of our Government. He stands as the foremost disciple of ordered liberty, a statesman with an inspired vision who is not outranked by any mortal greatness.

Next to him will come Thomas Jefferson, whose wisdom insured that the government which Washington had formed should be intrusted to the administration of the people. He emphasized the element of self-government which had been enshrined in American institutions in such a way as to demonstrate that it was practical and would be permanent. In him, likewise, was embodied the spirit of expansion. Recognizing the destiny of his country, he added to its territory. By removing the possibility of any powerful opposition from another neighboring State, he gave new guaranties to the rule of the people.

After our country had been established, enlarged from sea to sea and dedicated to popular government, the next great task was to demonstrate the permanency of our Union and to extend the principles of freedom to all the inhabitants of our land. The master of this supreme accomplishment was Abraham Lincoln. Above all other national figures, he holds the love of his fellow countrymen. The work which Washington and Jefferson began, he extended to its logical conclusion.

That the principles for which these three men stood might be still more firmly established, destiny raised up Theodore Roosevelt. To political freedom he strove to add economic freedom. By building the Panama Canal he brought into closer relationship the east and west and realized the vision that inspired Columbus in his search for a new passage to the Orient.

The union of these four Presidents carved on the face of the everlasting hills of South Dakota will constitute a distinctly national monument. It will be decidedly American in its conception, in its magnitude, in its meaning, and altogether worthy of our country. No one can look upon it understandingly without realizing it is a picture of hope fulfilled.

Its location will be significant. Here in the heart of the continent, on the side of a mountain which probably no white man had ever beheld in the days of Washington, in territory which was acquired by the action of Jefferson, which remained an almost unbroken wilderness beyond the days of Lincoln, which was especially beloved by Roosevelt, the people of the future will see history and art combined to portray the spirit of patriotism. They will know that the figure of these Presidents has been placed here because by following the truth they built for territory. The fundamental principles which they represented have been wrought into the very being of our country. They are steadfast as these ancient hills.

the very being of our country. They are steadfast as these ancient hills. Other people have marveled at the growth and strength of America. They have wondered how a few weak and discordant colonies were able to win their independence from one of the greatest powers of the world. They have been amazed at our genius for self-government. They have been unable to comprehend how the shock of a great civil war did not destroy our Union. They do not understand the economic progress of our people. It is true that we have had the advantage of great natural resources, but these have not been exclusively ours. Others have been equally fortunate in that direction.

The progress of America has been due to the spirit of its people. It is in no small degree due to that spirit that we have been able to produce such great leaders. If coming generations are to maintain a like spirit, it will be because they continue to study the lives and times of the great men who have been the leaders in our history, and continue to support the principles which those men represented. It is for that purpose that we erect memorials. We can not hold our admiration for the historic figures which we shall see here without growing stronger in our determination to perpetuate the institutions which their lives revealed and established.

The fact that this enterprise is being begun in one of our new States not yet great in population, not largely developed in its resources, discloses that the old American spirit still goes where our people go, still dominates their lives, still inspires them to deeds of devotion and sacrifice. It is but another illustration of the determination of our people to use their material resources to minister to their spiritual life. This memorial will be another national shrine to which future generations will repair to declare their continuing allegiance to independence, to self-government, to freedom, and to economic justice.

It is an inspiring phase of American life that men are willing to devote their energies to the erection of a memorial of this nature. Money spent for such a purpose is certain of adequate returns in the nature of increased public welfare.

The people of South Dakota are taking the lead in the preparation of this memorial out of their meager resources because the American spirit is strong among them. Their effort and courage entities them to the sympathy and support of private beneficence and the National Government. They realize fully that they have no means of succeeding in the development of their State except a reliance upon American institutions. They do not fail to appreciate their value. There is no power that can stay the progress of such a people. They are predestined to success. Our country is fortunate in having the advantage of their citizenship. They have been pioneers in the development of their State. They will continue to be pioneers in the defense and development of American institutions.

In conclusion, Mr. President, permit me to say that this anniversary of the birthday of George Washington is very significant to the people of South Dakota. It was just 40 years ago to-day that the so-called enabling act was approved admitting South Dakota to the Union.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

SINKING OF STEAMER "VESTRIS"

Mr. WAGNER. Mr. President, 100 precious days have passed since the whole American Nation was shocked to its very depths by the tragic loss of life which accompanied the foundering of the Vestris. One hundred and ten lives were lost. The lives of all of the children on board were snuffed out like so many candles in a blizzard. What cause did these unfortunate ones serve by their death? To what ideal were they sacrificed? Can we or their families derive the meager consolation that those who died laid down their lives to increase the portion of human happiness?

Two investigations have already been had. Both loudly testify to the shameful fact that innocent men, women and children have been sacrificed to greed and incompetence. Reading that sorry tale of downright stupidity, incompetence, and reckless disregard of the most elementary rules of seamanship and safety, I can not avoid expressing the fear that if that condition prevails even to a limited degree, then the sea is not safe.

We know that the science of shipbuilding and the art of seamanship can make the ship lanes of the ocean safer than our city streets. The question naturally occurs to me just as it has occurred to millions of others in the United States: Has the Congress done all that it could and all that it should to make the sea safe? We have no right to assume that what happened on the Vestris is not the result of causes permeating the whole ship business. The Congress has no right to rely on the guess that the Vestris is the exception. Let us hope that investigation will prove that to be the case; but an investigation there must be, for there is an abundance of evidence that all is not well on board ship.

Immediately upon convening of Congress in December I submitted Senate Resolution 272. It was the first resolution offered in Congress for an investigation not only of the Vestris but of all the conditions that make for safety on the seas.

I ask unanimous consent that the resolution introduced by me and to which I have referred may be printed in the Record at this point in my remarks.

The PRESIDING OFFICER (Mr. King in the chair). With-

out objection, it is so ordered.

The resolution (S. Res. 272) submitted by Mr. Wacner or

The resolution (S. Res. 272) submitted by Mr. Wagner on December 5, 1928, is as follows:

Whereas on November 12, 1928, the steamship *Vestris*, outbound from the port of New York, foundered at sea with the loss of many lives; and Whereas it is imperative that life and property be accorded the utmost attainable degree of safety from the perils of the sea: Therefore be it

Resolved, That a special select committee of five Senators, to be appointed by the President of the Senate, is authorized and directed (1) to collect, collate, coordinate, and make available to the Senate the results of the inquiry into the loss of the steamship Vestris conducted before Commissioner Francis A. O'Neill, of the United States District Court for the Southern District of New York, and the inquiry conducted by the Secretary of Commerce through the Steamboat Inspection Service of the Department of Commerce, (2) to make such further investigations of the sinking of the steamship Vestris and the rescue operations carried on in connection therewith as the committee shall deem advisable and necessary for the purposes of this resolution, (3) to investigate the adequacy of the present legal standards of safety of ship construction and operation, (4) to investigate the adequacy and efficiency of the Steamboat Inspection Service, (5) to investigate whether the laws governing liability for loss of life and property at sea, the laws and usages of salvage, and the laws, usages, and practices of the business of marine insurance tend to encourage the installation and utilization of devices and practices conducive to safety, and (6) to make a preliminary report of the results of its investigations as soon as practicable, to make further reports from time to time but at least once during each regular session of the Senate until it has completed its investigations, and to submit a final report to the Senate together with its recommendations for necessary legislation. The President of the Senate shall appoint members to fill any vacancies that may occur in the committee.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventieth and succeeding Congresses until the final report is submitted, to employ such counsel, experts, and clerical, stenographic, and other assistants, to require by subpæna, or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee, which shall not exceed \$50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. WAGNER. Mr. President, when that resolution was submitted the Senator from Florida [Mr. Fletcher], who was very much interested in the matter, did me the honor to with-hold a resolution he had prepared because he felt the subject was adequately covered in my resolution. He expressed himself on that occasion very emphatically in favor of an investi-In the House of Representatives, too, one or more resolutions calling for investigations were submitted. What heartened me particularly was to see the Senator from Washington [Mr. Jones] introduce a similar resolution. I read in his act an implied promise that these resolutions would receive the consideration of the committee in whose charge they are to-day so peacefully slumbering.

What has happened to chill the enthusiasm of the chairman of the Commerce Committee? Have the events of the last 100 days demonstrated that such an investigation is no longer necessary? Have the reports of the two official bodies that have looked into the Vestris disaster made superfluous any further investigation of the problem of safety at sea?

Mr. President, the reports of these two inquiries expressly recommend a congressional investigation along the lines outlined in my resolution. The Seventieth Congress is about to expire. It will not have done its duty by the American people if it permits these resolutions to go unconsidered. The valuable interval between the Seventieth Congress and the Seventy-first Congress should be put to use. The investigation which is proposed can not be completed in a day or a month. No time should be lost in getting started.

Mr. WALSH of Massachusetts. Mr. President, will the Sen-

ator yield?

Mr. WAGNER. I yield. Mr. WALSH of Massachusetts. Before what committee is the resolution pending?

Mr. WAGNER. Before the Committee on Commerce, where

it has been referred to a subcommittee.

Mr. WALSH of Massachusetts. Is it not possible under the rules of the Senate for a committee such as the Committee on Commerce to make an investigation of such a subject without action by the whole Senate?

Mr. WAGNER. I do not know, but absolutely no action at

all has been taken, and that is my complaint.

Mr. WALSH of Massachusetts. It is my impression that the rules of the Senate permit a committee which is dealing with a subject such as commerce, and which may have to recommend legislation upon it, has authority to make an investigation into a matter of this kind independent of action by the Senate as a whole. I appreciate that there is much more latitude given to the committee if they have the specific authority of the Senate for a particular investigation, and I assume that the resolution asks for a wider investigation than any committee could make, even if so disposed.

Mr. WAGNER. My complaint, I repeat, is that nothing has been done.

Mr. President, I shall try as briefly as I can to establish a prima facie case in favor of the investigation which I propose.

On the 10th day of November, 1928, the steamship Vestris sailed from the port of New York bound for South America. It was a vessel of about 17,000 tons displacement, built in Belfast, Ireland, in 1912, operated by the Lamport & Holt Line. and flew the British flag.

On this particular voyage, according to the report of Commissioner O'Neill, it carried 129 passengers and 209 members of the crew. According to Mr. D. N. Hoover, it carried 127 passengers and 198 members of the crew. Precisely what happened between the time that the boat left its berth in New York Harbor and the moment of the final tragedy is still largely a mystery. On Monday, November 15, at 9.58 in the

morning, when the ship was in a hopelessly sinking condition, lying on its beam's end, an S O S signal was sent. p. m. on that day, about 300 miles east of Cape Henry, the vessel sank. In the ensuing rescue operations 77 per cent of the crew were saved, but only 46 per cent of the passengers survived. There were 21 children on board. Not one came through the ordeal alive. Twenty of the 27 women on board

Two inquiries were at once instituted. One was conducted before United States Commissioner Francis A. O'Neill by the United States attorney for the southern district of New York. with the assistance of two experts representing the British and American Governments: Capt. Henry McConkey, marine superintendent of the Cunard Line, representing the British Government; and Capt. E. P. Jessop, formerly a captain in the United States Navy, and marine superintendent of the Panama Canal, representing the American Government,

The other investigation was conducted by Mr. Dickerson N. Hoover, supervising inspector general of the Steamboat Inspection Service, a division of the Department of Commerce.

Commissioner O'Neill's report is marked by judicial restraint. Mr. Hoover's report is too obviously an apologetic coat of whitewash. Both compel the conclusion that the Vestris was ill prepared to serve as a human carrier upon the high seas.

After reading these reports I am convinced that if the truth were known not a single passenger would have embarked upon that disastrous voyage. Imagine each passenger before embarking receiving a notice in the following language:

TAKE NOTICE

1. We know nothing about the stability of this ship.

2. We have lifeboats on board, but we do not know whether they leak or not; they have not been tested.

3. The boats have not been lowered in a loaded condition; hence we do not know whether they will hold up in an emergency.

4. We have life preservers on board, but they comply with neither the British nor the American rules. You use them at your own risk.

5. We know very little about the officers of the ship, and we warn you that the crew is unfamiliar with the handling of lifeboats.

6. The ship is a negative ship. A little wind and free surface water in its tanks will cause it to list.

7. Should an accident occur, we pay you nothing; we collect insurance only for ourselves.

Underneath that is a special notice from the Steamboat Inspection Service of the Department of Commerce reading:

A better inspection could not be had because it would conflict with the President's program of economy.

DICKERSON N. HOOVER.

How many would have sailed if we had told them this unvarnished truth? Why did we not tell them the truth?

The glaring incompetence of those in charge of this ill-fated ship is reflected in almost every act of the tragedy. Think of the incomprehensible delay in sending an S O S until the vessel was about to be abandoned. Consider the stupidity of the attempt to lower boats from the high side of a vessel lying almost on its beam's end. Mr. Hoover concludes that hereafter we must insist on competent officers. Why hereafter? Why not heretofore?

Mr. Hoover's report is, and apparently was, intended to be a whitewash of the Steamboat Inspection Service. He excuses the failure to lower the boats loaded to capacity and minimizes the offense of the untruthful entry. He talks a great deal about life preservers, but he fails to state why the Vestris was permitted to leave port without complying with either the British or the American rules governing life preservers. He describes the ship as a negative ship which, with the aid of a little wind and some free surface water within its tanks, would acquire a permanent list. He does not explain why, if that condition is a dangerous one, American citizens were permitted to sail

I am reminded of Captain Jessop's remark in a letter addressed to the senior Senator from Florida [Mr. Fletcher]:

You will excuse, I am sure, my writing to you on this subject, but having just been through the terrible experience of finding out that ships could be sent to sea so ill-prepared as this vessel was I feel rather strongly on the subject.

Captain Jessop, you will recall, was the American expert

adviser in the Vestris inquiry.

I ask to have printed in the Record a log of the vessel as constructed by a newspaper writer on the basis of the evidence offered in these two hearings.

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

(See Exhibit A.)

Mr. WAGNER. I come now to the recommendations made by both Commissioner O'Neill and Mr. Hoover as a result of their investigations. I shall ask to have them set out in full.

The PRESIDING OFFICER. Without objection, it is so

ordered.

(See Exhibits B and C.)

Mr. WAGNER. More specifically I desire to call attention to

several of these recommendations.

Mr. Hoover calls particular attention to the need for greater competence on the part of officers and crew. He recommends that ship hulls should be inspected in blue print before their construction in the same manner that building plans must be approved in advance of construction, and the installation of wireless on all ships.

Commissioner O'Neill emphasizes the amazing gap in our law, or at least in the regulations of the Department of Commerce, which grants an immunity from inspection of safety devices to foreign-flag vessels which ply between American ports and foreign ports other than their home ports.

Commissioner O'Neill further says:

A full study should be made, either by Congress or the approaching International Conference on Safety of Life at Sea, of the ancient rules of admiralty law as to salvage and limitation of liability on the part of owners. * * * At the same time a full study should be made of the possibility of more humane legislation for the protection of the seamen in the crew.

Mr. Hoover likewise recommends a reexamination of the laws respecting salvage and limitation of liability:

In all this tragedy there is an important factor that does not appear upon the printed page, and that is the matter of salvage, a question concerning which this service has no control or jurisdiction but one that is vitally wrapped up in the matter of safety of ships. * * *

Another that might well receive attention is that of liability. We speak of limitation of liability, so far as ships are concerned, as something that must necessarily exist, but when we do so we forget that the conditions under which such doctrines of admiralty have grown up have completely changed.

An opinion which I know will have great weight with the Members of the Senate is that expressed by Captain Jessop, who represented the United States Government at the hearing conducted before Commissioner O'Neill.

In a letter addressed to the senior Senator from Florida [Mr. Fletcher], which appeared in the Congressional Record of January 3, Captain Jessop points out a number of weaknesses in the inspection of the Vestris before she left on her fatal voyage, and then he says:

I was informed yesterday of what I consider a very great discrepancy in our laws. I was informed that even though our Steamboat Inspection Service were to find a foreign vessel unseaworthy on inspection, it is very questionable whether the customhouse could refuse clearance papers to her. That certainly is a point which should be looked into.

There are many other points with regard to our method of inspecting and clearing vessels which will bear investigation.

I believe I do not go too far when I say that the really important result of the several inquiries which have already been had is the unanimous conclusion that there must be an investigation coextensive in scope with the whole subject matter of safety at sea and all its ramifications of ship design, of inspection, of limited liability, of salvage, and of insurance. That is precisely what my resolution directs. Now, after the tragedy has happened, after lives have been lost beyond recall, we are told of the stupidity of a department of the Government in making provision by regulation which practically exempts ships like the Vestris from the rules and regulations of any country covering life-saving devices.

It is a widely held opinion that there was no warrant in law for this discriminatory regulation. There is certainly no provision in the law compelling the exemption of foreign vessels from lifeboat inspection. But even if the law did make such a regulation necessary, the department was inexcusably at fault for failing to call for and insist upon congressional correction. Much is said in the Inspector General's report of the shortage of inspectors adequately to make certain that the ships that leave our ports carrying our citizens were sound and seaworthy and fit to serve as human carriers. What possible circumstance could excuse such misdirected parsimony? Was that another example of the stifling, grudging, unintelligible, and unintelligent Coolidge economy?

The American traveling public is led to believe that the Government inspects the vessels leaving our ports. It intrusts its safety to the thoroughness of those inspections. Now we are told by none other than the Inspector General himself that that trust was misplaced; that he has not enough men to make proper inspections. That is not the kind of economy that the

American people want. The economy which the public demands is that which gives them 100 cents of value for every dollar spent by the Public Treasury. It has no use for the Coolidge economy which, for the sake of the political effect of a reduction in the Budget, jeopardizes the lives of American citizens.

The resolution singled out certain specified subjects for spe-

cial investigation:

Salvage, marine insurance, the law of limited liability, and ship-construction standards. The two official inquiries have expressly confirmed the need for further investigations along these lines.

SALVAGE

A great deal has been said upon the relationship of the law of salvage to the question of safety at sea. It is commented on in the reports of the inquiries into the *Vestris* in attempting to discover why the captain of that ill-starred vessel failed to signal distress when his ship was obviously in trouble. The explanation has been offered that he hesitated to incur the expense of salvage to which any rescuing vessel would be entitled. To the contrary, it has been stated that the cost of salvage is always insured against, so that the matter is rather immaterial to the owners of the vessel.

Attention has not been called to the fact, as far as I know, that even though salvage be covered by insurance, the captain of the vessel would hesitate to call for assistance for fear that he might be frowned upon by the underwriters. Rumor has it that the frown of an underwriter is very oppressive and may interfere very decisively with the employment of a ship's officer. You might, of course, say that rumor is too thin and too uncertain a basis upon which to embark on an investigation. My only answer is that this matter is of such importance that we can leave no stone unturned in an attempt to afford our passengers and shippers the security of the utmost measure of safety.

INSURANCE

The same basis exists for an investigation by Congress of insurance practices to see to what extent they are conducive to safety. If it is true that underwriters blacklist captains who place the welfare of their passengers ahead of the value of the insurance, that is a matter which is very conducive not to safety but to recklessness.

I have also been advised that the shipowner does not secure from the underwriters a reduction in premium to compensate him in a measure for the installation of safety devices. It is well known, of course, that in the business of fire insurance, for instance, attractive reductions in premium are made upon the installation of sprinkler systems or other safety measures.

If no such concessions are made by marine underwriters, that is a condition which is not conducive to the installation of safety devices. The business of marine insurance and the practices of that business are so intimately interwoven with the marine business that to investigate the one and to omit the other would leave the Senate in the dark with respect to a very powerful set of factors making or obstructing safety at sea.

LIMITATION OF LIABILITY

The Vestris disaster has flooded with publicity the well-established principle of limited liability. It was condemned as an injustice to the injured passengers and to the families of those who died. Freedom from liability to passengers and shippers was described as destroying the strongest possible motive for safety on the seas. In response to the popular demand that something be done, a bill has been introduced in the House of Representatives which aims to destroy the whole system of limited liability. This course has received the commendation of the Steamboat Inspection Service of the Department of Com-I do not know whether there is merit in the suggestion or not; but I submit, Mr. President, that we have not the information upon which to form a sound judgment. Not only for the sake of the general public but for the good of the shipping industry in particular, we need the investigation as a protection against hasty and poorly considered legislation.

The law of limited liability as applied in the Federal courts permits the owner of a vessel to reduce his obligation to claimants for damage sustained without his privity and knowledge to an amount not exceeding the value of his interest in the vessel at the end of the voyage and her then pending freight.

Apply this principle to a case like the *Vestris*, and it follows that the owners need pay to all claimants a sum not in excess of the value of the vessel, which is nothing, and such freight money as she has earned on the voyage. It is obvious that if the rule applies to this case there will be very little, if anything, to distribute.

to distribute.

We find this principle of admiralty first enforced by the maritime states on the Mediterranean. It is reasserted in the Hanseatic ordinance of 1644. In 1681 it was adopted in France, and thereby it became a principle of the civil law. The English

first adopted it in modified form in 1734. Its first appearance in the United States was as an act of the State of Massachusetts in 1818, followed by similar legislation in Maine in 1821. did not become part of the Federal law until 1851. Three years prior thereto the United States Supreme Court decided the

famous case commonly referred to as The Lexington.

The steamship Lexington ran regularly between New York and Providence. In the course of a voyage it burned and nearly all on board were lost. An action was brought for the recovery of some \$18,000 worth of specie carried by the vessel and lost in this disaster. The United States Supreme Court held that the liability of the owners of the ship was that of common carriers and further held that an agreement whereby the owners of the ship were exempted from liability was inoperative in view of the negligence of the crew and those in charge of the vessel. That decision created a widespread demand amongst shipping interests for Federal legislation limiting liability of shipowners, and in 1851 such legislation was finally enacted, constituting Revised Statutes 4281-4289.

These statutes have since their enactment been construed by the United States Supreme Court dozens of times and by the dis-

trict courts and circuit courts hundreds of times.

The Supreme Court has steadily expressed the conviction that the law should be liberally interpreted in order to give the shipowners the fullest benefit of its provisions. In a series of important decisions, each of which is also a memorial of a great marine tragedy, the Supreme Court has rejected every effort to restrict the meaning of the poorly drawn limited liability

The first of these cases was decided in 1871. (Norwich o. v. Wright, 80 U. S. 104.) It held the law applicable to collisions

In 1881 (The Scotland, 105 U.S. 24) the benefit of the

law was extended to foreign shipowners.

In 1883 (Providence & New York Steamship Co. v. Hill Manufacturing Co., 109 U. S. 578) the law of limitation was made applicable to a fire started through the negligence of the owners.

In 1886 (the City of Norwich, 118 U. S. 468) the court held that the claimants could have no recourse to the insurance moneys collected by the owners of the ship that was lost. The court also refused to give the claimants the benefit of the value of the vessel after it was raised from the bottom of the sea.

In 1889 (Butler v. Boston & Savannah Steamship Co., 130 U. S. 527) the court held this statute applied to personal injury

and death as well as loss of personal property.

In 1914 (the *Titanic*, 233 U. S. 718) the rule that foreign shipowners could take advantage of the statute was confirmed and extended.

The purpose of this law was to encourage investment in merchant marine and to place American shipowners on a parity with foreign competitors. I forbear to discuss the question as to whether the first purpose of the law has been achieved. We know the dismal figures too well. We are all familiar with the gradual disappearance of the American flag from the merchant vessels of the sea. But let us see if at least the second purpose has been accomplished.

The *Titanic* was a British vessel. It applied for limitation of liability in the Federal court. Under the American rule barely \$90,000 was made available for distribution among all the claimants. Had the *Titanic* been an American vessel, which had applied for limitation in the British court, its owners would have had to pay not \$90,000 but 750,000 pounds sterling, or three and one-half million dollars—forty times as much. Is that parity?

The Vestric is a British vessel. It has applied for limitation

The Vestris is a British vessel. It has applied for limitation in a Federal court. I am advised that the amount available to the claimants will not exceed \$40,000. Had it gone to a British court for relief, the owners of the vessel would have been compelled to pay 180,000 pounds sterling—twenty-two times as much. Is that equality?

The law has apparently failed in its two major purposes. Obviously it has not encouraged safety. If we look upon any law of this sort as an experiment designed to accomplish a stated object, it is very plain that the law needs revision. But I submit, Mr. President, that sound revision can only be accom-

plished through investigation.

The simple suggestion that because the law has not worked well it should be entirely scrapped is mischievous, for the reason that it takes no account of the fact that we do want to encourage our merchant marine, that we do want reasonable equality with our competitors, and that the whole trend of modern enterprise is to limit liability. Every corporation is a device to limit liability. A change must be had; but the alternative is not the total elimination of all limitation, if for no other reason than that it could not be accomplished. The

organization of single ship companies would give the owners practically the identical protection.

Shall we increase the amount of liability along the lines of the British statute?

Shall we change the rule of privity and knowledge so as to make limitation available in fewer instances?

Shall we expand the concept of "owner" for the same purpose?

Shall we grant total exemption from liability in exchange for

insurance for the benefit of passengers?

These are a few of the possible alternatives that an investigating committee would weigh and measure. We can not pass upon these questions upon the basis of information presently available. We ought not to take the responsibility to act without the fullest study, for what we do or leave undone concerns not only the lives and property of millions of persons but affects a business that has grown tremendously in value.

In 1926 there were carried by water in the United States 478,000,000 passengers. There has been a steady increase since 1924 of the number of passengers who have arrived at American ports. In 1925 there were 797,000; in 1926, 866,000; in 1927, 916,000. There has likewise been a steady increase of the num-

ber of persons departing from American ports:

1924	494, 000 549, 000
1926	600,000
1927	623, 000

Of the figures given for 1927, 59,000 were children and 261,000 were females. The same steady increase in travel by Americans is shown by the reports of the Department of State in applications for passports, In 1922–23 the number of passports issued was 124,844. In—

1925–26 174, 537 1926–27 181, 261	1924-25 1925-26 1926-27	139, 106 168, 395 174, 537 181, 261 188, 236
--------------------------------------	-------------------------------	--

For 1928 one steamship company alone, the Cunard Line, reported that 273,174 persons traveled on its ships. How long will this steadily rising stream of traffic continue if the American traveling public for one moment loses confidence in the safety of the vessels or the adequacy of our inspection? That travel, both commercial and tourist, on the part of Americans I regard as most important, and I believe that Congress should exert every effort to see that that habit now formed by the American people should not be discouraged.

The question of safety at sea concerns not only our passenger traffic but also the carriage of our goods. That business, too, has been steadily increasing. The water-borne commerce of the United States grew from \$14,000,000,000 in 1921 to \$26,000,-000,000 in 1926 and throughout that period showed a steady

annual increase.

I ask that several tables be printed in the Record, showing, among other things, the number of lives lost and the tonnage destroyed both on American and foreign vessels.

The PRESIDING OFFICER (Mr. ASHURST in the chair). there objection? The Chair hears none, and it is so ordered.

(See Exhibits D, E, F, G, and H.)

INSPECTION SERVICE

Mr. WAGNER. Mr. President, that the Steamboat Inspection Service should be investigated is plain enough. The report of the Inspector General is the most convincing proof of that. If it is true, as he says, that we have not enough men to make effective inspection; that the law with respect to foreign vessels is uncertain; that inspection in our crowded ports is difficult and often impossible; that there ought to be hull inspection in the blue print before construction as well as after construction; and that there ought to be a radio installed on every seagoing vessel, a Senate committee should be apprised of all of these facts. The whole question of the adequate preparation of men in charge of the vessels is involved. We ought not to treat these matters piecemeal. We ought not to be called upon to act on various proposals without knowing whether they will throw the whole system out of kilter. The marine business is a very deli-cately adjusted business. It depends for its success upon a great many pychological elements. Any attempt to legislate along the thousand and one individual suggestions that have been made would so disturb the industry and make the traveling public so uneasy that we will have undone much of our work in upbuilding a merchant marine. To my mind, the only effective way at getting at this job is to do it in a large and comprehensive way so that there may be presented to the Senate a complete study and recommendations based upon a knowledge not of some of the facts but of all of the facts, so that the legislation enacted may be productive of good.

The great majority of shipowners are men who know their ships and love them. Their standards of safety, personnel, and operation are beyond reproach. As a rule they do much more than satisfy the minimum requirements of the law. These men are entitled to a ship inspection upon which they can rely. They are entitled to the restoration of public confidence in the

shipping industry.

Mr. President, I come from a State and city whose welfare is intimately bound up with marine business. You may be assured that I do not want to injure that business. I desire to do all that I can to conserve and expand it. An investigation, I am convinced, will not harm it. What may destroy it is the growth of a conviction on the part of persons who travel that the Government and ship companies have no regard for their That will desiccate the stream of traffic as surely as safety. the Sahara sun dries up the desert dew. Investigate and legislate to make the sea safe and water-borne traffic will grow to heretofore unknown proportions. That is why I plead, Mr. President, for the consideration of the pending resolution.

EXHIBIT A

[From the New York Telegram, Tuesday, December 4, 1928]

"VESTRIS" INQUIRY LEAVES DISASTER UNEXPLAINED-TESTIMONY INDI-CATING BUNGLING BY CREW HEARD, BUT ACTUAL CAUSE OF SINKING, CAUSING LOSS OF 111 LIVES, REMAINS A MYSTERY

> By Talcott Powell, New York Telegram staff writer WEDNESDAY, NOVEMBER 7-AT THE PIER

Forenoon: United States Steamboat Inspector Keane formally reported he had lowered lifeboats of Vestris into water as a test, although actually he had not done so for fear of delaying the loading of the vessel at the pier.

SATURDAY, NOVEMBER 10-LEAVING NEW YORK

Head Waiter Thomas Connor noticed slight list when Vestris sailed. He said the vessel always had it.

SUNDAY, NOVEMBER 11-AT SEA

5.09 a. m.: Vestris radioed Lamport & Holt ship Voltaire, "I have nothing to communicate."

6 a. m.: Frederick Puppe, John Santone, and Walter Spitz, passengers, noticed list. Puppe could get no oatmeal cooked for his baby. An officer told him the cargo had shifted and would be straightened in an

8 a. m.: Gilbert Ford, chief fireman, discovered water entering through ash ejector. Three feet of water on stokehold plates. His effort to fix the ejector failed because of rusty screws.

9 a. m.: Chief Engineer Adams was informed of leaking ejector. Twenty tons of water were in the boiler room bilge. Chief Officer Johnson heard water running under starboard bunker and noted a slight list,

10 a. m.: Lavatory drain broke, letting 15 tons of water into engineroom bilge.

12 noon: Ship listing so that passengers had to hold dinner plates in their hands. Ejector and drain repaired. Ship hove to. Water began running from starboard bunker after a port working door had sprung, letting in the sea. A mysterious leak, which was never found, started in the starboard bunker.

6 p. m.: No regular supper. Dining room and stateroom portholes leaking around gaskets. Starboard working door shipping water badly. Report among members of the crew that starboard coal port was leaking.

7.30 p. m.: The Vestris lurched violently to starboard, flinging baggage and furniture about when several tons of cargo shifted 15 feet, smashing bulkhead in No. 1 hold. The vessel never recovered.

10 p. m.: Starboard working door leaking worse. Six feet of water in the alleyway. Stewards' quarters flooded four feet deep, with more water pouring in around deadlights.

12 midnight: Third Officer Welland investigated leaking starboard half door.

MONDAY, NOVEMBER 12-AT SEA OFF THE VIRGINIA CAPES

2 a. m.: Puppe, awakened by hungry baby, noticed greatly increased

list and silent engines, 2.30 a. m.: Steam shut off in the kitchens. List 25 degrees.

3 a. m.: Stewards put to bail in alleyway by starboard working door. 4 a. m.: Starboard boiler flooded. Captain Carey conferred in engine room with Chief Engineer Adams, who assured him pumps were holding water. Carey ordered No. 2 starboard ballast tank emptied. Nos. 4 and 5 had already been blown. Ship failed to right herself. Chief Officer Johnson reported to skipper situation was "pretty serious," Third Officer Welland took command of bucket brigade in alleyway.

4.30 a. m.: More men ordered to bail.

4.56 a. m.: Vestris radioed Voltaire, "Have nothing to report."

6 a. m.: No breakfast and no fresh water. Four-foot geyser rising in kitchen floor at every roll of ship. Third Officer Welland reported to Captain Carey, "Situation is serious." One passenger saw crew begin jettisoning cargo.

7 a. m.: Bucket brigade began to quit without orders. Pantry flooded and water entering upward through the garbage chute. After galley door burst under weight of water and flooded lazarette.

8 a. m.: More of the bucket brigade straggled away. One noticed bunker hatches had been battened with new canvas during the night. List increasing momentarily.

9 a. m.: Chief officer took charge of cargo jettisoning. Remnant of bucket brigade quit as water gained. Women and children of the third class ordered to first-class deck. List so bad passengers barely able to get to smoking room for shelter.

9.10 a. m.: Vestris sent general radio call: "We are heeling over and may need assistance."

9.30 a.m.: Engines entirely shut down to conserve steam for pumps. 9.58 a.m.: S O S, followed by: "We are heeling over to the starboard side and need immediate assistance."

10.02 a. m.: Freighter Giorgio Ohlsen gave her position as 35 miles from sinking ship.

10.08 a. m.: Vestris informed powerful shore station at Tuckerton, N. J., of her position, later found to have been incorrect by 37 miles. 10.30 a. m.: Engineers reported that the black gang mutinied and went on deck. Officers began to stoke two remaining boilers. Firemen admitted going on deck, but denied mutiny, saying they only abandoned work when situation was hopeless. S O S repeated, followed by: "Urgent help needed." Futile attempts to launch lifeboats Nos. 4 and 6, loaded with women and children, begun. Vestris radioed Voltaire: "Please rush at full speed to our aid immediately."

10.40 a. m.: Vestris radioed Japanese freighter Ohio Maru, "Come immediately, all possible speed." Ohio Maru, 135 miles away, replied: On way now.'

10.50 a. m.: White Star liner Cedric, 180 miles away, offered aid.

10.52 a. m.: Vestris radioed Lampert & Holt, her agents: "Last night developed 32-degree list to starboard. Impossible to proceed anywhere. Sea moderately rough."

10.56 a. m.: Vestris to Cedric: "We do not need your assistance." Then to Tuckerton: "We are getting worse. Decks all under water. Ship lying on beam ends. Impossible to proceed."

11 a. m.: Chief Engineer Adams to Captain Carey: "I can keep her afloat as long as I have steam for the pumps." Another general radio call: "Oh, please come to our assistance." On the boat deck launching tackle broke and jammed. Passengers said they heard no orders given except one, by a steward, telling a passenger to don a life belt. There was no panic. Another passenger saw a negro wrest a pistol from an officer and throw it overboard. The Vestris radioed her position to the Giorgio Ohlsen.

11.11 a. m.: Vestris to Tuckerton: "May have to take to boats any

11.15 a. m.: Waiters ordered to help with boats.

11.30 a. m.: Bunker bulkhead sprang an enormous leak over starboard boiler. Engine-room deck plates buckled and water spewed upward. Tons of sea entered vessel. The Giorgio Ohlsen radioed compass bearings to Vestris.

11.35 a. m.: Vestris gave Cedric her last compass bearings.

12 noon: "Still a chance of saving the ship," said Chief Officer Johnson. The destroyer Davis reports making 20 knots; American Shipper 15 knots.

12.15 p. m.: The Santa Barbara informed the Vestris: "Expect to reach you at 7 p. m. Speed 17 knots."

12.30 p. m.: Vestris radioed: "We will soon have to abandon ship." 12.37 p. m.: Santa Barbara to Vestris: " Have direction finder on you. Coming along fine. Good luck."

12.42 p. m.: Vestris to Tuckerton: "Power cut off. Am going to use

coil (emergency set). Please listen for same." Tuckerton: "O. K."

1.07 p. m.: Battleship Wyoming to Vestris: "Will arrive 9 p. m."

1.17 p. m.: Vestris: "Can't wait any longer. Going to abandon."

1.22 p. m.: Vestris, very faintly: "Now taking to lifeboats. So long, WSC" (Tuckerton's call letters). "SK" (international signal meaning

I am signing off").

1.30 p. m.: Captain refused life belt. Crew taking to starboard boats. Boats Nos. 4 and 6 still stuck on side of ship.

2.30 p. m.: The Vestris foundered.

ADDENDA

7.30 p. m.: American Shipper arrived in general vicinity.

10.30 p. m.: Arrived at position given by Vestris.

11.02 p. m.: Ohio Maru reported arrival and failure to find lifeboats.

TUESDAY, NOVEMBER 13

3.40 a. m.: American Shipper sighted red flare from lifeboat.

4.05 a. m.: American Shipper picked up first lifeboat.

4.30 a. m.: American Shipper lookout heard cries and found lifeboat No. 1 with searchlight.

4.48 a. m.: French tanker Myriam picked up lifeboat.

6.30 a. m.: Daybreak on to 11.11 a. m. the American Shipper, the Berlin, the Myriam, and the battleship Wyoming made the remaining

11.11 a. m.: The Berlin picked Carl Schmidt out of the water. This was the last rescue.

EXHIBIT B

[From report by Commissioner F. A. O'Neill]

The chief usefulness of this investigation lies in the constructive results which may be drawn from the lessons of the disaster as now disclosed. Accordingly, as such constructive results, I recommend the following:

(1) The present practice whereby foreign steam vessels carrying passengers from our ports to ports other than home ports of the country to which they belong, are treated as immune from the requirements of law as to lifeboats and life preservers, should be abolished. It is plainly contrary to public policy and common sense that the Vestris should not have been fully under our regulations because she carried a British flag, and was not examined under the British Board of Trade rules because she did not touch at British ports. Such a practice invites disaster.

(2) All vessels subject to our requirements of law as to life preservers should be required immediately to procure life preservers in accordance with the requirements in force since 1919, the purpose of which requirements is to insure a design which will keep an exhausted person's head above water. The present practice of passing life preservers not in accordance with those requirements on the plea that they were purchased prior to 1919 opens the door to subterfuge and, as shown by the experience of the Vestris, endangers life.

(3) The Steamboat Inspection Service should inaugurate a method of testing lifeboats for watertightness in cases, where due to the loading of the vessel or for other reasons, the lifeboats can not be lowered into

the water.

(4) All ocean-going steamers and motor ships, both freighters and passenger carriers, should be required to install wireless with competent wireless operators capable of maintaining continuous watch. Had such requirements been in force, the Montoso could have been along side of the Vestris long before the latter sank.

(5) Regulations should be made requiring that all sea connections and piping thereto be located where they may be capable of inspection

at sea, and repaired.

(6) Regulations should be made requiring owners to furnish full and accurate stability data for all vessels using United States ports as bases for passenger traffic; and these data be kept up to date. Without such data clearance papers should not be issued.

(7) The law governing limitation of liability in case of marine disaster should be amended so that owners may not have the benefit of such limitation where they have not taken reasonable means to examine and determine the competency of the principal officers of the vessel.

(8) The agencies both here and abroad under whose authority examinations of officers and the issuing of licenses to such officers come, should study their method of examination for licenses for the purpose of injecting into those examinations larger means of determining the executive ability of the applicant.

(9) Present life-saving apparatus should be supplemented by require-

ments for rafts of approved construction.

(10) With the aid of competent technical advisers investigation should be conducted into improved designs of lifeboats, improved devices for launching lifeboats, and improved designs for life preservers and other buoyant material.

(11) There should be created in the Steamboat Inspection Service a technical staff empowered to pass upon the design of all commercial vessels, with respect particularly to construction materials, stability, bulkheads, pumps, and other factors making for stability and buoyancy.

(12) The rules and practice should be so changed as to require the thorough inspection of all openings in the shell plating of the ship, such as cargo ports, coal ports, scuppers, and discharge pipes of all kinds.

(13) A full study should be made, either by Congress or the approaching international conference on safety of life at sea, of the ancient rules of admiralty law as to salvage and limitation of liability on the part of the owners. These rules came into being before the construction of modern rapidly moving ships, and before the wireless enabled vessels at sea to communicate instantly with each other and with the owners on shore. Obviously, the amount of salvage which can be claimed by a rescuing ship may cause the captain of the vessel in distress to delay too long the sending of an appeal for help. So, likewise, the ancient fiction of law whereby the ship itself is treated as solely responsible for any disaster which overtakes it, is, under modern conditions of travel, grossly unjust to passengers and their dependents; and it puts a premium on slackness and penuriousness on the part of owners in keeping vessels in seaworthy condition and equipped with all modern, scientific devices for insuring stability, buovancy, and safety.

(14) At the same time a full study should be made of the possibility of more humane legislation for the protection of the seamen in the crew. The principle of compulsory workmen's compensation in hazardous employments has become embodied in the statutes of many States. The members of the crew of a sea-going vessel are certainly engaged

in a hazardous employment; and, since because of lack of official position, they have no control over the management of the vessel, they are exposed to the hazards not only of the sea but also of the ability of their officers. In the event of disaster, they and their families have at present no effective redress or compensation whatever.

I request the United States attorney to cause this report, the reports of the two captains, and the testimony taken in the case to be forwarded to the chairman of the respective committees of the Senate and the House of Representatives of the United States having jurisdiction over the framing of applicable legislation.

Dated, New York, December 19, 1928.

FRANCIS A. O'NEILL, United States Commissioner.

EXHIBIT C

[From report by D. N. Hoover]

LESSONS TO BE LEARNED FROM THE DISASTER

The thing that stands out most prominently in this disaster and the lesson first to be learned is that we must hereafter stress men more than things. In this modern age we are prone to direct our efforts as far as possible toward the invention of mechanical devices that will make things safer, and this is true not only on ships but also on shore. As a result of it, I fear that we have come to unconsciously become the slaves of these things that we have invented to help us, forgetting that no matter how excellent a device there may be, there must be competent men to handle it, and this competency in men must be stressed at sea more than in any other place.

Without desiring to unnecessarily reflect upon the officers of the Vestris it must be apparent to anyone with an open mind and approaching this disaster in a detached manner that the officers of this ship do not seem to measure up to the standard that we would expect to be present in a British ship. We must have in mind, therefore, so far as the Steamboat Inspection Service is concerned, that first of all we must insist upon competent officers. We undertake to do this by requiring certain experience of all ships' officers before license may be obtained. and, in addition, we undertake by written examinations to determine whether these officers are properly prepared to have issued to them licenses by the United States Government. In this British ship the Steamboat Inspection Service had no control over these ship's officers, but we are concerned as Americans in being sure that the officers of American ships shall be equal to such an emergency as confronted the officers of the steamer Vestris. In this connection I may state that during the last 10 years marked improvement has been made in raising the standard of examination questions used by the local inspectors, This has been done by advice of the office of the Supervising Inspector General, and at present that office is engaged in the preparation of difficult questions of high standard.

It is manifest that the members of the crew of the Vestris were not well trained in lifeboat drill. In this country, so far as the issuance of certificates to lifeboat men is concerned, those certificates are issued as a result of an actual practical examination of the applicant. So far as the issuance of able seamen certificates is concerned, those certificates are issued upon statements of experience that are made in affidavit form by the persons desiring to be able seamen. I do not argue that there should be no experience required for able seamen, but I do submit that in addition to the experience that is required there should be an actual practical examination of able seamen conducted by inspectors of this service. It has been alleged that there has been much fraud in the handling of these able-seamen certificates, and beyond doubt that is true, but that is not due to the service. It is due to the law, for where there is a law that requires the issuance of a certificate as important as an able-seaman certificate, the issuance of that certificate based entirely upon a statement of experience, it is easy to see that fraud can easily be practiced by the applicant. The office of the Supervising Inspector General contains correspondence showing the efforts that have been made to apprehend these offenders, but the surest way to prevent this and to improve the standard would be by actual examination by the inspectors.

In connection with the loss of the Vestris, where it is evident that it was not possible to get all of the lifeboats clear of the ship, it is easy to see that those persons who believe in the increasing use of rafts would advance the argument that there should be more rafts supplied. In that connection, permit me to say that so far as the use of boats is concerned I would not be in favor of changing the rule of boats for all, but so far as the use of additional buoyant apparatus is concerned I may state that the British have in their suggestions for the international conference that is to be held in London next spring included the use of additional buoyancy to the extent of 25 per cent of the people on board in addition to the lifeboats that are carried.

That suggestion by the British has been favorably met by the American committee that is preparing for the international conference, and it may be that as a result of the loss of the Vestris that percentage might be raised. This additional buoyancy would not be in the form of the catamaran rafts usually used in this country, but of an entirely different form of raft buoyancy, the purpose of such buoyancy being to

take care of persons temporarily as best may be under probable conditions similar to those that were present in the case of the loss of the Vestris

Encourage manufacturers in the lifeboat art to develop improved devices for launching lifeboats, particularly from vessels which are listed over.

I have referred in another part of this report to the suggestion of the commanding officer of the battleship Wyoming in regard to life preservers, and only take time at this place to again state that this is a matter that will be considered by the Board of Supervising Inspectors at its next annual meeting.

With regard to the inspection of lifeboats, I have pointed out in detail how lifeboats are inspected and the manner in which wooden lifeboats may be expected to act when first put into the water, but the question may well be asked as to whether granting that wooden lifeboats do take up in places where they leak, whether they take up sufficiently rapidly to be a safe boat, and my thought in that respect is that in the inspections that are hereafter made of wooden lifeboats, the test might be made with water in the boats. The water could be used as the weight required, and it could be also required that it remain in the boats for a certain length of time, and if at the end of that time the boats were not tight and they still leaked, then those lifeboats could be rejected.

Also in connection with the inspection of foreign ships and of the life-saving equipment of these ships in particular, and I refer now to those foreign ships that are not examined under reciprocal agreements, it might be well to increase the number of inspections; that is to say, have three reinspections during the year, as well as the annual inspection that is now required. At present in the case of ferry steamers and excursion steamers three reinspections are required in addition to the annual inspection that is required by law. It is of course to be understood that if this be done it will be necessary to have more inspectors.

Again, in connection with the inspection of lifeboats, the inspectors have been up against the condition, especially in the crowded port of New York, of not being able to lower all of the lifeboats. They have lowered to the extent they were able. It would be very desirable to work out a plan by which all of these boats could be lowered and yet not at the same time unnecessarily interfere with the sailings of the ships.

While as a matter merely of the use of words it might be stressed that regardless of what the physical conditions are, time should be taken to lower the boats, yet it soon would be found if this were insisted upon under all conditions without any consideration of the conditions existing in some of the ports, the inspectors would very soon be accused of being reactionary, unprogressive, and undertaking to add burdens to the American merchant marine. Increasingly, however, it is evident that in the matter of the lifeboat drills, the service must insist upon more than a mere entry in the log, and these drills must increasingly be held frequently under the personal direction of the inspectors of this service. To do that requires more inspectors.

I have referred to the criticism made of the releasing hooks in use on the Vestris, and in that connection I may state that during the past year there has been a careful study made of releasing hooks, the matter to be considered at the next meeting of the board of supervising inspectors. In that connection a letter under the date of April 10, 1928, reading as follows, was sent to each supervising inspector:

"You will recall the correspondence that was before the board of supervising inspectors at its recent session in connection with allegations made that there were lifeboat-releasing gears that had been approved by the board of supervising inspectors that were inefficient for the purpose intended, and concerning which allegations this office is making an investigation. Although the allegations have been made, and apparently in good faith, up to the present time this office has received nothing to substantiate them, and therefore, in order that we may proceed further, it will be necessary to conduct an investigation with reference to all releasing gears in use.

"In view of the above, you will issue the necessary instructions to the boards of local inspectors in your district making annual inspections of passenger vessels to make a careful test of all lifeboat-releasing gears found on such vessels, with a view to ascertaining whether or not they are efficient and fulfill the requirements of the law. In case they are found defective in their operation, they should ascertain whether or not such defective operation can be corrected by adjustment of their working parts. This procedure should be followed until we have ascertained fully the kind of releasing gears on all passenger vessels coming under the jurisdiction of this service.

"You will also instruct them to, on November 15, 1928, submit to you a detailed report in triplicate, setting forth by trade names all gears found, showing the manufacturer by name and address and year of manufacture of gear, the vessels using such gears to be alphabetically arranged under the different kinds of gears, showing date of inspection and whether gear operated satisfactorily or otherwise, and if not satisfactorily, to what extent it falled in the test. In a word, to give a report that will show exactly the kinds of gears installed, those that

functioned satisfactorily and more especially gears that failed, to the end that you may forward that report to the bureau in duplicate by not later than December 1, so that the bureau may consider the information obtained and be in a position to submit it to the board of supervising inspectors, with a view to determining just what policy shall be pursued in the testing of gears that have failed, in the elimination of gears that have been approved but which have not been manufactured, etc., all with a view to purging the list of releasing gears approved for use on vessels coming under the jurisdiction of this service, so that the claim can not be made that we are permitting the use of inefficient and antiquated releasing gears."

Undoubtedly as a result of those letters the board of supervising inspectors will undertake to test out again all the gear that has been approved during the years that have passed.

The question that must be uppermost in the minds of all men who are familiar with ships, so far as concerns the steamer Vestris, is that of stability The whole thing revolves primarily about this question. So far as inclining ships is concerned, it may be pointed out that the United States Steamboat Inspection Service, as an arm of the United States Government, is the first organization of its kind in the world, and for a number of years, to have undertaken the inclining of merchant ships. Only recently has the British Government given attention to this matter, and I know of no other maritime nation that gives attention to it as a governmental function. Stability tests were first required by the general rules and regulations of the board of supervising inspectors after the capsizing of the steamer Eastland in the Chicago River. I may also state that while the subject of stability was not included among those subjects to be discussed at the international conference in London next spring, Admiral Rock, chairman of the ship-construction committee of the special American committees that are preparing for this conference, made the motion and I seconded it, to have stability added to the agenda to be discussed at that conference. In this connection the question may be asked as to why this matter of stability has not received governmental attention from other nations the same as ours. It may also be asked as to why a standard has not been adopted in the premises, and in that respect I may say that so far as stability is concerned doctors disagree. There is a school of naval architects that believes in one thing in regard to stability and another school that believes in another, and the difficulty has been to get a point of departure that would be a standard that could be subscribed to by the maritime nations.

So far as the work in this country is concerned, I may point out that only recently and after much research has a special committee of the American Marine Standards Committee arrived at a tentative standard with reference to stability, and that proposed standard is now being prepared to be sent not only to leading interests in this country but to the leading nations of the world. So far as the stability work of the Steamboat Inspection Service as it relates to American vessels is concerned, that is a positive thing that has been going forward for a number of years, but so far as the application of those rules to foreign ships is concerned, there immediately arises international questions that must be given consideration. If it be argued that these reciprocal agreements that our Government has entered into with foreign nations should be denounced and we should undertake to inspect foreign ships in all respects the same as American ships, then I answer that the intolerable conditions that arose as the result of that procedure are the very conditions that brought about the reciprocity that exists between leading nations, and in which reciprocity American ships have as much to gain as foreign ships. It seems to me that so far as foreign ships are concerned, that the way to meet this situation is not necessarily by radical action but by proper discussion in conference between the best minds of the leading maritime nations of the world.

The proper way to approach this whole matter of hull inspection is through the front door and not through the back. In the case of boiler inspection we require that the design of a boiler shall first be passed upon by the service, the material subject to tensile strain which is used in the construction of the boiler is tested by an inspector of the service, and finally annually the completed boiler is given a thorough internal and external examination and submitted to hydrostatic pressure. Is it not reasonable to also hold that in approaching this propostion of hull inspection we should start before the hull is built as well as after the hull is built? But what we really do is to permit a ship to be built, subject her to a stability test, and then calculate as to whether the ship has proper stability.

We would not do this in the case of the construction of a building on land; such procedure would be considered absurd. It would not be considered reasonable to permit a man to build a building worth several millions of dollars, and then calmly tell him that that building was not safe. What is done is that the building inspectors pass upon those buildings before they are constructed, and if that reasonable action is used in regard to the construction of structures on land, why is it not just as reasonable and just as logical to follow the same procedure in regard to the construction of ships? Why should we use logical methods of approaching a situation on land and then, because

we have to deal with ships, undertake to throw aside all logic and follow the methods of past generations? If reference be made to the report of the Supervising Inspector General for the fiscal year ended June 30, 1915, it will be noted that the idea which the bureau then had in mind was to create in the office of the Supervising Inspector General a corps of experts whose business it would be to approve proposed hull construction. Again, if reference be made to the report of the Supervising Inspector General for the fiscal year ended June 30, 1927, it will be noted on pages 1, 2, and 3 a suggestion was made by that officer with reference to a reorganization in such manner as to provide a technical staff.

Another lesson to be learned from the loss of the Vestris is that wireless should be required on all ships navigating the ocean or the coasts. Had such a law been in effect, it is probable that everybody on board the Vestris might have been saved, because there was a ship within as near as 45 miles of the Vestris, but not equipped with wireless, that could have gone to her assistance.

It would seem that all openings through the shell plating of ships, such as cargo ports, coal ports, scuppers, discharge pipes of all kinds, including ash ejectors and sea cocks and their chests, should have special attention at each annual inspection, and as far as practically possible access should be had to them at any time, whether in port, at sea, loaded or light, and scuppers from any deck below a weather deck should lead to the bilges, where the water could be handled by

In new construction it may be well to require centrifugal pumps of large capacity installed to pump out of the fire and engine room bilges, or have bilge connections installed from the circulating pump or pumps to bilges as above.

In all of this tragedy there is an important factor that does not appear upon the printed page, and that is the matter of salvage, a question concerning which this service has no control or jurisdiction, but one that is vitally wrapped up in the matter of safety of ships. Captain Carey is gone. No man is able to say what his mental processes were in his hour of trial, but any man who is familiar with the law of the sea knows that he, Captain Carey, or any other shipmaster, would very carefully consider the sending of an S O S that would result in the salvaging of his ship, should it not be absolutely necessary to send out that call. There is a human thing here that must not be overlooked, and that is the professional pride of the master of the ship. Could be sure that the ship could be saved by his own efforts, he would make every effort to do so before asking for help, and he did make every effort that he could. If the amount of salvage that could be claimed by vessels responding to such a call was reduced, the master of a ship in distress would not hesitate too long before asking for help.

If it be claimed that if salvage is reduced masters of other ships would not respond as promptly as they should, I answer that in this day of wireless communication, when the positions of ships are so well known, it would be easy to place the responsibility upon a shipmaster who refused to respond, and who, refusing, should have visited upon him the severest penalty. Of course, the matter of what salvage shall be paid is something that very properly could be determined by an international conference, at which would be present representatives of the leading maritime nations.

Another thing that might well receive attention is that of liability. We speak of limitation of liability so far as ships are concerned as something that necessarily must exist, but when we do so we forget that the conditions under which such doctrines of admiralty have grown up have competely changed. In this modern day, when ships can be and are so largely directed from home offices, it might be well to give attention to the proposition of unlimited liability upon this kind of property. The point is that increasingly the effort is made in governmental affairs to take all responsibility, and, so far as the Steamboat Inspection Service is concerned, it must be remembered that it is not a service that operates ships. By giving attention to this matter of unlimited liability there would be a responsibility placed more squarely upon the owners, and they would not be prone to look so much to the responsibility of the Government. If it be contended that to impose such a law upon American shipowners would be to penalize them, and it would, then that also is a question that would have to be adjusted in a proper international conference.

ACKNOWLEDGMENTS

I desire before closing this report to give credit to and thank the Hon. Walter F. Brown, Assistant Secretary of Commerce; the Hon. E. F. Morgan, Solicitor of the Department of Commerce, who by their advice were of inestimable value to me in conducting this investigation; to Rear Admiral J. G. Tawresey; to Mr. Earl B. Hull, traveling inspector of this service, who gave and is giving particular attention to matters of stability of the Vestris; to Mr. J. L. Crone, supervising inspector of the second district; to Burlingham, Veeder, Masten & Fearey, counsel for the Lamport & Holt Line, who produced officers and crew without the use of subpœna; to Mr. Harry Wheeler, marine superintendent of the Lamport & Holt Line, who cooperated in every way possible in furnishing me with data; and last, but not least, to the clerks in the New York office who acted as reporters of the testimony.

I submit herewith the testimony taken at this investigation and copies of the books, Forms 991 A and B, F, of the inspectors who inspected the Vestris.

I have the honor to be, very respectfully,

DICKERSON N. HOOVER. Supervising Inspector General.

EXHIBIT D

No. 456.—Marine wrecks and casualties occurring to vessels of the United States: By regions

[Norg.—It appears that prior to 1915 the figures include disasters to foreign vessels on and near the coasts of the United States, reports of which were received in isolated instances. Casualties to vessels of the United States in Panama Canal Zone were as follows: 1927, tonnage, 60,223; property involved, \$4,972,833; property lost, \$61,800; persons on board, 903; lives lost, 5. 1926, tonnage, 23,271; property involved, \$3,815,221; property lost, \$81,500; persons on board, 154. These and corresponding figures for previous years are not included in the recapitulation or elsewhere]

Year ended June 30—	Number of vessels	Wrecks involving total loss	Casualties involving partial and un- known damage	Vessels totally lost	Vessels damaged	Losses to vessels	Losses to cargoes	Passen- gers	Crews	Lives lost
			HETER	TOTAL						
910 911 912 913 914 915 916 917 918 919 920 921 922 922 923 924 925 926 927	1, 493 1, 227 1, 447 1, 265 1, 210 1, 088 1, 140 1, 072 976 738 1, 074 980 980 980 982 1, 233	365 294 328 274 293 389 317 324 380 303 285 222 277 273 237 255 254 300	1, 128 933 1, 119 991 917 799 823 748 596 435 789 555 630 707 708 725 728 933	Tons 135, 305 101, 365 101, 365 113, 920 91, 188 173, 069 151, 968 135, 231 197, 119 248, 520 163, 168 214, 531 1, 027 131, 027 131, 027 117, 099 96, 474 96, 225 93, 539 118, 337	Tons 2,000,997 1,475,888 1,546,391 1,663,623 1,518,930 1,276,125 1,714,434 1,523,307 1,090,956 1,016,590 2,088,534 1,434,888 1,762,412 1,941,349 1,917,058 1,955,884 2,015,068 2,787,707	Dollars 11, 058, 840 9, 565, 995 8, 213, 375 8, 338, 935 11, 437, 330 10, 199, 560 12, 671, 040 33, 708, 710 57, 728, 110 38, 129, 080 54, 955, 480 28, 662, 730 18, 727, 614 17, 202, 806 14, 201, 211 15, 177, 361 15, 1596, 857 18, 704, 033	Dollars 2, 565, 580 1, 694, 630 1, 941, 010 1, 549, 285 2, 509, 405 4, 013, 083 3, 668, 995 12, 479, 600 22, 557, 940 12, 698, 145 17, 612, 455 6, 269, 295 3, 975, 714 3, 710, 959 3, 802, 792 4, 113, 565 4, 324, 475 5, 314, 693	Number 15, 464 22, 484 15, 972 21, 101 14, 533 12, 857 14, 080 8, 233 6, 911 5, 722 14, 499 7, 081 8, 989 14, 144 8, 861 11, 988 12, 331 10, 493	Number 22, 640 21, 668 24, 310 23, 077 22, 199 20, 220 20, 653 21, 418 16, 207 14, 289 26, 100 16, 005 19, 065 21, 198 20, 225 22, 771 21, 970 27, 635	403 263 1985 283 421 277 1, 364 490 399 452 551 206 227 116 202 238 222 222 223 224 224 225 226 227 227 227 227 227 227 227 227 227
	A'	TLANTIC, GU	LF, AND PACE	FIC COASTS (OF THE UNITED	STATES				
921 922 923 924 925 926	375 515 559 564 577 584 685	110 171 161 143 157 163 175	265 344 398 421 420 421 510	39, 418 78, 552 66, 089 56, 133 51, 907 59, 143 62, 502	476, 433 732, 679 815, 236 982, 448 1, 001, 113 1, 017, 968 1, 303, 448	10, 505, 725 9, 200, 909 9, 527, 801 7, 010, 156 8, 037, 586 10, 364, 020 10, 239, 557	1, 553, 055 1, 500, 663 1, 976, 572 1, 662, 101 2, 781, 413 2, 055, 263 1, 626, 694	5, 418 4, 289 8, 722 4, 259 7, 290 8, 244 5, 629	6, 641 9, 355 10, 179 11, 020 12, 343 12, 236 13, 602	77 148 77 94 93 145 125

EXHIBIT D-Continued

No. 456.—Marine wrecks and casualties occurring to vessels of the United States: By regions—Continued

Year ended June 30—	Number of vessels	Wrecks involving total loss	Casualties involving partial and un- known damage	Vessels totally lost	Vessels damaged	Losses to vessels	Losses to cargoes	Passen- gers	Crews	Lives lost
			GI	REAT LAKES					Simulation of the same of the	
1921	144 120 154 72 67 91 129	16 19 33 15 15 18 20	128 101 121 57 52 73 109	13, 296 9, 529 17, 125 5, 425 11, 065 4, 177 17, 328	525, 821 432, 357 512, 081 185, 881 126, 822 215, 938 409, 264	1, 694, 280 1, 816, 098 2, 855, 072 902, 300 2, 200, 255 1, 365, 509 2, 823, 077	134, 025 95, 000 379, 492 232, 444 117, 990 119, 937 197, 216	574 407 3, 300 1, 441 1, 734 1, 513 927	3, 798 2, 335 3, 733 1, 569 1, 496 1, 792 3, 286	44 16 16 16 36 17
			RIVERS OF	THE UNITED	STATES		tain at w			Bala.
1921 1922 1923 1923 1924 1925 1926	171	35 47 45 51 49 49 68	60 67 85 96 122 108 136	7, 749 5, 621 5, 542 8, 601 5, 635 3, 581 7, 285	96, 969 135, 670 145, 792 163, 907 256, 885 259, 822 314, 305	2, 652, 005 1, 190, 650 1, 408, 423 1, 584, 210 2, 237, 372 1, 542, 037 1, 994, 354	91, 915 98, 820 154, 245 62, 861 235, 432 33, 325 158, 095	537 1, 082 238 1, 251 991 1, 422 1, 152	1, 428 1, 524 1, 757 1, 993 2, 704 2, 873 3, 217	113 6 6 12 21 8 24
		AT SEA	AND ON THE	COASTS OF F	OREIGN COUNT	RIES		a leu gale		
1921 1922 1923 1924 1925 1926 1927	163 158 137 162 165 150 215	61 40 34 28 34 24 37	102 118 108 134 131 126 178	61, 934 37, 325 28, 343 26, 315 27, 618 26, 638 31, 222	335, 665 461, 706 468, 240 584, 822 601, 064 521, 340 760, 690	13, 810, 720 6, 519, 157 3, 411, 510 4, 704, 545 2, 702, 148 2, 325, 291 3, 647, 045	4, 490, 300 2, 291, 231 1, 200, 650 1, 845, 386 978, 730 2, 115, 950 3, 332, 688	552 3, 211 1, 884 1, 910 1, 943 1, 152 2, 785	4, 138 5, 851 5, 529 5, 673 6, 228 5, 069 7, 530	74 57 21 79 43 66

Source: Reports of the U. S. Coast Guard, Treasury Department.

EXHIBIT E

No. 12.—Showing the number and gross tonnage of steamers and motorships of 100 tons gross and upward, totally lost (including war losses), and broken up during the years 1903 to
1926 distinguishing the principal maritime countries, and indicating the percentage lost of the tonnage owned by the various countries

	Year Lost or broken up ¹		Great Britain and Ireland			British Dominions			America ² (United States)		1	Denmai	Denmark		France		Germany		ny	Greece		9	Holland		
Year			Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent
1915	Lost	544	1, 092, 924 9, 853		25 4	33, 727 814		19	39, 730	1. 54	17	32, 208 544		46	113, 011 6, 992	5. 92	32	74, 880	1. 69	14	27, 653	3. 10	25	11, 393	27
2011	Total.	553	1, 102, 777		29	34, 541		19	39, 730		18	32, 752		48	120, 003		32	74, 880		14	27, 653		25	11, 393	
1916	Lost Broken up	571 1	1, 411, 429 427			31, 396 1, 166		27	57, 255	2. 01	45	60, 531	7. 59	57 1	148, 051 523	8. 00	25	39, 506	1. 02	38	91, 645	12, 78	32	2, 347	4. 8
	Total	572	1, 411, 856		33	32, 562		27	57, 255		45	60, 531		58 1	148, 574		25	39, 506		38	91, 645		32	72, 347	
917 3	Lost Broken up	1, 384 2	4, 093, 717 300		49	71 , 262 577	1000	60	166, 630		81	109, 949 546		144 3	355, 007		24	19, 750		89	241, 546		49 8	34, 331	
	Total	1, 386	4, 094, 017		51	71, 839		60	166, 630		82	110, 495		144 3	355, 007		24	19, 750		89	241, 546		49 8	34, 331	
918 3	LostBroken up	661	1, 974, 182 1, 558		46	97, 812 128		90	308, 742		2	131, 960		92 1	186, 083 176		18	13, 249		20	54, 386		16	9, 791	
	Total	663	1, 975, 740		47	97, 940		90	308, 742		21	31, 960		93 1	186, 259		18	13, 249		2	054, 386		16	9, 791	
1919	Lost	84	140, 941 244		34 4	35, 168 1, 646	1. 89	54	114, 752	0. 96	4	2, 243	0. 36	22 2	32, 250 7, 294	1. 64	47	19, 152	0. 59	6	7, 426	2. 55	24 1		0. 7
37	Total	85	141, 185		38	36, 814		54	114, 752		4	2, 243		24	39, 544		47	19, 152		6	7, 426		25 1	2, 210	
1920	Lost Broken up	86 6				16, 574 1, 818		45	112, 040	. 90	6	2, 163	. 30	25	50, 874	1. 72	17	9, 061	2. 16	26	31, 915	6. 42	12	3, 736	. 2
	Total	92	129, 583		31	18, 392		45	112, 040		6	2, 163		25	50, 874		17	9, 061		26	31, 915		12	3, 736	
1921	Lost	65 13	65, 718 43, 237	. 34		12, 332 13, 422		22 4	60, 392 8, 920		8	5, 536	. 63	21 3	27, 899 4, 212			7, 005 1, 827		26	52, 363	8. 92	2	602 2, 061	
	Total	78	108, 955		44	55, 754		26	69, 312		8	5, 536		24	32, 111		13	8, 832		26	52, 363		3	2, 663	
1922	Lost	77 41	119, 297 120, 347	. 62		11, 897 30, 173		24 14	54, 842 37, 630	.40	4 4	6, 773 944	.70	23 22	23, 770 53, 674	. 67	27	24, 380 6, 949	1.37	5		1.09	6	5, 037 5, 903	.1
	Total	118	239, 644		85	12, 070		38	92, 472		8	7, 717		45	77, 444		31	31, 329		6	8, 489		10	0, 940	
1923	LostBroken up	84 73	138, 744 184, 207	. 73	17 13	17, 836 30, 701	. 69	28 125	65, 939 346, 761	. 49	5 6	6, 966 7, 408	.74	20 64 1	12, 936 167, 478	. 37		35, 710 5, 227		4	9, 941	1. 33	5 1 7 1	0, 817 0, 812	. 4
	Total	157	322, 951		30	48, 537		153	412, 700		11	14, 374		84 1	180, 414		33	40, 937		4	9, 941		12 2	21, 629	

Footnotes at end of table.

EXHIBIT E-Continued

No. 12.—Showing the number and gross tonnage of steamers and motorships of 100 tons gross and upward, totally lost (including war losses), and broken up during the years 1903 to 1926 distinguishing the principal maritime countries, and indicating the percentage lost of the tonnage owned by the various countries—Continued

						reat Brand Irela			ritish minions	(U	erica a nited ates)	De	nmark	1	France		German	ny	Greece	Hol	land
Year	Lost	or brok	en up 1		Number	Tons	Per cent	Number	Tons Per cent	Number	Tons Per cent	Number	Tons	Number	Tons	Per cent Number	Tons	Per cent Number	Tons	Per cent Number	Per cent
1924	Lost Broken up				6	7 108, 0 6 254, 0	077 0. 5	31 20	3, 518 1. 02 5, 732	26 42 145 488	, 445 0. 3 , 865	34 7 15	2, 248 1. 0, 844	24 13 57	23, 908 0 111, 610	. 73 20	15, 542 27, 366		9, 625 3, 058	1. 27 1 7 15,	801 0. 0
	Total				18	3 362, 1	166	60 8	2, 250	171 531	, 310	. 14 2	3, 092	70	135, 518	34	42, 908	5	12, 683	8 16,	693
1925	Lost Broken up				5 7	4 61,7 9 198,6	778 . 35	25 13 28 48	5, 574 . 60 8, 458	11 27 22 56	, 416 . 2 , 453	23 4 1	1,842 . 295		12, 949 84, 001		18, 370 37, 537	. 61 11 3	21, 477 18, 205		431 . 5
	Total				13	3 260,	115	53 6-	, 032	33 83	, 869	. 5 2	2, 137	42	96, 950	33	55, 907	14	39, 682	7 20,	469
1926	Lost Broken up				5				9, 680 1. 10 2, 994				771 . 2, 698	07 13 22	26, 981 37, 024	81 21	24, 512 8, 667		16, 034 1, 476		
	Total				12	2 263, 6	374	67 7	2, 674	166 443	, 491	. 7	3, 469	35	64, 005	28	33, 179	10	17, 510 .	8 14,	468
			Italy			Japan			Norway			Spain			Sweden		Other	countrie	s	World	
Year	Lost or broken up ¹	Num- ber	Tons	Per	Num- ber	Tons	Per	Num	Tons	Per		Tons	Per	Num	Tons	Per	Num- ber	Tons	Num- ber	Tons	Per
1915	Lost Broken up	20 1	53, 930 1, 214	3. 56	20 1	43, 041 3, 272	2. 36	81 1	116, 501 371	5, 89	13	26, 871	3. 03	37 1	62, 359 322	6. 10	75 4	109, 158 2, 950	968 24	1, 867, 386 26, 332	4. 2
ij.	Total	21	55, 144		21	46, 313		82	116, 872		13	26, 871		38	62, 681		79	112, 108	992	1, 893, 718	
1916	Lost Broken up	82 5	228, 290 6, 347	13. 54	28 3	81, 068 438	4. 39	208 1	288, 446 158	12.74	30	66, 456	8. 15	43	43, 528	4. 70	58	95, 034	1, 274 14	2, 714, 982 9, 059	6. 3
	Total	87	234, 637		31	81, 506		209	288, 604		30	66, 456		43	43, 528		. 58	95, 034	1, 288	2, 724, 041	
1917 3	Lost Broken up	128 3	398, 790 3, 226		36	92, 113		368	601, 209		34	73, 565		56	75, 132 134		94	219, 477	2, 596	6, 602, 478 4, 783	
	Total	131	402, 016		36	92, 113		368	601, 209		34	73, 565		57	75, 266		94	219, 477	2, 605	6, 607, 261	
1928 1	Lost Broken up	50 1	184, 173 429		30	61, 829		102	167, 034		34	71, 745		52 1	70, 016 146		. 56	99, 352	1, 288	3, 330, 354 2, 437	
	Total	51	184, 602		30	61, 829		102	167, 034		34	71, 745		53	70, 162		56	99, 352	1, 294	3, 332, 791	
1919	Lost Broken up	2	366	. 03	42	43, 829	1.88	31	33, 199	2. 07	7 1	7,376 272		27 1	24, 201 208	2.64	31	41, 395	415 10	514, 234 9, 938	1. 1
	Total	2	366		42	43, 829		31	33, 199		. 8	7,648		28	24, 409		31	41, 395	425	524, 172	
1920	Lost Broken up	9	13, 020	. 61	29	41, 988	1.40	26	25, 944	1. 31	10	10, 050	1.07	13 2	17, 777 261	1.78	27	51, 791	357 13	510, 794 7, 801	. 9
-	Total	9	13, 020		29	41,988		26	25, 944		10	10,050		15	18, 038		27	51, 791	370	518, 595	
1921	Lost	15	28, 069	1. 14	29	51, 185	1. 53	16	29, 210	1. 23	30	53, 772 2, 518	4.84	8	9, 698	. 89	21 2	25, 211 1, 348	310 34	458, 992 77, 545	.8
	Total	15	28, 069		29	51, 185		16	29, 210		31	56, 290		8	9, 698		23	26, 559	344	536, 537	
1922	Broken up	15 6	31, 059 15, 735	1. 15	64 22	54, 136 15, 580	1. 51	27 5	23, 010 3, 088		20	27, 917 1, 039	2, 30	7 2	6, 138 251	. 59	37	33, 334	351 160	428, 756 315, 110	.7
	Total	21	46, 794		86	69, 716		32	26, 098		21	28, 956		9	6, 389		37	33, 334	511	743, 866	
1923	Lost Broken up	22 59	49, 629 157, 080	1.72	33 4	58, 548 5, 498	1. 62	27 6	36, 085 4, 622		9 6	10,779 13,760		18 9	12, 587 2, 160	1. 11	23	27, 847 26, 792	324 385	494, 364 962, 503	. 8
	Total	81	206, 709		37	64, 046		33	40, 707		15	24, 539		27	14, 747		32	54, 639	709	1, 456, 870	
1924	Lost Broken up	12 43	38, 125 110, 633	1, 40	42 8	70, 933 4, 616	1, 85	21 7	22, 863 3, 456		6 9	9, 336 24, 283		11 7	14, 084 1, 265	1. 18	32 24	45, 899 62, 549	292 485	440, 404 1, 174, 258	
	Total	55	148, 758		50	75, 549		28	26, 319		15	33, 619		18	15, 349		56	108, 448	777	1, 614, 662	
1925	Lost Broken up	17 31	37, 736 100, 869	1. 29	38 24	42, 788 37, 759	1. 09	21 4	20, 367 3, 579	. 78	14 14	17, 516 15, 189		15 6	14, 504 4, 186	1.16	26 23	21, 000 41, 840	280 273	327, 748 653, 046	. 5-
	Total	48	138, 605		62	80, 547		25	23, 946		. 28	32, 705		21	18, 690		49	62, 840	553	980, 794	
1926	Lost Broken up	19 17	47, 905 45, 988	1. 52	43 12	44, 576 16, 474	1. 12	22 6	26, 410 5, 760		12 10	15, 954 23, 488		9 8	10, 510 4, 800	. 81	35 20	23, 589 48, 949	298 358	428, 240 798, 633	
100	Total	36	93, 893		55	61, 050		28	32, 170		22	39, 442		17	15, 310		55	72, 538	656	1, 226, 873	

¹ Cases of breaking up consequent upon casualty are included under "Lost."
2 Excluding vessels trading on the Great Lakes of North America.
3 Owing to the war, statistics regarding the vessels owned by the various countries of the world were not compiled by Lloyd's Register for the years 1917 and 1918.

CONGRESSIONAL RECORD—SENATE

No. 13.—Passengers carried by water during the calendar year 1926 [Includes passengers carried by regular vessel lines, ferry, and excursion boats]

	Credit	ted to-	1200
Grand divisions	Ports	Rivers	Total
Atlantic coast. Gulf coast. Pacific coast, including Hawaii. Great Lakes. Mississippi River and tributaries. Canals and connecting channels:	1 309, 308, 402 8, 145, 150 106, 710, 066 28, 123, 747	5, 602, 421 154, 048 1, 206, 729 16, 477, 009	314, 910, 823 8, 299, 198 107, 916, 795 28, 123, 747 16, 477, 009
Federal State and private Interior rivers and waters not tributary to Atlantic, Gulf, or Pacific coasts		2, 198, 251 233, 724 56, 317	2, 198, 251 233, 724 56, 317
Total	452, 287, 365	25, 928, 499	478, 215, 864

¹ Figure for 1925 in error. Correct figure is 203,243,621, making total for ports, 336,050,250; total, Atlantic coast, 208,866,151; and grand total, 355, 814,435.

EXHIBIT G

No. 110.—Arrivals of passengers at the principal ports from foreign countries, years ended June 30

Note. — Figures for immigrants and nonimmigrant aliens cover admissions only. In addition, there are debarred aliens among the arrivals who, after being examined, are found inadmissible and returned to the countries whence they came]

Port and class	1900-1909, average	1910-1914, average	1915-1919, average	1920-1924, average	1924	1925	1926	1927
inited States, total United States citizens Immigrants Nonimmigrant allens	166, 236 820, 239	1, 488, 422 273, 262 1, 034, 940 180, 220	454, 192 131, 643 234, 536 88, 013	963, 630 246, 640 554, 920 162, 070	1, 180, 583 301, 281 706, 896 172, 406	797, 674 339, 239 294, 314 164, 121	866, 863 370, 757 304, 488 191, 618	916, 521 378, 520 335, 175 202, 826
tew York United States citizens Immigrants Nonimmigrant aliens. oston United States citizens Immigrants Nonimmigrant aliens hiladelphia United States citizens Immigrants Nonimmigrant aliens. altimore United States citizens Immigrants Nonimmigrant aliens. altimore United States citizens Immigrants Nonimmigrant aliens. altimore United States citizens Immigrants Nonimmigrant aliens. lew Orleans United States citizens Immigrants Nonimmigrant aliens. lew Orleans United States citizens Immigrants Nonimmigrant aliens an Francisco United States citizens Immigrants Nonimmigrant aliens an Francisco United States citizens Immigrants Nonimmigrant aliens eattle United States citizens Immigrants Immigrants Immigrants Immigrants Immigrants Immigrants Immigrants Immigrants	812, 848 128, 988 630, 141 53, 719 64, 942 12, 351 47, 913 4, 678 24, 183 3, 510 20, 203 47, 707 1, 277 42, 994 436 18, 422 13, 925 13, 288 11, 200	1, 048, 710 173, 578 759, 791 115, 341 73, 896 511, 498 52, 474 4, 9, 925 54, 823 3, 506 48, 547 2, 770 31, 283 1, 126 29, 395 762 11, 674 1, 791 1, 791 1, 791 2, 046 14, 053 5, 389 4, 776 3, 887 794 4, 627 794 2, 208	193, 356 55, 192 100, 970 37, 194 13, 034 2, 723 8, 801 1, 510 2, 385 462 2, 460 76 780 6, 808 1, 931 1, 931 2, 460 19, 587 5, 466 6, 911 614 3, 938	571, 942 161, 265 321, 403 89, 274 30, 329 4, 486 24, 168 1, 675 10, 627 1, 355 511 132 317 62 11, 052 11, 052 11, 407 3, 171 24, 738 6, 474 1, 407 7, 659 10, 103 8, 733 1, 739 4, 046	618, 420 205, 382 315, 587 97, 471 45, 299 6, 507 36, 320 2, 472 10, 628 1, 073 8, 711 844 725 141 480 104 12, 477 7, 276 1, 180 4, 021 22, 853 6, 980 8, 214 14, 760 2, 971 7, 131	458, 182 219, 861 137, 492 100, 829 17, 960 6, 698 9, 023 2, 839 1, 673 942 409 322 153 61 68 24 11, 665 7, 948 727 2, 990 13, 477 5, 589 1, 927 5, 879 1, 927 5, 379 1, 233	531, 700 263, 170 149, 289 119, 241 18, 942 7, 577 8, 025 3, 340 66 311 274 215 36 66 31, 209 9, 533 744 2, 992 14, 864 5, 825 2, 114 6, 805 5, 548 1, 996	566, 819 269, 029 165, 510 132, 283 19, 555 7, 251 8, 080 4, 224 643 370 100 173 154 69 45 40 13, 202 9, 278 903 3, 021 18, 116 8, 055 2, 512 7, 539 6, 748 3, 154 1, 011

¹ Average, 1906 to 1909.

Source: Annual Reports of the Commissioner General of Immigration, Department of Labor.

No. 111.—Departures of passengers from the United States for foreign countries, years ended June 30

	1900-1909, average	1910-1914, average	1915-1919, average	1920-1924, average	1923	1924	1925	1926	1927
Total	487, 425	904, 423	416, 948	588, 088	471, 187	494, 595	549, 813	600, 235	623, 296
Male Female Children Adults Cabin Steerage Steerage Steerage Steerage Steerage Steerage Steerage Steera	324, 402 163, 023 52, 455 434, 970 193, 822 293, 603	631, 827 272, 595 99, 348 805, 074 457, 514 446, 909	319, 331 97, 617 39, 053 377, 895 209, 593 207, 355	384, 871 203, 217 75, 863 512, 225 323, 302 264, 786	277, 973 193, 214 57, 610 413, 577 325, 068 146, 119	304, 290 190, 305 51, 190 443, 405 346, 392 148, 203	338, 670 211, 143 51, 547 498, 266 364, 771 185, 042	349, 956 250, 279 56, 470 543, 765 399, 033 201, 202	361, 966 261, 330 59, 723 563, 573 410, 125 213, 171

¹ Prior to 1910 the division point is 12 years; from 1910 to 1917, inclusive, 14 years; thereafter, 16. ² Figures include departures by rail via the Canadian and Mexican borders. ³ Prior to 1910 designated as "Other than cabin passengers."

Source: Prior to July 1, 1907, the Bureau of Statistics; subsequently the Bureau of Immigration, Department of Labor.

EXHIBIT H

No. 1.—Comparative statement of the water-borne commerce of the United States, eliminating all known duplications, by calendar years 1 [Quantities expressed in short tons]

		[dammeron o	-process in con-								
	Port	s on Atlantic, Gu	ilf, and Pacific	coasts	Ports on the Great Lakes						
Year	Foreig	gn traffic	Domes	stie traffie	Foreig	n traffic	Domestic traffic				
	Tons	Value	Tons	Value	Tons	Value	Tons	Value			
1920	100, 384, 206 80, 151, 748 86, 874, 593 82, 998, 505 85, 433, 050 92, 043, 288 114, 693, 239	\$9, 741, 639, 067 5, 703, 680, 536 6, 662, 280, 874 7, 169, 442, 935 8, 523, 020, 980 8, 848, 235, 505 8, 501, 645, 449	114, 557, 241 115, 333, 669 128, 430, 717 180, 660, 122 197, 624, 890 209, 916, 869 227, 391, 874	\$7, 402, 577, 058 6, 121, 728, 870 7, 598, 082, 159 9, 608, 763, 271 11, 241, 182, 131 12, 519, 779, 942 15, 161, 665, 805	12, 388, 707 12, 512, 860 13, 005, 132 14, 659, 905 16, 128, 526 16, 504, 138 16, 599, 974	\$255, 277, 343 233, 640, 160 291, 349, 913 253, 363, 953 364, 545, 833 409, 737, 784 440, 338, 743	98, 750, 979 58, 947, 310 81, 032, 958 110, 857, 646 93, 702, 753 113, 644, 259 120, 794, 460	\$1, 150, 834, 264 724, 130, 268 998, 069, 323 1, 130, 539, 355 1, 603, 987, 681 1, 870, 566, 656 1, 669, 053, 512			

¹ This table shows the corrected tonnage and values for rivers, canals, and connecting channels, and the grand totals.

EXHIBIT H-Continued

No. 1.—Comparative statement of the water-borne commerce of the United States, eliminating all known duplications, by calendar years—Continued [Quantities expressed in short tons]

Year		and connecting	Grand adjusted dom	total, foreign and lestic
	Tons	Value	Tons	Value
1920 1921 1922 1923 1924 1925 1925	125, 400, 000 116, 300, 000 111, 800, 000 153, 700, 000 173, 200, 000 204, 569, 000 217, 000, 000	\$2, 814, 600, 000 2, 443, 500, 000 3, 177, 900, 000 2, 960, 200, 000 3, 446, 035, 000 3, 950, 450, 000 3, 680, 000, 000	399, 000, 000 332, 000, 000 376, 000, 000 478, 000, 000 453, 700, 000 483, 400, 000 540, 500, 000	\$20, 531, 000, 000 14, 329, 000, 600 17, 504, 000, 900 20, 175, 000, 000 22, 115, 000, 000 23, 946, 000, 000 26, 722, 000, 000

No. 2.—Commerce of ports during the calendar year 1926
[Quantities expressed in short tons]

Grand divisions	Foreign				Domestic		Grand total	
	Imports		Exports		Domestic		Grand total	
	Tons	Value	Tons	Value	Tons	Value	Tons	Value
Atlantic coast	33, 078, 106 8, 742, 640 3, 013, 343 6, 424, 329	\$2, 948, 889, 879 322, 522, 912 598, 973, 628 278, 863, 131	39, 835, 386 15, 527, 936 14, 495, 828 10, 175, 645	\$3, 035, 572, 787 1, 082, 921, 823 512, 764, 420 161, 475, 612	251, 804, 101 47, 535, 163 93, 513, 769 237, 280, 699	\$22, 055, 257, 204 1, 590, 066, 619 3, 776, 970, 967 3, 325, 986, 653	324, 717, 593 71, 805, 739 111, 022, 940 253, 880, 673	\$28, 039, 719, 870 2, 995, 511, 354 4, 888, 709, 015 3, 766, 325, 396
Grand total, unadjusted	51, 258, 418 51, 258, 418	4, 149, 249, 550 4, 149, 249, 550	80, 034, 795 80, 034, 795	4, 792, 734, 642 4, 792, 734, 642	630, 133, 732 348, 186, 334	30, 748, 281, 443 16, 830, 719, 317	761, 426, 945 479, 479, 547	39, 690, 265, 635 25, 772, 703, 509

Table No. 3.—Commerce on the rivers, canals, and connecting channels of the United States during the calendar year 1926

Grand divisions	Bulk freight						Indiana and C			
	Miscellaneous		Floated and rafted timber		Total bulk freight		Package freight, miscel- laneous		Total commerce	
	Tons	Value	Tons	Value	Tons	Value	Tons	Value	Tons	Value
Atlantic coast. Gulf coast. Mississippi River and tributaries. Pacific coast. Interior rivers and other waterways.	24, 521, 358 3, 283, 119 71, 999, 019 5, 930, 120 763, 910	\$195, 307, 301 37, 693, 766 452, 923, 962 75, 411, 736 2, 303, 499	824, 727 1, 549, 173 618, 259 8, 910, 897 20, 269	\$4, 170, 356 7, 145, 289 3, 947, 630 58, 676, 649 238, 608	25, 346, 085 4, 832, 292 72, 617, 278 14, 841, 017 784, 179	\$199, 477, 657 44, 839, 055 456, 871, 592 134, 088, 385 2, 542, 107	2, 341, 467 427, 352 4, 419, 202 1, 790, 097 21, 909	\$404, 060, 876 51, 621, 179 520, 182, 130 179, 639, 314 1, 302, 129	27, 687, 552 5, 259, 644 77, 036, 480 16, 631, 114 806, 088	\$603, 538, 53; 96, 460, 23; 977, 053, 72; 313, 727, 696 3, 844, 236
Canals and connecting channels: Federal	99, 405, 490 5, 334, 401	1, 022, 234, 975 421, 117, 352	1, 774, 434 2, 960	9, 394, 008 11, 800	101, 179, 924 5, 337, 361	1, 031, 628, 983 421, 129, 152	9, 190, 675 502, 089	569, 345, 961 37, 958, 338	110, 370, 599 5, 839, 450	1, 600, 974, 944 459, 087, 490
Grand total, unadjustedAdjusted total, eliminating all known duplications.	211, 237, 417	2, 206, 992, 591	13, 700, 719	83, 584, 340	224, 938, 136	2, 290, 576, 931	18, 692, 791	1, 764, 109, 927	243, 630, 927 217, 000, 000	4, 054, 686, 858 3, 680, 000, 000

Mr. JONES. Mr. President, I did not hear all of the address of the Senator from New York. I understand-I do not know how correct it is-that there was some criticism of the Commerce Committee for not acting upon the matter. Almost immediately after the Senator introduced his resolution, at which time other resolutions were also introduced, a subcommittee of the Commerce Committee was appointed to consider the subject. As chairman of the full committee I was engaged with appropriation bills and conference matters, so that I felt the subject should be taken up by a subcommittee. The Senator from California [Mr. Johnson] was appointed chairman of that subcommittee. The Senator from Wisconsin [Mr. LA FOLLETTE], who has always taken a great interest in matters of this kind, and the Senator from Florida [Mr. Fletcher], who has likewise taken a great interest in such matters, were made the other members of the subcommittee.

I do not know how far that subcommittee has gone in its work, but I know it, especially the Senator from California [Mr. Johnson], has been giving the matter very careful consideration. The Senator from Wisconsin [Mr. LA FOLLETTE], as the Senator from New York knows, has not been well, and the Senator from Florida [Mr. FLETCHER] has been ill, so they have not been able to give the matter the attention it should have had.

I appreciate the force of what the Senator has said with reference to the matter. I think it should be gone into with extreme care. I think I can assure the Senator that if the subcommittee is not able to complete its work at this session, as it may not be on account of the illness of two of its members, then

during the special session, while other work, of course, is being done, he can depend upon the Commerce Committee taking the steps that it deems wise and giving this matter the fullest and most careful consideration, with a view to doing just what the Senator suggested at the close of his speech, that we be careful not to do anything which might interfere with our marine developments, and also that everything be done that possibly can be done not only to aid them but to assure the traveling public that everything will be done which can be done to insure their safety.

Mr. WAGNER. I thank the Senator.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. KING. Mr. President, I desire to offer an amendment

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

The PRESIDING OFFICER (Mr. Ashurst in the chair). The Senator from Utah proposes the following amendment to the naval appropriation bill, which the clerk will read.

The CHIEF CLERK. Insert at the proper place in the bill the following proviso:

Provided, That no part of the appropriations contained in this act shall be used for the maintenance of any officer or enlisted man in the military or naval service in Haiti.

Mr. DILL. Mr. President, will the Senator yield? The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. May I ask the Senator why he does not include Nicaragua as well? The election has been held in Nicaragua, and it would seem that if the marines are to be brought out there would be time for it to be done before the 1st of July.

Mr. KING. I agree entirely with the Senator from Washington. Our conquest of Nicaragua by the military force was wholly unjustifiable. The retention of our marines and military and naval officers in Nicaragua can not now be justified. I did not include in the amendment which I have just submitted the withdrawal of the marines from Nicaragua because I desired to confine my remarks on the amendment wholly to a discussion of the situation in Haiti. I shall be glad if the Senator from Washington will offer an amendment to the bill providing that no part of the appropriation carried in the bill shall be used for maintaining our military forces in Nicaragua.

Mr. KING addressed the Senate in support of his amendment.

After having spoken for some time-

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Utah will suspend while the clerk reads an announcement by the Chair.

The legislative clerk read as follows:

The hour of 3 o'clock having arrived, the unanimous-consent agreement heretofore entered into will be in force and no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment thereto.

The PRESIDING OFFICER. The Senator from Utah will

proceed.

Mr. KING. Mr. President, the amendment which I have just offered, if adopted, would compel the withdrawal from Haiti, after July 1 of this year, of our military forces. I admit that I am seeking to engraft upon an appropriation bill legislation which perhaps should be secured in a more direct way. As a matter of fact, however, if the executive department performed its duty no legislation whatever would be required to accomplish the object which I seek.

The military forces of the United States have been in Haitince 1915. They are held there by Executive authority and could be withdrawn by the President of the United States without notice and without authorization from Congress. But the executive department has been deaf to the appeals of the Haitian people and to the liberal sentiment of the United States and has pursued a reactionary and imperialistic policy which, in my opinion, is incompatible with American ideals and can not be defended upon constitutional grounds. At the cost of millions of dollars we have forced military rule upon the helpless inhabitants of a friendly nation; we have sent our warships to Haitian waters and landed military forces upon Haitian soil. As stated, since 1915 we have governed Haiti and her inhabitants by military force in violation of interna-tional law and against the will of the Haitian people.

Following our military occupation and military rule, American capital has sought economic penetration and the control of the material and economic resources of Haiti. For a number of years I have protested against the Haitian policy of the United States and have insisted that the Haitian people have restored to them their own government. I have offered measures in the Senate calling for the withdrawal of American military forces and providing for free elections in order that the Haitian people might be permitted to form and adopt a constitution in harmony with their own views, and select officers to fill the various positions provided for in their own fundamental law. I have appealed to the Senate upon many occasions to free the Haitian people from military rule; to withdraw the American marines, and to leave the Haitian people free to pursue their

own course and to work out their own salvation,

I regret to say that my appeals have been in vain. American bayonets still rule Haiti, and the American people are indifferent to the imperialistic course of their own Government and are deaf to the cries of the Haitian people that they may be liberated from the grasp of a powerful foreign Government. think, however, that the American people are unacquainted with the record of their own Government in dealing with the Haitian people. They do not know that American battleships took possession of Haitian ports and American military forces waged warfare upon Haitian soil, killing more than 3,000 Haitian They do not know that since 1915 the Haitian people have been deprived of the right to govern themselves, and have been subjected to the will of the United States; nor do they know that the United States overthrew their government, abolished their constitution, drove their national legislature from their legislative chambers, and have prevented the Haitian people

from having any voice in the control of their internal or foreign affairs. It is not generally known by the American people that the United States has imposed upon the Haitian policies obnoxious to them, and which can not prove otherwise than disadvantageous and harmful to Haiti and her people. It is well known that if our battleships and marines were withdrawn from Haiti there would be universal rejoicing among the Haitian people. The few sycophants and parasites who bask in the favor of American military rulers would be thrust aside and the people would set up a government of their own choice, and elect officials who would represent the ideals and carry out the will of the Haitian people.

I repeat when I say that if the amendment which I have offered is adopted the puppet government of Haiti masquerading as a civil power behind American bayonets would pass away as an ugly dream when the morning breaks and the shadows flee. But I am under no illusion. My amendment will be defeated and our military control of Haiti will continue until the liberal forces of the United States are aroused. More American capital will be invested and more lands wrested from

the inhabitants of that unhappy land.

The Senate, I regret to say, has been indifferent, as has been the country, to all appeals for Haitian independence and for the rectification of the wrong which, in my opinion, is being committed against a helpless people and a weak State. I have heard eloquent appeals in this Chamber in behalf of people struggling for liberty against oppressive and militaristic gov-I have heard severe criticisms of a friendly and liberal government because of its control in India and Egypt. We have been free to condemn the so-called imperialism of other nations but seem oblivious to imperialistic manifestations of our own country. There was nothing improper in the United States landing marines in Nicaragua and taking over the control of its government. This seizure of Santo Domingo by the United States and its occupation by American military forces for a number of years found but little expressed opposition from American political leaders or the American press. The holding of Haiti as in a vise by the powerful hand of the United States arouses but little interest among the American people and provokes but few feeble protests among the 120,000,000 of this Republic. And the American people exhibit no concern when the Filipinos demand their independence and assert the right, which is the basis of democracy, to govern themselves and set up that form of government which to them seems best.

Returning to Haiti, I repeat, Mr. President, that in 1915 the United States committed a great wrong when it superimposed, by military force, military rule upon a people with whom we were at peace. They were unable to offer successful resistance to this powerful Nation, but, actuated by love of country and fear of the results of foreign invasion, they mobilized military forces and sought to prevent the conquest of their own American troops and American guns killed more than 3,000 men who believed they were defending their homes against an invading foe. Since then Haiti has been governed by the United States, not by any law of Congress or under any constitutional authority but by American military forces whose will was law and whose edicts were enforced by American bayonets. American capital followed American military occupation, and the Haitian people fear that they will be robbed of their lands and become the victims of American capitalistic

exploitation.

Mr. President, upon various occasions I have offered resolutions in the Senate demanding the withdrawal of our forces from Haitian soil. In some of these resolutions I have recited. by way of preamble, some of the ugly facts attending the conquest and control of Haiti. On February 23, 1928, I offered Senate Resolution 158, which I now ask the clerk to read.

The PRESIDING OFFICER. The clerk will read the reso-

lution, as requested.

The Chief Clerk read the resolution (S. Res. 158), which was referred to the Committee on Foreign Relations, as follows:

Whereas it is claimed that the following statement contains some of the important facts relating to the occupation of Haiti by the military forces of the United States, and also some of the important occurrences following such occupation, together with facts relating to the present conditions in Haiti:

More than a century ago the Haitian people achieved their independence and established a republican form of government, under which they controlled their political affairs, without interference from foreign powers until the United States seized and occupied their country in July, 1915, accomplishing the same by employing war vessels of the Government which entered the ports and harbors of Haiti and landed large military forces upon Haitian shores;

That said military forces of the United States seized the public buildings in Haiti and important military positions; that the Haitian people were opposed to the invasion of their country by the armed forces of the United States, and some of them attempted to repel such invasion, as a result of which more than 2,500 Haitians were killed in conflicts with the armed forces of the United States:

There was no sufficient reason for sending war vessels to seize Haitian ports or to land American troops upon Haitian soil; whatever disturbances there were in said country being purely of an internal character and in no wise affecting the liberty of Americans or foreigners;

That after the seizure of Haiti, the admiral in charge of the American forces declared martial law, took control of the Government of Haiti, interfered with the election, and exerted military pressure and all influences at his command to secure the election of Dartiguenave as President of Haiti:

The United States then presented to said Dartiguenave, and to the National Assembly of Haiti, which consisted of two legislative bodies, the Chamber of Deputies and the Senate, a proposed convention giving the United States control of the revenues, police, public works, and sanitary administration of Haiti, which the assembly was unwilling to ratify; whereupon the admiral in command of said American forces cut off the salaries of the opposing members of the assembly, and announced that if the tendered treaty was not ratified the United States "has the intention to retain control in Haiti until the desired end is accomplished, and that it will forthwith proceed with the complete pacification of Haiti," under pressure of which threat the National Assembly accepted such convention in September, 1915;

That in 1916 a new National Assembly of Haiti was elected pursuant to the Haitian constitution and upon the convening of the same there was submitted to it by the United States a new constitution, prepared in the Navy Department of the United States, which, it was declared, was to supersede the constitution under which Haiti had been governed for many years. This new constitution materially changed the constitution of Haiti, among the changes being one which authorized foreigners and foreign corporations to hold Haitian lands contrary to the Haitian constitution, which sought to protect the Haitian people from foreign domination and to preserve Haitian territory for the Haitian people;

This new constitution was not acceptable to the National Assembly of Haiti; whereupon the military forces of the United States summarily and forcibly dissolved the assembly, took possession of the legislative chambers, and locked the same against members of the assembly; and when the two branches of the assembly met in other places, they were summarily and forcibly dispersed by American military forces;

That thereupon an election was ordered by those representing the United States for the alleged purpose of having said new constitution submitted to the people for ratification; that it was known that the people of Haiti opposed the so-called "new" constitution, but a few votes were cast under the supervision and control of military forces and under conditions that indicated pressure and intimidation of the Haitian people, as a result of which it is claimed that no election or true expression of the people was had, and that said new constitution was not in fact ratified by the people of Haiti.

Upon the dissolution of said National Assembly, said Dartiguenave, by dictatorial decree, set up a so-called "council of state" (appointing all the members thereof), which was an extraconstitutional and illegal body and which pretended to take over and exercise the legislative powers of the National Assembly; and it has continued from that time until the present to exercise said usurpatory authority in defiance of the will of the Haitian people. In its acts and proceedings it is claimed said council of state has been merely the instrument to register the will of the President of Haiti, who has been and is controlled by the United States.

The term of office of said Dartiguenave expired August 12, 1922, and thereupon, as is claimed, the United States selected Louis Borno to be his successor; that said council of state had no power or authority to act in the premises, but the members of said illegal organization, with the support of the American military occupation, pretended to elect as President of Haiti said Louis Borno, although he was not eligible to the Presidency of the Haitian Republic because he is not the son of a Haitian citizen, as prescribed by the constitution of Haiti;

That under the constitution of Haiti, as well as the void and unratified new constitution, the two legislative bodies of the Haitian Government were empowered to meet as a national assembly and to elect, at the times designated in said constitutions, respectively, the President of the Haitian Republic:

That said council of state, in the matter stated, and in defiance of said provisions, pretended to elect said Borno for the term of four years, the period prescribed in the so-called new constitution, which the National Assembly of Haiti had refused to accept;

That the constitution of Haiti, as well as the new constitution sought to be imposed on the Haitians, provides for the election of the members of the two legislative bodies of the Haitian Republic, but since the suppression of said bodies no elections, except as hereinafter stated, have been held, or permitted to be held, by those in control of Haiti, as a result of which no national assembly existed to choose the President of Haiti, as provided in said constitutions;

That under the terms of the new constitution a President of Haiti was to have been chosen by the national assembly on the 12th day of April, 1926, but said assembly having been abolished by the military forces of the United States and the dictatorial decree of Dartiguenave, said council of state, with the approval and support of the military forces of the United States, pretended on said day to reelect said Borno as President for a further term of four years; that it was understood for many months prior to said date that Borno aspired to another term as President and was supported for such position by General Russell (who commanded the military forces of the United States in Haiti, and who also bears the title of the American high commissioner), if not the Department of State of the United States. To bring about that result said Borno shortly prior to April, 1926, appointed 18 of the 21 members of the council of state from among his relatives, personal friends, and retainers, in order that he might be assured of his reelection on April 12 of this year;

That the term of said convention of September, 1915, expired on September 15, 1926; that if the United States had any right, under convention, to occupy Haiti and control its government and the people of Haiti, such right no longer exists, and the further presence of the United States in Haiti means the continued unauthorized control of Haiti and her people by superior military forces;

The said new constitution contained substantially the same provision as the Haitian constitution with respect to freedom of speech and the press and the guaranties of personal liberty and also with respect to the judiciary and the powers and functions of judicial officers:

That those in control of Haiti have been dissatisfied with the independence of members of the judiciary and their interpretation of the constitution and the laws, and the protection which they have accorded to the personal and property rights of the Haitian people. This situation resulted in the demand, upon the part of those controlling the political and governmental affairs of Haiti, for a suppression or repeal of said constitutional provisons, and notwithstanding said officials had declared that the people of Haiti were unfit to vote, an election was called for the 12th of January, 1928, to repeal said provision of the constitution.

That the proposed amendments to the constitution are for the purpose of legalizing the denial of freedom of the press and personal liberties, including the right to trial by jury, and for the purpose of placing the judiciary under the control of those dominating Haiti.

That it is claimed that the de facto Government of Haiti is the United States acting through General Russell, who is supported by the military forces of the United States, and that Borno and said council of state act in accordance with directions given to them, that the liberties of the people are restricted, the freedom of the press destroyed, the independence of the courts interfered with, the voice of the people in the matter of levying taxes and expending them silenced, the right of franchise denied, and the people of Haiti subjected to a foreign control which attempts to screen its power behind Haitian agencies which have been set up and through which it operates.

That there will be no correction of these conditions and no restoration of civil government and constitutional authority in Haiti until the Chamber of Deputies and the Senate shall be elected by the people of Haiti, and shall, in turn, as an electoral body, elect the President of Haiti under the terms of the Haitian constitution;

That the suppression of civil authority by military power is contrary to the Constitution of the United States and those principles of political and civil liberty which are professed by the Government and the people of the United States:

Now, therefore, be it

Resolved. That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth, and to make such investigations as are necessary to ascertain the reason for the seizure and continued occupation of Haiti by the United States, the reasons why the constitution of Haiti was superseded, the elections suppressed, the rights of the Haitian people interfered with, the guaranties of liberty, freedom of speech and of the press under said constitution impaired, and also to inquire into the present conditions in Haiti, and report their findings to the Senate, together with such measures as shall permit the Haitian people to set up and establish a government of their own choice and assume control of the same, and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States, and all officers military, naval, and otherwise-except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

Mr. KING. Mr. President, I have carefully examined the record with a view to stating nothing in the foregoing resolution, as well as other resolutions which I have offered in the Senate, which was not accurate and subject to absolute verification; so that the resolution just read by the clerk recites what I believe to be many of the facts concerning the conquest of the Haitian people by the United States and the military government to which they have been subjected.

Since the introduction of the resolution just read the situation in Haiti has not improved. The same military control exists.

American marines are still there. Brigadier General Russell, the American high commissioner, is still the controlling factor in Haiti. Judges have been removed and replaced by persons amenable to the authority which dominates the country. guaranties found in the Haitian constitution have been abolished. The right of assembly has been interfered with. Liberty of speech is denied. A military dictatorship rules the land, and all this has been under the authority of the United States. Thousands of Haitians have left their native land, and many others have been forced from lands which they and their fathers occupied for many years. American capital has acquired control over large areas of fertile lands. The situation is unsatisfactory and the political conditions provoke unrest and deepseated resentment. Large loans have been negotiated, and American capitalists have acquired the bonds which have been issued. The situation indicates a purpose to keep Haiti under American control for an indefinite period. Believing, as I do, that the United States is wrong in its policy toward Haiti, and that its continued control of the Haitian Government will result in reactions, and produce repercussions harmful to both countries and inimical to the spirit of good will which should exist between the United States and all Latin America, I have for years demanded the withdrawal of American troops from Haitian territory and the liberation of the Haitian people from foreign military rule. I have urged that the Haitian people be permitted to hold a free and uncontrolled election for the purpose of choosing representatives to a constitutional convention, in order that there might be formed a constitution under which they might enjoy such political rights and such a form of government as to them seemed best. I urge now that our Government announce its purpose to withdraw its military forces and return to the Haitian people the control of their own Government and their own country. Upon the adoption of a constitution by the Haitian people, and the election of officers provided in such constitution, which is contemplated under the amendment which I have offered to the pending bill, there is ample time between now and July 1 for the calling of a constitutional convention and the holding of an election thereunder, so that soon after the date just mentioned the Haitian people would be in control of their own country.

However, Mr. President, in order that the transition from the military rule to a government of their own might not be too abrupt, I would be willing to support a measure that would continue American occupation until January 1, 1930. During this year, if it were understood that in January, 1930, American control would be terminated, all needed measures could be adopted, without haste, and all political and governmental authority transferred in an orderly way to the Haitian Government, so to be set up, pursuant to the organic law determined upon by the

Haitian people.
Mr. TYDINGS. Mr. President.

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

I yield. Mr. KING.

Mr. TYDINGS. I appreciate the fine motive that actuated the Senator from Utah in offering the resolution, but I am wondering what his idea would be in a state of circumstances such as this: Suppose that in the Western Hemisphere an usurper should obtain control of some government; suppose that under that usurper or dictator the liberty and the lives of the people were brought to such a point that the whole world would revolt at the treatment they were receiving at the hands of the man who had power; suppose people were being shot down without the right of trial; suppose that under that dictator murder and graft and corruption were rampant and everything that human liberty values was trodden under foot, what, in the Senator's opinion, would be the duty of the United States? Is there any extreme state of facts at all under which the Senator feels that our Government would be justified in taking possession of that country temporarily in order theoretically to reestablish the liberties of the people, or does he feel that, no matter what the circumstances and conditions might be in any country in the Western Hemisphere, it is the business of that country to deal with them and under no circumstances whatsoever should we take any part therein?

Mr. President, the Senator from Maryland has submitted an extremely hypothetical situation—indeed, one in which I find no parallel in those countries with which the United States has diplomatic relations. I can scarcely conceive of conditions so extreme as those embraced in the questions of the Senator. I grant that there have been in Haiti revolutions, followed by the rule of dictators, who have been overthrown by military leaders who sought executive authority. There have been in some Latin-American countries revolutionary governments, internal and factional strife, and not infrequently sanguinary conflicts. And in the Eastern Hemisphere there has

been domestic strife, out of which military dictators have emerged who have imposed autocratic and oppressive rule upon the people. China has passed through a series of internal convulsions; military chieftains have warred against each other, and ruin and devastation have followed the efforts of ambitious and, too often, unprincipled men who sought to control a part or all of the great Chinese Empire.

I might add that in our own country we have had a sanguinary and fratricidal war which filled the land with sorrow. The Senator will recall that there was resentment at the suggestion of foreign interference in the conflict which threatened to divide this Republic. No country had the right to interfere in our domestic affairs, even though the purpose may have been to terminate a sanguinary struggle which stained the soil, North and South, with the blood of thousands of heroic and valiant

Quite recently the Government of Afghanistan was over thrown by a cruel military leader. We have not obtained full information, but sufficient data have been obtained to reveal that atrocities were committed upon innocent people. It is contended by many that the Bolshevik leaders, when they seized the Russian Government, perpetrated unparalleled cruelties, killed hundreds of thousands of inoffensive people, and drove from Russia nearly 2,000,000 of her inhabitants. suggested in the instances alluded to that the United States owed a duty to intervene and to prevent bloodshed and unspeakable cruelties. The United States has not been made the guardian of the world and the protector of people in every country upon the Western Hemisphere. This Republic is not a policeman to guard America or to control the people of Latin I can conceive of circumstances under which the America. United States might be justified in interposing to prevent continued atrocities, the destruction of the lives of innocent men and women, the complete overthrow of law and order, and the plunging of the whole Nation and her people into the abyss of anarchy and ruin. But no conditions exist now upon the Western Hemisphere which would warrant our Government engaging in military operations to subject a people or country to its rule.

I think I should answer that even under the extreme situation mentioned by the Senator our country would not be justified in taking possession of a country exposed to such frightful calamities as those indicated in the Senator's question. have been dictators and usurpers in Latin-American countries, but in time they have been overthrown and order established. The Latin-American Republics were born in the storm of revolution. Conditions attending their development have not always made for orderly progress and development. Conflicting forces and violent currents and cross currents have been developed as these nations have struggled to reach the uplands where peace and order and true progress are to be found. Progress comes slowly and the path of national development is stained with the blood of martyrs. Nations are not born in a day, They are subject to evolutionary laws and processes, and centuries may be required for them to emerge from darkness and cruel injustices and oppression and to develop a system under which reasonable freedom and happiness may be enjoyed.

If the United States should announce its purpose to interfere in the Western Hemisphere whenever there was disorder or cruelty or corruption or usurpation or tyranny, it would arouse fears and resentments, and, indeed, hatred in every part of this hemisphere. I repeat, God did not make this Nation the policeman and the guardian of the Western Hemisphere. The Monroe doctrine endows this Republic with no such authority and charges it with no such responsibility. This Nation can serve the peoples of this hemisphere and of the world far better by pursuing a just and righteous course, by practicing justice and mercy, by setting an example of toleration and of patience, by exhibiting a spirit of sincere friendship and brotherhood, by convincing the peoples of the world that our Nation is one of peace and universal brotherhood.

I might add to these generalities, however, that it is the duty of the United States to protect its citizens whether in Latin America or elsewhere and in affording such protection, condi-tions may sometimes arise calling for the exercise of military force.

Mr. TYDINGS. I thank the Senator, and I appreciate the fact that his answers are really conclusive as to what he has in mind, but carrying my thought a step further, suppose that the conditions in Cuba had been what they were before we had war with Spain, I presume the Senator then would not have been in favor of taking the part of the Cuban people, who were admit-

tedly oppressed. Am I correct in that?

Mr. KING. Mr. President, I confess to some reluctance in attempting to answer the question just submitted by the Senator from Maryland. Perhaps I can, in part at least, reply to his question by briefly referring to some inconspicuous part which

I played in that great .dventure by the United States. I was a Member of the House of Representatives during the Fifty-fifth and Fifty-sixth Congresses. The situation in Cuba in 1897 was serious and indeed tragic. The revolution was in progress and Spain was exerting every effort to maintain her sovereignty and control over Cuba, and to defeat the revolutionary movement. There was a strong feeling in the United States that we should intervene or at least recognize the belligerency of the insurgents. In the House of Representatives a great majority of the Members were not satisfied with the course of the administration, and the Democrats were urging armed intervention. Many of the Republicans joined with them in opposing the negative policy of President McKinley. In order to learn definitely of the conditions in Cuba, and at the request of the leading Democrats of the House, I went to Cuba early in December, 1897. There I spent several weeks visiting various parts of the island. I met General Blanco and the Spanish authorities, and penetrated various Provinces, where I secretly met the revolutionary leaders and visited many insurgent units who were fighting to throw off the Spanish yoke.

Even if time permitted it would be impossible to describe the awful conditions which I there beheld. Many parts of the island had been devastated and hunger and wretchedness stalked through the land. The Spanish authorities, in continuing their military operations, drove into various cities and towns thousands of poor starving Cubans, burning their rude belongings and destroying their possessions in order to weaken the cause of the revolutionists. The reconcentrados, as these Cubans were called, were exposed to the inclemencies of the weather and were without food or shelter. Tens of thousands of them died from exposure and starvation, and everywhere there was sorrow and tragedy and lamentation.

Guerrilla warfare existed and contributed to the terrible situation which made of Cuba a charnel house. And the conditions of the Spanish troops was such as to excite pity even among those who were opposing them. Disease destroyed them by the thousands; lack of food and clothing and proper care and protection decimated the ranks of the Spanish Army so that their efforts to subjugate the revolting Province were unavailing. American property was destroyed and some American lives were lost. It seemed to me from my investigation that the lives were lost. strife called either for intervention by the United States or the recognition of the insurgent government to be followed by according it all rights belonging to belligerents. Upon my return to Washington I reported to my Democratic associates, and recommended that our Government intervene for the protection of American lives and property and to prevent the destruction, which seemed to me to be inevitable, of most of the inhabitants of that beautiful island.

The Democrats in the House, together with 80 or more Republicans, called Republican reconcentrados, joined in demanding that the administration intervene in Cuba. With the destruction of the Maine in the harbor at Habana, there was an irresistible demand throughout the country for armed intervention in Cuba. War with Spain soon followed, the results of which are familiar to the world. In the light of subsequent events there are many who doubt the wisdom of the course pursued by the United States, and there are some who assert that we were not justified in going to war with Spain because of the Cuban situation. It has been declared that we intervened because of humanitarian reasons. Doubtless the atrocities committed by General Weyler in Cuba, the starvation of hundreds of thousands of the Cuban people, the conviction that further strife would almost destroy the entire population, so aroused the American people that many of them believed it to be the duty of this Republic to intervene. It was not so much hostility to Spain as it was sympathy for the sufferings of the Cuban people that influenced the American people,

Mr. President, it is a serious thing for one nation to interfere in the internal affairs of another nation; and it is a responsibility which a nation should never assume (unless no other course is open) to engage in military operations against a friendly state upon the ground that the latter is governed by a dictator or that revolutionary factions are engaged in ruinous warfare. Much as we may deplore civil wars and factional strife, they have in many cases brought important results. Out of the fires of revolution have come nations which have carried forward the banner of progress and freedom. The record of Latin America has some dark pages, but progress has been made, and it is certain that the future will witness increased development, materially, morally, and spiritually, upon the part of all of our neighbors in this hemisphere. The attitude of this Nation should be one not of arrogance and pride but rather of humility. There should be a recognition of the fact that much

has been given to this Nation and her people, and where much is given, much is required. America should be the evangelist of peace, the apostle of good-will, the exemplar of those national virtues which will crown it with moral and spiritual primacy

Mr. President, I return to the consideration of the Haitian question. Powerful nations have not infrequently made war upon a weaker nation pleading in justification of their course factional strife and internal dissentions in those countries which they attacked. Ambitious monarchs have often discovered plausible reasons to conquer adjoining, as well as remote, states, and to impose upon them the will of the conquering nation. And history is replete with examples where, after intervention and conquests, reasons were discovered for the conquering nations to annex the territory invaded and to impose upon its inhabitants a yoke which to them was most hateful.

Because there was war in Nicaragua, or conflicts in Haiti, or internal strife in Santo Domingo, I do not admit that the United States was justified in intervening in either of these countries. The military intervention in Haiti occurred under an administration to which I was giving my support. I believed then, and I believe now, that my party committed a great wrong when it sent military forces to occupy Haiti and when it abrogated the Haitian constitution and set up a military rule.

Mr. ODDIE. Mr. President, will the Senator yield? The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I yield for a question.

Mr. ODDIE. As a question, then, I will ask the Senator not to call on the American people to take all that he is saying as

Whatever I say concerning the Haitian situation is supported by the record, and I stand upon my statements. Mr. President, whenever I have spoken upon the Haitian question the Senator from Nevada has felt constrained to interrupt me and to project himself into the discussion. He seems to be obsessed with the idea that he is the champion of the administration in its policy of retaining control in Haiti. I may add that the Senator's interruptions are irrelevant. I have no objection to him stating in his own time his views concerning Haiti. He may justify imperialism in any form that he pleases. If he seeks to advocate imperialism, either economic or military, it is his privilege and I will not quarrel with him; I will, however, determine my own course and voice my own views with respect to what I conceive to be the proper course to be pursued by the United States in dealing with other countries, and with helpless peoples. I have condemned the conquest of Haiti and criticized the policy of the present administration in Haitian affairs as I have criticized its course in dealing with Nicaragua.

Mr. ODDIE. Mr. President, will the Senator yield for a question.

Mr. KING. For a question, yes.
Mr. ODDIE. I will ask the Senator if the policy of the present administration is not the same as the policy of the previous administration in 1915 in regard to our occupation of Haiti which I advocated as I am advocating the policy of the present administration in this matter?

Mr. KING. If the Senator thinks he is embarrassing me by instituting a comparison between the policies of the Democratic and Republican Parties in Haiti, I can assure him that he is mistaken. As I have stated, I criticized my own party for its military operations in Haiti, and have criticized the Republican Party for the course which it has pursued in that country. I have no partisanship in the consideration of inter-I would more quickly condemn my own national questions. party than I would the Republican Party when I believed that it was pursuing an unjust course toward the peoples of another country. I have said I expect more of the Democratic Party than I do of the Republican Party, as the former would deserve greater condemnation for injustice and wrong to helpless people because Democrats know better. [Laughter in the galleries.] Democracy is founded upon the right of the people to govern themselves. It believes in the right of self-determination and recognizes the right of the people to prescribe their own form of government. When our forefathers revolted and sought their independence, a great Englishman commended their efforts and abjured them to continue the struggle so long as a foreign foe remained upon their shore.

Mr. President, I shall continue to oppose our policy in Haiti until American troops are withdrawn and the Haitian people are free to govern themselves in their own way and under such forms as they shall ordain. I condemned our military occupation of Santo Domingo and demanded that our military forces should be withdrawn from that land. It was a source of

gratification to me when we finally ordered our armed forces to be withdrawn, and the Government of Santo Domingo to be restored to the people.

Mr. BRUCE. Mr. President, will the Senator yield for a

question?

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

Mr. KING. I yield to the Senator. Mr. BRUCE. Does not the Senator think that the results

of our occupation of Santo Domingo were altogether beneficent?

Mr. KING. Mr. President, it is quite likely there will be differences of opinion as to whether our military rule in Santo Domingo resulted in benefits to the people of that country. I confess that it is somewhat difficult to measure the question of advantages and benefits and to predict with any degree of certainty what the results would have been, in any country which had been subjected to foreign control, if there had been

which had been subjected to foreign control, if there had been no foreign intervention. No one can determine what would have developed in Santo Domingo had there been no American occupation. Too often it is assumed, when there has been foreign intervention, that any progress is the inevitable result

of such occupation.

This view rests upon the assumption that the people are incapable of progress or of remedying temporary or chronic evils, and that foreign or extraneous forces must be introduced in order that the stream of life, nationally and otherwise, may be permitted to flow. Undoubtedly there have been military occupations that have resulted in some benefits; but to say that the benefits would not have been realized without such occupa-

tion is subject to challenge.

The investigation made by the committee of the Senate known as the McCormick committee of the military occupation of Santo Domingo presents a sordid and tragic picture. were cruelties perpetrated that can not be defended and a record made which must be condemned. But even if benefits do result from military excursions by our Government into foreign states, I deny that it is the right or the duty of the United States to superimpose its authority upon such states. I believe that imperialism in any form is injurious to our own institutions and to our own Government. If we form a habit of sending our war vessels and marines to foreign countries, and give as a pretext for such course that we seek the welfare and felicity of other peoples, we are, in my opinion, developing a national point of view which will prove a menace to republican institutions and destructive of the democratic ideals which should guide the United States.

It is probable that our Government might give to some backward people a better form of government than that which they now enjoy; but who shall say that in the long run the people of such country were benefited or that the political and democratic spirit of the American people has not been weakened or polluted? I believe that we are undermining the foundations of this Republic and weakening the spirit of democracy—that subtle and, I might say, delicate spirit which must persist if our institutions are to survive-when we become imperialistic; when we hold peoples and countries for exploitation; when we, by military force, subject them to our will. It is a dangerous thing for democracy, resting upon the sublime principles announced in the Declaration of Independence, to seize and hold by force a country and its people, particularly when the latter represent ethnic differences and where they have different habits and customs and their cultural developments have been along other lines. The Filipinos and the Haitians have different traditions and different views and a different culture from that which we possess. Concede that we are superior morally, spiritually, and intellectually; that affords no justification for holding them under American rule and trying to force upon them our culture and traditions and form of government.

Mr. President, as I stated, nations make slow progress; the processes of evolutionary development, social and political, work almost imperceptibly; indeed, there are some who doubt that humanity is other than an inert mass and that it lacks the vitality and genius for progressive development. That view I do not regard as being sound. There are vital forces operating in the social and political organism, and growth and progress are manifest throughout the world. Progress which comes from within as the result of individual efforts—of local, vitalizing influences—will be more certain not to be arrested; its foundations will be more secure, and each successive development will energize the community, the state, and the people and prepare them for further and greater intellectual and moral

growth.

The history of Great Britain is a most inspiring one, and demonstrates that social and political institutions under which liberty can be enjoyed are the product of centuries and come

only through trials and tribulations and years of struggle and strife.

The Haitian people a little more than a hundred years ago were slaves. They drove their oppressors out and set up a government of their own. They made many mistakes; stumbled and frequently fell, but they arose and moved forward; they established a government liberal in form; they produced many educated and cultured men and women. Government took its place in the great family of nations and entered into treaties with the leading nations of the world. This new and rather backward nation discharged its international obligations; it sought the improvement of its people. Ambitious men, some of whom were unprincipled and corrupt, seized the reins of authority and interrupted the progress of the nation and disturbed the peace of the people. Presidents were driven out of the land. Some of them were killed. Revolutions, though somewhat attenuated, occurred, but there was growth. The Government was republican in form. There were two legislative branches patterned after the House and Senate of this Republic. A judicial system was established that received the commendation of leading jurists in other countries. Haitian lawyers contributed to the work of The Hague and were selected to aid in the codification of international law. Writers and journalists, famed beyond the borders of Haiti, were the product of this new Republic. Without justification we landed thousands of soldiers and marines upon Haitian territory and waged a successful war, until all the strategic military points were in the possession of our forces, and the entire Government was under the control of the United States. For nearly 14 years we have governed Haiti.

I submit that our record during that period not only is not free from criticism but justifies severe condemnation. The abolition of their constitution was an unjustifiable act. To force upon them a fundamental law materially modifying their own constitution was an international offense. To destroy their legislature and set up a form of government which is employed to conceal the iron hand and military power of the United

States calls for severe condemnation.

Mr. President, there is now no Haitian Government; there is no real freedom in Haiti under our military rule. The independence of the judiciary has been destroyed. The constitution which we forced upon them has recently been changed so that judges who had been appointed for life have been removed and their places taken by complacent persons who, it is supposed, will be amenable to the puppet government which we have set up. The court of cassation, which existed under the Haitian constitution, was composed of enlightened and eminent jurists, whose decisions were respected not only by people of Haiti but by all who were familiar with them. The judges of this court were independent and courageous; so it was determined to remove this bulwark which sought to protect the liberties of the people. Accordingly changes were made in the constitution, not legally, and pursuant to these changes a pliant judiciary has been established.

The guaranties of the old constitution, and even the one we first forced upon them, have been swept aside. There is no longer freedom of speech and of the press in Haiti. Journalists have been imprisoned; even now some are incarcerated because they do not conform their conduct to the will of General Russell, the head of the American marines, and the so-called high com-missioner and the Borno régime. This high commissioner has never been confirmed by the Senate of the United States. exercises military authority, presumably as brigadier general in charge of our marines. He is the real power behind the socalled Haitian Government, the policies of which are determined and executed by him. I should add, however, this qualification: That he is amenable to the Executive of the United States and doubtless receives instructions from the State De-What his instructions are we do not know; the partment. What his instructions are we do not limit of his authority we are unable to determine, That Haiti and her 2,000,000 people are under his control and subject to his will, with the qualification just stated, there can be no doubt. No one could be the puppet President of Haiti against the will of General Russell and the United States. No important domestic or foreign policy of Haiti can be determined by the Haitian people. Their revenue laws are prescribed by the American occupation. Disguise it as we may, sugar coat it as we may try, the bald, naked fact stares us in the face that Haiti and her people are governed by the military forces of the United States.

In the New York World there have recently appeared two articles of some significance. I should add that there are a large number of Americans in Haiti occupying profitable positions. Of course, they are subject to the military control of General Russell. They enjoy lucrative positions and draw large

salaries from the Haltian treasury. Doctor Millspaugh, who held the position of financial adviser and general receiver for Halti, recently resigned because of clashes between him and General Russell, the American high commissioner, growing out of charges of extravagance upon the part of some of the officials in Halti.

In the issue of the World dated February 8 of this year it states that Doctor Millspaugh resigned because of the actions of Brig. Gen. J. H. Russell and other officials and their alleged extravagance. It further states that "this information was confirmed by State Department officials in Washington." The World states:

Secretary Kellogg to-day refused to comment on whether he had asked Millspaugh to resign. Other State Department officials, while admitting friction between Doctor Millspaugh and authorities in Haiti, both American and native, declined to say whether his resignation was voluntary.

The article further states that-

confirmation of the strained relations existing between Doctor Millspaugh and General Russell was obtained from officers of the Marine Corps.

The same article states that Mr. Marshall, a captain in the American forces during the World War, and for six years a clerk in the United States Consulate at Port au Prince, had resigned and left Haiti. The World quotes Captain Marshall as follows:

The department of public works had spent millions of dollars of Haitian money without an accounting to the people. When the Americans came, in 1915, they immediately abolished the Haitian Chamber of Accounts and promised to give the Haitians a more modern and efficient system of accounting. For 13 years that promise never has been fulfilled. Doctor Millspaugh requested the State Department to send expert accountants to Haiti. * * * On October 22, General Russell "peremptorily" urged the State Department to request Doctor Millspaugh to resign. * * * While this was pending, the unaudited accounts and vouchers of the department of public works were destroyed by a mysterious fire.

The article further quotes Captain Marshall as stating that there were matters on which the financial adviser disagreed with the American military officials governing Haiti, among them being a proposal to build an expensive concrete road between Port au Prince and Petionville—a road which Captain Marshall says "was desired by the American colony to make more accessible its country club at Petionville, and the proposed purchase of a \$100,000 Coast Guard vessel." Captain Marshall stated that since the last Coast Guard ship, purchased by Haiti at a cost of \$24,000, almost sank in getting to Port au Prince, and has been useless ever since. Doctor Millspaugh opposed the sending of good money after bad.

The article proceeds:

Captain Marshail was a football star and champion quarter-miler at Harvard. During the World War he served in the Fifteenth Infantry under Col. William Hayward, was wounded, and was cited for gallantry in action

In the issue of the New York World, dated February 10, 1929, appears an article written by Captain Marshall. I ask that excerpts from this article be inserted in the RECORD at this point without reading.

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

* * In consequence of the annual reports of Gen. John H. Russell, the American high commissioner to Haiti, and a press bureau, the American people have the notion that Haiti is prospering under the American occupation. Nothing could be further from the truth. I have spent six years in the United States Legation at Port au Prince and have been in a position to study minutely the trend of affairs in that unhappy Republic.

When I left there, a few days ago, misery prevailed everywhere. If the purpose of the occupation of Haiti by the armed forces of the United States was to crush the spirit of a free and sovereign people and reduce them to a dependent state, that purpose has been brilliantly

When I went to Haiti six years ago I found a cheerful, light-hearted people, hopeful of the future. They had confidence in the pledged word of the Americans to remit to them their native soil at the expiration of the treaty. They believed that the Americans had come into their midst with the high and disinterested purpose of helping them to rise to higher levels politically and economically.

To-day that confidence has gone and in its place have come bitter disappointment and despair. It seems that many Americans the Government has sent down to Haiti look with disfavor and contempt upon the cultural side of the Haitians.

In exchange for cultural values requiring centuries to develop one is given certain economic values of a transitory nature, of even doubtful utility. The instances where American-made roads and bridges have been destroyed by the first violent rainstorm after their construction are not few; and such roads as have been constructed are totally inadequate for 13 years of American occupation. * * *

Not so many months ago a very important bridge over the treacherous stream of Limbe on the road from Port au Prince to Cape Haytien was swept away. Immediately the news was cabled to the American press that an unprecedented storm, causing the deaths of three or four hundred natives, had done the mischief. This was not true. The truth was that the American engineers had ignored advice of their collaborating Haitian engineers to construct this bridge at another place. A little later the bridge leading into Jacmel, costing some \$45,000, was demolished by an ordinary storm for that locality. The Haitian papers raised a strong protest, and the responsible American engineer was relieved of his duties. These are only a few instances of maladministration on the part of the department of public works under the control of a chief American engineer.

But we were talking about the effects of the occupation upon the social life of the Haitians. Not content with driving the upper classes from their pretty homes by offers of attractive rentals, which their high-salaried positions enabled them to make, the American invaders sought to take away from them for their own use the cornerstone of their religious and esthetic culture, the Church of Sacre Coeur at Targeau, the fashionable quarter of Port au Prince.

Although their hearts were bleeding, the coup de grâce was given when a few days before the arrival of Colonel Lindbergh at Port-au-Prince an American officer with a squad of gendarmes descended upon "le Cercle Belleue," the leading club of that city, and sealed it under orders of the Government. The charge was that its members indulged in political discussions, which was not true, and, if true, they so engaged themselves with as much decorum as the members of the Union Club of New York City.

From that moment down to the present time Haitian society has ceased to exist. The other clubs, a half dozen or more, have ceased to function out of sympathy with the "Cercle Belloue," and the time-honored weekly "at homes" of the Haitian society are a thing of the past. People do not even visit one another.

The Americans at Port au Prince had always looked with an envious eye upon the spacious dance hall and splendid appointments of this club, and a few days after its closing a marine corporal approached the president of this club, Mr. George Leger, with an offer for its rental to the American colony. Of course, the offer was curtly refused, and the club still remains closed after an existence of 30 years.

Haitian society is mourning, and this mourning has descended to the lowest stratum of the population, the peasants; for even here the old African tambourine dances, accompanied by those musically weird, enchanting, crooning spiritual outgivings of a primitive people, are abolished by American-made laws.

When the English wiped out the quaint little French colony of Acadia they did it more mericfully, because they did it more brusquely. In Haiti the dying tortures are slowly and methodically applied. Yet there are statesmen at Washington who insist that the fundamental intent of the American occupation is to secure the confidence of the Haitian people. I know that that was the hope of ex-Secretary of State Hughes and the late Senator McCormick, but the brigadiers in Haiti scoff at civilian counsel.

The economic side of this picture is darker still. Le Temps, a daily at Port-au-Prince, published on December 10, 1928, the seventeenth of a series of articles reviewing the economic condition of the Haitian people. We translate the following comment:

"Misery in the folded arms of the merchant before his empty money chest! Misery of the discouraged bourgeoise, of the helpless small employee! Misery in the glazed eyes of the scantily clad girls of the proletariat in the evenings on the street corners of the squalid outskirts of the city! Misery of the clite and of the masses! Misery of a whole people!"

The editor who wrote this article is now in jail for violation of the law against the press. He is the twenty-seventh newspaper man to be thrown in prison during my residence at Port au Prince. But this is aside from the story. After a carefully studied exposition of the situation, this writer sets forth the following causes for the prevailing economic atrophy (translation):

First. The stationary state of production in relation to the increasing population.

Second. Exorbitant duties.

Third. Investment of the national funds abroad.

Fourth. Our budget is devoured by the fat-salaried American employee, and construction of all kinds is out of proportion to cost.

Fifth. Famine salaries of the public employees.

Sixth. Fixing of the gourde (the national money) at the ratio of 5 to \$1.

Seventh. The unskillful application of the tax upon alcohol and tobacco.

Eighth. The systematic boycotting of Haltians from employments of all kinds; whence the large number of unemployed.

Ninth, Too great consumption of luxuries.

Tenth. Drainage of Haitian money by foreign commercial enterprises. Eleventh. The desertion of the plantations by the peasants.

The exorbitant duties inserted in the last customs law is one of the chief causes of this business stagnation.

In the meantime the political pot was boiling in Haiti. Not that it had ever ceased to boil, but eventful things were coming to pass. Mr. Borno had, in some kind of a fashion, been twice "elected" President of Haiti. He wanted a third term, but the State Department thought that would be "undemocratic," so Mr. Borno, last May, sent a message to the council of State by which it was generally believed he had renounced a third term. He stated that when, in 1920, his Government finished its mandate, its successors, etc.; the use of the pronoun "its" did not escape the observation of some of the lawyers at Port au Prince.

What could Washington do if Borno had himself reelected by a legislature chosen apparently in a legal manner? To make assurance doubly sure the President has had passed two laws uniquely designed to the consummation of his plans. One is the law against meetings, and the other is a law against the press. Opposing candidates can not hire a hall and make a public campaign, and protesting editors are forbidden to criticize candidates of the Government.

This is what is passing in Haiti, supported by martial law and the bayonets of American marines.

Mr. KING. Mr. President, I ask that an editorial appearing in the New York World under date of February 10, 1929, be

inserted at this point in my remarks without reading.

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

AN INCIDENT OF EMPIRE

Everyone knows that the "Haitian Republic" is really an American protectorate; that President Louis Borno is a pawn in American hands, and that Haitian authority is concentrated in a group of American "treaty officers." They include our high commissioner, Brig. Gen. John H. Russell; our financial adviser and receiver general, Dr. A. C. Millspaugh; and our chief of gendarmerie, Maj. Gen. Frank M. Evans. Doctor Millspaugh has now resigned. He is silent as to the reasons. But the World publishes a statement by N. B. Marshall, former Harvard student, Army captain, and lawyer, and for six years ended January 1 employed in our Port au Prince Consulate, who returned on Doctor Millspaugh's ship. He declares that General Russell urged the State Department to call for Doctor Millspaugh's resignation because the latter attacked our official extravagance:

"The department of public works has spent millions of dollars of Haitian money without an accounting to the people. When the Americans came in 1915 they immediately abolished the Haitian Chamber of Accounts and promised to give the Haitians a more modern and efficient system of accounting. For 13 years that promise never has been fulfilled. Doctor Millspaugh requested the State Department to send expert

accountants to Haiti."

These are grave accusations. They include assertions that a mysterious fire recently burned unaudited accounts and vouchers and that Haitian road making has consulted American convenience rather than Haitian needs. There are two special reasons why such accusations should be cleared up as quickly as possible. One is that they are apparently believed by a considerable part of the Haitian public and press. The other is that it has unquestionably been part of American policy in Haiti to provide large public improvements in a minimum of time and with a minimum of Haitian opportunity for discussion or control.

Mr. KING. Mr. President, authentic information which I am receiving from Haiti confirms the statements made by Captain Marshall. Quite recently three journalists-MM. Jacques Roumain, Elie Guerin, and Georges Petit-were incarcerated because they published articles not approved by the military dictatorship in Haiti. May I say that when the Pan American conference was held in Habana two of the leading jurists of the Western Hemisphere embarked from Haiti to participate They, at the request of those in control of in the conference. Haiti, were arrested, prevented from landing, and returned to The three journalists just mentioned while imprisoned were treated with harshness, their principal jailer being an American officer. In order to prevent criticism of the autocratic régime governing Haiti, a so-called law was recently promulgated which makes it an offense for any person outside of Haiti to criticize the so-called President of Haiti or officials therein. This measure had the approval of the high commissioner, and it was designed, it is believed, to prevent Americans from visiting Haiti who had criticized the military government of Haiti. Already there are evidences that the military régime is preparing to have Mr. Borno, the puppet President of Haiti, chosen for the third time. A Haitian of high character and ability declares that-

If the occupation succeeds in this scheme this puppet will exercise for six years longer the authority given him. This will mean that Borno will enjoy 14 years of power with the help of American bayonets. This so-called reelection would be a violation of the constitution forced upon Halti. It is stated in the third paragraph of article 72 of the constitution of 1918 that the reelected President can not be chosen a third time before an interval of four years.

However, any constitution forced upon the people is modified to suit the will of the military authorities. The same Haitian whom I have just quoted states:

With the present electoral law twice modified by Mr. Borno there is no possibility of free election. If there is any election decreed and that law is not abrogated or amended, the voting will be a cynical mockery of universal suffrage.

Mr. President, I have here many letters and communications received from Haitians as well as from Americans, showing the deplorable and unsatisfactory conditions in Haiti. I shall not take the time of the Senate to examine them. I wish, however, to call attention to a book entitled "Occupied Haiti." prepared by a committee of American citizens who recently visited Haiti and made a searching investigation into the political, economic, and social conditions there existing. The committee consisted of Dr. Paul H. Douglass, professor of industrial relations at the University of Chicago; Miss Emily Greene Balch, of Wellesley, Mass.—Miss Balch is a distinguished educator and lecturer—Charlotte Atwood, a graduate of Wellesley and a teacher of English in Washington; Zonia Baber, of Chicago, former professor of geography in the University of Chicago School of Education; Mrs. Addie Hunton, head of the International Council of Women of the Darker Races; and Mrs. J. Harold Watson, representing the Fellowship of Reconciliation.

In the report which they made and which, as stated, is published under the title of "Occupied Haiti," they state that they

ound-

The problem in Haiti to consist not in individual instances of misused power but in the fundamental fact of the armed occupation of the country.

On page 1 of the volume this appears:

Yet this country (Haiti), the independent sovereignty of which is solemnly recognized by the United States, as well as by all other countries, and which is a full member of the League of Nations, has been occupied by the United States by force of arms, kept down by force of arms, and administered for 11 years at a very considerable cost to ourselves as taxpayers and a much heavier cost, both in the world at large and more especially in Latin America, to our standing as a respecter of the liberties of others. The most disconcerting aspect of the whole affair is that it is possible to do what has been done in Haiti, directly contrary as it is to all our principles and professions, without any popular demand for such action, without its ever being proposed or debated beforehand, and with so little realization in the United States that it has been done.

Mr. President, I desire to call attention briefly to a few additional statements contained in this report. Chapter 2 is devoted to the political history of the occupation, and shows the unjustifiable course pursued by the United States in seizing Haiti. It shows that efforts were made by the United States to force a treaty upon the Haitians under which the sovereignty of the Haitian Government would be destroyed and the Haitian people made subject to the control of the United States.

On page 21 the statement is made that Admiral Caperton, who had been sent there by the United States with war vessels, seized the customhouses and collected the revenues; that to force ratification of an unjust treaty he brought pressure upon the Haitian Government and carried out instructions which he received from Washington to the effect that if the treaty were not ratified "the United States would retain control in Haiti until the desired end was accomplished, and that it would forthwith proceed to the complete pacification of Haiti."

Of course, this was a threat to use military force, and at that time large detachments of marines were in Haiti and American warships were in Haitian ports.

On page 23 the report states that-

* * As the treaty was forced through under duress, it is difficult to maintain that Haiti is morally bound by its provisions. * * *

On page 24 the statement is made that-

• • the National Assembly was dissolved by the American officers, and that the American occupation proceeded a second time to dissolve a Haitian Congress, and Maj. Smedley D. Butler, United States Marine Corps, who, as head of the gendarmerie, had also the Haitian rank and pay of a major general, was sent with other officers to accomplish the act. These officers carried out their instructions fully armed. The doors of the National Assembly were then locked in order to prevent the

assembly from entering the chambers again, and since then no Haitian | examined into this question and assert that there is no merit Congress has been allowed to convene.

* * under the American occupation the Government of Haiti is made into a self-perpetuating oligarchy.

On page 32 this statement appears:

It is obvious that as a matter of fact the real power in Haiti is exercised not by the Haitian officials but by the American occupation. The United States also effectually controls all legislation in this "sovereign and independent" State. Proposed laws must be submitted to the American Legation and to the American high commissioner before they can be enacted by the Council of State, now acting in lieu of an elected national assembly. The occupation is thus essentially supreme. Up until 1922 the ranking officer of the United States marines in Haiti was also the representative of the American Government, and although the lines of authority between the American commander and the American minister to Haiti were not always clear, the military character of the occupation was quite evident.

The report stated (p. 33):

Major General Russell was appointed by the President as high commissioner and since then no minister to the country has been appointed. General Russell is therefore at once the representative of the State Department and of the Navy, and even though he makes the legation his headquarters and appears primarily as a civilian, our occupation is nevertheless a thinly disguised military control. Thus the American powers over Haiti are in reality almost complete. American approval is needed for the enactment of laws, the revenues of the country are collected under the supervision of Americans, and the budget is drawn up by the American financial adviser. The financial adviser scrutinizes all vouchers and withholds payments that he believes to be not in conformity with the principles of the budget or with efficient administra-The control over the gendarmerie is in American hands, as are also the services of health and public works and agriculture.

The report states that American officers are in many cases officers of the Marine Corps and in receipt of their regular salaries from the United States, who receive additional salaries out of the Haitian treasury.

Reference is made in the book from which I am reading to a report of Gen. George Barnett-

For the period ending June 30, 1920, which stated that 2,250 Haitians had been killed by American military forces, but the Haitians believed the real number to be much greater. The report of the Secretary of the Navy for 1920 gives the Haitian killed in 1919 alone as

Senators who are interested in the tragic record of occupation should read some of the testimony given before the Senate committee, of which Senator McCormick was chairman.

Reference is made in the report to the imprisonment of a large number of journalists and editors because of their criticism of the American occupation. The committee stated their conclusions and recommendations in chapter 15 of "Occupied Haiti," at page 149, as follows:

Our relations with Latin America are poisoned by the feelings roused by several instances of this imperialistic tendency on the part of the United States and of all these instances our actions in Haiti are perhaps the most flagrant. * * * The authors of this report believe that the occupation should be ended for the sake of Haiti, for the sake of the United States, and especially for the sake of good relations among all American Republics, and finally because it is in itself an unjustified use of power.

Reference is made to a resolution which I offered in April, 1926, the resolving part reading as follows:

Resolved. That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth and report to the Senate measures which shall permit the Haitian people to set up and establish a government of their own choice, and assume control of their own government and their own civil and political affairs, and which shall provide for the withdrawal from Halti of all military forces of the United States and all officers-military, naval, and otherwise-except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

The committee recommend that-

The treaty officials should be withdrawn and actual self-government restored as soon as affairs can be got into such shape as to make it practicable to evacuate the country. (153.)

It is recommended that "elections be held to choose senators and deputies as well as other officials."

An excuse has been made for our occupation of Haiti, that

there were obligations due to American capitalists. I have

in such contention. Doctor Douglas in the report states:

The probable reasons for such a demand are not very clear, since practically all of the external debt was held in France, while the Haitians had, moreover, met virtually all of the Interest payments and were only in default for some of the amortization payments.

France at that time, as Senators know, was at war. had met her obligations, most of which were due to France, and France was making no demands whatever upon Haiti. tor Douglas calls attention to the fact that the National City Bank of New York had insinuated itself into Haiti prior to American occupation and obtained control, in part at least, of the national bank of issue. I quote from Doctor Douglas:

The bank had been apparently anxious for some time to secure American control over the Haitian customs, since a message from the United States minister in Haiti to our State Department in July, 1914, stated that the bank was planning to refuse to renew the budgetary convention in order that the Haitian Government should be rendered financially helpless and be compelled to ask for American

This observation by Doctor Douglas is worthy of note:

It is just this condition that the bank desires, for it is the belief of the bank that the Government when confronted by such a crisis would be forced to ask the assistance of the United States in adjusting its financial tangle and that American supervision of the customs would result.

Mr. President, there are many who believe that there was conspiracy by certain American capitalists to gain control of the fiscal affairs of Haiti and to bring about military occupation by the United States. Since we have been in control we have provided for the issuance of \$40,000,000 of bonds, though when we took possession of Haiti her bonded indebtedness was less than \$16,000,000. Under American control the indebtedness of the Government has greatly increased. It is believed by many that this large bonded indebtedness commits the United States to remain in control of Haiti for an indefinite period and certainly until 1956, the date of the maturity of the bonds

The Haitians see in these bond issues, and the military control of their country, and the acquisition of Haitian lands by American capitalists, a purpose to continue for an indefinite period the control of their country by a foreign power.

Mr. President, I desire to read from a pamphlet entitled "The Seizure of Haiti by the United States," issued in April, 1922, by the Foreign Policy Association of New York, indorsed and distributed by the National Popular Government League of Washington. It is signed by 24 lawyers of high standing, among them Prof. Zechariah Chafee, jr., of Harvard University; Prof. Felix Frankfurter, of Harvard University; George Kirchwey, of New York; and Moorfield Storey, of Boston. The "conclusions" of these eminent lawyers are as follows:

First. The presence of our military forces in Haiti after the disturbances of July 27-28, 1915, had quieted down, was violative of wellrecognized American principles.

Second. The seizure and withholding by our forces in 1915 of Haitian national funds was a violation of international law, and of the repeated professions by responsible American Government officials of our position and attitude toward Latin-American Republics and weaker governments.

Third. The imposition and enforcement of martial law without a declaration of war by our Congress and the conduct of offensive operations in Haiti by Admiral Caperton prior to the acceptance of the treaty by Haiti were equally clear violations of international law and of our own Constitution.

The PRESIDING OFFICER. The Senator from Utah will suspend while the clerk reads an announcement by the Chair.

The legislative clerk read as follows:

The hour of 3 o'clock having arrived the unanimous-consent agreement heretofore entered into will be in force and no Senator shall speak more than once or longer than 10 minutes upon the pending bill or any amendment thereto.

The PRESIDING OFFICER. The Senator from Utah will proceed.

Mr. KING. I continue reading:

Fourth. The methods employed by the United States in Haiti to force acceptance and ratification of the treaty framed by the United Statesnamely, the direct use of military, financial, and political pressure, violate every canon of fair and equal dealing between independent and sovereign nations and of American professions of international good

Fifth. The maintenance in Haiti of any United States military force or of the control exercised by treaty officials under cover of the treaty of September, 1915, amounts to a conscious and intentional participation in the wrong of the original aggression and coercion.

Sixth. The present native government of Haiti, chosen in 1915, unsupported by any elected representative since 1917, being now at the end of its term of office, no negotiations should take place with such government which involve the future of Haiti or which can in any material respect affect its future.

Seventh. The functions of a department of colonies and dependencies assumed by the Navy Department and conferred on it by mere Executive action are unauthorized by Congress and by other sanction of law, and should be condemned as essentially illegal and as a usurpation of power

Eighth. We declare, without qualification, that the honor and good name of the United States, the preservation of the sovereignty and the cherished liberty of Haiti and her right to fair dealings on the part of the United States, as well as the possibility of assuring the continuance in the future of honorable and amicable relations between our country and Latin America, based on trust and confidence, all require:

(a) The immediate abrogation by the United States of the treaty of 1915, unconditionally and without qualification.

(b) The holding of elections of representatives to the legislative bodies of Haiti and of a President by the free will of the people at an early day.

(c) The negotiation of a new treaty with a new Haitian administration for friendly cooperation between the United States and Haiti upon such terms as shall be mutually satisfactory to both countries and by the methods that obtain between free and independent sovereign

Frederick Bausman, Scattle; Alfred Bettman, Cincinnati; William H. Brynes, New Orleans; Charles C. Burlingham, New York; Zechariah Chafee, jr., Cambridge; Michael Francis Doyle, Philadelphia; Walter L. Flory, Cleveland; Raymond B. Fosdick, New York; Felix Frankfurter, Cambridge; Herbert J. Friedman, Chicago; John P. Grace, Charleston, S. C.; Richard W. Hale, Boston; Frederick A. Henry, Cleveland; Jerome S. Hess, New York; William H. Holly, Chicago; Charles F. Howland, New York; Francis Fisher Kane, Philadelphia; George W. Kirchwey, New York; Louis Marshall, New York; Adelbert Moot, Buffalo; Jackson H. Ralston, Washington, D. C.; Nelson S. Spencer, New York; Moorfield Storey, Boston; Tyrrell Williams, St. Louis.

Mr. President, I commend to the Senate and to the American people the solemn declarations of these eminent legal authori-Their views should have weight in this body as well as with the American people. Let us retrace our steps; let us return to the Haitian people the country which is theirs. Let us withdraw our military forces and leave the Haitian people in undisputed control of their own Government.

Mr. President, when the vote shall be taken later I sin-

cerely hope that my amendment will be adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will lie on the table. The next amendment of the committee will be stated.

The next amendment of the Committee on Appropriations was, under the heading "Public works, Bureau of Yards and Docks," on page 33, after line 2, to insert:

Navy yard, Puget Sound, Wash.: Extension of Dry Dock No. 2 (limit of cost, \$700,000), \$400,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the heading "Bureau of Aeronautics, aviation, Navy," on page 35, line 14, after the word "equipment," to strike out "\$12,170,000" and insert "\$12,310,000"; in line 16, after the word "exceed." to strike out "\$160,000" and insert "\$300,000"; and on page 36, line 11, after the words "in all," to strike out "\$31,360,000" and insert "\$31,500,000," so as to read:

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1929, \$1,155,000; for maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, \$12,310,000, including \$230,000 for the equipment of vessels with catapults and including not to exceed \$300,000 for the procurement of helium, of which sum such amounts as may be required may be transferred in advance to the Bureau of Mines; for continuing experiments and development work on all types of aircraft, including the payment of part time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$20 per diem for any

person so employed, \$2,000,000; for drafting, clerical, inspection, and messenger service, \$820,000; for new construction and procurement of aircraft and equipment, including not to exceed \$774,000 for the Naval Reserve, \$14,215,000, of which amount not to exceed \$10,000,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the navy appropriation act for the fiscal year 1929, approved May 21, 1928 (45 Stat. 637); toward the construction of one of the rigid airships as provided in the act authorizing construction of aircraft, etc., approved June 24, 1926 (U. S. C., Supp. I, p. 223, sec. 749a), \$1,000,000; in all, \$31,500,000, of which \$248,000 shall be available immediately; and the money herein specifically appropriated for "avlation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

The amendment was agreed to.

The next amendment was, under "Increase of the Navy," on page 45, line 7, after the word "authorized," to strike out "\$22,750,000" and insert "\$28,550,000, of which \$500,000 shall be available toward the construction of the second five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1930," so as to make the sentence read:

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, \$28,550,000, of which \$500,000 shall be available toward the construction of the second five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1930, and, in addition, the Secretary of the Treasury is authorized and directed to make transfers during the fiscal year 1930 from the naval supply account fund to this appropriation of sums aggregating \$2,000,000, and the total sum hereby made available shall remain available until expended.

Mr. President, I desire to ask the Senator in Mr. BLAINE. charge of the bill for some information with respect to amendment proposed by the committee on page 45, line 7. What is contemplated will be done with the \$500,000 for the construction of the second five light cruisers?

Mr. HALE. Mr. President, that \$500,000 is simply a small amount that is taken out of the amount that was included in the estimates sent up by the Budget to us and is for the purpose of starting the second lot of cruisers, which under the terms of the cruiser law are to be started before July 1, 1930. It can be used for any purpose to start those cruisers.

Mr. BLAINE. I have not yet the information I am seeking. The Senator speaks of starting the second lot of five light cruisers. What does he mean by starting them? What does he propose to do with the \$500,000? On what is it going to be expended? He can not build five cruisers for \$500,000.

Mr. HALE. The Senator is quite right about that, say to the Senator that if he will turn to page 46 of the bill, line 4, he will find the words "of which \$200,000 shall be immediately available toward the construction of the first five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1929." This \$200,000 is to be used for gun forgings of guns that will be used on the first lot of five light cruisers, and that in itself, according to the ruling of the Judge Advocate General of the department, and I think he is correct in his ruling, is sufficient to be considered as starting the first lot of five cruisers. In the same way we have provided a small amount for the beginning of the second lot of cruisers.

Mr. BLAINE. That is \$500,000?

Mr. HALE. Yes; during the calendar year 1930.

Mr. BLAINE. What does the Senator propose to spend the \$500,000 for? I know it is on the five cruisers, but on what

Mr. HALE. I have no information as to just what it will be used for. It will be used either for starting more gun forgings for the second lot of cruisers or for anything that has to do with the ships. It is an appropriation which enables us to start the ships under the terms of the cruiser bill in 1930 as provided by the law.

Mr. BLAINE. As I understand it, of the first five cruisers

three will be constructed in our own navy yards.

Mr. HALE. That is true, under the provisions of the cruiser law.

Mr. BLAINE. And of the second five, two will be constructed in our own navy yards and three under contract. That is the way it works out?

Mr. HALE. That is true. That is the way it will work out. In any event we know that every other cruiser will be constructed in a Government yard.

Mr. BLAINE. It is admitted, I assume, that there is no real actual work of any consequence that can be begun upon the first five cruisers before the 1st of July?

Mr. HALE. No great amount will be begun; no, but the plans will be prepared and a certain amount will be expended on gun

forgings which are to be used on the ships.

Mr. BLAINE. Then after the expenditure of that certain amount the Government will in effect be obligated to construct those cruisers and Congress will be obligated to make the necessary appropriations in the future. I assume that is also true with respect to the second five cruisers?

Mr. HALE. That is true with respect to the \$500,000 for the second lot of cruisers. It simply follows out the provisions of

the cruiser law, in the opinion of the committee.

Mr. BLAINE. Is it not an unwise and uneconomic policy to actually appropriate specific funds not only for the first five cruisers but also the second five cruisers in this haphazard piecemeal way?

I do not think it is haphazard or piecemeal. Mr. HALE.

Mr. BLAINE. I assume that the President and the Budget Bureau had that very thing in mind when they recommended that we enter upon this naval program beginning July 1, 1929. It would seem to me that that would be the sensible thing to do in working out the financial policy for the next administration. These ships are not going to be built in a year. It will probably take nearly three years to complete a ship. Those which are constructed under contract by private parties I assume can be constructed much more cheaply if the private parties know exactly the extent of the contracts into which they might enter instead of entering into piecemeal contracts.

Is it not a better plan to take five of the cruisers and enter upon the construction of those five cruisers, spreading out over the three years the amount that the five cruisers may cost, something like \$85,000,000, and then in another year begin the program on the second five cruisers and spread that cost over a 3-year period, and likewise with the third set of cruisers. If we shall find that the navy yards are unable to go that fast then withhold the appropriations until the Government is certain that it can pursue a construction program that is continuous, that will not be interrupted, that will not be piecemeal and

haphazard.

It seems to me that the President had that in mind when he made the recommendation; it seems to me that the Budget Bureau had that in mind when it made the recommendation. It would seem to me that if the 10 cruisers for which appropriations are proposed by this bill are begun, then it will become necessary to come to Congress for future appropriations. That which may be expended from time to time is going to be a considerable investment, and that investment ought to be safeguarded without any long intermission between the actual work upon the cruisers.

It would seem to me that if that program shall be adopted, then we are going to bring upon the next administration a financial situation which may have a decidedly dangerous effect upon the public finances; in other words, the amount of money been appropriated by this Congress and that will be appropriated and the amount for which we are obligating the Government and obligating Congress to make future appropriations for may, in all probability, bring on a financial crisis.

The PRESIDING OFFICER. The time of the Senator from Wisconsin on the amendment has expired. He now has 10

minutes on the bill.

Mr. BLAINE. I will now speak on the bill. I can conceive that there is great difficulty now in maintaining a balanced budget. If we are to accept the President's declarations as correct-and I presume they are correct, as he has obtained his information from the Budget Bureau, which, no doubt, is able to make an approximately accurate estimate—the Government of the United States financially is about to go on the rocks; and it is now proposed to drive that Government by swifter methods against the very dangers that have been pointed out by the President.

Mr. HALE. Mr. President, the Senator from Wisconsin does not really think that the Government of the United States is

going on the rocks, does he?

Mr. BLAINE. I am speaking now about balancing the Budget. I want to say in these times, if it becomes necessary for the Government of the United States to issue bonds to pay current expenditures, that it will be very nearly upon the rocks. The Senator from Maine understands that I do not suggest that the Government will become insolvent, but the financial interests of the country will feel the shock the very moment the Federal Government may be required to issue bonds or temporary certificates of indebtedness in order to take care of these increased appropriations.

Looking into the future, I suggest, Mr. President, that we shall meet the full demands of the bill authorizing the 15

five cruisers at a time, outline a financial program here of three years for the building of those five cruisers, accept the advice of the President of the United States and of the Budget Bureau, especially with respect to the financial condition of the Public Treasury, and thereby permit other necessary and probable undertakings of the next administration which will be initiated during the approaching special session.

I want to point to the fact. Mr. President, and call the attention of the chairman of the committee to it, that, as I understand, the special session which is about to be called will consider two problems: One, the tariff. That goes to the very basis of the financial affairs of our Government. We can not predict what may be done on the tariff bill. The other proposition is one concerning farm relief and, as I understand the program to be, it involves the appropriation of five hundred or six hundred million dollars for the creation of a revolving fund. I do not know exactly what the plan is, but the financial scheme that is designed by the proponents of farm relief for the special session is such as will place a tremendous drain upon the Treasury of the United States. If we obligate the Government and its finances and its Treasury to these large expenditures for naval construction, then, Mr. President, the excuse will be offered not only upon the floor of this House but as well in both Houses of Congress, that the Treasury will not be able to stand the shock of appropriating the necessary funds that may be required to redeem the pledges made by the majority party as well as by the minority party in this country.

So I think we ought to go slow in this matter. I am willing to carry out the program which has been authorized, but I am willing to carry it out only in a sensible, logical way, so that the greatest economies will flow to the Government as well as the greatest efficiency be insured in the building of the cruisers, bearing in mind the very probable result that if we do carry out the 5-cruiser program beginning July 1 we will be able to construct those cruisers much more cheaply than if we dash

into a 10-cruiser program now.

The PRESIDING OFFICER. The question is on the committee amendment on page 45, beginning in line 7.

STANDARD OIL CO. OF INDIANA

Mr. NORRIS. Mr. President, in the contest that is going on between John D. Rockefeller, jr., and Mr. Stewart, of Standard Oil fame, Mr. Stewart recently issued an address to the stockholders of the Standard Oil Co. of Indiana in which he made statements that, according to my recollection of the facts, were not true. Recently, within the last day or two, I had a talk with ex-Senator Pomerene, one of the attorneys representing the Government in the oil scandal cases. He related to me certain facts that absolutely contradicted the statements which Mr. Stewart had sent out to the stockholders for the purpose of securing their votes.

Just a few moments ago there was handed to me a copy of the St. Louis Post-Dispatch of February 19. I notice in that newspaper an interview with ex-Senator Pomerene and Mr. Roberts, the two attorneys who represented the Government, and who still represent the Government, in the oil cases. the interview bears out the statement made to me by former Senator Pomerene, I think I ought to read it to the Senate as an interesting chapter in the oil investigation. The interview was written by Paul Y. Anderson, a staff correspondent of the St. Louis Post-Dispatch. It is dated Washington, February 19, and reads as follows:

Owen J. Roberts and Atlee Pomerene, who conducted the prosecutions for the Government in the famous ofl trials, declared here to-day that Robert W. Stewart, head of the Standard Oil Co. of Indiana, deliberately deceived them about his knowledge of the Liberty bonds distributed by the Continental Trading Co., and that he withheld all information that would have assisted the Government in the prosecution of Harry F. Sinclair.

Pomerene added that Stewart's testimony before the grand jury investigating the Sinclair case was such that Government counsel would have sought his indictment on a perjury charge if the statute of limitations had not expired before they learned the truth.

Not only did Stewart deceive them about his knowledge of who got the Continental bonds, Roberts and Pomerene said, but he avoided testifying in the Government's civil suit to recover the Teapot Dome naval oil reserve, subsequently giving the excuse that he "wasn't looking for trouble."

PROFITS FROM DUMMY CONCERN

As has often been told, the Continental was a dummy corporation secretly organized to buy a large quantity of oil from A. E. Humphreys, Texas operator. It paid Humphreys \$1.50 for oil, then sold it at \$1.75 a barrel to companies controlled by Stewart, Sinclair, and James E. O'Neil. All the profit of more than \$3,000,000 thus realized cruisers if we go about it in a sensible way and prepare for invested in Liberty bonds and divided between Stewart, Sinclair, O'Neil, *

and Harry M. Blackmer. Sinclair afterwards used a part of his share in bribing Secretary Fall for the Teapot Dome lease, an act which ultimately led to the exposure of the whole transaction.

Stewart's participation in the profits had not been disclosed when he appeared last year before a Senate investigating committee.

I wish the Senate would remember that statement. Up to the time that Stewart appeared before the Senate investigating committee his activity and his part in this disreputable transaction had not been disclosed.

When asked if he knew who got the bonds, he declined to answer.

This was before the Senate committee.

He based his refusal on the ground that he had been summoned as a witness for the Government in the criminal trial of Sinclair, then pending, had testified before the grand jury, and had been interrogated by Government counsel. He said he considered it his duty "as a citizen' to reserve his information for the court instead of giving it to the

Later on Mr. Anderson quotes from his testimony before the committee.

A similar defense of his refusal to testify-on the ground that he expected to testify in the Sinclair trial-also was contained in a statement recently issued by Stewart to the stockholders of the Standard of Indiana, in the course of his fight with John D. Rockefeller, jr., over control of that company.

SAYS STEWART WITHHELD FACTS

Roberts and Pomerene, who are here to argue a case before the Supreme Court, to-day had their attention called to Stewart's statements. They were asked whether Stewart, prior to the Sinclair trial, had divulged to them his knowledge of the Continental bond transaction.

"He did not," was Roberts's emphatic reply. "On the contrary, he told us he didn't know anything about it. We asked him who was interested in the Continental, and he said he didn't know. We asked him who got the bonds, and he said he didn't know, and didn't want to know. All we got out of him was a refusal to give us any information that would be of any help to us in preparing the case against Sinclair. His pretense before the Senate committee that he had given us the facts about the matter was a rank subterfuge."

"It was worse than that," declared Pomerene. "He deliberately did everything in his power to shield Sinclair. For Stewart to pretend that he was cooperating with the Government in its preparation for that trial is an exhibition of brass which is almost incredible. The information in his possession concerning the distributon of those bonds would have been materially helpful to the Government's case. He did not disclose a word of it. He said he didn't know who got the bonds.

SAID HE SUSPECTED HUMPHREYS

"I asked him if he had any theory about who got them, and he replied that he had always suspected that Humphreys got them, and that the Continental was rigged up by Humphreys to gouge the buyers of the oil out of an extra 25 cents a barrel."

So far as I know, nobody has ever cast any suspicion of reflection upon Mr. Humphreys in this oil transaction. He had oil to sell. He sold it for \$1.50 a barrel to Stewart and the others with him, and they had it turned over to the Continental Trading Co., and then bought it on behalf of their stockholders for \$1.75 a barrel.

Continuing to quote from Senator Pomerene:

"He completely deceived us about his own connection with the matter. We were astounded when we learned later that he had received \$760,000 of the bonds, and I don't mind telling you that if three years had not expired since his testimony before the grand jury, we would have asked for the indictment of the gentleman on a charge of perjury.

The PRESIDING OFFICER. The time of the Senator from Nebraska on the amendment has expired. He has 10 minutes on the bill.

Mr. NORRIS. That is the end of the quotation from Senator Pomerene. Mr. Anderson goes on:

When the Government filed suit in the United States District Court of Wyoming to recover the Teapot Dome reserve from Sinclair, Stewart was summoned as a witness. Later the trial was postponed, and it was necessary to subpœna the witness again. There was some delay about serving Stewart, in consequence of which a United States marshal at Chicago was discharged by President Coolidge. When the difficulty was discovered Stewart had gone to South America. Efforts to learn his address from his Chicago office were unsuccessful, and the case was tried without his presence.

STEWART STAYED OUT OF CASE

Roberts and Pomerene learned afterwards that Stewart had returned to this country a few days before the case was called and was in New York. When they demanded to know why he had not apprised them of the fact, he replied, Pomerene said, that he "wasn't looking for trouble."

It will be recalled that John D. Rockefeller, jr., in his testimony before the Senate committee, related that he, too, had asked Stewart if he knew who got the proceeds of the Continental deal, and that Stewart had refused to tell, again giving as his reason the fact that he had been summoned as a witness in the Sinclair case and was determined to reserve the facts for that occasion.

In giving to the Senate committee his reasons for refusing to testify to his knowledge of who got the Continental bonds, or whether he had ever discussed the transaction with Sinclair, Stewart said:

This is a quotation from Stewart's testimony under oath before the Senate committee:

I am a witness in a case which is now pending between the Government and some defendants (Sinclair and Fall). I have been interrogated on the subjects by counsel appointed to represent the United States in that case, along lines which make me think that the issues in that case are the same ones your are attempting to interrogate me about

The Government is entitled, and the defendants are entitled, to ask me such questions as they desire upon the trial of this case, and it is to be left to a judge learned in the law to determine the relevancy. materiality, and competency of the testimony. They have a right to cross-examine and reexamine, and it seems to me, with all due deference to this committee, that there is the place for me to give this testimony.

It seems to me, Mr. President, in view of the statements that Mr. Stewart has made to the stockholders of the Standard Oil Co. of Indiana, and in view also of the startling statement of the Government attorneys, made now for the first time, so far as I know, that Stewart's testimony before the grand jury under oath was absolutely contradictory of his testimony under oath before the Senate committee, the stockholders as well as the country ought to know the truth. After his testimony before the grand jury three years expired before his testimony before the Senate committee, which meant that the statute of limitations had run; and, as these attorneys say, had it not been for that technicality, they would have caused his indictment and trial for perjury committed before the grand jury in his testimony there.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the committee on page 45, beginning in line 7.

Mr. HARRISON. Mr. President, I suggest the absence of

a quorum.

The PRESIDING OFFICER. The Secretary will call the

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

moot
teck
teiwer
tephens
wanson
homas, Idaho
homas, Okla.
rammell
ydings
yson
andenberg
Vagner
Valsh, Mass.
Valsh, Mont.
Varren
Vaterman
Vatson
Vheeler

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

The question is on agreeing to the amendment of the committee on page 45.

Mr. DILL. Mr. President, I want to offer an amendment and have it pending. I would like to have it read.

The PRESIDING OFFICER. The amendment will be read, and will lie on the table.

The CHIEF CLERK. On page 44, at the end of line 19, add the following:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua, or to transport marines to and from Nicaragua.

Mr. KING. Mr. President, I was about to inquire, in my own time, of the Senator from Maine, if he will not accept an amendment to the committee amendment found on page 45, which would delay the expenditure of the appropriation of \$500,000 until the calendar year 1930. I propound the inquiry with the understanding that the bill, as amended by the committee, would authorize the commencement not only of 5 cruisers but of 10 cruisers this year. If I am in error, I should be glad to be advised.

Mr. HALE. Mr. President, I do not think the bill would

authorize the starting of 10 cruisers this year.

Mr. KING. I am speaking in my own time; but may I ask the Senator if it is not a fact that this \$500,000 is expected to be expended commencing on the 1st day of July of this year?

Mr. HALE. I do not think the department will go ahead and spend it on the 1st of July, or within a number of months of that time.

Mr. KING. But they are authorized, and might expend it, or

contract for its expenditure, on the 1st day of July.

Mr. HALE. They are authorized to expend it at that time, but I do not think they will. I think this whole matter will go along in a regular, orderly way. They will expend \$200,000, starting the first batch of cruisers, at the end of this year, and presumably will spend the \$500,000 on the second batch in

an orderly way.

Mr. KING. Which is an orderly way? Will the Senator indicate what he regards as an orderly way for the expenditure of this \$500,000 for the second five cruisers? And does an way have time limitations? Is it subject to any limitations? Does it not rest upon the discretion of the depart-

ment?

Mr. HALE. Going ahead and starting the cruisers this year

Mr. KING. The Senator refers to the first five? Mr. HALE. The first five, with the \$200,000 The first five, with the \$200,000 that is authorized, as I have explained already, starting the gun forgings and the ships. I presume they will lay the ships down soon after the 1st of July, possibly not before the 1st of September. Then the appropriations carried in the bill will take them along through the fiscal year 1930. I can not tell the Senator exactly when, but some time before July, 1930, they will go ahead with the next batch of the ships, the second batch, with the \$500,000 to start them.

Mr. KING. I think this amendment offered by the committee should be rejected, unless it is amended. I agree with the statement made by the Senator from Wisconsin that the Government, having announced a policy of building 15 cruisers, Congress would be expected to make the necessary appropriations to execute that policy, but that does not require that the construction of 10 cruisers shall be undertaken during the calendar

year 1929.

Mr. HALE, Nor will we do so.

Mr. KING. Ah, we do not know. Why does not the Senator consent to an amendment, if he is so sanguine that that will be the case, which will restrict the expenditure of any part of the appropriation for the second five cruisers until the calendar year 1930? Now, the Senator says that in an orderly way we may not approach the construction of the second five until the

latter part of 1929.

Mr. HALE. Clearly, under the terms of the cruiser bill, we have not any authority to start the second batch of cruisers in the fiscal year 1929. Clearly, under the provisions of that bill,

we can not start them until the fiscal year 1930.

Mr. KING. I do not agree with the Senator; but even if that were true-and I will concede for the sake of the argument that the Senator is correct-this amendment would be a modification of the cruiser bill, and, of course, the last legislative enactment controls, if there is any conflict. If this bill is passed in its present form, the Navy Department could promptly, on the 1st day of July of this year, undertake the construction of the second five cruisers. It is the position of the department and the committee reporting this bill that it will be empowered to begin work upon the first five vessels as soon as this bill becomes law. The Senator is compelled to admit that construction can be commenced on the second list at any time after June 30, 1929.

Mr. HALE. Mr. President, I have no desire or purpose in any way to break away from the terms of the cruiser bill, which I think was an excellent bill, and which was approved by a

very large vote.

Mr. KING. I am not discussing the merits or the demerits of the cruiser bill. Let us confine ourselves to the question before us. We are already constructing six 10,000-ton cruisers

Mr. HALE. Mr. President, will the Senator yield? Mr. KING. I have only a few minutes.

Mr. HALE. I just want to clarify one thing.
Mr. KING. If the Senator will take it out of his own time, I shall be glad to yield.

Mr. HALE. Very well.

The PRESIDING OFFICER. The Senator from Maine consents to take the time out of his time.

Mr. HALE. I just wanted to say to the Senator that I have already notified the Senate that I expect to perfect the amendment by inserting in line 16, page 45, after the word "Navy, the words "except the amount of \$500,000 made available toward the construction of the second five light cruisers authorized by the act approved February 13, 1929."

Mr. KING. Mr. President, will the Senator—
Mr. NORRIS. A parliamentary inquiry.
The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NORRIS. Has not the Senator from Maine spoken on this amendment before?

The PRESIDING OFFICER. No; he is speaking in the time of the Senator from Utah.

Mr. NORRIS. I understood the Senator from Utah was not

willing that he should do that.

Mr. KING. Mr. President, of course I am always happy to yield to my friend, and I shall occupy but a few moments.

The point I was making when interrupted, was that we are now constructing eight 10,000-ton cruisers, two of them having been recently launched. Six are on the ways. Undoubtedly we will learn lessons in construction in the building of these cruisers which will be of advantage in the construction of the 15 recently authorized. We must not commit the folly which has characterized our naval construction in the past. The Senator will recall that when Lord Fisher projected the dreadnaught, for years we blindly continued the policy of building battleships of an antiquated design, as a result of which they were obsolete or obsolescent before they were completed.

In the technique and types of naval construction we have too often lagged behind Great Britain and Germany. It is certain that if the United States were to construct the 8 cruisers authorized in 1924 and the 15 recently authorized, according to types and designs of the 1924 period, they would be inferior to those

built by other countries since that date.

Let us learn the lessons taught by the construction of the six cruisers now on the ways, and which will not be completed for several years, before we rush into the construction of other vessels. It seems to me unwise and indeed absurd for those who are interested in the welfare of the Navy, as I am in a modern, scientific, and up-to-date Navy, not to avail themselves of the lessons to be learned in the construction of the six cruisers, before we undertake the construction of 5 or 10 of the 15 which have been authorized. Naval science is progressive, not stagnant, and it would be inexcusable folly to lay down 10 cruisers during this year, when we have 6 building, and have opportunity to profit from the experiences and lessons which can be derived from their construction, as well as lessons which we may learn from the construction of cruisers and naval craft in other countries. We have been told of a new type of cruiser recently built in Germany.

It must be evident even to reactionary and archaic naval boards that cruisers built five years from now will be different from those now being constructed. If we were wise, we would not follow old or even present types. We would move cautiously and prudently. To rush through the construction of 15 cruisers in three years and complete the 6 now on the ways, would be most unwise and injurious to our Navy. Some of them would be obsolete before they were completed. Fighting navies are not measured by the number of vessels. One giant capital ship of the *Hood* type would put to flight half a dozen dreadnaughts. If there is to be no limitation in naval armament, it is certain that war vessels of various types and categories will be developed that will be greatly superior to those of present-day design. The airplanes and submarines will become of paramount importance and naval warfare, both offensive and defensive, will take on new forms. In the light of these facts and the certainty of new developments it is extravagant folly and national vanity to throw into a 3-year hopper the construction of 21 cruisers, 6 authorized in 1924, and 15 in 1929.

I appeal to the Senator in the interest of a strong, modern, efficient, and adequate Navy, to modify his amendment and post-

pone till 1930 any work upon the second five cruisers.

Mr. SWANSON. Mr. President, it seems to me the Senate ought to understand this issue very clearly. There is no mystification about it. We fought here for nearly two weeks to determine whether we should have each year the construction of 5 cruisers, to begin 5 in the calendar year 1929, 5 in the calendar year 1930, and 5 in the calendar year 1931. After long and protracted debate, by an overwhelming majority the Senate decided that we should commence five cruisers each one of these

I want to explain to the Senate how moderate the committee has been.

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

Mr. SWANSON. Let the Senator take his own time. Mr. BLAINE. The Senator said calendar years.

Does he not mean fiscal years?

Mr. SWANSON. I mean the fiscal year ending June 30, 1929, the fiscal year ending June 30, 1930, and the fiscal year ending June 30, 1931. That is what the Senate decided after long and prolonged debate.

A motion was made to strike out the provision for 15 and provide for the construction of only 10. But we decided on 15. was a motion to have no time limit to authorize 15, but to construct them only when the Budget thought proper and reported that they should be constructed. The Senate decided that it wanted five cruisers commenced each fiscal year. The time was fixed after prolonged debate. Now all this is a renewal of the fight made here when the Senate overwhelmingly decided that they wanted to have five cruisers constructed in each of these

To show how moderate the committee was, listen to what was done.

We are bound to undertake five before June 30, 1929. carry out the spirit of that instruction and direction of the Senate, all we appropriate for the year ending June 30, 1929, is \$200,000 and we make it immediately available. That anyone should suggest a sum to undertake that construction might be less almost exceeds the imagination of man.

We then appropriate enough money available after the 1st of next July to continue the work of the construction of the five cruisers begun by the \$200,000 available immediately, in accordance with the instructions of the Senate as contained in the cruiser bill, and for that purpose we appropriate about \$10,-000,000 or \$11,000,000. That is all. If it were less the work could not be done economically. We would have the men working 10 days and laying off 10 days. The department said they wanted more money, but that if they were given less it would cost the Government a great deal more, because less money could not be expended economically.

The next proposition of the committee was to undertake to construct five more cruisers before the 29th of June, 1930. We were instructed in the cruiser bill to do that. What did the committee do? All we have given for that undertaking is \$500,000, with which to undertake the next five cruisers. carry out the directions contained in the cruiser law by direction of the Senate and by a large majority. That means that the first five cruisers are under construction and it means that, carrying out the instructions of the Congress, next year we will spend \$500,000 on the second five of the cruisers up to the 1st of July, 1930. If we were to do less than that, we would have to abolish the time limit which the Senate fixed here after prolonged debate of two weeks and by an overwhelming vote. We will have five cruisers under way with the least possible amount of money that can be used economically. Then to carry out the instructions of the cruiser bill we appropriate \$500,000 to start the second five for the next year. It is really a delay of one year, and I do not see how less money could be appropriated and still carry out the instructions of the Congress.

The amendment which disturbs the Senator from Utah [Mr. King], as originally reported by the committee, proposed to appropriate \$500,000 and make it immediately available. That would have enabled the Government to start 10 cruisers. that has been changed by an amendment which will be offered, if it has not already been offered, by the Senator from Maine [Mr. Hale]. To prevent any misunderstanding about it, as I understand the amendment to be offered by the Senator from Maine, it limits the \$500,000 to the second batch of cruisers. Consequently there will not be 10 in process of construction. During the next fiscal year, the fiscal year 1930, there will be the first five cruisers that will have about \$10,000,000 expended upon them, and there will be the second five merely started under the direction of Congress in the cruiser bill which will have expended upon them \$500,000.

It seems to me it is so fair, so modest, and so considerate of the Treasury that I can not see how anyone can antagonize, unless he does not want any cruisers constructed at all or wants to limit them to five in number. An effort was made to limit the number to five and it was rejected. Then an effort was made to limit the number to 10 and that was rejected. It seems to me unless it is the desire of Senators to have that fight all over again, exactly the fight we had here for two weeks when the cruiser bill was before the Senate, they would not be forcing the issue now.

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

Mr. SWANSON. Certainly. Mr. CARAWAY. I am frank to say I was out of the Chamber when the Senator began speaking. Under the appropria-

tion bill the Government may lay down five cruisers between now and the 30th of next June.

Mr. SWANSON. They may undertake five, and \$200,000 is made immediately available, to comply with the instructions of the cruiser law.

Mr. CARAWAY. Then there is an appropriation which they may use to lay down or undertake-whichever is the proper term-five more cruisers in the next year.

Mr. SWANSON. Before the 29th of June, 1930; and that is limited to \$500,000.

Mr. CARAWAY. Will the Senator tell me this, because I do not think I quite understood him. There will be a session of Congress convening in December next. What was the purpose of putting both provisions in the one bill now? I know there was some good reason; but what was it?

Mr. SWANSON. We have to appropriate now, because the cruiser law provides that we must undertake in each fiscal year The undertaking can be \$500,000 or \$1,000,000five cruisers.

Mr. CARAWAY. I understand that.
Mr. SWANSON. And the general appropriation bill has always carried the provisions to enable us to undertake any increase of the Navy.

Mr. CARAWAY. The thing I am trying to get at—because

Mr. CARAWAY. The thing I am trying to get at—because nobody yet has explained it—is that there will be a Congress convening in December next; hence, what was the purpose of including items of appropriation so that this bill will carry the appropriation for laying down 10 cruisers instead of 5?

know there is a good reason for it, but I am asking the reason.

Mr. SWANSON. We will spend \$10,000,000 during the next fiscal year for the first five cruisers. Then we have provided that \$500,000 may be expended during that fiscal year on the second five cruisers.

Mr. CARAWAY. I understand that. Mr. SWANSON. We have to have plans. Under the direction of the Congress those cruisers must be undertaken at that time. It is useless for us to come here in December and expect to appropriate for that purpose, because it will be along in January or February or March before the next Navy appropriation bill will come before the Senate, and it would be almost too late to make the money available for that fiscal year which would be 1930. It could not be put in the general appropriation bill because the funds appropriated by that bill are not available until the subsequent July for the ensuing fiscal This is the method that has always been followed

Mr. CARAWAY. Is there anything unusual in this method?
Mr. SWANSON. Nothing in the world.
Mr. CARAWAY. We fought out the question of whether or not the time limit should be abolished. I thought it ought to have been and the Senator and those who agreed with him did not think so and they were in the majority. I recognize the right of the Senate to control.

Mr. SWANSON. We were directed by the Senate to under-

take five cruisers during the present fiscal year.

Mr. CARAWAY. I understand that. Mr. SWANSON. And five additional cruisers in the next fiscal year. We have proposed to appropriate the smallest possible amount, to wit, \$200,000, to carry out the instructions of the Congress to undertake the construction of the first five cruisers in this fiscal year. Then we have appropriated the smallest amount that anybody could possibly consider proper for the undertaking of the second five cruisers in the fiscal year

1930. That is carrying out the will of the Congress. Mr. CARAWAY. I am not complaining about the amount. In fact, I am not complaining about anything in reference to it. But I hear the charge constantly made that it is attempting to lay down 10 cruisers when the Congress only authorized 5. As I understand it from the Senator from Virginia there is no justification for that charge.

Mr. SWANSON. Absolutely none; and nobody can prove it. The instructions of Congress were that five cruisers be laid down prior to June 29 of this year. Then it directs that five

more cruisers shall be laid down prior to June 29 of 1930.

The PRESIDING OFFICER. The time of the Senator from Virginia on the amendment has expired.

Mr. HARRISON. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator from Mississippi will state the inquiry.

Mr. HARRISON. We having passed a law providing for the beginning of the construction of five cruisers before the 30th of June, 1929, and five more during the next fiscal year ending 30, 1930, and this proposal coming out of the committee making the money immediately available, would not a point of order to that provision be sustainable?

The PRESIDING OFFICER. Does the Senator from Mississippi make that point of order?

Mr. HARRISON. I am just propounding the parliamentary inquiry so I can get a rise out of the Senator from Maine.

The PRESIDING OFFICER. The Senator will excuse the present occupant of the chair from passing on that question.

Mr. BROOKHART. Mr. President, yesterday I explained some of the matters now brought to the attention of the Senate by the Senator from Virginia [Mr. Swanson], but his persistent argument makes it necessary again to point out that this appropriation is for starting 10 cruisers and starting them now. the first place, the \$500,000 is provided as an appropriation immediately available. In the second place, just below that paragraph, it is provided that all this money is available immediately. The Senator from Maine [Mr. HALE] is going to offer an amendment to that provision still leaving the \$500,000 immediately available.

The Senator from Virginia insists that that is a compliance with the cruiser law. I insist that it is not, I insist it is amending the cruiser law. It is changing the plan that was adopted here by a big majority. Here is \$200,000 that will start the five cruisers which are to be laid down before the 1st of July, 1929. That is all right. The cruiser law provided for that to be done. Then it calls for the next five cruisers to be laid down before the 1st of the next July, which will be July, 1930. But the Senator is providing an appropriation to do that right now instead of waiting until near the 1st of July,

1930.

Mr. HALE. When would the Senator have it done?

Mr. BROOKHART. I would do it in the regular session of Congress next December or January.

Mr. HALE. How would the Senator do it?

Mr. BROOKHART. In the same way that we are providing now the \$200,000. There is no occasion for this controversy to go on in this way.

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

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

Mr. BROOKHART. I yield. Mr. SWANSON. The word "immediately," as I understand it, is not in the provision for the \$500,000, consequently it does not become available until the 1st of July, 1929. The word "immediately" has been stricken out.

Mr. HALE. It never was in there.

Mr. SWANSON. The bill speaks of the 1st of July as the time when the second five of the cruisers shall be commenced. How does the Senator understand that there can be 10 undertaken immediately?

Mr. BROOKHART. There is a provision for the appropriation contained in the bill on account of cruisers for increase of

the Navy that it shall be immediately available.

Mr. HALE. That is made immediately available for certain purposes, for the pay of clerks and draftsmen, but not for the building of ships. In order to make it doubly sure I am putting in the words "except the amount of \$500,000 made available to be used for the construction of the second five cruisers.

Mr. BROOKHART. The Senator just now said it would be postponed until 1930 on the suggestion of the Senator from Utah.

If this is not available until 1930-

Mr. SWANSON. It is immediately available after the 1st of

Mr. BROOKHART. If this is not going to be used until 1930 and we de not start the first five cruisers until the last of the fiscal year 1929, we ought not to start the second five cruisers until the last of the fiscal year 1930. We will have plenty of time and plenty of opportunity to make appropriation for the second five, the same as we are making now for the first five. Therefore unless it is going to tie us fast into the 10-cruiser policy, there is no need for urging that proposition at this time.

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

Mr. BROOKHART. I yield.

Mr. KING. It seems to me there can be no question as to the interpretation of the amendment offered by the committee as amended by the Senator from Maine. It means that the \$500,000 made available can be taken on the 1st day of July of this year and utilized for the undertaking of the construction of the second five.

Mr. HALE. That is quite right.

Mr. KING. So it is true that it is not available under his amendment until after the 1st day of July, but at midnight on the 30th day of June of this year the \$500,000 could be expended by the Navy Department for laying down the second five cruisers.

Mr. HALE. Precisely.

Mr. SWANSON. The language is plain and clear if the Senator will read it. It provides \$500,000, which shall be available toward the construction of the five light cruisers, the construc-

tion of which is authorized by the act approved February 13, 1929. This bill does not become operative itself until the 1st of July, 1929.

Now, let us go back to the \$200,000. We made that immediately available, because the other appropriations contained in the bill do not become available until the 1st of July, 1929, and we have to have \$200,000 to start the construction of the first five cruisers before the 1st of July, 1929.

Mr. BROOKHART. Mr. President, the money for the construction of the second five cruisers should not be available until a year from the time the money is available for the first five. The Senator has succeeded in having it arranged very nicely, so that 10 cruisers can be run in all together, thus starting a

10-cruiser construction program in one year.

There is a further reason why this construction should be delayed a year, and that is the provision of the cruiser bill that we shall endeavor to enter into an international agreement limiting armament. The Senator from Virginia wants to forget all about that provision. It is just as important as any other provision in the cruiser bill, and, to my mind, it is the most important provision of that bill, because if it is handled properly we can probably avoid building any of these cruisers, perhaps, even the first five, and we can certainly avoid building the second five, if we can arrive at a proper international agreement.

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

Mr. BROOKHART. Yes; I yield.

Mr. TYDINGS. Suppose the projected disarmament conference should fail, would the Senator then be in favor of building the cruisers

Mr. BROOKHART. I am in favor of carrying out the law. Mr. TYDINGS. I did not ask the Senator that question. asked if the Senator would vote for the building of the cruisers if the projected disarmament conference should fail.

Mr. BROOKHART. As an academic question I am opposed to all cruisers, as I have said, and I am discussing the question before us and not the imaginary situation suggested by the Senator from Maryland

Mr. HARRISON. Mr. President, may I ask the Senator from Iowa a question?

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

Mr. BROOKHART. I yield. Mr. HARRISON. I notice that in the amendment reported by the Committee on Naval Affairs a portion of the appropria-tion is made immediately available. There is to be an amendment proposed to strike out that provision as it applies to five of the cruisers.

Mr. HALE. A portion of the appropriation is made immedi-

ately available only for certain minor purposes.

Mr. HARRISON. The Senator from Iowa, I think, is a member of the Naval Affairs Committee, and I am just wondering if the Naval Affairs Committee instructed the chairman of the committee to make that change?

Mr. BROOKHART. If it is changed in the right way, and properly worded, it will probably be true, then, that the \$500,000

will not be available until the 1st day of July.

Mr. HARRISON. The Senator, I think, is a member of the Naval Affairs Committee. I am asking him if the committee instructed the chairman to make that change?

Mr. BROOKHART. I am not a member of the committee. The chairman of the committee will have to answer that

question.

The chairman was not instructed officially at all, Mr. HALE. but I think the members of the committee would consent to it without any question. As I have said, I do not think it is a necessary change; I am simply proposing it to clarify the matter.

Mr. BROOKHART. Mr. President, that still leaves the possibility of running these 10 cruisers in together. That seems to be the plan. If it were not the plan, the Senator from Virginia knows that at the regular session next December we could provide an appropriation to take care of the matter. We do not need \$500,000 for the second five any more than we need \$500,000 for the first five; we could provide an appropriation of \$200,000 to start the second five.

Mr. SWANSON. The committee have acted in a conservative and moderate way in order, so far as we could, to conform to the ideas of those who wished to build slowly. The cruisers can not be built contemporaneously, because we limit the appropriation for the second batch of cruisers to \$500,000, and the other appropriation goes to the first five. What else could be done, unless we nullified the law which the Senate passed so overwhelmingly?

Mr. BROOKHART. The Senator and the other proponents of this bill run the two together around the 1st day of July.

That is apparently the idea.

Mr. SWANSON. How could they do it when only \$500,000 can be spent on the second batch?

Mr. BROOKHART. Only \$200,000 can be spent on the first set of cruisers

Mr. SWANSON. The remainder of it must be spent on the We appropriate \$500,000 for the second batch and \$10,000,000 for the first batch.

That is during the fiscal year 1930. Mr. SWANSON. During the fiscal year 1930.

Mr. BROOKHART. But contracts will be let for all of them. Mr. SWANSON. They can not be let under the law with only

\$500,000 appropriated. Mr. BROOKHART. The policy seems to be to provide for 10 cruisers, and then, if we succeed in reaching an international agreement for disarmament, we will have to pay twenty-five or

thirty million dollars to cancel the contracts, as we have done heretofore.

The PRESIDING OFFICER. The time of the Senator from Iowa on the amendment has expired. He has 10 minutes on

Mr. BROOKHART. Mr. President, I wish to ask the Senator from Virginia if it is not possible to have the appropriation made at the next regular session in ample time to comply with the requirements of the cruiser bill as to the second five cruisers?

Mr. SWANSON. I do not think so, in view of the disposition of the Senator and others to oppose the cruiser bill, and the effort to defeat even the regular appropriation. I am not will-

ing to risk it.

Let me ask, Does the bill with a present Mr. BROOKHART. appropriation of \$200,000 and a further appropriation, to be available later, comply with the requirements of the cruiser bill for the first five cruisers?

Mr. SWANSON. It does; it undertakes the construction of

the cruisers.

Mr. BROOKHART. Very well. This is the 22d day of February, on which we are complying with the requirements as to the first five cruisers that shall be built in 1929. Now, on the 22d day of February, 1930, we can provide an appropriation to comply with the requirements as to the second set Is not that true? of cruisers.

Mr. SWANSON. We can do it; yes. But the question is, Will we be allowed to do that?

Mr. BROOKHART. Very well. Then, why put it in the bill now and why raise this controversy at this time, when it may be the greatest stumbling block to an international agreement?

Mr. SWANSON. Will the Senator give me an opportunity

to answer that suggestion?

Mr. BROOKHART. Yes. Mr. SWANSON. The reason why we only appropriate \$200,-000 now is because the Senator from Iowa and those who cooperated with him would not allow the cruiser bill to pass last spring. It was delayed in that way for nearly a year. And now we can only appropriate \$200,000 for the particular purpose. If no appropriation is made here for the set of cruisers to be constructed next year, for which we only provide \$500,000, then next year the situation will be like it was last year, and no provision will be made in time for their

Mr. BROOKHART. But in spite of our delays the Senator concedes that the appropriation made now on the 22d day of

February is a compliance with the law.

Mr. SWANSON. No. If it had not been for the Senator and those who cooperated with him we would have had these ships one-third constructed now; but all the Senator is willing should be done toward their construction now is to appropriate \$200,000.

Mr. BROOKHART. The Senator would like to have had these ships constructed years ago and then to sink them and

construct new ones. That is the Senator's policy.

Mr. SWANSON. This is the first time I have advocated an increase of 15 cruisers in the Navy. It was only when Great Britain had gone far beyond us in the ratio of 13 to 5 that I saw the necessity of it. This is the first time the Congress has provided for the building of 15 cruisers. If the Senator will permit me, I should like to ask him how it violates the law to carry out the instruction of Congress?

Mr. BROOKHART. I am unable to see the Senator's viewpoint at all. I can see no reason why he should resist us upon this proposition unless there is some purpose of tying us fast into this big cruiser program in spite of any international agreement which may be reached. If that is the Senator's purpose, if he wants to defeat an international agreement and to defeat any opportunity of disarmament on the seas, it is perfectly logical and perfectly proper to hurry the construction of the cruisers as fast as possible. In that view of the case, then the faster we go the more surely he will succeed in achieving the

result he desires; but he voted for a law which calls for an effort to be made to secure an international agreement for disarmament and, if we can reach a proper agreement, for the sinking of naval vessels so far as possible. I think that is a big policy announced by the cruiser law; the building of 15 cruisers is only a little item compared to an international agreement which will end war construction on the seas. But the Senator from Virginia wants to ignore the big policy which he himself supported, and to force the construction of these cruisers whether or not and to do that at the very earliest possible date, although at the same time he admits we can comply with the law fully and postpone the appropriation for the second five cruisers even as late as the 22d day of next February. That is the exact situation on this question. If we can eliminate crowding the construction of these cruisers this controversy will end and the bill may proceed, so far as I am concerned, to enactment without any further objection.

Mr. SWANSON. If the Senator will permit me, the only difference between himself and me is this: He thinks the spending of \$500,000 on five cruisers that are to cost \$15,000,000 each is I think it is hardly beginning them. Crowding, with only \$500,000 for five cruisers! That amount will hardly enable

their construction to be started.

It was recommended that \$22,000,000 should be appropriated to start these five cruisers and proceed with their construction during the next year; but the committee was so conservative, so moderate, that it merely recommended the appropriation \$500,000 in order to comply with the law; yet the Senator calls that crowding.

Furthermore, the President can stop this construction in the event an international agreement for disarmament shall be reached. I believe the best way to bring about disarmament with Great Britain, with Japan, and with other nations is to let them know we are going to build. When they realize that fact they will come to an agreement; but so long as we simply talk about building and do nothing, they are satisfied with

conditions at present existing.

Mr. BROOKHART. As I remember, the way the committee stood by the President was to walk roughshod over both the President and the President elect, both of whom wanted no time limit whatever on the construction of the cruisers; but the committee listened to the Steel Trust. It did not listen to the President of the United States or to the President elect; it listened to the shipbuilders; it listened to the fellows who want profits out of war. War profiteering is the evil of the age; war profiteering is the cause of war. I think if profiteering were taken out of this proposition, there would be nobody here advocating cruisers

The PRESIDING OFFICER. The question is on agreeing to

the amendment reported by the committee.

Mr. KING. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator will state his

parliamentary inquiry.

Mr. KING. I understand that the amendment offered by the

committee is found on line 16.

The PRESIDING OFFICER. The pending amendment is

that beginning on line 7 on page 45. Mr. HALE. The Senator from Utah has in mind an amend-

ment that is not now pending.

Mr. KING. Which amendment is before the Senate?
The PRESIDING OFFICER. The amendment before the Senate at this time is that beginning in line 7 on page 45 and

extending to and including part of line 11.

Mr. KING. Then, Mr. President, I desire to offer an amendment to the amendment. On line 8, after the word "available," I move to add the words "after January 1, 1930," so that the

amendment as amended would read as follows:

On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, \$28,550,000, of which \$500,000 shall be available after January 1, 1930, toward the construction of the second five light cruisers.

And so forth.

I should like to say a few words, Mr. President.

The PRESIDING OFFICER. If the Senator will pardon the suggestion, the Chair will remind him that he has exhausted his time on the committee amendment.

Mr. KING. I will speak on my amendment to the amendment. The PRESIDING OFFICER. The Senator is entitled to speak on the amendment to the amendment.

Mr. KING. If I understood the view of the Senator from Maine, it is that the \$200,000 appropriated for the first five cruisers should be available July 1, 1929?

Mr. HALE. No; it is to be available after the bill becomes

a law.

Mr. KING. Very well. It is to be available immediately after the bill becomes law; there is not to be a moment's delay. I presume all arrangements have been made to expend this amount within a few hours after this bill is signed by the President. Haste, and more haste, must be the slogan of the Navy Department. Perhaps even now contracts have been prepared for the building of the cruisers which are to be built by contract. And the Senator demands that the \$500,000 for the second five vessels shall be available at midnight, June 30, 1929. It is certain that these cruisers are to be pushed to completion as soon as possible. They are to be undertaken this year, as are the first five authorized in the cruiser bill. plan is to commence 10 war vessels in 1929; to commit the Government to complete at least 10 cruisers, so that any international agreement may not be able to reach them. This amendment reported by the committee is a piece of camouflage. It will deceive no one. It is intended to compel the Government to let contracts or start plans or construction for 10 cruisers within the next few months. The \$500,000 is to be expended soon—within a few weeks, probably after July 1 of this year.

Mr. HALE. At any time during the fiscal year 1930.

Mr. KING. It is made available on the 1st day of July, 1930.

Mr. HALE. There can be no question about that.

Mr. KING. No; that follows, of course.

Which means that it can be expended the same day. The naval authorities are unwilling to wait until December of this year, when the appropriation bills for 1931 are prepared, for the appropriation for the commencement of the second list of five cruisers. And that is what the Senator desires. Just as the Senator from Iowa [Mr. BROOKHART] has stated, there is a determination to force the commencement of 10 cruisers during the calendar year of 1929. That was not the purpose of the cruiser bill, but its terms are being perverted to accomplish that end. It seems manifest that there are influences at work to prevent any limitation of arms conference dealing with the 15 cruisers, or interfering with their construction.

The Senator from Virginia [Mr. Swanson] scoffs at the suggestion made by the Senator from Iowa that an effort is being made to "crowd" the construction of the cruisers, and treats sarcastically the suggestion that the item of \$500,000 to be available July 1 next can be construed as "crowding" construction. I submit the Senator has not met the argument of the Senator from Iowa. If the Navy is not to begin work upon or let con-tracts for some of these "second-year" cruisers, why not so state? Why not incorporate in the bill that this amount is not

to be available until 1930?

President, contracts may be entered into with \$1 consideration which will involve millions, and, for that matter, hundreds of millions and which will commit the Government to the building of 10 or 15 warcraft within a limited period. Who shall say that on the 1st day of July, 1929, with the avidity which has characterized the naval authorities in the Navy Department, contracts will not be let for the construction, not of 5 vessels but of 10 cruisers authorized by the recent cruiser bill? If it is proper and lawful to now appropriate \$500,000 to "undertake" the building of the second list of cruisers, it is equally legal and proper to let contracts for their construction as soon as the appropriation is available and which will be, under the amendment offered by the Senate committee, July 1, 1929. The Senator from Maine can give no guaranty that, in what he calls "orderly" development and building, contracts will not be entered into or plans adopted for the building of these five cruisers on the 1st day of July next or a few days thereafter. If the Senator desires that no contracts shall be let and no plans formulated for these cruisers until 1930, why does he not consent that the bill shall so state?

As I said a few moments ago, we are now building six 10,000ton cruisers authorized in 1924. It will require several years for their completion. Five additional cruisers will be contracted for immediately; and under this bill as it is now amended by the committee five additional cruisers may be authorized and contracts let for their construction on the 1st day of July of this year.

If the Senator from Maine is sincere in the statements which he made a few moments ago, he will accept the amendment which I have offered and restrict the utilization of any part of this \$500,000 until the 1st day of January, 1930.

Congress will meet in regular session and will then prepare and pass the necessary appropriation measure to care for all departments of the Government. If it is deemed necessary at that time to appropriate \$10,000,000 or \$20,000,000 or the entire amount required for the construction and completion of the second five cruisers, that may be done; but at this time to make an appropriation of \$500,000 or any amount whatever

for the second five cruisers is most unwise and in contravention of the spirit if not the letter of the cruiser act.

Mr. President, we can not defend the enormous appropriations for the Army and Navy which are being made at this session of Congress. Our military budget for the next fiscal year will be approximately \$800,000,000. This is more than any nation in the world is expending for armies and navies. The military load is growing heavier, and the demands of various groups and of the War and Navy Departments will become more insistent for still larger appropriations.

Mr. WALSH of Massachusetts. Mr. President, will the Sen-

ator yield?

Mr. KING. I yield.

Mr. WALSH of Massachusetts. As I understand the Sena-tor's amendment, it would have the effect of postponing the appropriation of any money for the building of the second five cruisers to January 1, 1930.

Mr. KING. That is correct. My purpose is to not make available any sum to be expended during this year upon the second list of five cruisers authorized in the recent naval bill. I confess that I am skeptical of the willingness of the Navy Department to wait until 1930 to begin work upon this second There is nothing in the conduct of the department that would lead to the conclusion that it will act prudently in the matter of commencing work upon these cruisers. There has been and is an almost fanatical zeal exhibited by some that brooks not a moment's delay in launching a mighty naval program. The Secretary of the Navy has recently asked for 71 war vessels, and the naval board has exerted its influence to secure the adoption of this plan.

Mr. President, unless there is an international agreement limiting naval armament it is certain that within the next 10 years our naval expenditures will approximate \$10,000,000,000. The country has been inflamed by exaggerated statements and foolish and alarming, and, I may add, unfounded propaganda.

The presentation made by Secretary Wilbur and representatives of the Navy to Congress was calculated to produce naval and military hysteria and to lead the country to believe that our country was in danger of attack from some powerful enemy. The demand for 71 vessels, at a cost of nearly \$1,000,-000,000, was unwise and produced unfavorable reactions not only in the United States but in all the world. And the Secretary made it clear that more than \$2,000,000,000 additional would soon be required for new naval construction.

When public opinion revolted against the demand for 71 warships then a "modest" demand-to use the expression of my friend from Virginia-was made for only 15 cruisers and

a number of submarines.

Mr. President, we now have 22 cruisers which are nearly obsolete and 10 modern cruisers, each of 7,500 tons displacement. No better cruisers plow the sea. In addition we have recently completed two 10,000-ton cruisers which are superior to any found in any navy. We will soon complete six additional cruisers of the same tonnage. They will, presumably, represent the latest and best that can be found in naval construction. We have authorized the construction of 15 more 10,000-ton cruisers, and are to drive through to speedy completion this entire number.

It is absolutely certain that we will have the most powerful cruiser fleet of any navy in the world. The British cruisers will be in a second class compared to those of our own Battle

Fleet.

To-day we have the most powerful battle fleet in the world, Gun for gun and ship for ship, we are superior to Great Britain. Great Britain is superior in cruiser strength, but in battleships, destroyers, submarines, airplane carriers and other auxiliary naval craft the United States outranks any other nation.

Mr. President, there will be unfavorable reactions in other countries because of the belligerent spirit exhibited in the United States. No more warlike spirit, it is said by some, was manifested in Germany during the years immediately preceding the outbreak of the World War than has been in evidence in some circles of our own country.

If we are sincerely interested in peace, we will give evidence of our purpose, not by developing a navalistic spirit, but by pursuing policies that will promote international fellowship.

Mr. HARRISON. Mr. President, I was not in favor of the consideration of the cruiser bill during the present session of Congress, because I did not believe it would create a very good impression among the nations of the world with reference to our desire to promote the peace of the world in the passage of the Kellogg peace pact. I was not in favor of the time-limit clauses in the cruiser bill, and made every effort to eliminate the time

We are now about to vote finally upon this proposition, and I rise to express my congratulations to the Senator from Maine [Mr. Hale] and his colleague on the committee, the Senator from Virginia [Mr. Swanson], for the magnificent way in which they have steered these pieces of legislation to final enactment. Indeed, it was a wonderful feather in the cap of my friend from Maine and my very good friend from Virginia that they were able to overcome the opposition which lurked in the way of the They went cruiser bill so far as the time limit was concerned. up against not only the present President of the United States, with all the influence of a President going out of office, but the influence of the incoming President, although most of the time he was in far-away waters,

It was, however, a great effort; and success crowned the forts of my friend from Maine. So, drunk with power—beefforts of my friend from Maine. cause that is the only way my friend ever gets drunk [laugh--he now comes in with this naval appropriation bill; and although when other important pieces of legislation and tiny proposals of legislation appear here, it takes days and weeks to pass them, under this strong cooperation between the Senator from Virginia and the Senator from Maine they pass this

important bill in less than two days.

I am in favor of carrying out the law embodied in the socalled cruiser bill. I think the Congress should provide ample appropriations to meet every requirement of that law; but I do not want the Senator from Maine to think that some of us here are fooled as to what he is doing in the provisions of this bill, and when we vote on it we should all understand what we are voting for.

The Senator from Maine and the Senator from Virginia are not meeting as loud opposition nor perhaps as well-oiled opposition in putting over this proposal as the Senator met in his cruiser fight; but in this instance he has not the backing of his President, nor has he the indorsement of the Director of the

I hope the Senator will agree with me with reference to that matter. His keeping his seat and remaining quiet tells me that

I am correct in that assertion. [Laughter.]

I say that the President in his estimate has not recommended this, nor has the Director of the Budget, because I have taken the pains to do what I do not very often do, read the estimate of the Director of the Budget. In reading it over I find that he incorporates in it language that was in the naval appropriation bill as it passed the House, and recommends the increases as carried in the bill; but he leaves out of his estimate this \$500,000 to begin the construction of the second five cruisers at the beginning of the next fiscal year.

Mr. HALE. And also the \$200,000 for the construction of the

first five cruisers.

Mr. HARRISON. No; the Director of the Budget recommends the appropriation of money for the first five cruisers

Mr. HALE. Not to make it immediately available.

Mr. HARRISON. No. The Senator was so drunk with desire to pass this cruiser bill quickly that he was not even willing to wait for the voice of Congress, as embodied in the cruiser bill, and make these appropriations in an orderly way; but he wants to make them immediately available.

Mr. HALE. I was drunk with desire to observe the law, Mr.

Mr. HEFLIN. Mr. President, instead of saying that the Senator from Maine was drunk with desire to pass the cruiser bill quickly, I suggest that the Senator use the term that he was swayed or influenced by desire to do it. [Laughter.]

Mr. SWANSON. Mr. President, will the Senator from Mis-

sissippi yield?

Mr. HARRISON. Yes; I yield to the Senator from Virginia.

Mr. SWANSON. The President recommended \$11,800,000 for the two purposes indicated in that recommendation. Being opposed to the time limit, he did not make it for any year, as understand, and he expected his Budget officer to nullify the will of the Congress. All we did was to take his \$11,800,000 and carry out the instruction of Congress to undertake the construction of five cruisers this year, which we took from the \$11,800,000. Then we took \$500,000—we did not increase the total-and made that available for the five cruisers next year. We did not modify the President's amount: but we thought we ought to carry out the will of Congress and not the will of the Budget or the President.

I am sorry to see a man who has always been a vallant fighter for the will of Congress and the will of the people surrender to a Budget officer and the President in their attempt to nullify the expressed will of the Senate and House.

Mr. HARRISON. This is one of the few times when the Director of the Budget and the President and myself agree on [Laughter.]

Mr. SWANSON. Both trying to nullify the will of Congress.

Mr. HARRISON. No; it is the Senate Committee on Appropriations that is trying to veto the suggestions of the Director of the Budget and the will of Congress.

Let us not be misled about this proposition. It is too plain. Here is Mr. Lord's estimate. He says:

Construction and machinery: For an additional amount on account of hulls and outfits of vessels and machinery of vessels heretofore authorized, \$5,800,000, to remain available until expended.

Mr. NORRIS. Whose estimate did the Senator say that is? Mr. HARRISON. This is General Lord's estimate, transmitted by the President. The amount is \$5,800,000, increasing the \$22,750,000 carried in the House bill to \$28,550,000 here. He recommends that increase; but the Committee on Appropriations lops off \$500,000 of the increase suggested by the Director of the Budget and the President on account of hulls and outfits of vessels and machinery of vessels and applies it to the construction of the second five vessels carried in the naval bill.

We can make this appropriation. I know what the sentiment of the Senate is; they are going to pass it; but when we vote for it let us know that we are not carrying out the act. If we did, we would make the appropriation as carried here for these first five vessels, and we would wait until the next regular session of the Congress, when we will have before us another appropriation bill which will come on for consideration about the same relative time in 1930 that this has come before us in this naval appropriation bill. We will have as long then to provide the money for the second five, during that particular year, as we have now for providing the money for these first five vessels for 1929, and we will then proceed in an orderly way. I shall vote for the amendment offered by the Senator from Utah [Mr. KING].

Mr. CARAWAY. Mr. President, I am exceedingly fond of my good friend from Virginia [Mr. Swanson], the ranking Democratic member of the Committee on Naval Affairs, and I am not much concerned about the provisions of the bill. I wish to say, Mr. President, that nobody is being fooled except the Senators who are fooling themselves when they think they are fooling somebody else. That is the only thing I object to.

I say, with much hesitancy, it is a little bit of sharp practice. It is a desire to outwit the administration; and I regret to see my friend, who says he is drunk on both enthusiasm and desire-

Mr. GLASS. And power.
Mr. CARAWAY. And power; and, as my friend from Maryland [Mr. Tydings] suggests from his seat, that is a mixed drink, and I should say he was an authority on that and he ought to know.

Seriously speaking, it may be that you can not trust the President or the President elect. I recall going over the country and advising the people that I thought that was the fact, but I had not expected so early to have confirmation of my prediction here in the Senate; to hear the chairman of one of the great committees say, "We can not trust the President now in power to carry out the expressed will of the Congress, although he signed the bill," and "we can not trust the incoming President to carry out the law of the land and can not trust him to protect the interests of this country. Therefore we must indulge in sharp practice to avoid a disaster that is to overtake the country because the President has not either the foresight or the patriotism to carry out the law of the land."

Mr. HALE. Will the Senator tell me what he means by "sharp practice"?

Mr. CARAWAY. When the Senator gets sober from too much indulgence in power he will know what I mean by that without my telling him. That is such a common expression that one coming from New England certainly must know what it means.

I am not falling out with the Senator from Maine now. What I am trying to say is—and I say it seriously—that you say that he who is now President and he who is to succeed him can not be trusted to look after the defenses of this country, and that we must-oh, I will avoid the word the meaning of which the Senator did not know-that we must write into this bill a subterfuge in order to protect the country against the President

and the President to be. That is all I object to.

Mr. TRAMMELL. Mr. President, I am a member of the Committee on Naval Affairs, although I did not take an active part in connection with the framing of this appropriation bill. would not support any legislation that would contemplate a defeat of the cruiser bill. On the other hand, I do not care to support legislation which contemplates a hastening of the

action provided in the cruiser bill.

As I see it, the amendment under discussion is absolutely unnecessary in order for us to comply with the provisions of the law in regard to the appropriation. Under the law we are to undertake the construction of five cruisers prior to the expiration of the fiscal year 1929. We are then to undertake the construction of five additional cruisers by the expiration of the fiscal year 1930.

As has been stated, Congress will convene in December and we will have every opportunity to make appropriations for the second five cruisers in December, January, and February that we would have at the present time, and I am unable to see why we should make an appropriation at this time for the 10 cruisers, when the purpose and object of the law was that we should undertake only 5 cruisers each fiscal year.

Under this appropriation act we provide at least a part of the appropriation for 10 cruisers during a period of one year.

While I supported the bill providing for the 15 cruisers and opposed all amendments that would interfere with such policy, I do not see any particular reason, and there is no reason, why we should make appropriations for the second five cruisers now. In the ordinary conduct of affairs, Congress would take up that item when we met in December, and make the appropriations for the second five at the next session of Congress

Mr. HALE. Mr. President, does the Senator think-

Mr. TRAMMELL. I think that the whole object and purpose of it is to hasten the matter, and hasten it in a manner which was not contemplated by many of us who supported the cruiser bill providing for the 15 cruisers. A defeat of this amendment, would, as I see it, in no wise interfere with the carrying out of the law that was enacted by Congress, and I hope the amendment will be defeated.

Mr. SMITH. Mr. President, I want to ask the chairman of the Committee on Naval Affairs a question in my time.

The appropriations for the fiscal year 1930 become effective on the 1st day of July, 1929, do they not?

Mr. HALE. That is quite right.

Mr. SMITH. Congress is supposed to make appropriations for the fiscal year beginning the 1st of July, 1929, which will be expended in 1930.

Mr. HALE. That is quite right.

Mr. SMITH. A little more than half of the fiscal year has now passed-this being February-and this is the first time a naval appropriation bill has come up, and that is why we must appropriate now.

Mr. HALE. That is quite right. If the cruiser bill had gone through in time the appropriation would have been in the ap-

propriation bill for the current year.

Mr. SMITH. Therefore, we are apparently making two appropriations in one fiscal year when we are not. We are carrying out the regular order that Congress always observes of appropriating at the 1929 session for the fiscal year that begins the 1st of the following July.

Mr. HALE. That is right; and the appropriation of the \$200,000 that we are appropriating for this year is an unusual procedure that we have to follow, because it is the only way to

get it in before 1930.

Mr. SMITH. I thought that was the situation.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. King] to the committee amendment. The clerk will state the amendment.

The CHIEF CLERK. On page 45, line 8, after the word "available," to insert the words "after January 1, 1930," so that it will read, "of which \$500,000 shall be available after January 1, 1930, toward the construction," and so forth.

The VICE PRESIDENT. The question is on agreeing to the

amendment to the amendment.

The amendment to the amendment was rejected.

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

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment was, on page 45, line 16, after the word "expended," to insert a colon and the following proviso:

Provided, That appropriations contained in this act on account of "Increase of the Navy ' shall be immediately available, in the discretion of the Secretary of the Navy, for the employment of such clerks, draftsmen, and technical employees as may be required at navy yards, in field-inspection offices, and in the Navy Department in the District of Columbia, for the preparation of plans and the work of inspecting and constructing vessels building, such employees to be in addition to those otherwise provided for.

Mr. HALE. Mr. President, to perfect that amendment. I offer the following.

On page 45, line 17, after the word The CHIEF CLERK. "Navy," insert the following:

Except the amount of \$500,000 made available toward the construction of the second five light cruisers authorized by the act approved February 13, 1929.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 46, line 3, after the word "expended," strike out "\$12,000,000" and insert "\$18,000,000, of which \$200,000 shall be immediately available toward the construction of the first five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1929: Provided, That of the total amount hereby appropriated a sum not exceeding \$200,000 may be expended for additional machinery and equipment at ordnance establishments," so as to read:

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels heretofore authorized, to remain available until expended, \$18,000,000, of which \$200,000 shall be immediately available toward the construction of the first five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1929: Provided, That of the total amount hereby appropriated a sum not exceeding \$200,000 may be expended for additional machinery and equipment at ordnance establishments.

The amendment was agreed to.

The next amendment was, on page 46, after line 11, to insert:

Improving and equipping navy yards for construction of ships: Toward providing and reconditioning building ways and providing additional equipment and facilities at navy yards and ordnance establishments necessary for the construction and equipment of ships, \$570,000, to be immediately available, and in addition the Secretary of the Navy, upon approval by the President, is authorized to enter into obligations for this purpose, amounting in the aggregate not to exceed \$1,725,000.

The amendment was agreed to.

Mr. HALE. Mr. President, I have two amendments which I was instructed by the committee to offer from the floor.

The VICE PRESIDENT. The clerk will state the first amend-

The CHIEF CERK. On page 47, line 25, after the word "plant," to insert a semicolon and the following:

and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government: Provided, That nothing herein shall be construed as altering or repealing the proviso in section 1 of the act to authorize the construction of certain naval vessels approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engine, armor, and armament, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States except such material or parts as are customarily manufactured in such Government plants.

Mr. HALE. This is simply the ordinary labor amendment that we have had in appropriation bills for the last four years. Added to it is a proviso that nothing in it shall in any way interfere with the provisions of the cruiser law.

Mr. McKELLAR. Is the language the same? Mr. HALE. The language is the same with one exception which I am going to add, where a few words were left out in the House and which I will ask to have reinserted.

Mr. KING. Mr. President, I would like to ask the Senator from Maine a question. If this measure is not in conflict with the cruiser law, what necessity is there for attempting to declare in the amendment offered that it is not to be in contravention of the provisions of that law?

Mr. HALE. There was some question whether under the terms of the amendment, if it was found to cost more to build ships in the navy yards than to build them by private contract, it might have barred their building in the navy yards, and this simply provides that in any event those which are provided for in the cruiser law the first and each alternate cruiser shall be

built in the navy yards.

Mr. BRATTON. Mr. President, will the Senator from Maine yield to enable me to make an additional observation regarding

the matter to which he is now addressing himself?

Mr. HALE. I gladly yield.

Mr. BRATTON. In further answer to the inquiry propounded by the Senator from Utah, the cruiser law provides that the first and each alternate ship thereafter shall be built in the navy yards. The provisions of that bill are mandatory in that regard. The amendment now proposed to the appropriation bill provides that as to the other ships preference shall be given to the navy yards, but as to the first and each alternate ship the mandatory provision contained in the cruiser law shall be carried out. It is to obviate a possible repeal by implication that the special language was inserted in the appropriation bill. It was thought by some of us that this being a later act and carrying merely the preference provision ordinarily inserted in appropriation bills, it might repeal by implication the mandatory provision of the authorization act, so we inserted this language in order to obviate any possible conflict.

Mr. HALE. The second part of the amendment was inserted at the request of the Senator from New Mexico, and I think is

an excellent provision.

Mr. GLASS. Mr. President, does that make it possible to award them all to navy yards and none of them to private con-

Mr. HALE. I think that might be remotely possible, but I believe there is no chance of its being done. In the first place, we have not existing facilities enough to construct them all in the navy yards.

Mr. SWANSON. The eight cruisers are being built now.

Mr. HALE. Yes.

Mr. SWANSON. Consequently there is nothing to apply to those. Five of them are being built in private yards and three in navy yards. The only cruisers to be built, unless we have a submarine under the old authorization, would be those provided for in this bill. This carries out the cruiser law and does not modify or change it in any respect.

Mr. KING. Mr. President, I would like to ask the Senator if the amendment which is just offered, the entire meaning of which I did not catch because of the confusion, deals only with ships which are now in process of construction and the 15

cruisers authorized in the cruiser bill?

Mr. HALE. It deals with the appropriations that come under this bill and it applies to the cruisers now under construction and those started in this bill, and also to the three submarines

which are started under the provisions of the bill.

Mr. KING. This bill authorizes the repair of ships, the amendment which the Senator offers preclude the Government having repairs made upon war vessels other than in navy

yards owned by the Government?

The repairs on all war vessels are made in the Mr. HALE. navy yards of the country. I do not think this affects that question one way or the other. It simply provides that where the work can be done in a navy yard at a price not appreciably more than outside parties would charge, it must be done in the navy yards.

Mr. KING. Does the amendment seek to inaugurate a policy different from that which now prevails in that regard?

It does not change what we have had under existing conditions for the last four or five years. The only change is in regard to the 15 cruisers where it is provided that the terms of the cruiser law shall be complied with.

Mr. SWANSON. It does not change the law at all.

not make the slightest change at all in existing law.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maine in behalf of the committee.

The amendment was agreed to.

Mr. HALE. I have a further amendment which I send to the desk and which I have been instructed by the committee

The VICE PRESIDENT. The amendment will be stated. The CHIEF CLERK. On page 54, after line 12, insert as a new

paragraph the following:

To enable the Secretary of the Navy to adjust the rates of pay of the drafting group in the field services of the Naval Establishment so as to be comparable with the increased rates of pay allowed other employees in the field service under the amended wage schedule of August 1, 1928, \$154,000: Provided, That the Secretary of the Treasury shall transfer from this appropriation to the appropriations under which the members of the drafting group are employed such sums as the Secretary of the Navy may certify as being required to meet the increased cost under each such appropriation,

Mr. President, is this the amendment which affects the employees in the navy yards and Naval Establishment outside of the District of Columbia?

Yes; the draftsmen.

Mr. HALE. Yes; the draftsmen. Mr. DILL. Is the amendment satisfactory to those who proposed it?

Mr. HALE. No; I think they ask for a larger amount. This is what the department recommended that they considered a fair adjustment.

Mr. DILL. How much of an increase will this provide?

Mr. HALE. It provides \$154,000.

Mr. DILL. I mean how much of an increase to each man? Mr. HALE. The increases will run from \$66 to \$394 a year.

Mr. GLASS. Mr. President, may I say to the Senator from Washington that it is not entirely satisfactory to the field men, but it was the best that could be gotten by those of us who spoke in behalf of the field men.

Mr. DILL. I know the Senator from Virginia spoke for them

and I am inclined to go along with his suggestion.

Mr. GLASS. I think it is about time to meet their situation even more than this does, but it is the best we can do at this time.

Mr. SWANSON. Mr. President, it will take two or three years at this rate to get their wages to equal those paid other employees performing like services. I think it is the best we could get and so we accepted it.

Mr. DILL. What does the Senator mean when he says the

best he could get?

Mr. SWANSON. There was a dispute down at the department in connection with the question of whether they ought to go under the Welch Act or not, and whether they should be

advanced from one grade to another.

Mr. GLASS. It was the best we could get, because they have been so long and so pointedly discriminated against that to put them now on comparable terms with persons doing like work here in the District would involve an appropriation so large as perhaps to interfere with the Executive's financial policy. avoid any question, those of us who speak for those men accepted this as the best we could get under the circumstances.

Mr. DILL. Mr. President, I appreciate the position of those on the committee who have been working for the employees in question. I want to say in this connection that the action of the wage board in allocating some of the clerks, particularly in the navy yard at Bremerton, in my own State, to an 8-hour day where they had been previously working a 7-hour day, with practically no increase in wages, is a step that certainly should be prevented in future legislation. I shall not offer any amend-ment or legislation at this time, but I think that the action of the Secretary of the Navy in supporting the allocation of employees as it was made by the last wage board, compelling them to work eight hours a day at the same wage they had been getting for seven hours a day, is indefensible. I think it is a meting out of punishment to those employees against whose records there is no objection whatsoever. While the number affected is small, yet to them individually it is extremely important. I hope that the policy will not be enlarged upon by the Navy Department in the future.

The VICE PRESIDENT. The question is on agreeing to the

amendment submitted by the Senator from Maine.

The amendment was agreed to.

Mr. HALE. I have another amendment which I now send to the desk and offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 47, line 21, after the word "thereof," insert the words "or of the movements of any such employee while engaged upon such work," so as to make the sentence read:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work.

Mr. KING. Mr. President, may I ask the Senator from Maine what is the purpose of the amendment?

Mr. HALE. It simply provides what was in the bill the last time. It was stricken out in the House on a point of order.
Mr. KING. Upon examining the text I understand the pur-

pose of the amendment, and I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to.

Mr. BROUSSARD. Mr. President, I desire to offer my amendment, which is lying on the table.

The VICE PRESIDENT. The amendment will be stated. The CHIEF CLERK. On page 48, line 24, strike out the numerals \$174,380" and in lieu thereof insert "\$178,560," so as to make the paragraph read:

Naval Observatory, including \$2,500 for pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, | was my impression that a majority of the committee were in sympathy

Mr. BROUSSARD. Mr. President, this is an item affecting the Naval Observatory employees. I brought this matter before the committee and called their attention to the fact that the observatory had made an estimate of \$177,320, and that the estimate was approved by the budget officer of the Navy Depart-When it reached the Director of the Budget there was stricken from the total the sum of \$4,140, which was an item intended to raise the salaries of 26 employees of that bureau whose salaries are very much below the average salaries of people in their grade. In fact, it was stated that this amount would cover only 50 per cent of the actual sum necessary to bring these employees, who number 26, to the average of the grades in their employment. At the time I submitted this matter got the impression-I do not want to speak for the committeethat the committee favored it. The chairman of the committee made inquiry at the Navy Department, and we were told that an amendment adopted in the House-which, of course, was subsequent to the time that the Director of the Budget had acted-would take care of these employees. That amendment, which is found on page 50, reads as follows:

When specifically approved by the Secretary of the Navy, transfers may be made between the appropriations in this act under the respective jurisdiction of any bureau, office, board, or corps, in order to meet increases in compensation resulting from the reallocation by the Personnel Classification Board of positions under any such organization unit. Any such transfers shall be reported to Congress in the annual Budget.

At the time the chairman read the amendment to the committee I disagreed with him, because it would seem to me that if that amendment took care of those employees the Navy Department would not have approved its application. So yesterday, Mr. President, I wrote to the Chief of the Naval Operations, and, in order that the RECORD may show the whole transaction, I ask that my letter to Rear Admiral Leigh, Chief of the Bureau of Navigation, be printed without reading.

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

The letter is as follows:

FEBRUARY 21, 1929.

Rear Admiral RICHARD H. LEIGH.

Chief Bureau of Navigation, Washington, D. C.

MY DEAR ADMIRAL LEIGH: You will recall that when the naval appropriation bill was before the Appropriations Committee I made certain inquiries of Admiral McVay concerning salaries paid the employees of the Naval Observatory, and I was told you had this information, which could be given later when you testified.

When before the committee your testimony was first directed to such changes as had been made in the House and to such amendments as were pending before the committee. Before I had an opportunity of taking this up and bringing out the facts the chairman of the committee was informed by the department that an amendment was added in the House, reading as follows:

"When specifically approved by the Secretary of the Navy, transfers may be made between the appropriations in this act under the respective jurisdiction of any bureau, office, board, or corps, in order to meet increases in compensation resulting from the reallocation by the Personnel Classification Board of positions under any such organization unit. Any such transfers shall be reported to Congress in the annual Budget" met this case and would enable these employees to be cared for. I am advised that this amendment, above quoted, adopted in the House does not cover the cases estimated for these employees, because the additional amount requested was not to take care of employees promoted from one grade to another, but had been proposed to raise the average of these employees nearer the average of their grades, and that even the amount asked was only 50 per cent of the amount necessary to bring them up to the average of their grades.

The amount asked in addition to that allowed by the director of the bureau was \$4,140. I am informed that the Naval Observatory estimate was \$177,320, and that this amount had been allowed by the budget officer of the Navy Department, but disallowed by the Director of the

The naval appropriation bill comes up for consideration to-day, and inasmuch as my present understanding is that we were misinformed as to this matter, I would like for you to write me immediately as a member of the Appropriations Committee whether the Naval Observatory estimated the amount above stated and whether your department allowed this estimate. And, further, whether the amendment adopted in the House and quoted herein at the beginning of my letter would enable justice to be done in remedying in part the comparatively low salaries paid to the

employees of the Naval Observatory.

I would consider it a special favor if you would write me at once, as I may need this information at any time. I may add that it with my efforts to try to increase this item, but desisted when we were told the amendment of the House took care of the situation,

Thanking you for an immediate reply, I am,

Yours very truly.

EDWIN S. BROUSSARD

Mr. BROUSSARD. I now wish to read the letter in response to the one I wrote to Rear Admiral Leigh.

Mr. HALE. Mr. President, will the Senator from Louisiana yield to me?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Maine?

Mr. BROUSSARD. Certainly.

Mr. HALE. I have taken this matter up with the Navy Department, and I find the department mentioned it in their recommendation to the Budget, but the Budget turned it down. I am perfectly willing to accept the amendment, so far as I am concerned, and take it to conference, but I can tell the Senator that it is doubtful what the result will be.

Mr. BROUSSARD. I should like very much for the Senate to be made acquainted with this letter, and I want it in the RECORD because the House has not adopted this amendment and I should like to have this evidence made available. The letter, amongst other things, states that the provision of the House bill does not apply to these employees. The letter reads as follows:

FEBRUARY 21, 1929.

Hon. EDWIN S. BROUSSARD.

United States Senator.

MY DEAR SENATOR: I have received your letter of February 21, 1929, with reference to the salaries under the Naval Observatory in connection with the naval appropriation bill, which you state will come up for consideration to-day.

The amount originally asked for by the Naval Observatory and approved by the Navy Department was \$177,320, and the Director of the Bureau of the Budget sent in the estimate for \$173,180, or \$4,140 less than the Observatory felt it needed. Subsequent to the submission of the estimate the attention of the Bureau of the Budget was called to the fact that increases had been allowed by the Personnel Classification Board which further increased the Observatory's obligation by \$1,200. This item was accepted by the Bureau of the Budget and the Committee on Appropriations of the House, and the bill as it came out of the committee provided for \$174,380 for salaries, Naval Observatory. This amount still does not take care of the increases desired which amount to \$4,140 and brings the total figure needed to \$178,520, which represents the addition of the \$4,140 to the figure finally allowed by the House.

It is this bureau's understanding that the amendment referred to in your letter is merely to meet increases in compensation resulting from reallocation of positions by the Personnel Classification Board in 1930 and is not applicable to the cases you have in mind to be covered by the \$4,140.

Sincerely yours,

T. R. KURTZ, Acting.

In view of the fact that the chairman of the committee has accepted the amendment, I shall not speak longer upon it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. DILL. Mr. President, I have an amendment at the desk which I now offer and desire that it may be read.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 44, at the end of line 19, it is proposed to add the following proviso:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to and from Nicaragua.

Mr. President, I shall speak but briefly on the amendment; but I want to remind the Senate that a year ago while the naval appropriation bill was here under consideration when a similar amendment was offered great emphasis was placed upon the fact that an agreement had been made through Mr. Stimson that the marines would be kept in Nicaragua in order to supervise the election which was to be held there last fall. That election has been held; the new President of Nicaragua is in charge; and yet we see no signs whatever of withdrawing the marines; in fact, we are occasionally treated to an announcement in the newspapers that some American boy in Nicaragua has been killed or wounded. Only this morning I read in a morning newspaper a statement to the effect that the new airport fields in Nicaragua are to be named after dead aviators of the American marines. Think what a beautiful

memory it will be to the Nicaraguan people to be reminded in future years by the names of the landing fields in their country of the marines who have been among them shooting down their comrades from time to time! I quote from a newspaper clipping as follows:

Five landing fields in Nicaragua have been given the surnames of four marine aviators who lost their lives in service there during the last 18 months, and one honoring Capt. R. J. Archibald killed at Langley Field, Va., last November, who selected the 12 landing fields in Nicaragua.

The fields named are Archibald Field, Managua, for Captain Archibald, of Wheeling, W. Va.; Byrd Field, Puerto Cabezas, in honor of Capt. W. C. Byrd, Greenwood, S. C., killed at Esteli when his plane collided with a buzzard; Thomas Field, Ocotal, honoring Lieut, E. A. Thomas, Richmond, Va., killed in action against insurgents in a forced landing at Sepo lla Ridge; Dowdell Field, Apali, for Sergt. F. E. Dowdell, Carbondale, Ill., killed under similar circumstances; and Frankforter Field, Estell, for Pvt. R. A. Frankforter, Quantico, Va., killed in the crash with Captain Byrd.

The rule of the American marines continues in a foreign

More than 20 years ago President Roosevelt induced the Central American Republics to join in a treaty by which it was agreed that none of them would interfere in the civil wars of their neighbors by taking sides either with the government or against the government. Within two or three years after that agreement was entered into the United States itself took advantage, contrary to what it had induced the countries of Central America not to do, of an opportunity to interfere on the side of one of the parties making trouble in Nicaragua. Our record in Nicaragua from that time until now has been a series of untenable and indefensible actions. After the election, which was held under our own auspices, with which certainly we ought to be satisfied, and with which the people of Nicaragua ought to be satisfied, it seems to me the marines could be withdrawn. The amendment does not propose to rush them out in 30 days or 40 days, but allows them to be retained in Nicaragua until the 1st of July, when it will become effective. When at last a government has been established in Nicaragua by the will of the people at an election honestly held and against which no complaint has been made by anybody, it seems to me that it is not an unreasonable proposal that the marines shall be withdrawn, as this amendment would compel them to be withdrawn, by the

Mr. HEFLIN obtained the floor.

Mr. BRATTON. Mr. President-The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I yield to the Senator from New Mexico. Mr. BRATTON. I merely desire to ask the Senator from Washington a question. I have previously expressed myself as being entirely out of sympathy with the policy of maintaining indefinitely American marines in Nicaragua. I do not think the occurrences prior to this time justify keeping the marines there hereafter; but the question I desire to direct to the Senator from Washington is this: Suppose during the life of this appropriation bill new circumstances should arise which would obligate our Government to send marines to Nicaragua in order to protect the lives and property of Americans there-that is to say, an emergency enjoining the duty upon the Government to protect our people as to life and property—does the Senator think the amendment is broad enough to take away that power and make it impossible for the Government to discharge that wellrecognized duty in an emergency of that kind? If so, does he think it is wise for us to go that far?

Mr. DILL. It may be that my amendment is a little too broad, in that it provides that the marines shall not be maintained there. My purpose, of course, is to compel the withdrawal of the marines and also to prevent their again being sent to Nicaragua and kept there unless American lives shall actually be in danger. The fact of the matter is that the only American lives that were in danger when the marines were sent to Nicaragua the last time were those of the American marines themselves who were sent there. There were not over two

Americans who were in danger in the beginning.

Mr. BRATTON. The Senator and I are in accord on the principle involved. Let me suggest to him the wisdom of adding to his amendment language substantially to this effect:

Except in case of an emergency occurring hereafter endangering life or property or both of American citizens.

So that the amendment would apply to the present situation, but would not circumscribe the Executive as to circumstances transpiring after the approval of the act.

Mr. McKELLAR. Mr. President, I have great sympathy for the amendment of the Senator from Washington; I think some such amendment ought to be adopted; but I hope he will accept the language suggested by the Senator from New Mexico.

Mr. DILL. I am willing to accept it, although I think that the Marine Corps officers, and the President, if he so desired, might take advantage of it to keep the marines there; but, in order that there may be no question about the vote of the Senate on the proposal to withdraw the marines, I am willing to accept the amendment.

Mr. HEFLIN. Mr. President, I now wish to submit a few remarks. Senators can discuss the other phases of the subject

after I am through.

The resolution referred to by the Senator from Washington is one which was submitted by me months and months ago, but no action has been taken by the Senate upon it. The suggestion has been made from time to time that the marines would be kept in Nicaragua until after the election there. As the Senator from Washington has correctly stated the election is over, and there is no excuse now, so far as I can see, for keeping the marines down there any longer, unless we are going to adopt an imperial policy and send our troops out to police various nations of the earth, to clean up their governments for them, to quell rebellion, and to permit one or the other of the belligerent parties, those on whichever side we may take, to retire, as was done in this instance, from the battle field, where there is danger and death, and put our troops in peril in their stead. That is what we did in Nicaragua. It is a bloody chapter, Senators, in the history of this Government. The soldiers of Diaz tors, in the history of this Government. retired from the field.

They were no longer out in the mountain fastnesses and in the dangerous places, meeting the enemy in the open, and being shot down. It was our troops that endured that danger and went down to death, many of them, while engaged in that

character of warfare.

I think we have done enough for Nicaragua. We have gone down there and kept our marines there at great expense, and many of them have died in the conflict. We have stayed, now, They have had until they have set up a stable government. an election. There is no reason for keeping them there any longer. The Senate owes it to the fathers and mothers of America whose boys are down there now to bring them back home and let them live under the flag in peace, instead of holding them there to carry on somebody's government in a foreign country.

Those people have their Government now. They have elected their President, and apparently they are getting along very I am in favor of the amendment of the Senator from Washington [Mr. Dill]. If such an emergency arises as the Senator from New Mexico [Mr. Bratton] has suggested, his amendment does not keep the President from sending ma-rines back. The President has the power now, if he ever had it in the outset, to send them down there; and the fact that we are withdrawing these marines now would not preclude the President from sending marines there again if a situation should arise that demanded it in the protection of American rights and interests. If any emergency should arise, we will be here in extra session from about the 10th of April until the 1st of July, and we can provide by act of Congress for any emer-

Mr. BORAH. Mr. President-Mr. HEFLIN. I yield to the

I yield to the Senator from Idaho.

What is the amendment now, since it has Mr. BORAH. been modified?

Mr. BRATTON. Mr. President-

Mr. HEFLIN. I shall be glad to have the Senator from New Mexico read his amendment.

Mr. BRATTON. The amendment now reads as follows:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to or from Nicaragua except in cases of emergency arising hereafter endangering life or property, or both, of American citizens.

Mr. CARAWAY. How are they to come home if we prevent their being transported from Nicaragua?

Mr. HEFLIN. I do not see any necessity of preventing them from being transported from Nicaragua.

Mr. DILL. They must be brought home before the 1st of

July. Mr. HEFLIN. I do not see any necessity for putting in there

statement that they can not be transported from Nicaragua. That is what I should like to do. I should like to have them transported from Nicaragua and then not transported back.

Mr. BORAH. I thought the amendment had been changed so that that could be done.

Mr. HEFLIN. So that we could bring them out?

Mr. BORAH. Yes.

Mr. President, if the Senator will permit me, this amendment, if agreed to, as I take it, would require the Government to bring the marines back before this appropriation goes into effect.

Mr. McKELLAR. It would.

Mr. NORRIS. So that it would have the effect of bringing them out by the 1st of July?

Mr. HEFLIN. Yes. I think that ought to be done. Mr. BLEASE. Mr. President——

Mr. HEFLIN. I yield to the Senator from South Carolina.

Does not the Senator from Alabama think Mr. BLEASE. we had better leave them over there until the Senator from New Jersey [Mr. Edge] gets over there with his committee to

look after the Nicaraguan canal?

Mr. HEFLIN. No; I am in favor of the joint resolution of the Senator from New Jersey. The able Senator from my State, who was here for a number of years, Senator Morgan, predicted that the time would come when we would have to build a Nicaraguan canal and that the Panama Canal would be out of commission if we did; and I think he was right about that. I think we ought to have two canals, anyhow, so that if anybody took possession of one we would have the other.

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

Mr. DILL. In response to the Senator from South Carolina, I want to say that the adoption of this amendment would do more to remove opposition to the joint resolution of the Senator from New Jersey than any other one thing that could be done by the Senate.

Mr. HEFLIN. I think so, too.
Mr. President, I want to repeat that a fine boy from my State was killed in this Nicaraguan row. I asked the Government to send his remains home, and they reached home just a few days ago: and he has been buried down there in the old family burying ground in my State. He was killed a year or more ago. It is time that the Senate was giving serious thought to such acts as this that we have committed, of going down into Nicaragua and retiring from the field Diaz and his troops, removing them from danger, putting our troops out in front, having them bear all the brunt of the battle, getting them killed, spending vast sums of money, setting up a government for the people of Nicaragua, and then continuing to keep the marines there. I think we ought to bring them home.

I shall vote for the Senator's amendment.

Mr. NORRIS. Mr. President, if Senators will remember the debate that took place on this subject at the last session of Congress, last year—
Mr. BRATTON. Mr. President, will the Senator yield to me

to make a further suggestion?

Mr. NORRIS. I have only 10 minutes.

The PRESIDING OFFICER (Mr. Fess in the chair). The

Senator declines to yield.

Mr. NORRIS. If Senators will refer to that debate they must, it seems to me, reach the conclusion that every reason given then for maintaining an army in Nicaragua has now disappeared from the face of the earth.

After that debate had gone on for some time there was practically an agreement one evening, about this time of day, that would have brought about the unanimous adoption of a modified amendment. Next morning, however, when the Senate convened Senators had changed their minds about it, and the

agreement was not carried out.

It was claimed then that while perhaps we had no right to send our marines down to Nicaragua in the first place, nevertheless we had them there; that since they had been there an agreement had been made that they should supervise an election; that an election should be held, and that the American Government, through its marines, would see that an honest election was held. It was claimed that that agreement had been made with these people in Nicaragua, and it was even said that most of the insurgent army had surrendered their arms on account of that agreement, and therefore, even though the agreement was contrary to law and made by the President without authority, that it would be a violation of good faith for us to take our army away until that agreement had been fully complied with and the election held.

Mr. McKELLAR. What excuse has he now?

Mr. NORRIS. The election was held last fall. The new officials have been installed in office. We were told by the Government officials that there were only a few bandits left. The other day I read that the Sandino army had been half captured; that one marine had captured a bandit, and the other member of the Sandino army unfortunately had escaped; and still we keep our marines there.

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

Mr. NORRIS. If it is a question; yes.

Mr. BINGHAM. Does the Senator realize that the President elected was the Liberal, General Moncado, and that he himself, being afraid of the Conservatives, requests the retention of the

Mr. NORRIS. Is that any reason why we should send our Army into a foreign country-because some representative of a political party or a faction asks that they be kept there? If that is a good reason, then we had better bid good-bye to international law, and say to the world, "Whoever wants our Army, ask for it; we will send it over to you and run your government

As a matter of fact, Mr. President, we went to Nicaragua and established a government. We made an agreement with ourselves, in the first place, that we would supervise this election, and we have been there ever since. We went in there, I think, without any authority. We stayed there without any authority. We held an election without any authority in a foreign land at the point of the bayonet. We would not stand for holding that kind of an election here in our own country, under our own flag, and at the expense of the American taxpayer. It is such conduct as this that has brought us into disrepute and made all the nations south of the Rio Grande suspicious of our actions. Having made an agreement to hold an election, having practically a unanimous understanding here that when the election was held we would take away our Army; the election has been held, months have passed, we read in the paper every few days of the bandit army being exterminated, and still our Army is

I do not see any excuse for it; and if somebody who is elected President wants the marines to stay, that is not any reason why they should stay. Has the administration been fair with the country? Have we heard of all the accidents and the deaths of our own men that have been brought about on account of this foreign war? Have we ever been told of the hundreds of women and children and men-unarmed men, unarmed women, unarmed children—who have been killed by bombs dropped from the air by our forces? Do we know half of the truth now? And yet our Army still stays in Nicaragua.

Mr. President, it seems to me no reasonable excuse can be given why they should stay there any longer. If the President wants to keep an army in a foreign country it is his duty, as I look at it, to communicate officially with Congress, set forth the facts, give the reasons why in his judgment an army should be maintained permanently in a foreign country, and then let Congress pass on it; let the lawmaking body decide whether the money that is wrung from the American people by taxation shall be used for the purpose of carrying on war in a foreign country

under a different name than war.

Why is it that we have not been told why the Army stays in Nicaragua? Why is it that the Army is still there? we not entitled to official notice and information as to the judgment of those who are responsible, giving the reasons why they think the Army ought to remain? Who is it that should decide whether we shall maintain a standing army in a foreign country against the will and the wish and without the consent of the real people of that country, or even with their consent? Who is going to advocate as a proposition of international law that the President, without any act of Congress under our Constitution, can keep a standing army in a foreign country even with the consent of the officials whom as a matter of fact we have elevated to office?

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

Mr. NORRIS. Yes.

Mr. BINGHAM. Just what does the Senator mean by "we have elevated to office"?

Mr. NORRIS. I said a minute ago that as a matter of fact we established a government in Nicaragua at the point of the bayonet. Then we made an agreement with the Government. We did that when we agreed to the last treaty with the Government of Nicaragua, and we maintained that Government and

kept it in power by our soldiers.

That is what I mean, that we established the Government. This Government which is now in power in Nicaragua is in power, I understand, by virtue of the election that has been held, which we supervised, and it was said then, "Everybody wants us to hold that election; both sides have agreed; only a few bandits oppose it." And it has been reported that there have been killed four or five times the number they were supposed to have. Both sides wanted us to hold the election so that it would be fair. It is said now that we held it and that it was fair. I presume that is true. I have no evidence to the contrary, and we can assume that it was fair. So under the theory of those who wanted to keep our Army there, everything

is peaceful, everything is lovely. We have had an honest election. We have installed the people who were elected to office. Then what is the use of our Army down there?

The PRESIDING OFFICER. The time of the Senator from

Nebraska has expired.

Mr. BRUCE. Mr. President, I do not know a clearer case than this for the application of the Turkish saying, "The dog barks; the caravan passes." It was only a few months ago that the very Senators who are now advocating this amendment were decrying in the bitterest language the course of our administration in relation to Nicaragua. What it has done in Nicaragua fully deserves what I said at that time by way of commendation of the action of our Government in all such cases. I said then that there has not been a case on record for generations in which our country has ever intervened in any foreign land except for the purpose of conferring a lasting blessing

When all that invective was indulged in, of course the election had not come off in Nicaragua. Now it has been held. The action of our Government in refusing to withdraw its marines at that time has been completely, triumphantly, incontestably vindicated. For the first time in many, many years there has been a fair election in Nicaragua, an election not tainted by either fraud or violence, an election so fair that both of the national parties in Nicaragua are satisfied with it, and have so expressed themselves.

At this very moment our marines, as I understand it, are remaining in Nicaragua because the present Nicaraguan Government, the one chosen at that election, made a request that they should remain there a little longer.

Mr. EDGE. Mr. President Mr. BRUCE. I yield.

Mr. EDGE. It is my understanding, without having the figures at hand, that a large proportion of the marines have already been sent back to this country, and they are being sent back just as fast as it seems to be proper to return them, in view of the changed condition of the country.

Mr. BRUCE. I have no doubt that the Government is exercising the same good sense and the same sound discretion-

Mr. DILL. Will the Senator yield?

Mr. BRUCE. I am sorry, but my time is limited, and I can

not yield further.

Mr. DILL. The Senator's suggestion was so misleading that I thought it ought to be replied to. The only marines taken out were the marines needed on the boats.

Mr. EDGE. Mr. President, I think that is absolutely incor-

Mr. BORAH. The Government has taken out about 1,200. Mr. BRUCE. Mr. President, I have the floor. The PRESIDING OFFICER. The Senator from Maryland

declines to yield.

Mr. BRUCE. For the purpose of my argument it is immaterial whether marines have left Nicaragua or not. My own belief is that the executive branch of this Government will not keep any of them there any longer than is really necessary for the accomplishment of what must be done, and when it is a sensible thing to bring such of our marines as are there back to this country the executive branch of the Government will bring

The very success with which our Government has performed its mission in Nicaragua-the splendid success, the undeniable success-is made the basis for an argument by the Senator from Washington [Mr. Dill.] that we should bring the marines back now. "No longer," he says, "is there any occasion for keeping them there, because they have had an election—a perfectly fair election—an election satisfactory to both parties in Nicaragua." He is citing the success with which our Government has executed a part of its task as a reason why it should not be allowed to perform the balance of its task. What sort of logic

Mr. DILL. Mr. President-

Mr. BRUCE. I yield. Mr. DILL, The Senator will recall that I was in favor of withdrawing the marines a year ago.

Mr. BRUCE. I know the Senator was.

DILL. And then the Senator and others who agreed with him gave as the reason why we should not withdraw them the fact that they were to be there to take charge of an election. Now, when the election has been held-and I never questioned but that they would have an election-now that it has been held, the Senator has not any argument.

Mr. BRUCE. I stated also that they should remain there as

long as it was necessary to assure the continuance of the beneficial fruits of that election. Why should the Senator from Washington be so dissatisfied with the situation when it seems there is no dissatisfaction on the part of the Nicaraguan people?

Mr. DILL. I am dissatisfied because American boys are down there.

Mr. BRUCE. The Senator's conception of a soldier is very different from mine. I would just like to know to what better purposes one of these boys of whom the Senator speaks can be put as a soldier than that of risking his limbs or his life in the cause of his country?

Mr. DILL. Any purpose is better than to be kept there to allow Americans to exploit Nicaragua and collect loans by force

of arms

Mr. BRUCE. Now the Senator is leaving his other ground and taking a different ground. The Senator is talking about these boys as if they were ordinary civilians. They are soldiers; and if one of my sons had perished in Nicaragua, I should have been filled with pride at the thought that an airport in Nicaragua was to be named after him. We all know that the idea would never have been considered of naming those airports after any of our marines who perished in Nicaragua, except with the full consent of the Government, Nicaragua and of its people, unless you include among its people this mountain bandit, Sandino, and a small party of lawless ragamuffins who follow in his train.

There is a Senator who can clear up this whole situation without difficulty. If the Senator from Idaho [Mr. Borah], the chairman of the Committee on Foreign Relations, fully in touch with the present situation, can say that there is any reason why we should withdraw the appropriation for this purpose, I for one am ready to vote for this amendment. If he is not prepared to say that to us, then I most assuredly for one will vote against it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. Dill],

which will be reported.

The CHIEF CLERK. On page 44, line 19, after the word "fund," insert a colon and the following proviso:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to and from Nicaragua, except in cases of emergency arising hereafter endangering life or property, or both, of American citizens.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is away on account of illness. I am told that if present he would vote as I intend to vote, and so I vote 'yea.

Mr. FRAZIER (when Mr. Nye's name was called). My colleague [Mr. Nye] has been called from the Chamber. He is paired with the junior Senator from New Jersey [Mr. Enwards]. If the Senator from North Dakota were present, he would vote "yea."

Mr. REED of Pennsylvania (when his name was called). transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from New Mexico [Mr. LARRAZOLO] and vote. I vote "nay."

The roll call was concluded.

Mr. JONES. I desire to state that the senior Senator from Kansas [Mr. Curtis] is paired with the senior Senator from Arkansas [Mr. Robinson].

I also desire to announce that the senior Senator from Minne-

sota [Mr. Shipstead] is necessarily absent.

Mr. GERRY. I wish to announce that the senior Senator from Nevada [Mr. PITTMAN] is necessarily detained on official

Mr. OVERMAN. I rise to announce that my colleague [Mr. SIMMONS] is unavoidably absent. He is paired with the junior

Senator from Ohio [Mr. BURTON].

Mr. PHIPPS (after having voted in the negative). I transfer my general pair with the Senator from Georgia [Mr. George] to the Senator from Vermont [Mr. GREENE] and let my vote

Mr. BLAINE. I desire to announce that if my colleague [Mr. LA FOLLETTE] were present and voting, he would vote "yea."

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

The Senator from Rhode Island [Mr. METCALF] with the Senator from Mississippi [Mr. Harrison]

The Senator from New Hampshire [Mr. KEYES] with the Senator from Maryland [Mr. Typings];

The Senator from Massachusetts [Mr. Gillett] with the Senator from Florida [Mr. Fletcher]; and

The Senator from Maine [Mr. GOULD] with the Senator from New York [Mr. COPELAND]. The result was announced-yeas 38, nays 30, as follows:

		11/40-00	
Dill Barkley Black Blaine Blease Borah Bratton Brookhart Capper Caraway	Ashurst Frazier Gerry Glass Harris Hayden Hellin Jones King McKellar	McMaster Mayfield Neely Norris Overman Pine Sheppard Smith Steck Stephens	Swanson Thomas, Idaho Thomas, Okla. Trammell Tyson Walsh, Mass, Walsh, Mont. Wheeler
	A Marie In Land	NAYS-30	
Bingham Broussard Bruce Couzens Dencen Edge Fess Goff	Hale Hastings Hawes Johnson Kendrick McNary Moses Norbeck	Oddie Phipps Ransdell Reed, Pa. Robinson, Ind. Sackett Schall Shortridge	Steiwer Vandenberg Wagner Warren Waterman Watson
	NOT	VOTING-27	
Bayard Burton Copeland Curtis Dale Edwards	George Gillett Glenn Gould Greene Harrison	Keyes La Follette Larrazolo McLean Metcalf Nye	Reed, Mo. Robinson, Ark. Shipstead Simmons Smoot Tydings

So Mr. Dill's amendment was agreed to.

Howell

Mr. HALE. Mr. President, I reserve the right to have a separate vote in the Senate on the amendment.

Pittman

I move that the Senate take a recess until 12 o'clock noon

to-morrow.

Fletcher

The motion was agreed to; and the Senate (at 6 o'clock and 2 minutes p. m.) took a recess until to-morrow, Saturday, February 23, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, February 22, 1929

The House met at 12 o'clock noon and was called to order by Mr. Tilson, as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered

the following prayer:

Thou who dwellest in the heavens and earth, unto Thee will we lift up our eyes—Thou who holdest up the soul of the Nation and suffereth not its feet to be moved. Our souls are exceedingly filled with gratitude; let all the people praise Thee. We thank Thee for our country, with its broad lands and fertile vales, consecrated with the patriot's prayer and made billowy with our fathers' graves. Fortunate the people who can bring up their youth in the memory of the heroic deeds of patriots. Our thoughts stay on him who made possible our natal day, which proclaims the ideal Americanism. The heart of every lover of liberty, every dreamer of the finest ideals of free institutions, is going out in praise to Thee for the Father of the Republic, whose dust rests yonder beneath the terraced green of Mount Vernon. With him, intelligence, equal opportunity, and justice were the watchwords. Bless our native land, where life means growth, power, maturity, and Christian service. Allow no discord to mar our national brotherhood, but may all seek to serve all. Remembering Thy bountiful providence, we pray that the Gentle One, whose soft touch fell on the upturned foreheads of little children and opened wide His sheltering arms to all, doth now enfold in the infinite stretches of His mercy and wisdom our civilization and the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton (Okla.) fire, 1917;

H. R. 9168. An act for the relief of Simon A. Richardson;

H. R. 9597. An act for the relief of Fred Elias Horton.

H. R. 9659. An act for the relief of F. R. Barthold.

H. R. 10191. An act for the relief of G. J. Bell; H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 14153. An act to authorize an additional appropriation of \$150,000 for construction of a hospital annex at Marion Branch;

H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes;

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

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service: and

H. J. Res. 135. Joint resolution for the relief of special dis-

bursing agents of the Alaska Railroad.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R 924. An act for the relief of Joe D. Donisi;

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department:

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes;

H. R. 11285. An act to establish Federal prison camps; and H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1688. An act for the relief of Gabriel Roth;

S. 2204. An act to amend section 284 of the Judicial Code of the United States;

S. 2213. An act providing against misuse of official badges; S. 4817. An act for the relief of the Federal Construction Co. (Inc.):

S. 5349. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes.

S. 5632. An act to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes; and

S. J. Res. 100. Joint resolution to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction into the service was not, through no fault of their own, formally completed on or prior to November 30, 1918.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3848) entitled "An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers."

ADDRESS OF HON, FRANKLIN FORT

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a speech delivered by the gentleman from New Jersey [Mr. Fort] before the Lincoln Club of St. Paul on February 12, 1929.

The SPEAKER pro tempore. Is there objection to the re-

quest of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, under leave granted me by the House I desire to insert in the Record an address delivered by Representative Franklin Fort, of New Jersey, before the Lincoln Club, of St. Paul, on February 12. Under the title, "National Problems," Mr. Fort outlined some of the problems which now confront our country and which will engage much of the time of the Seventy-first Congress. Mr. Fort's clear grasp of his subject evoked much favorable comment among those who were so fortunate as to hear him, and I have received a number of very commendatory letters from Minnesota leaders who heard him on that occasion.

The speech is as follows:

NATIONAL PROBLEMS

It will hardly startle you when I say that last November we Republicans won an overwhelming victory which will be finally consummated on March 4 by the inauguration of Herbert Hoover and Charles Curtis and the scating of a vastly increased majority in the House and a safe majority in the Senate. If you accept the judgment of the press, the plums are ours as the fruit of the victory.

To me, this is sheer nonsense. A party which wins control of the Government of this Nation wins responsibility, not reward; and the responsibility is greater in proportion to the size of its majority. And the party which, when it has won, approaches March 4 in the mood of exultant victory rather than of sober thoughtfulness will have its sober mood after the next election.

Our exultation to-night is not as we look ahead, but behind. For 52 out of the last 68 years of American history, the Republican Party has been in control of the Government of this country. And as a whole, those 68 years have marked the greatest period of advancement,

both in material progress and in the higher things of life, of any like period in the history of any nation in the world. This could not have been if our policies had been unwise or our administration unworthy.

The three great economic struggles of the period have been for the abolition of slavery, the establishment of sound money, and the preservation of our home market for our own producers. On all we have been right; we have won; and to-day our opponents no longer oppose. The development of our fine transportation systems; the opening of the great western half of the country; and now the vast enlargement of our foreign commerce have all been under Republican guidance. And no one will deny that all of these splendid economic policies and achievements have gone hand in hand with the development of education and recreation, with shorter hours of labor and care of the needy. Upon this record we can exult. And with this behind us we can not but feel doubly charged with responsibility—responsibility to the Nation and responsibility to hand on that fine record of service which has come down to us, unimpaired to the hands that shall carry on when we are through.

So to-night it seems to me that we may well study the problems that confront us and see what kind of a job we have to perform.

Broadly speaking, the problems which concern our Government fall into two classes—those which are economic in character, affecting chiefly the business structure of our country and the material well-being of our people, and those which affect the intangible things of life, the mental, the moral, and the spiritual. The line of demarcation is often not clear, however. It would be difficult, indeed, to say, for example, whether the moral or the economic effect of Lincoln's abolition proclamation outweighed the other.

But, roughly, the motive for the adoption of policies of government falls either in one or the other class. And generally the economic problems which affect the material prosperity of the people or the distribution of shares in that prosperity evenly among the people are the problems of most immediate and vital interest.

In the three-quarters of a century since the Republican Party was formed the whole economic structure of the Nation was changed—at no time with more dazzling rapidity than in the last eight years. In the fifties factories were merely for local supply and were generally close to their raw materials. Transportation was limited to a few railroads with no unity of operation and a few canals. Beyond the territory these served horses were the motive power, with mud for a roadbed. The cities were supplied with their foodstuffs chiefly from near-by farms, refrigeration was practically unknown, and the winter's chief supplies were warehoused in the city itself. Telegraph and telephone were unknown as the nerves of commerce. Publicity and advertising as we know them were unthought of. Goods were sold on the reputation of the merchant, not of the brand. Practically all forms of business were owned by individuals or partnerships and were handed down from father to son.

Then, partly with Government aid, our railroad systems expanded and rapidly increased both the extent and efficiency of their service. Factories, able to get their raw materials in and their finished product out on these improved railroads, grew rapidly in proportion as their product was good. Still, however, they remained near their source of fuel, for that was the bulkiest of their freight in and out. Consequently the great bulk of industry settled east of the Mississippi River. Consequently, also, the cities east of the river began to grow by leaps and bounds, and as they grew they had to reach farther and farther for their supplies of food and clothing. No longer could the neighborhood supply their wants.

The telegraph and telephone came and communication between distant points became a matter of minutes instead of days and weeks. Orders could be transmitted and accepted over thousands of miles of intervening country in less time than an old-time long-hand letter took to write. Advertising as we now know it began, and goods began to be sold on trade names instead of the individual character of the merchant.

Corporations took over practically all forms of business except agriculture, smaller retailing and some of the groups of middlemen. In the majority of cases, however, dominating ownership and management of business remained in the hands of the old owners and operators.

Thus, did our economic structure look at the beginning of the World War. We were still in debt for vast sums to Europe; our exports, other than of agricultural products, were small; our needs for further capital investment were great and growing; and our major industries, our railroads and our utilities were owned in part abroad and for the balance largely by a relatively few rich men.

During the war, two things of vital importance occurred. First, we became a creditor instead of a debtor nation and educated our own people to invest. Second, we developed the mass-production methods exemplified by Henry Ford to an extent previously undreamed.

In the after war period, these two major changes brought a host of new situations. First, our new-found investing ability made it possible for our starved railroads to find the money first for refunding their debt and then for much-needed expansion and improvement. With the stabilization of their rates and a sufficiency of new capital their efficiency improved, until now ordinary freight moves faster than mail moved 50 years ago. As to many commodities this rapid movement of

freight is relatively unimportant and the additional expense to the shipper and consumer unjustified, although, of course, from the general viewpoint the perfection of our present railroad service is of infinite value. The further improvement of our communications by wire, air mail, and radio has brought in yet closer touch producing and consuming centers and permits immediate dissemination of vital market news.

Simultaneously there has been an enormous expansion in our generation and distribution of electric power and a corresponding increase in our production of petroleum and its use as fuel. These two newly used sources of power have opened new territory as the possible site of industry, overcoming, as they do, the disadvantage of distance from the fuel market heretofore suffered. Along with this, the mass-production methods, involving in most industries the preparation of parts in vast quantities, have led to the erection of assembling plants in considerable numbers, to which parts are shipped from a central location. All of these developments have coincided to produce both structural and operating changes in industry. The structural change has been a rapidly accelerating movement toward merger of previously competing industries, partially to cut overhead, partially to secure a volume of business justifying mass production, and partially to secure strategic locations for manufacture, assembling, and distribution.

Other economic reasons have entered into the trend toward merger in different cases and, of course, many mergers have been largely for stock-market purposes. The latter class can result in profit to others than their promoters only if they produce genuine savings or new income greater than their promotion cost.

For the accomplishing of these purposes there has been a growing tendency toward an expansion of the functions of the corporation itself. This has taken two forms. In some cases the one-time producer of raw material only, as, for example, the Anaconda Copper Co., has also gone into the manufacture of the finished product and the public advertising of that finished product. In others, such as the General Motors Corporation, an entirely dissociated type of product, such as the electric refrigerator, has been added to the manufactured line as a source of revenue to help carry the enormous structure in the event of slack times in the main business and because it could be economically manufactured in connection with the electric-battery part of the main business. Thus the mergers have tended to produce major operating changes through bringing closer contact in the one case between production and utilization of the commodity, with corresponding vastly improved control of inventory, and in the other a reasonable assurance of continuity of operations in some division, no matter how slack times may become in another.

Inventory reduction with its accompanying reduced need of working capital has run hand in hand in many of our products of high-priced manufacture with the creation practically of a new form of credit in the installment-buying program in such products as motor cars, sewing machines, radios, and countless other articles of high value. The credit upon which these operations are based has been found largely from the decrease in use of credit in retail trade. A few years ago the necessities of life were purchased on credit and the luxuries for cash. To-day the necessities of life are purchased for cash, the luxuries on credit. Time only can tell how this will operate in a period of serious unemployment and business depression, but it would appear probable that at such a time the re-creation of credit systems for the necessities of life will be necessary.

This will certainly be true unless the savings campaign of recent years carries the bulk of the public through unemployment periods with cash or cashable resources. It may be that this will happen for, simultaneously with the creation of these enormous mergers, there has come a diffusion of ownership of our industry and utilities. Campaigns, first for consumer ownership; second, for employee ownership; and third, for the spread of ownership among the public, have resulted in a unique situation where, in some of our largest corporations, those actually operating the business as directors and officers own insignificant amounts of the capital stock. I have been told that in one of the largest and best known of all of our great corporate enterprises not over 1 per cent of the stock is owned by any one interest. In some cases, the ownership is so diffused that the total number of stockholders runs up toward a half million.

Along with all this has come a still further development of publicity in various forms. Nation-wide advertising campaigns without number, carried on at enormous expense, have built up trade names for almost all articles of consumption to the point where the quality and uniformity of the product and the name and personality through whose hands it reaches the public, is relatively of minor significance. In an older time, Emerson said that if a man in a wilderness invented a better mousetrap than anyone else had made, the world would beat a path to his door. To-day, if he failed to advertise the brand of cheese he used, probably not even a mouse would beat its way to the trap.

Running along with these changes has come a vast increase in the services which our people require. The operation of our communication systems, of our recreational devices, and, perhaps more than anything else, our tremendously developed insurance system requires the service of hundreds of thousands of people who, in the old sense, produce nothing. These services, with the concentration of publicity, of selling

supervision as well as of industry in large communities, have caused our cities to grow far more rapidly than of old and the population of our cities to shift from point to point within the city and from city to city with a rapidity unknown a few years ago. All of this in turn has reflected again upon the status of the retail merchant as there ceases to be a steady neighborhood population to whom his name is a guaranty of fair dealing.

To sum up the whole situation, the trend of modern economic development in this Nation has, since the war, been notably adverse to the small producer, whether on the farm or in the factory, and to the small distributor, whether at wholesale or retail. Yet I think it will be disputed by no one that the small independent merchant, farmer, or manufacturer owning and operating his own business is a necessity if American life is still to provide its leaders and its sound second thought from the body of the people.

It will readily be seen that old governmental methods and old trade practices can not be made to apply without change to such a group of changed conditions. For example in transportation, canals and waterways, with their tedious delays, were practically abandoned as arteries of commerce as the railroads improved. To-day we need cheaper transportation, particularly for those bulk commodities in the delivery of which time is not so much of the essence. The railroads can not justly be asked to give cheaper transportation, for to do so would lessen the efficiency and speed of their general service, which in turn is vital to such commodities, for example, as the dairy products of Minnesota. Consequently, we must return, in the interest primarily of our agriculture and secondarily of our fuel and ores, to the slower and cheaper handling of bulk commodities by waterways. I have no fear that this will diminish more than temporarily at the worst the prosperity of our railroads, for it is apparently a fact-illogical as it seems-that more transportation begets more freight. Otherwise, certainly our railroads could not have had the most prosperous period in their history simultaneously with the recent vast development of motor transportation. On this subject the path of the Government seems absolutely clear.

We must forthwith proceed with the development of the Mississippi and Missouri waterways and the building of a waterway from the Great Lakes to the sea. Such work belongs to the Government to perform, and I believe its performance by the Government is as assured as the adoption of any other policy now before the American people.

The indirect benefits of this policy should be quite as great as the direct ones, for industry has shown a natural disposition to settle at points of easy transportation. The increasing of the number of such points can not feil—particularly with the assembling method of manufacture of which I have spoken—to establish new industrial centers throughout the Nation, thus affording employment to many who now are engaged only in seasonal industry. Such relocation of manufacture is of particular interest in the farming communities, since it will afford an additional source of community income, furnish a larger near-at-hand market for the perishable commodities, and cheapen to some extent the cost of what the farmer must purchase. In its latter effect it should also benefit the small retailer, whose first cost of goods in competition with the chain store groups will be diminished the nearer he is to the factory which makes them.

Another vital need is a revision of our distributing system in the handling of many commodities. Already in some industries—copper, for instance—export trade is handled practically entirely cooperatively by all producers. In some domestic trades, goods are sold direct from the manufacturer to the consumer, either through mail orders or manufacturer's branch stores. All of this has resulted in changing the profession of salesmen very materially, and all of it in the domestic trade is the result of our publicity methods. For the expansion of their markets many other trades probably must unite in some form of cooperative selling. To my mind, there is absolutely no question but that this is true of most, if not all, of the products of agriculture.

I do not mean necessarily that the present form of cooperative association is the ultimate form, but it is and has always seemed to me an absurdity for 2,000,000 men growing wheat or cotton to sell competitively, one against the other, to a few buyers.

Nor does such a policy necessarily look toward the elimination of middlemen. Where those middlemen perform a service of economic value, for which they secure a return simply compensatory for the value of their service, there is no reason for their elimination. There are some trades where the elimination of the present middleman structure would be fatal, perhaps for years, to the whole industry. But, nevertheless, the value of cooperative effort in the elimination of competition between sellers and the consequent establishment of bargaining power for the group can not be successfully denied.

At the same time there is possible a like tremendous development of cooperative purchasing, not only as has heretofore been chiefly the case by community groups, but even more by groups of retailers. There are certain commodities of course where the element of taste or fashion applies, as to which the retailer's individual judgment will still prove his best guide and in which his real community service as against the chain store can best be performed, since he knows better what his

community wants and will use; but, on the bulk of standardized commodities, the development of cooperative purchasing will give to the small merchant more than one of the great advantages now possessed by the chain-store systems. It will in the long run secure his commodity at lower price and it will reduce his capital investment in inventory through his ability to secure shipments from central distributing points maintained by his purchasing agency. Of course there are developments now going on within trade itself which may demonstrate that the efficiency of our old-time wholesaler-retailer system can be so improved as to render unnecessary these major departures from established trade systems. But only those middlemen can exist in any line of trade who prove their efficiency and who charge no greater toll for their services than the actual economic value of those services.

A place where some form of legislation must be devised, without question, is the further standardization of products and the further regulation of truth in advertising. Trade names established by advertising are capable of misuse without the knowledge of the consumer by minor modification of the quality of the product, without affecting the size of the package or its weight or volume content. Modern purchasers are willing to pay for quality and they are entitled to protection against misrepresentation on this point through the misuse of trade names or advertising assertion.

Advertising having taken the place in the purchaser's mind that formerly was occupied by the reputation of the retailer, must assume the retailer's old-time danger of the loss of his good name through deception.

Similarly, standardization in many commodities is in the interest of the producer. The gravity of oil, the thermal units in coal, the protein content in wheat all affect the price that the original producer receives for his product. He is entitled to a definite fixation of these factors at that place in the distributing system where he will gain the benefit from high quality. Otherwise the Nation loses the incentive to high-quality production.

A completely new problem of the last eight years is due to the wide diffusion of stock ownership in our great corporations. The net result of it has been that the control at elections of directors is exercised by the holder of proxies from perhaps hundreds of thousands of absent stockholders. The effect also is that the operating management has a greater stake in the continuance of their control, and therefore of their salaries, than they have in the ultimate good either of the public or of the owners. This control is being pushed still further away from the real owners of the business by the vast increase in investment trust holdings of stock in other corporations. The real owners, of course, are the stockholders of the investment trust, but the management they have selected to run the investment trust issues the proxies to determine the management which shall run the industry. Out of this has come some benefit to the public and to labor, since the average management in these days of mass production is chiefly interested in the continuity of production and therefore often serves the public with lower prices and labor with higher wages to maintain this production. The management further regards the stockholder as one who must be kept happy by sufficient dividends, but whose money otherwise is for the expansion of the business.

The board of directors thus through proxy control, since they alone possess lists of stockholders and genuine information as to corporation internal affairs, have become of recent years practically self-perpetuating oligarchies. In most but not all cases this power appears to be and to have been honestly and capably exercised in the interest of both the public and the stockholders. For the first time, however, since this development a controversy is on in one of our great corporations in an effort to oust the dominating factors in the company.

I hold no brief either for Mr. Rockefeller or Colonel Stewart, but I regard the controversy between them as more pregnant in possibilities than any like event in American economic history. The issue is whether or not the directors of a corporation shall be retained in control simply upon the basis of the returns paid to the stockholders, or whether in these vast organizations of modern business their duty to the stockholders does not also include the recognition of a real public interest in the conduct of the business and the ways in which the profits are earned. Of course, these great industries can not escape public regulation if they use their power and size adversely to the public interest.

A new form of suffrage has come into existence—the right of a stock-holder of a corporation to vote as such stockholder on the duty of his corporation to the Nation. In the particular controversy now waging the facts from the records of the United States Supreme Court disclose that there have reached the treasury of the Standard Oil Co. of Indiana profits unlawfully earned in a transaction against the public interest. The issue being raised by Mr. Rockefeller's demand for the retirement of the management responsible for this proceeding, that management counters by pointing to the vast growth of the company, the substantial dividends paid, of which it says these elusive profits were a part, and then caps the climax by voting a special stock dividend and a special cash dividend on the eve of the election. Of course, these latter proceedings simply give to the stockholders now profits heretofore withheld by the directors, presumably in the interest of the company's development, but

in effect the proceeding is one of an effort to bribe the stockholders with their own money to vote their belief that the only duty of the management is to earn profits, no matter how or from what source.

If the result of the election in the Standard Oil Co. of Indiana shall be to indicate that the stockholders of that company approve of that theory of the duty of corporate managements, a vast increase in the degree of Federal supervision over industries in interstate commerce is inevitable and will be necessary. For the vindication of our managers of big business themselves, for the integrity of American business itself, I sincerely hope that the results of the election are a sweeping condemnation of the conduct of its management. American stockholders are on trial quite as much as is the management.

In this hasty and inadequate sketching of the trends and possible needs of our economic system I do not for a moment mean to assert even my own conviction that many of the changes which have occurred are necessarily bad. Indeed, I fully believe that many of them are of the highest value. For example, the socialization of the control of industry involved in the diffusion of stock ownership both promotes the public well-being and prevents or postpones at worst any thought of state socialism. But I have tried to sketch both problems and possible remedies affecting so many different phases of our life in order to point your thought to our problems as interrelated and not local or divergent. We are in the midst of an almost irresistible wave of economic change. We can not dam up its progress. The best we can hope to do is to guide it into the channels which will diminish its powers of destruction and increase its utility. This can not be done by short-cut legislative proposals nor accomplished in a day. It will need and must have the best thought of the best minds of the Nation.

For, after all, there is a group of problems more serious to our Nation, as a nation, than any of these economic problems. That group comes from the danger of sectionalism-sectionalism of interest, sectionalism of race, of creed, of class, of mental outlook, as well as the sectionalism that comes merely from location. Of course, some of us are producers of one type of commodity and some of another. Each producer, though, is also a consumer of what the other one produces. Each producer, therefore, benefits by the prosperity of the other producer, because through his prosperity he becomes an additional purchaser. Each section geographically in this Nation is directly dependent for its real prosperity upon the prosperity of every other section, and the same is true of every group within the Nation. The Civil War made us truly a United States. The Spanish War made us a united Nation, and the World War apparently made us a united people. We must not allow that great gain to be lost in the consideration of our merely economic problems nor permit our differences of racial ancestry, of the creed we believe, of mental approach to the problems that affect us all, of interest or of geography, to divide us on the consideration of those problems in which all of us are equally and vitally concerned. To me the greatest problem that faces the new administration-a problem emphasized by the nonsectional character of its majority-is the problem of amalgamating the American people's thought and feeling into an approach toward our material problems from the standpoint of the united interest of the Nation as a whole.

Madison, in the Federalist Papers, said that the Government would always be a government of compromise, because the diversity of interest of different sections would prevent any one section from acquiring control. The wisdom of this observation has been proven repeatedly. The danger of abandonment of this principle comes from the assertion of sectional interest by great groups with the modern utility of organized propaganda. To the utmost of our influence as individuals we must resist the approach to public questions from this viewpoint.

In doing so we must recall that our Constitution has functioned with remarkable and unprecedented success and carried us through, under the guidance of Lincoln, a catastrophe that would have wrecked any other nation in the world. Realizing this we should not permit ourselves to be hurried into disregard of its fundamental principles for the solution of a temporary or new trouble. Similarly our institutions-by which I mean, for example, the policy of American individualism, the policy of real fair play, the policy of acquiescence in the will of the majority, which sometimes are threatened by suggested cures for real or fancied troubles-have proven too wise and too beneficial to be hastily abandoned. On all these great economic questions, therefore, our first procedure must be to seek and find a remedy which keeps the Government out of business, which leaves the American owner of property, or the American business man, hampered as little as possible by the interference of Government agents, which preserves to him the right to control and operate his own affairs in his own way, so long as he does no wrong to his neighbor.

Another problem which confronts us now is that of observance and enforcement of law. This in its public acceptation, as a topic of controversial discussion, centers on the eighteenth amendment and the laws passed in pursuance thereof. It is a fact conceded by everyone that the eighteenth amendment is a permanent part of the Constitution of the United States. It is further conceded by all who have studied the question that no substantial change in the enforcing acts which would satisfy any great number of people now dissatisfied with them would carry

out the constitutional mandate. We are therefore faced as a Nation with the question as to whether we as individual citizens will help to break down the respect for all law by nonobservance or direct defiance of one law.

To me this is not primarily a problem of enforcement but is a problem as to the best means of convincing the American people that the sporting thing to do is to bow to the authority and dignity of their Government and accord to its laws the same acquiescence that any good sport does give when he loses. Enforcement will become simple when otherwise good citizens cease to think it smart to flout the prohibitory statutes.

To many who, like myself, pride themselves upon a conservative outlook on public affairs, many of the problems I have discussed and many of the remedies I have suggested will seem to fall within the class of the hated word "Socialism," and they will look on substantial changes in our relations of government to business as disastrous to our institutions and particularly to our prized individualism. At times when I find myself in this attitude of mind I think back to the campaign of 1896, when all of us good Republicans went up and down the land Well, what was it shouting that Bryan's program was anarchistic. that we called anarchistic? First, the graduated income tax; second, graduated inheritance taxes; third, woman suffrage; fourth, prohibition; fifth, regulation of railroad rates and of industrial combinations. They have all come to pass, and never in the history of this or any other Nation have individuals prospered more greatly, have larger incomes been enjoyed, have greater fortunes been acquired and passed on at death, nor has the general well-being of the Nation been greater than in the last eight years in the United States, since all of these things were in simultaneous operation. The genuine rights of the individual have suffered not at all, although our construction of the powers of the Government in reference to personal property have changed so immensely. Similarly, we probably face in the future revisions of our notions as to real property. Indeed, almost without recognition, we are passing through such a period of change to-day. When I studied law I learned that the owner of a piece of real estate owned from the center of the earth to the zenith. To-day, as a property owner, I can not control the use of my land for the transmission of radio waves or the air for an airplane; nor, indeed, under modern zoning amendments, can I control the use I make of the surface of my land; and yet I do not see anyone giving away his real estate. It may well be that in the next generation or less the Nation will have to assert in the interests of posterity a measure of control over the use men make of the ores or oils under the surface of their lands. I believe that such changes, if the trend of the times requires them, can be made with as little disturbance to the real interests and welfare of the individual, his real freedom of action in essentials, as have the changes which have come since Bryan's day.

For the solution of these problems as a Government act, where the Government can act, I have only one or two suggestions. The first is popular recognition of what is meant by the representative system of government. To me this system is the absolute negation of direct action. In other words, you here in Minnesota should pick as your Representatives in Congress a group of men fairly representative of the average intelligence and character of their districts. Those men should then go to Washington to debate and listen to debate, to study these vast and complicated interrelated problems, and then to vote as in their judgment you would vote if you had been present, had debated and had studied, not with an eye singly to what at the moment seems the self-interest of their districts, but for that policy or group of policies that promises in the long run the most satisfactory results for the United States of America as a whole. The following out of this theory will, if I am right in the true unity of our interests, inevitably bring to each section more satisfaction and less trouble than will the system which makes the Representative a mere messenger boy for what the people "back home" think they want. If the job of a Member of Congress is to vote the sentiment of the people back home on legislation which changes its form from day to day, and consequently its intent and its possible performance, the Member might far better stay home, to know what the sentiment is, and vote by mail. On this question of public moment, where Members are left alone by their constituents, the judgment of the Congress of the United States is, to my way of thinking, apt to be right ninety-nine times in one hundred. I have sometimes told my people back home that the chief problem of a Member of Congress is his constituents. The development of a recognition of what representative government really is will do more to promote good government than any other one thing. You have from Minnesota to-day a splendid body of men in the House of Representatives, who are doing their work loyally and earnestly. Some are among the outstanding figures in the House. I honestly believe they will do a better job for you if you let them vote their judgment unhampered by instructions than if you insist upon their conceiving of themselves merely as your recording machine.

The second great thing that is needed is an enhanced sense of party responsibility. Nations of Europe, where the term of the executive and the legislative branches automatically ends when the executive ceases

to have the support of the legislative, can possibly operate under a system containing three or more political parties. In the United States, however, where the term of the executive and the legislative officers is fixed by the Constitution, a different condition prevails.

The representatives can not and do not come home for instruction and reelection at every difference of opinion. Consequently, it is essential for the proper functioning of our system that the Executive should have the backing in the legislative branch of a genuine majority, with which he can work in harmony. Only the 2-party system can produce this result. Only the 2-party system can prevent government by blocs, which, in the last analysis, means, in this country, at least, government by some sectional group, who hold the balance of power, but who represent only a minority or a section of the people. This form of government will not operate in America.

Party responsibility can only be justly enforced by the people if the party representatives in official position are a unit in governmental action. This, in turn, can obtain only if party organization is efficient and militant.

There has been a wave in recent years of sentiment for so-called independence of party, and particularly of independence of party organizations. By party organization, of course, I do not mean so-called machines, but I do mean that group of devoted men and women who, believing in the fundamental principles of their party, regard it as their patriotic duty to make every effort to increase and maintain the strength of the party, because of its greater value as an instrument of government. As it seems to me, it is the duty of Americans to join actively one or the other of our great parties and to use their influence to see that that party is on the right-side of public questions and picks men and women of the right caliber to administer them. I have little sympathy with the person who insists on drawing himself aside from this part of an American's duty and hides behind the title of independent. America can not be run that way. Of course, you and I and all of us reserve the right to punish our party and to defeat its representatives if they prove unfit and unworthy, or if they get on the wrong side of any major public question, but in the long run we will be better governed, and the Nation more unified, if men and women generally would take an active part in the affairs of a political party.

We Republicans can urge this upon our friends with pride in the record of our party; we can urge it with pride in the present of our party; we can urge it with confidence in the future of our party. We have given the Nation the leadership of Lincoln for our greatest time of internal travail. We have given to it the leadership of McKinley to help heal the wounds of the Civil War. We have given it the leadership of Roosevelt to teach those who grasp for power that the Nation was greater than any man or group of men. We have given it the leadership of Coolidge to reaffirm the confidence of the people in the honesty of their Government and to produce economy and efficiency in the administration of its affairs. And now we have given it, for the period when the most perplexing of economic problems press for solution, the best-trained economic mind that ever came to the chair, in the man who has never failed—Herbert Hoover.

OLIVER C. MACEY AND MARGUERITE MACEY

Mr. UNDERHILL. Mr. Speaker, I call up the conference report upon the bill (S. 1648) for the relief of Oliver C. Macey and Marguerite Macey.

The SPEAKER pro tempore. The gentleman from Massachusetts calls up the conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1648) entitled "An act for the relief of Oliver C. Macey and Marguerite Macey" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said House amendment insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oliver C. Macey, of Anne Arundel County, Md., out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 in full compensation for the death of his infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of a United States Navy commissary truck.

killed December 14, 1925, by reason of the negligence of the operator of a United States Navy commissary truck.

"Sec. 2. The Secretary of the Treasury is also authorized and directed to pay to Marguerite Macey, out of any money in the Treasury not otherwise appropriated, the sum of \$1,250, in full compensation for personal injuries, medical and funeral expenses, and loss of automobile, which resulted by reason of the

negligence of the operator of a United States Navy commissary truck."

And the House agree to the same.

CHARLES L. UNDERHILL,
JOHN C. Box,
Managers on the part of the House.
THOMAS F. BAYARD,
GERALD P. NYE.
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 1648 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment \$3,750 agreed to provides \$2,500 for the death of Eleanor Macey and \$1,250 for injuries sustained by

Marguerite Macey.

CHAS. L. UNDERHILL,
JOHN C. Box,
Managers on the part of the House.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

BRIDGE ACROSS OHIO RIVER, CARROLLTON, KY.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5630) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky., a similar bill being on the House Calendar.

The SPEAKER pro tempore. The gentleman from Illinois calls up the bill S. 5630, a similar House bill being on the House Calendar. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Without objection, the reading of the bill will be dispensed with, it being in the usual form, and the bill will be printed in the RECORD.

There was no objection. The bill is as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation at or near Carrollton, Ky., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CHOPTANK RIVER, NEAR CAMBRIDGE, MD.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5465) authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md., a similar bill being on the House Calendar.

The Clerk read the title of the bill,

The SPEAKER pro tempore. The gentleman from Illinois calls up the bill S. 5465, a similar House bill being on the House Calendar, and without objection the reading of the bill will be dispensed with, it being in the usual form, but will be printed in the RECORD.

There was no objection. The bill is as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, V. Calvin Trice, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Choptank River at or near Cambridge, Md., at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Maryland, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge and its approaches the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Maryland under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring After a sinking fund sufficient to amortize the cost of acquirthe same. ing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. V. Calvin Trice, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the State of Maryland, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Maryland, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said V. Calvin Trice, his heirs, legal representatives, and assigns shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all rights, powers, and privileges conferred by this act is hereby granted to V. Calvin Trice, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby

expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MOUTH OF GARNIERS BAYOU, FLA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5129) authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla., a similar bill being on the House Calendar.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Illinois calls up S. 5129, a similar House bill being on the House Calendar, and without objection, the reading of the bill will be dispensed with, it being in the usual form, and will be printed in the RECORD.

There was no objection. The bill is as follows:

Be it enacted, etc., That in order to facilitate intrastate commerce, improve the postal service, and provide for military and other purposes, Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the mouth of Garniers Bayou, in Okaloosa County, Fla., at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Florida, any public agency or political subdivision of said State, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of the State of Florida governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the State or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rate of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not exceeding 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rate of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the

amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the

information of all persons interested.

SEC. 6. The said Thomas E. Brooks, and his associates and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Florida a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real estate necessary therefor, and the actual financing and promotion costs. The Secretary of War may, upon request of the Highway Department of the State of Florida, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Thomas E. Brooks, his associates and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The finding of the Secretary of War as to the reasonable costs of construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in the court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns; and any corporation or person to which or to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

A motion to reconsider the vote by which the bill was passed

was laid on the table.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that House bills 15525, 16349, and 16764, corresponding to the Senate bills just passed, be laid on the table.

The SPEAKER pro tempore. Without objection, it is so or-

dered.

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that Senate bills 4793, 5059, and 5165, now on the Speaker's table, be indefinitely postponed, similar bills having passed the House and Senate, and having been approved by the President.

The SPEAKER pro tempore. Without objection, the consideration of the bills referred will be indefinitely postponed.

There was no objection.

THE POLITICAL PHILOSOPHY OF GEORGE WASHINGTON

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from Pennsylvania [Mr. Beck] to address the House for one hour on the life of George Washington. [Applause.]

Mr. BECK of Pennsylvania. Mr. Speaker, we do well, my fellow Members of the House of Representatives, to pause in our deliberations to recall the immortal memory of the noble founder of the Republic, and I am greatly honored in being the inter-preter on this occasion of the grateful sentiments which this sacred anniversary inspires.

Nothing is further from my purpose than to attempt either an eulogium or an apologia-certainly not the latter, for of recent petty aspersions upon Washington's fair fame one need only say, as Franklin in Poor Richard: "Dirt may cling to a mud

wall, but not to polished marble." [Applause.]

Eulogy seems equally superfluous. His great fame has long since outstripped the power of praise. Even Lincoln, master of felicitous phrase, confessed his inability to pay any adequate tribute to Washington, and simply said:

In solemn awe pronounce his name, and in its naked, deathless splendor leave it shining on.

[Applause,]

Indisputably "first in the hearts of his countrymen," yet a larger and more splendid fame has been Washington's-and he shares it with no character in profane history—he is also first in the affection of the world. If the wise and the good of every civilized nation could be polled as to the three noblest characters in history, Washington alone would be on almost every list. The greatest of the Victorian novelists, Thackeray, has thus voiced the verdict of posterity:

What a constancy, what a magnanimity, what a surprising persistence against fortune. * * The chief of a nation in arms, doing battle with distracted parties; calm in the midst of conspiracy; serene against the open foe before him and the darker enemies at his back; Washington, inspiring order and spirit into troops hungry and in rags; stung by Ingratitude, but betraying no anger, and ever ready to forgive; in defeat invincible, magnanimous in conquest, and never so sublime as on that day when he laid down his victorious sword and sought his noble retirement-here indeed is a character to admire and revere, a life without a stain, a fame without a flaw.

It is true that a few hypercritics-not worthy to untie the latchets of his shoe-have questioned his intellectual powers. A sapient college professor, speaking a few years ago at an English university, patronizingly said that Washington was "a man of few natural gifts, self-educated, and somewhat slowwitted."

Again, in a recent biography of Aaron Burr, the authors refer to Washington's "failure to rise above the mediocrity of

a small Virginia planter."

My good friend, Claude G. Bowers, in his otherwise admirable book on Jefferson and Hamilton, gives these two the center of the stage, and relegates the august figure of Washington to the

Such was not the judgment of those who best knew him. Jefferson—not wholly a friendly critic—spoke of his intellect as "great and powerful"—no mean praise—and Patrick Henry said that, of all the members of the First Continental Congress, Washington was foremost for "solid information and sound

judgment.

The indisputable fact is that, from the beginning of the struggle for independence until the end of his half century of useful service, George Washington was the master spirit in the political life of America. [Applause.] He was the one man who commanded the confidence of all, and this fact alone would refute the theory of his intellectual inferiority, for the fathers were not fools. Always he was the "tower of strength, that stood foursquare to every wind that blew." Of what act in his whole career is America to-day ashamed? What doctrine of his would it now disavow? What writing of his would it delete? None. Name one of his contemporaries, indeed, name any statesman of any era of the world, of whom this could be said in equal measure.

He was largely "self-educated." Farmer, hunter, frontiers-man, pioneer, and pathfinder, realities and not verbal abstractions interested him. The formative years of his life were spent on the plantation and in the forest. Doubtless he often thought, as did Shakespeare's banished duke in the Forest of Arden:

> Are not these woods More free from peril than the envious court? Here feel we but the penalty of Adam, The seasons' difference, as the icy fang And churlish chiding of the winter's wind, Which, when it bites and blows upon my body, Even till I shrink with cold, I smile and say, "This is no flattery. These are counsellors That feelingly persuade me what I am."

Yes, he was "self-educated" in the arduous school of nature, and his keen mind, again as the banished duke, found-

> Tongues in trees, books in the running brooks, Sermons in stones and good in everything.

This lifelong communion with nature gave him little patience with the more artificial institutions of man. He listened with ill-concealed impatience to the lengthy speeches of the lawyers in the Constitutional Convention, in whose deliberations of four months he spoke only once.

The quarrels of two lawyers in his Cabinet, Jefferson and Hamilton, embittered him.

On August 23, 1792, he addressed a letter to Jefferson, Hamilton, and Randolph, in which, after deprecating the fact that internal dissension should "be harrowing and tearing out our vitals," he added:

That unless there could be more charity for the opinion and acts of one and another in governmental matters * * * it would be difficult to manage the reins of government, or keep the parts of it together, * * * and thus the fairest prospect of happiness and prosperity, that ever was presented to man, will be lost perhaps forever,

He therefore asked that-

instead of wounding suspicions and irritating charges there may be liberal allowances, mutual forbearance, and a temporary yielding on all sides.

As I read the history of those eventful days, my sympathies are not with Jefferson or Hamilton. They are with Washington, who stood alone, and who could have said in truth: "A plague o' both your houses.

For editors, with their "I am Sir Oracle" snap judgments upon matters, of which they knew little, he had a profound contempt. Charged by one with being a "Nero," he said he would rather be in the grave than emperor of the world.'

There is little evidence that he placed any great dependence upon doctors, and this is not surprising in that age of Sangrados, for two doctors, after torturing him with blisters, finally bled

the grand old man to death for a swollen windpipe.

Washington, as all the supremely great men of history, was a realist. For legal abstractions he had little patience. With him "things were in the saddle" and only facts counted. He was not an empiricist. He distrusted phrase making. He doubted panaceas by law. He knew that no constitution could be devised that would be foolproof. Far better than the lawyers and jurists of his time, he knew the futility of leagues or confederations patterned on the Greek models, whose authority was only moral. He summed up all the folly of the old Articles of Confederation in the one terse phrase: "Influence is not gov-

No one saw more clearly and advocated more earnestly the necessity of creating a nation and not a mere league of States, but he did not believe that this could be done alone by paper constitutions, but only by an antecedent spiritual union, based upon sympathies and economic solidarity. He saw more clearly than the learned legal theorists that, in the last analysis, no government can be essentially different from the spirit of the people which created it.

Give me your indulgent attention while I seek to show these facts from the text of the Farewell Address, for it contained

the statement of his political philosophy.

On an autumn day of the year 1796, President Washington, weary of official life, worn out by his public service of half a century, and desiring to seek the noble retirement which he had so richly earned, sent for the editor of a Philadelphia newspaper. and handed him a manuscript, with a request that he publish it. It was his farewell testament to the people whom he loved so well and whom he had led to high achievement. The political literature of the world contains nothing nobler. [Applause.]

It was not written upon a hasty impulse or with scant preparation. Gray required seven years to write his famous Elegy. Washington had made the first draft of the Farewell Address five years before he sought its publication. A diffident and modest man, he had sought the advice of Madison, Jefferson, and Hamilton, but the final form was his own and he twice corrected it in the proofs before it was published in the Phila-

delphia National Advertiser.

I am first impressed with the fact that it is dated September 17, 1796. He could have selected any date and it is possible that he chose that date because it was the ninth anniversary of the final formulation of the Constitution. In the nine years that had intervened, he had brought that sickly infant-as it then seemed—to a vigorous youth and, as the message was largely devoted to a vindication of the Union and its organic instrument, the Constitution, it is possible that the date was deliberately selected. There was, in any event, great propriety in the date, for if the Constitution is "the most wonderful work ever struck off at a given time by the brain and purpose of man," then the great fame of Washington could be safely rested upon that achievement alone. [Applause.] He may not have written a line of the text, but it is incontrovertible that, without his great influence, it would never have been formulated by the convention or ratified by the States, and it is probable that the new Government would have had short life had not the practical statesmanship of Washington in its first eight years put it on a firm foundation and gained for it the confidence of the people. [Applause.]

You will note, in the second place, that it was not addressed to the Congress of the United States or to any public official, Speaking of himself as an "old and affectionate friend," addresses the people as "friends and fellow citizens." lies the first great thought which Washington sought to convey by the Farewell Message. He believed that the only salvation

of the people lay in themselves.

Shortly after the close of the Constitutional Convention and when the Constitution was undergoing the perilous process of ratification, Washington wrote, on September 7, 1788, to his friend and comrade in arms, Lafayette, and, after praising the Constitution as a wise instrument of government, he added that the new Government would be in no danger of degenerating into a monarchy, oligarchy, or aristocracy, or any other form

of despotism, "so long as there shall remain any virtue in the body of the people." He then continued:

I would not be understood, my dear Marquis, to speak of consequences which may be produced in the revolution of ages by corruption of morals, profligacy of manners, or listlessness in the preservation of the natural and unalienable rights of mankind, nor of the successful usurpations that may be established at such an unpropitious juncture upon the ruins of liberty, however providently guarded and secured, as these are contingencies against which no human prudence can effectually provide.

Washington regarded any form of government as but a means to an end, and that it could never be better than the people themselves. Like Plato, he believed that a constitution must correspond to the "ethos" of the people, meaning thereby not merely the spirit of the people, but the aggregate of their habits, conventions, and ideas. These obviously change from generation to generation. If there be any conflict between the Constitution and the genius of the people, it is not the will of the people that is broken but the Constitution. Therefore, to insure vitality, there must be a reasonable correspondence between the Constitution, as interpreted, and the spirit of the people.

He reminded them that-

It is of infinite moment that you [the people] should properly estimate the immense value of your National Union to your collective and individual happiness.

To him the surest foundations of that unity were sentiment and interest, and of the sentimental tie he spoke first, as follows:

Citizens by birth and choice of a common country, that country has a right to concentrate your affections. The name of America, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

Thus he sought to impress upon successive generations the noble memories of the heroic days of our colonial development, culminating in our struggle for independence. He bade them remember the "rock whence ye are hewn." He knew that no nation can be truly great without an heroic past and a conscious remembrance of it. He realized, as Lincoln did, that, in times of strife and disunion, these "mystic chords of memory" would yet "swell the chorus of the Union, when touched, as they will be, by the better angels of our nature."

You will note his use of the word "America," instead of the United States." He generally spoke of our Nation as the "Union," and by it he meant the sympathetic and sentimental bond that bound the Colonies together long before the War of Independence. To him the American Commonwealth dated, not from the 4th of July, 1776, but from the first Virginia settlement. In Washington's eyes America was born of those "spacious days" which gave Shakespeare and Bacon, Raleigh and

Drake, Jonson and Spenser, to an astonished world.

Having thus emphasized the binding ties of those "mystic chords of memory," struck by the blood-comradeship of arms, Washington next passes to a practical consideration, which he regarded as greatly outweighing even the sentimental tie. addresses himself to the indissoluble wedlock of economic interests, which, far more than the theories or formulas of lawyers, had welded the inorganic union of the Colonies into the organic Government of the United States. In a passage of great length and equal wisdom, he dwells upon the inevitable interdependence of the North and the South and the West, and to this end advocates "the progressive improvements of interior com-munication of land and water." These, he predicted, would bring about an "indissoluble community of interest as one

Time has vindicated his prophecy. The Union has been held together for nearly a century and a half, not by the Constitution alone, but by an ever-developing economic unity. I have always believed that the Union was safe when the last spike was driven in the Union Pacific Railroad. [Applause.] Even if the Civil War had terminated differently, and the sections had been divorced by a decree of the sword, they would have been long since reunited in the lasting wedlock by steam and electricity. [Applause.]

That the Union must largely depend upon an economic solidarity was a long-cherished belief of Washington. Even when our country was a feeble congeries of straggling and separated colonies on the Atlantic seaboard and its statesmen regarded the Appalachian Range as their inevitable western boundary, Washington had the sagacity to look beyond the

west a great future for America, if convenient trade routes could

be provided.

Denied the vision of the railroad and the telegraph, he interested himself in the construction of canals. first colonial statesman to advocate the linking of the Atlantic coast with the Mississippi Valley, then seemingly impossible. His correspondence shows that the possibility of water routes to develop and cement the union of the Colonies was constantly in his mind. As early as 1774 he introduced a bill in the Virginia House of Burgesses for the improvement of the navigation of the Potomac for 150 miles beyond tidewater. On his victorious return from the war he again plunged into the subject which had fascinated him from the time when, on horseback, he had penetrated into the unknown wilderness beyond the Alleghenies. He was a great explorer and pathfinder. Writing to Lafayette after the Revolution, Washington tells him that he is planning to leave Mount Vernon and find his way through the trackless forest to Lake Erie, thence by the Great Lakes to a point near the present city of Chicago, thence down the Des Plaines and Illinois and the Mississippi Rivers to New Orleans, and thence back to Mount Vernon. Even in these days such a trip would be an arduous journey, but in those days it would have taxed the strength and skill of the most ardent explorer, and Washington was then an old man. While he never carried out this ambitious plan, he did make extensive journeys to New England and the South.

In a letter to Edmund Randolph, in 1785, he said:

The great objective for which I wish is for the navigation of the rivers James and Potomac extending to connect the western territory with the Atlantic States. All others to me are secondary.

Always a broad-minded American, his interest was not confined to the transportation route for his native State, for he advocated long before Clinton the practicability of a water connec-

tion between Lake Erie and the Hudson River.
Writing on October 10, 1784, to the Governor of Virginia, Washington, having traced out the different routes and distances from the Potomac to Detroit, and having emphasized the economic value to Virginia of some connection with the "fur and peltry trade of the Lakes and for the produce of the country which lies within," then added:

But in my opinion there is a political consideration for so doing, which is of still greater importance. I need not remark to you, sir, that the flanks and rear of the United States are possessed by other powers, and formidable ones, too; nor how necessary it is to apply the cement of interest to bind all parts of the Union together by indissoluble bonds, especially that part of it which lies immediately west of us, with the Middle States.

In another letter to David Humphreys, dated July 25, 1785, Washington wrote:

My attention is more immediately engaged in a project which I think big with great political, as well as commercial, consequences to these States, especially the middle ones; it is by removing the obstructions and extending the inland navigation of our rivers, to bring the States on the Atlantic in close connection with those forming to the westward by a short and easy transportation. Without this, I can easily conceive they will have different views, separate interests, and other connections. I may be singular in my ideas, but they are these: That, to open a door to and make easy the way for those settlers to the westward (which ought to progress regularly and compactly) before we make any stir about the navigation of the Mississippi, and before our settlements are far advanced toward that river, would be our true line of policy.

His belief in waterways justifies us in assuming that nothing to-day would interest him more than the proposed waterways from the Great Lakes to the Gulf and to the Atlantic Ocean. [Applause.]

It is of this empire builder, whose foresight was exceeded by none of his contemporaries, unless we except Franklin, that the college professor spoke as "slow witted."

Having thus developed the moral and economic argument for a union, Washington proceeds to discuss the importance of the Constitution. He says:

Sensible of this momentous truth, you have improved upon your first essay [meaning the Articles of Confederation] by the adoption of a Constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concern. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures are duties enjoined by the fundamental maxims of true

Alleghenies and to see in the undeveloped wilderness to the liberty. The bases of our political systems is the right of the people to make and alter their constitutions of government; but the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established Government.

> Has anyone better stated the moral sanction of constitutionalism?

> He was not so foolish as to believe that any written document could lastingly hold successive generations within its wise restraints, and he, therefore, proceeded to warn his fellow countrymen against any destruction of this Constitution. He

> Toward the preservation of your Government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown.

> If only the later generations had remembered that wise counsel, we to-day would not be appalled at the unceasing erosion of the Constitution and the vanishing rights of the The Constitution has withstood outward attacks, but it has been, and is still being, slowly undermined.

Washington continues:

In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing Constitution of the country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion.

I again interrupt to say that time and habit have done more to interpret the Constitution than all the learned decisions of the Supreme Court.

Nor did Washington believe that the chosen officials of the Government, even though they acted under the sanctity of solemn oaths to support and maintain the Constitution, would always respect its wise restraints. To them, by anticipation, he also gives his wise advice:

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal, against invasions by the others, has been evinced by experiments, ancient and modern; some of them in our own country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Washington thus foresaw the menace to our institutions of an undue exaltation either of Congress or of the Executive. There is little danger of the former, for Congress is a many-headed body, and, as such, has little appeal to the imagination of the people. The tendency is to disturb the balance by an undue exaltation of the Executive. The framers of the Constitution wisely intended to create a strong Executive, but they never intended to assimilate him to a king. He is the first servant of the people and his great powers and heavy responsibilities require them to respect him as such.

The tendency, however, is to go further and to incarnate the majesty of the Republic in the individual who is temporarily the Chief Executive and that is the essential idea of kingship. There is a growing tendency to regard the President as the "Little Father" of the people and the Congress as little more than his "faithful Commons." Thus, in almost every controversy between the Executive and Congress, the sympathies of the people

equilibrium between the Executive and the Congress, which I have just quoted, he warned America against the evil of one-man power, for Washington knew that the love of power, like jeal-ousy, "grows by what it feeds on." Fortunately, our Presidents have generally been men of the people—true democrats—but if the day shall ever come when we have an inordinately ambitious and unscrupulous Executive and a subservient Congress, we may then realize the wisdom of Washington's solemn warning that such undue exaltation of the Executive "is the customary weapon by which free governments are destroyed." [Applause.

O wise old counsellor! How well he foresaw in the last two sentences of the portion of the Farewell Address which I last quoted that spirit of political pragmatism, which is willing to sacrifice an eternal principle to gain some immediate good, an

imponderable for a ponderable!

Time would not permit me to pursue further his wise counsel as to the public credit, the diffusion of education to insure an intelligent electorate, and, finally, the necessity of keeping our country free from any foreign entanglements that would impair its liberty of action. He never claimed that ours should be a hermit Nation. Independence, and not isolation, was his ideal of our foreign relations. To quote his own words, he would have us "independent of all and under the influence of none."

It is evident from the Farewell Address that he viewed with alarm the development of political parties, especially when formed on sectional alignments, and greatly feared that, in the heated collision of their passions and interests, the bonds of unity would be severed. The Civil War was a fearful vindication of this prophecy. Washington believed in our dual The Civil War was a fearful form of government, and to-day his concern would be to defend the reserved rights of the States against the undermining forces

of centralization.

Nothing more strikingly illustrates the profound changes in our constitutional idea, due to the "ethos" of the people, than of the people, than the question of centralization. When the Constitution was adopted, the States had a very real consciousness of their own sovereignty. The success of the National Government and the immense moral influence of George Washington slowly developed the idea of a powerful Union. But even more potent have been the changes brought about through mechanical inventions. Union is held together to-day not so much by the Constitution as by the shining pathways of steel, over which our railroads run, and the innumerable wires, which, like antennae, coordinate the

mighty energies of the America people.

To these must now be added one of the most potent unifying forces of all—namely, the radio. While the press served as a consolidating influence, yet the influence of a newspaper is limited to the zone of its circulation. To-day, however, any responsible leader of thought may, on occasion, speak to 20,000,000 of people. Thus, both time and space have been annihilated, and the people have been irresistibly drawn into the consciousness of a central government which far over-shadows the consciousness of the States. This has caused a profound change in the "ethos" of the people in this respect, and our institutions have become so unified that the old struggle against centralization has largely passed away. Each of the old political parties when in power vie with the other in consolidating the Union by multiplying bureaucratic agencies and as a result many matters hitherto within the power of the States are now controlled from Washington. To the extent that this is the result of economic forces it is irresistble, even if not always desirable; but to the extent that it is the result of the greed for bureaucratic power, it is a grave

The problem of the future is to hold this centripetal tendency measurably in check; for it is as true to-day as when the Constitution was adopted that our Government will not always continue if the planetary system of the States be absorbed in the central sun of the Federal Government. [Applause.] Our Nation is too vast in area and our people too numerous to be governed altogether from Washington. The safety of the Union depends upon the preservation of the rights of the States, and the difficulty is to preserve these rights when the elemental forces of steel and electricity continue to weld the country into a powerful unity and to reduce the political consciousness of the States almost to the vanishing point. The problem of the future will be to preserve, so far as now possible, the just equipoise, which the Constitution vainly sought to maintain, between the power of the Central Government and the power of the States. [Applause.]

We are still a young country. In my youth I might well have known a distinguished lawyer of Philadelphia, Horace

are with the former, for they can visualize him and make a legend of him, but Congress is impersonal.

Washington foresaw this, and in his earnest plea for a due pendence Hall during the sessions of the Constitutional Con-This measures the brief span of our existence. rention turies are still before America; and who can safely say, if it becomes too centralized for efficient government, that one day there may not be a powerful movement toward disintegration, especially if there develop between the sections powerful economic conflicts of policy? The history of nations is an unending cycle of integration and disintegration, of consolidating and then redistributing the powers of governments. Human institutions, like the globules of mercury, tend to scatter and unite. For more than a century the tendency of America has been to consolidate; but let us remember that, if the movement proceed too far, the tendency to disintegrate will begin. The ideal of every patriotic American should be "the indestructible Union of indestructible States." [Applause.]

And this suggests a final thought.

The salvation of our form of government, in the last analysis. rests with the people, as Washington so clearly said; and the most discouraging sign of the times is their indifference to constitutional questions. What I have elsewhere called ' stitutional morality" was never at a lower ebb. This is largely due to the overshadowing importance and grandeur of the Federal Government. Like the central sun, it blinds our vision, and-at least in popular consciousness-the States are gradually fading in importance, even as the planets can not be seen by day because of the omnipresent rays of the sun.

At the beginning of the Republic there were 13 self-conscious States which had behind them a century or more of traditions. But the Union is now composed of 48 States, many of which are but the creation of yesterday and which have no such background of tradition to stimulate the consciousness of the people. Most of them are the creation of purely artificial boundaries and, while there is local pride, yet they naturally regard themselves as the children of the Federal Government, whereas the historic 13 Colonies had, at least at one time, the proud consciousness that they created the Federal Union and that the Federal Union did not create them. I confess I can not see the way to combat this changed consciousness of the American people, largely due to mechanical forces, which no written constitution can wholly overcome.

The loss of the sense of constitutional morality, without which it is difficult for any constitution to survive, is also due to a subtler cause and one that is too little appreciated. Our very dependence upon a written constitution and our belief in its static nature and its self-executing powers have tended to deaden the political consciousness of the American people. live in an age of specialization and the people, forgetful that, in the last analysis, they must save themselves, feel that a constitution will execute itself and that the special and exclusive method of determining all constitutional questions is by

resort to the courts.

This is especially perceptible in our legislative bodies. Time was when Congress felt that it had the primary duty of determining whether proposed laws were within its constitutional power. Many of the greatest debates upon the meaning of the Constitution took place in the Halls of Congress and not in court rooms. Next January a full century will have elapsed since Daniel Webster, of Massachusetts, and Robert Y. Hayne, of South Carolina, engaged in their momentous discussion as to the true nature of the Government. To-day such a closely reasoned debate would be impossible. In this age of specialism we unwisely believe that these questions are only for the judiciary. A century ago, the controversy over the power to create a United States bank and later the power to make internal improvements were questions which Congress had no disposition to shift to the judiciary, but which they preferred in the first instance to decide for themselves. This is as it should be, for every Member of Congress takes an oath, as a judge, to support and maintain the Constitution of the United States.

In recent years there has been no disposition to argue the constitutional phase of any proposed law in Congress. Such a debate would be regarded as a loss of public time, as the ques-tion must ultimately be determined by the Supreme Court. Laws are frequently passed of very doubtful constitutionality and their validity left to the processes of litigation. This might be a satisfactory division of governmental work if the Supreme Court had unrestricted and plenary power to disregard a constitutional statute or Executive act, but such is not the fact. Many laws are politically anticonstitutional without

being juridically unconstitutional.

The fact is that the Supreme Court does not have, as so many believe, plenary and unrestricted power to nullify unconstitu-tional legislation. On the contrary, there is a vast sphere of political activity in which the true construction of the Constitution is involved but on which the judiciary, ex necessitate rei, can not possibly pass judgment, as, for example, censoring appropriations, for appropriations, as we all know, can be made for unconstitutional as well as constitutional objects, and in a constitutional sense no governmental activity is more destructive. The unlimited power to appropriate money is the "wooden horse" which may yet make a future America say of our dual form of government, "Ilium fuit."

The distinction between a law which is politically anticonstitutional and judicially unconstitutional is somewhat subtle and is not one that readily occurs to many who study our form of government. Leaving aside the wide sphere of legislation in which, if a litigated case ever arises, the Supreme Court can correct our errors, the fact remains that there is still a large sphere in which the Supreme Court is powerless to act, either because of the necessity of the case or because the question, to use a lawyer's phrase, is essentially political and not justiciable. The Supreme Court, with a conservatism that certainly can not be called too moderate, has said it will invalidate no law unless it be indisputably repugnant to the Constitution, with the result that we pass many laws, about which you and I are at least doubtful as to their constitutionality. Then when the constitutionality of such a law is argued before the Supreme court, perhaps a quarter of a century after it has been in force, the court does not determine the unconstitutionality of the statute, but when such legislation is supported by the breath of popular opinion and has the pragmatic advantage of some supposed good, the court is human enough to conclude that it is not so indisputably repugnant to the Constitution as to justify the court in annulling it. Through that breach in the dike a great volume of legislation flows for which there is no sanction in the Constitution, and such laws are not nullified by the judiciary because either of their doubtful character or because they are unconstitutional by reason of the motive of Congress or by some powerful political consideration, and thus those laws become precedents for another law and gradually, like the ocean in front of my summer home at Sea Bright, N. J., the high tide sometimes seems to reach a farther mark and sometimes to recede, but in the long run, taking it by years and not by months, there is the steady eating away of the true coast line of our Government. [Applause.]
Thus the Constitution itself is slowly "undermined," even as

Washington predicted.

Therefore I plead for an awakened conscience on the part of our legislators and the people themselves in the matter of constitutional morality. They should primarily determine these grave issues of constitutionality for themselves. Unless they do so they are in grave danger of losing the benefits of the wisest instrument of statecraft that the wit of man has yet devised. "Eternal vigilance is the price of liberty."

Washington died shortly before Napoleon won his great victory on the plains of Marengo. We can imagine the old soldier in his retirement at Mount Vernon following with eager vision the extraordinary developments in the Old World and the rising sum of the new Cæsar. I can picture him in that last autumn of his life, seated on the porch of his beloved Mount Vernon in the gathering twilight-emblematic of the dying day of his life-and silently gazing upon the Potomac as it moved to the sea, a symbol of the infinite mystery of time.

It was on such an October evening a few months before he died, with the autumn leaves falling from the trees upon the green lawns of his much loved home, that he retired to his study and wrote his last expression of opinion as to the affairs of the world, and what he thus wrote can be applied to the conditions of the present hour as expressing his opinion if he

were alive to-day. He said:

The affairs of Europe have taken a most important and interesting turn. * * * My own wish is to see everything settled upon the best and surest foundation for the peace and happiness of mankind, without regard to this, that, or any other nation. A more destructive sword never was drawn, at least in modern times, than this war has produced. It is time to sheathe it and give peace to mankind.

[Applause.] Thus spoke and still speaks the world's noblest citizen, and to that ideal of peace mankind is steadily marching. In the progress of humanity the character of Washington is a great factor. for "the path of the just is as a shining light, that shineth more and more unto the perfect day."

Let us to-day reverently thank the God of our fathers that Washington's influence is still a shining light. It illuminates as none other the soul of America. It is to-day, as it has ever been, a vital force. From his grave in Mount Vernon he still guides the destinies of the American people. When the seas

state plunges into a storm and is threatened by angry seas his mighty shade is again our helmsman.

The Arthurian legend tells us that King Arthur sleeps at Avalon, but that he will come again and unsheathe his sword if ever England were in desperate need.

Our Arthur, bravest of the brave and knightliest of the knightly, sleeps at Mount Vernon, but whenever disaster menaces our institutions the American people again become conscious of his potent influence, and while that influence remains the Republic will endure. [Applause.]

VIRGINIA'S CONTRIBUTION TO THE WAR OF THE REVOLUTION

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief discussion by Charles William Hart on Virginia's contribution to the War of the Revolution.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, last December the Sons of the Revolution in the District of Columbia arranged to award a gold medal for the best essay on Virginia's contribution to the War of the Revolution submitted by a pupil of any school in the District. The essay written by Charles William Hart, of the Eastern High School, won the medal, which is being presented to him to-day at the Washington anniversary celebration held in this city by the District of Columbia Federation for Patriotic Observance. At the request of Brig. Gen. George Richards, who is so prominently identified with all patriotic activities. I obtained permission from the House for the publication of the essay in the RECORD, and now avail myself of the privilege of inserting it. The essay follows:

In the War of the Revolution the part played by Virginia was probably second to that of no other colony. Her contribution was made manifest through her military leaders, her statesmen, her soldiers in the ranks, her natural resources and material wealth, and the spirit of her people. While the statesmen of the colony were participating in verbal battles the colonial soldiers were preparing by temperate and frugal living and by elementary but effective military training for the conflict that was to come. Her statesmen, two of whom were later to serve as chief magistrates of the country, were prominent in molding and crystallizing public opinion, and were extending their influence to the others of the United Colonies.

Probably the greatest and most fervent speaker of the period was Patrick Henry, whose matchless oratory aroused the colonists to a fever pitch of enthusiasm at a time when they were most anxious to throw off the yoke of tyranny and oppression. He challenged the right of the King to exercise a controlling influence in colonial affairs, when he argued that a sovereign 3,000 miles away had no right to veto a needed law passed by the colonial legislature. In 1765 he introduced a resolution against the stamp act, denying the right of Parliament to regulate the internal affairs of a colony, and sounded an "alarm bell to the disaffected" among the colonists, who were ready to be led from the wilderness of doubt and oppression to the open land of certainty and liberty. His brilliant speeches were applauded throughout the country. and Jefferson said of him that he "spoke as Homer wrote." his able leadership Virginia led in the movement for a stamp-act congress, and her leaders were prominent in the meetings of this body. The Virginia Assembly, although dissolved by the royal governor, met in Raleigh Tavern and voted a nonimportation agreement which won favor in all of the colonies. The Virginia Assembly proposed the organization of a Continental Congress, which met in Philadelphia in September of the same year. On the eve of the war Henry's stirring call to arms before the house of burgesses lent additional fervor to the patriotic feelings of the colonists. The final sentence of his speech, "I know not what course others may take; but as for me, give me liberty or give me death!" was the keynote of the whole Revolution.

When the Continental Congress was ready to select a leader for the Army, George Washington was chosen, not only because of his remarkable ability as a commander but in part because of his being a Virginianand Virginia's enthusiastic aid was needed if the war were to be carried to a successful conclusion. A convention met in Virginia in the spring of 1776 to consider a new form of government for the Colony, and on May 15 a resolution was adopted, instructing Richard Henry Lee to make a motion for independence. On June 7 Lee moved "that these united Colonies are, and of right ought to be, free and independent States," and Congress was sufficiently impressed to appoint a committee to draw up a formal declaration. Thomas Jefferson, another Virginian, was chairman of this committee, and although only 32 years of age at the time, was selected to draw up the immortal document bearing the title of "The Declaration of Independence." The clarity and simplicity of the declaration, together with its dignity and irrefutable logic, made are smooth we little feel his presence, but when the ship of it an outstanding example of patriotic and forceful statesmanship and linked Jefferson's name forever with the early history of America's struggle for political and economic freedom,

During the first three years of the war George Washington and Daniel Morgan were outstanding in the military operations of the Continental Army. Washington's Fabian policy, his skillfully executed retreat across New Jersey, and his remarkable successes at Trenton and New Brunswick featured a campaign fraught with hardships for both the soldiers and the commander; and through his genius of leadership the campaign was conducted in a manner unparalleled in military history. In the darkest days of the Revolution the knowledge that Washington was in command gave the colonists an abiding faith in the ultimate success of their struggle. At the two battles of Bemis Heights, Daniel Morgan and his Virginian riflemen helped the gallant Arnold to halt the advance of the British troops, and in the second of these battles they aided immeasurably in the final and crushing defeat of Burgoyne's forces.

Although the greater part of the fighting was in the North, the settlements in Kentucky, then a part of Virginia, were constantly threatened by the Indians, who were being incited to war by the British under Hamilton. George Rogers Clark, one of the most famous of Virginians, asked Gov. Patrick Henry for permission to enlist a force for the protection of Kentucky and for the capture of a number of the British posts in the Northwest. Clark's conquest of the forts, his capture of Hamilton, and his diplomacy in securing the friendship of the French, Spanish, and Indians, who had heretofore been loyal to the British, form one of the most dramatic chapters of American history. As a result of Clark's efforts the Northwest Territory was ceded to the United States at the close of the war.

Early in 1781 Daniel Morgan was sent with a small force to watch the movements of Bannister Tarleton, the famous British Cavalry leader, and in a battle near Cowpens Morgan distinguished himself by routing Tarleton's superior force. Later in the war Virginia found herself the battle ground of the combating armies, and her soldiers were a vital factor in bringing about the final defeat of the British at Yorktown.

Virginia's contribution to the War of the Revolution was easily as great as that of any of the thirteen Colonies. Patrick Henry contributed his fiery eloquence and masterful statesmanship; Thomas Jefferson gave his wisdom, diplomacy, and literary ability; George Washington gave his statesmanship, his strategic ability, his gift of leadership, and his private fortune; Richard Henry Lee and George Mason gave their statesmanship; George Rogers Clark gave his personal magnetism and audacity; Daniel Morgan and William Washington gave their acumen and military genius; and thousands of Virginians gave their lives on the altar of liberty. The value of Virginia's contribution to the War of the Revolution can not be measured, however, in numbers of men, nor in numbers of victories won, nor in the sacrifice of material wealth; but only in terms of the everlasting gratitude which is in men's hearts for her great contribution to the extension of liberty, freedom, and justice throughout all America.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a report made by certain members of the Committee on Military Affairs of the House, who were designated by the chairman to visit the United States Military Academy at West Point pursuant to the act of May 17, 1928, providing for the appointment of the Board of Visitors to the United States Military Academy.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

FEBRUARY 22, 1929.

The honorable the SECRETARY OF WAR,

Washington, D. C.

Sir: Pursuant to an act of Congress approved May 17, 1928, providing for the appointment of the Board of Visitors to the United States Military Academy, the following members of the Committee on Military Affairs of the House of Representatives were designated by the chairman of that committee to visit West Point in December, 1928:

The Hon. JOHN M. MORIN, thirty-fourth Pennsylvania.

The Hon. J. MAYHEW WAINWRIGHT, twenty-fifth New York.

The Hon. HUBERT F. FISHER, tenth Tennessee.

The Hon. VIRGIL CHAPMAN, seventh Kentucky.

The Hon. James A. Hughes, fourth West Virginia.

The Hon. HAROLD G. HOFFMAN, third New Jersey.

In accordance with the provisions of the above-mentioned act, the board hereby submits the following report: The board spent three days at the academy, during which the following program was carried out:

Program of the Board of Visitors, United States Military Academy, December 6, 7, 8, 1928

THURSDAY, DECEMBER 6

Visit administration building. Visit cadet gymnasium, Visit Cullum Hall. Watch corps march to dinner.

Visit cadet mess hall.

Luncheon—cadet mess.

Visit new cadet mess hall.
Visit basement, East Academic Building.

Visit East Academic Building.

Visit West Academic Building.

Visit west Academic Building

Visit cadet barracks.

Visit cadet store.

Review by Corps of Cadets.

Visit cadet gymnasium during athletic period.

Visit Hotel Thayer.

FRIDAY, DECEMBER 7

Enlisted and post activities.

Visit post school No. 1.

Visit Motor Transport and Coast Artillery Corps barracks.

Visit post commissary.

Visit Army service barracks.

Visit quartermaster stables and storehouses.

Visit post exchange.

Visit field music barracks and band practice room.

Visit married bandsmen's quarters.

Visit post school No. 2.

Visit railway station and dock.

Visit cavalry barracks.

Visit artillery stables and gun sheds.

Observe poor roads.

Visit administration building.

Lunch with superintendent.

Meeting with Academic Board,

Review by Corps of Cadets.

Visit riding hall.

Visit cadet chapel.

SATURDAY, DECEMBER 8

Visit station hospital.

Visit new apartment building. Visit library.

Visit ordnance museum,

Lunch at Hotel Thaver.

Attend Saturday inspection of cadets.

The board upon its arrival called on the Superintendent of the Military Academy, who went over with the members of the board the proposed program for the visit. The superintendent at this time explained the mission of the Military Academy and the necessity of completing the reconstruction of West Point that was begun in 1902 but which has never been completed.

During the three days which the board spent in going over the historic grounds at West Point the members were impressed with the peculiar fitness of the description of the site by Gen. Horace Porter, who said:

"It is in every sense an ideal site on which to have founded an institution to teach the science and the art of war. Here the academy sits, enthroned in the fastness of the legendary Highlands, the cold, gray, rugged rocks which form her battlements are symbolic of the rigor of the discipline exacted of her children; her towering hills seem to lift man nearer to his God; the mist-laden storm clouds may lower above her, but they break upon her crags and peaks as hostile lines of battle have so often broken upon the sword points of her heroic sons. Her abode is incomparably beautiful at all hours and in all seasons. At one time we find her mountains reverberating and her plain trembling with the thunder of her guns as their volleys rend the air in mimic warfare, or as with their crimson breath they utter their notes of greeting to an illustrious soldier President who honors her imposing fête day by his distinguished presence. At another time stillness rules her camp; the snowy whiteness of her tents glistens in the golden light of a midsummer moon, the prevailing silence is broken only by the cadenced footfalls of her trusty sentinels or the rippling of the waters of the noble stream which flows at her base, bearing to the sea those great argosies of commerce which measure a nation's material prosperity."

The mission of the Military Academy is to give to each cadet a fundamental education, both scientific and cultural, upon which he may build in order that the academy may produce leaders for the high command of our armies in time of war as well as material for trained staff and combat officers. West Point is not a school to train young men to become lieutenants in the Army, as is so often and erroneously stated. West Point molds the characters of selected young men from all parts of this great country and gives them a basic education and equips them with a fine physique. West Point then sends them forth well tempered after four years of severe mental and physical training that has been given in an atmosphere pregnant with the tradition and history of our country. From these young men have come the great leaders of our wars—Grant, Lee, Sherman, Jackson, Sheridan, Longstreet, Pershing, March, and many others whose names are known to every schoolboy. This fact was emphasized by the late President Theodore Roosevelt when he said in speaking of West Point:

"This institution has completed its first hundred years of life. During that century no other educational institution in the land has contributed as many names as West Point has contributed to the honor roll of the Nation's greatest citizens."

After spending three days in the atmosphere of West Point and inspecting carefully all of its activities, the board is of the opinion that the superintendent, the academic board, the officers and enlisted men on duty at the academy, and the Corps of Cadets are all responding in a splendid and enthusiastic spirit to the execution of West Point's mission.

ACADEMIC

In visiting the academic side of the institution the board was particularly impressed with the system of instruction, which has been in effect at West Point for nearly 100 years. This system requires in effect "Every cadet in every subject every day." There are no elective courses nor what are known as "cuts" in colleges. Every cadet is subjected to a thorough course of mental as well as military discipline to teach him to reason readily and accurately, to apply right principles to cases of daily occurrence in the life of a soldier. To this end the cadet is required to pursue a strict course of mathematical and scientific study, with applications to the various branches of the military sciences. But the cultural side of the academy is not neglected. In the visits made by the board to the classes in modern languages it was noticed that the cadets in French and Spanish were making decided progress in both languages. The instructors, who are all officers of the Army, with the exception of two civilians in French and one in Spanish, gave evidence of a thorough knowledge of the language. This is the result of the policy of sending the instructors to Europe, in some cases for a year prior to their assignment to duty at the Military Academy, which policy the board highly commends.

In the academic work the courses appear to be well taught, the reasoning faculties of the cadets strongly exercised and disciplined, and a system of habit and thought acquired that is invaluable in the pursuit of any profession. The board is of the opinion that the academic requirements should be maintained as high as possible and that the time allotted to these subjects should not be curtailed by the injection of practical subjects to too great an extent. The latter can usually be learned in a short period after graduation, but it is in youth when the mind is plastic and responsive that the mental discipline should take place. Training the mind is like creating a strong beacon light that will always be available to be turned upon any subject and to elucidate a solution.

The superintendent of the academy, however, is of the opinion that the entrance requirements are too low, and he is interested in bringing about a reform in this matter that will be beneficial to the academy and to the Army of the future. He has caused to be made very complete studies over a period of 37 years, showing the percentages of cadets who have been discharged from the academy through deficiency in studies, with especial attention to those who have been so discharged since the introduction in 1914 of the system of admitting cadets on certificates from accredited schools. The figures are most illuminating and disclose the facts that cadets who have been found deficient in studies and discharged are three times more numerous from the group that entered upon certificate than from the group which entered by examination. The cost to the Government of these discharged cadets has been very great, as they are kept at the academy but a short time without any return. The figures show that the financial loss is five times as much from those who entered on certificate and who were subsequently discharged as the loss from those who entered upon examination and who were later discharged for deficiency in studies. It would appear, therefore, that the privilege of entering upon certificate should apply to individuals who have at least bad a high-school education. The superintendent has taken steps to remedy this situation, and while the board is not qualified at the present writing to state definitely what should be done, it is of the opinion that the recommendations of the superintendent in this important matter should receive careful consideration by the War Department,

PHYSICAL TRAINING

The board has been favorably impressed with the system of supervised athletics that was instituted seven years ago. The course in physical training has been developed along sound and progressive lines. The present course is an extension of the excellent system of military gymnastics that was in practice for many years at West Point. During the allotted afternoon period, military drill and intramural athletics alternate for all classes. In this way every cadet must participate in all major sports during his course under the supervision of officer instructors. This change is excellent, for it forces young men to test their mettle in all branches of athletics and enables each cadet to form his taste for an especial sport in which he feels that he excels. The immediate benefits to the cadets are profound and the future benefit to the Army will prove far-reaching. Not the least attractive feature about this system is the competition that it engenders among the companies. The company teams are not restricted to upper classmen, but are composed of cadets of all classes, including the fourth classmen or

plebes. The board heartily approves of the development of the course in physical training. Certainly, the appearance of the cadets leaves little to be desired. They are erect, well set up with fine muscular bodies and clear healthy skins. The board saw them engaged in all of their activities—swimming, wrestling, boxing, fencing, gymnastics, and basket ball—all of which sports were being practiced simultaneously in the gymnasium, which has outgrown its capacity and which should be enlarged.

EQUIPMENT OF THE ACADEMY

The board visited all of the buildings that are part of the plant at West Point, both the new buildings that have been constructed under the original plan of the board of officers in 1902, those subsequently constructed, and those which are in great need of rebuilding. The board found the following condition with respect to the construction at West Point. As will be recalled, the plan to rebuild West Point was authorized in 1902 by Congress and a complete and comprehensive architectural scheme was adopted. After a competition in which the leading architects of the country engaged, the award for the reconstruction was made to Cram, Goodhue & Ferguson, of Boston. Congress authorized \$5,000,000 for this project based on estimates made at the time. This amount was to cover the reconstruction of the academy both for the cadets and for the enlisted men on duty as well as to provide officers' quarters. As time went on, the amount was increased to \$7,500,000 and the reconstruction proceeded until all funds had been exhausted (1913). At this time the plans were made for a Corps of Cadets of a strength of 511. The amounts that were appropriated, however, were not sufficient to carry out all of the plans that had been made originally, and before more money could be obtained from Congress to execute the program, the Corps of Cadets was increased by the act of June, 1916, to 1,332 cadets. Instead, therefore, of completing the original plan, the military authorities were obliged to ask Congress for funds to meet the immediate needs of the expansion, with the result that the original program was suspended while the necessary barracks and other buildings for the Corps of Cadets were under construction. But even the program that was made to cover this expansion was never completed due to lack of funds so that to-day West Point finds itself in the position of having never caught up in reconstruction. It is the opinion of the board that the time has come when the reconstruction of West Point should be completed as originally planned and authorized by Congress and by the War Department, but on a scale that is commensurate with the present strength of the Corps of Cadets (1,384).

The board visited the cadet barracks where it was found that 1,155 cadets were living three in a room, 32 cadets were living four in a room, and only 76 cadets living two in a room. The living conditions are entirely too crowded as the rooms were intended for two cadets only. To remedy this situation, however, Congress has already authorized \$825,000 for new cadet barracks, but when this money was authorized, it was with the understanding and upon the representation made by the War Department that it was necessary to provide for only 1,200 cadets. In fact, all of the items of the last board that considered the building project at West Point were based upon a strength of 1,200 cadets.

The board understands that as far as the reconstruction program of West Point is concerned, the War Department is following the recommendations of the Cheatham Board, a board of officers that was convened in August, 1927. The \$825,000 referred to was an item on the program of that board. Other items recently authorized by Congress include quarters for officers and noncommissioned officers. The board is in agreement with the recommendation of the Secretary of War that there should be no more apartment buildings for the officers at West Point, but that there should be separate quarters instead, and it is of the opinion that the amount for officers' quarters should be increased sufficiently to house all of the officers who are now living off of the reservation. At the present time, there are 68 officers who are not provided with quarters but who are obliged to live in the neighboring villages of Highland Falls, Cornwall, and Newburgh. Rents are high and apartments difficult to obtain in these places, but in addition the distance of these places from West Point makes it extremely difficult for officers to commute conveniently. The Government is paying out in commutation of quarters yearly \$38,000 for the above officers, and the board feels that it is not economical to continue this practice, and what is of even greater moment, that it is a system that should be remedied without delay. The board made an inspection of the quarters and barracks assigned to the enlisted men, of the post school, and of the quartermaster activities. It emphasizes the fact that all of these activities have been on the original program since 1902, but it has not been possible to give any attention to their reconstruction for the reason that all available funds were necessary for catching up in construction to correspond with the increases in the Corps of Cadets. This part of the post of West Point is in need of attention, and the program as heretofore studied, should be carried out in its main lines. The board went over this matter thoroughly with the superintendent, and as a result

of the conferences held, it is of the opinion that new construction should progress as rapidly as possible in the following priority:

1. Schoolhouse (grammar and high).

2. New band barracks and practice room.

3. North wing to gymnasium.

4. New barracks Army service detachment.

5. Quartermaster storehouses and shops.

- 6. New barracks for quartermaster corps detachment Coast Artillery Corps, Signal Corps, Motor Transport Corps.
 - 7. Quartermaster stables and sheds.

8. Post exchange.

9. Annex to cavalry stables to correspond with that built on the artillery stables.

It is the opinion of the board that the construction of items 1, 2, 3, 4, 5, and 6 should be undertaken immediately. This section of West Point is in great need of appropriate buildings to replace old ramshackle structures that have outlived their usefulness

Every year some money is expended upon these shabby structures to make them last a while longer, but it is throwing good money after bad, and dreadful waste. In any such system of temporary expediency there must come a time when the various additions become so complex as to demand a general reorganization and so expensive to keep in repair as to make such reorganization economical in the long run. This part of West Point has reached this stage. It is a situation that calls for energetic remedial action.

Plans for the reconstruction of this part of West Point were completed as long ago as 1906, but the funds have never been available.

For many years one of the greatest needs at West Point was a modern hotel. This need has finally been met, and the board were guests during their visit at West Point at the Thayer Hotel, a modern hotel in every sense, beautifully equipped and furnished, and operated under a thoroughly first-class management. This hotel was built by private capital, but it is located on the military reservation. It is indispensable for the accommodation of the relatives and friends of cadets who go to West Point. The board was impressed with the importance of the Government lending every possible assistance to the management of the hotel with a view of keeping the rates within reasonable bounds. Whatever can be done in this matter should be done.

The board recommends that consideration be given to the proposition of furnishing heat and light for the hotel at Government rates and that the Government also cooperate in developing the grounds around the hotel so as to provide means of recreation in the immediate vicinity for the cadets and their friends who are guests at the hotel.

The board feels it should commend the music at West Point. The Academy band is one of the finest military bands in the world. An organ recital rendered for the special benefit of the board in the beautiful cadet chapel was impressive and inspiring.

It is the opinion of the board that West Point represents something more than an Army post or a military academy. It is, in addition, a great institution, peculiarly American, in which the people of the Nation take a personal pride. For this reason the character of the buildings should be of greater beauty and splendor than would be necessary on an Army post and should conform to the harmony of the existing architecture.

Respectfully.

JOHN M. MORIN, Chairman. J. MAYHEW WAINWRIGHT, Member. HUBERT F. FISHER, Member. VIRGIL CHAPMAN, Member. JAMES A. HUGHES, Member. HAROLD G. HOFFMAN, Member.

FEDERAL PRISON CAMPS

Mr. Speaker, I call up the bill (H. R. 11285) to establish Federal prison camps, with Senate amendments. The Clerk read the title of the bill.

The Clerk read the Senate amendments.

Mr. DYER. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

GOVERNMENT PURCHASES

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5769) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate amendment. Mr. MAPES. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. I rise to ask the gentleman from Indiana a question, if I may.

Mr. WOOD. I yield to the gentleman. Mr. MAPES. In what way does the Senate amendment differ from the original House bill?

Mr. WOOD. I will say that the only way the Senate amendment differs from the House bill is in this. It adds a provision with reference to the construction of a warehouse for the use of the supply committee.

There is a bill pending on this side to the same effect and a similar bill was introduced on the other side by Senator Smoot at the same time I introduced the bill here, and in order that the general supply committee may function as it ought to function and purchase goods as it ought to purchase them, in quantity, to get the discounts, and so forth, they will of necessity have to have a warehouse.

Mr. MAPES. How large and how expensive a building is

contemplated by the Senate amendment?

Mr. WOOD. The amendment states the dimensions of the building. The amount of floor space is 400,000 square feet. Mr. MAPES. Has any estimate been made of the cost?

Mr. WOOD. There has been a tentative estimate made by the Superintendent of Public Buildings and Public Parks. It is proposed to build it in sections. I think they have a plan and ground in view upon which they think it can best be built, where the railroads come together.

Mr. MAPES. What is the tentative cost?
Mr. WOOD. The completed cost of all the sections will be in the neighborhood of \$1,500,000.

Mr. MAPES. I would like to ask the gentleman from Indiana what committee reported the bill originally?

Mr. WOOD. The Committee on the Judiciary.
Mr. MAPES. Has the Committee on the Judiciary considered the Senate amendment?

Mr. WOOD. The Judiciary Committee has considered the bill which I introduced on this side, which is exactly like the Senate amendment, and it has received the approval not only of the Judiciary Committee but also the approval of the President, the Budget, and the Secretary of the Treasury.

Mr. MAPES. Has any committee considered the bill as it

comes from the Senate?

Mr. WOOD. No; it has just come from the Senate. It is

very important that it pass at this session.

Mr. MAPES. Does the gentleman from Indiana call up this House bill with a Senate amendment without the consultation of any committee having charge of the bill?

Mr. WOOD. I will say to the gentleman the bill has just come over on this side, but it is of vast importance and if it is referred to a committee we can not possibly hope to get it through. If this bill becomes a law, I know from the evidence adduced before the committee and from interviews I have had with the heads of the different bureaus of the Government it will save more than \$500,000 a year.

Mr. MAPES. Being of such vast importance, does the gentleman think it ought to come up without any consideration at all by any committee or that it should be considered by the House

in this way?

Mr. WOOD. It has been considered, I will say to the gentleman, and it is very well understood by all those who have given it consideration; and if I were not perfectly sure that I am right in my action, I certainly would not take advantage of this

time to ask for its consideration.

The SPEAKER pro tempore. The question is on agreeing to

the Senate amendment.

The Senate amendment was agreed to.

PRINTING THE ADDRESS OF MR. BECK

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to ask unanimous consent that the admirable and scholarly address delivered to-day by the gentleman from Pennsylvania [Mr. Beck] may be printed as a public document. I am pleased to say that this request is made not only on an impulse of my own but at the suggestion and with the approval of many gentlemen on both sides of the Chamber.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the address by the gentleman from Pennsylvania [Mr. Beck] may be printed as a public document. Is there objection?

Mr. LINTHICUM. Reserving the right to object, I want to ask the gentleman how many copies will be printed?

Mr. GARRETT of Tennessee. I can not tell the gentleman off-I do not know what the usual number is.

for the printing under the general rule.

Mr. SNELL. Up to the amount allowed under the general rule?

Mr. GARRETT of Tennessee. Yes.

Mr. LINTHICUM. I would like to have quite a number of copies, for I know that my people will appreciate them, and I want a number printed sufficiently large to give us all quite a number of copies.

Mr. GARRETT of Tennessee. I am making the only request I can make now. If there be more required than the amount allowed by law, that can be taken care of later.

The SPEAKER pro tempore. Is there objection to the request

of the gentleman from Tennessee?

There was no objection. POSITION OF THE BUREAU OF PUBLIC ROADS UPON THE CONSTRUCTION OF TOLL BRIDGES

Mr. ROBSION of Kentucky. Mr. Speaker, there is considerable controversy as to the attitude of the Bureau of Roads on the question of building toll bridges. I have requested the director, Mr. McDonald, to submit an article on this question, and he has done so. I ask unanimous consent to extend my remarks in the RECORD by printing this statement of the Director of the Bureau of Roads.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, the cities, counties, States, and the Federal Government are expending each year more than a billion dollars for the construction and maintenance of highways. We are far behind in the construction of highway bridges.

The cities, counties, and States are unable to provide the revenues necessary to construct bridges that are now greatly in demand to facilitate travel along the highways that have been built and are being built, and this has created a lively interest in the building of toll bridges. The present needs of travel and commerce can not be served by the slow processes of the ferryboat.

We must have more bridges, and if the revenues of the cities, counties, and States are not sufficient to construct them, then

we must look to other means to meet this need.

The promotors of the construction of toll bridges have been very active. The question arises, In what way can the interest of the public be best served? I desire to call to the attention of the Congress and the country an illuminating statement made in writing to-day by the Hon. Thomas McDonald, Chief of the Federal Bureau of Roads. Mr. McDonald is one of the bestinformed men on the road and bridge subject in this country or in any other country. He has no interest to serve except the welfare of the people of the Nation. His statement is as follows:

> UNITED STATES DEPARTMENT OF AGRICULTURE. BUREAU OF PUBLIC ROADS. Washington, D. C., February 21, 1929.

Hon. JOHN M. ROBSION,

House of Representatives.

MY DEAR MR. ROBSION: In response to your request for a statement as to the position of the Bureau of Public Roads upon the matter of toll bridges, I welcome the opportunity to make very clear both the position and the reasons which substantiate it.

We do not oppose public toll bridges. We support strongly the building of toll bridges by the public where funds are not available for the building of free bridges or the construction would be too long deferred. We favor the building of public toll bridges upon the basis of revenue bonds. It is not necessary for the public to issue bonds to be paid from property taxes or to place one cent of property other than the bridge itself and its earnings behind such bonds in order to finance a public toll bridge. This is a development of only the past few years in this country, although the plan has been long and widely used abroad by the public to finance public improvements. The interest and the bonds are retired from the earnings of the bridge or the public utility itself, and not one cent of property tax is obligated; the bonds are not a debt in the sense of the constitutional meaning of indebtedness against the State or municipality which uses this plan.

Some of the best investment bankers prefer to finance the public rather than private companies, and the public can borrow on the basis of revenue bonds at an equal or less rate than can a private individual or a private company. The public does not have promotion charges, is not in the business to make a profit, and therefore can build and operate at a less cost than can a private company, and as soon as the bridge is paid for out of earnings it becomes a free bridge.

We are strongly opposed to private toll bridges on any part of the public highway system. We have become more strongly opposed since through inquiry we have developed the fact that in every the cost to the public has been increased beyond any reasonable amountthrough promotion, organization, discount, noncompetitive contracts, and overcapitalization.

We have instances and can give the figures for capitalization in excess of 100 per cent of the original cost of the bridge, and the public is

expected not only to put the money into the securities on the basis of the excess capitalization, but it is also expected to pay tolls in order to pay profits on the basis of the excess capitalization.

The authorizations which have been granted by Congress do not provide adequate protection to the public in financing, in the plans and specifications, in supervision of construction, or in the operation of the structures.

The States are moving rapidly to pass laws which will permit them to build toll bridges on the basis of revenue bonds. This plan will not increase the taxes upon property, and will not increase the bonded indebtedness, the bridge service will be rendered at a less toll rate than private companies would demand, and in a relatively short time the property will be owned by the public and can be operated without tolls or at a very nominal cost. The revenues from the automobile registrations and gas taxes are increasing very rapidly, so that in fact the public is now demanding tolls from every user of the highways.

The highway officials of the Federal Government and of the States are opposed to the granting of further authorizations, either Federal or local, for private toll bridges. All we request is a reasonable time to get the necessary State legislation to build any bridge which ought to be built. Many of the franchises which are being asked for by private concerns can not support the investment from the earnings, and the failures will destroy the confidence of investors in this type of securities to the extent that the public will not be able to finance needed structures which have a potential earning capacity sufficient to make them sound projects.

It must be remembered that after the promoter has taken his commissions he is no longer interested in the structure. It is the public which pays and continues to pay.

Very truly yours,

THOS. H. MACDONALD, Chief of Bureau.

He makes it clear that the Federal road authorities are opposed to privately owned toll bridges, but Mr. MacDonald does where it is necessary the public (the cities, counties, and States) should build these bridges and to issue revenue bonds against the tolls. These tolls will be reasonable and the bridge become free to the public within a reasonable time. Mr. MacDonald has investigated the subject and he advises that investment bankers prefer to finance the public rather than private companies. The public can borrow on the basis of revenue bonds at an equal or less rate than can a private individual or a private company, and he points out that where these bridges are built by the public we can save promotion charges and we can build and operate it at less cost, and when the earnings pay for the bridge it becomes a free bridge.

In view of the fact that the public spends annually a billion or more dollars for the construction and maintenance of highways, it appears in the interest of the public welfare that these bridges be built by the public, controlled by the public, and become free without additional burdens and costs. Kentucky and many other States have passed laws providing that the State shall construct these toll bridges and have charge of them, and when the earnings have paid for the bridges that they then

become free to the public.

Any community that permits a private toll bridge to be built may expect to have no end of trouble over the question of what is the fair and reasonable cost of construction, maintenance and upkeep, and the fair and reasonable tolls to be charged.

It seems to us that there can be no argument against the public keeping these important public-service utilities in their own hands, and it ought to need no argument to keep us from turning them over to private individuals and corporations. No one favors our permitting private individuals or corporations to build our highways, fix the matter of cost, tolls, and so forth.

The public issues bonds and levies taxes on gasoline and fixes licenses in order to raise the money to build roads. We may not be able to do this in building a bridge, but the next best thing is to let the State, county, or city build a bridge and issue bonds against the tolls of the bridge, and thereby avoid all unnecessary costs, profits, salaries, and keep the control in the hands of the public.

I strongly favor this policy not only for the people of Kentucky but for the Nation. We are interested in having fair treatment for the traveling public throughout the country.

ADDRESS OF HON, R. WALTON MOORE

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to print in the RECORD an address by the gentleman from Virginia [Mr. Moore] on the life and character of Washington's physician and friend.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, on October 14, 1928, there was unveiled in the churchyard of the old Presbyterian Meeting House in Alexandria, Va., a monument to the memory of Dr. James Craik, who from the beginning of General Washington's military career in the French and Indian wars to the end of the Revolution was the medical officer most intimately associated with him, and was his family physician until his death. Among those who participated in the ceremonies were Maj. Gen. M. W. Ireland, Surgeon General of the Army. I desire to insert the address delivered by Representative R. Walton Moore, of Virginia, in whose district Alexandria and Mount Vernon are located. The address follows:

DR. JAMES CRAIK, A REVOLUTIONARY SURGEON GENERAL

In his biography of General Washington, Henry Cabot Lodge says of the man whose memory we are now honoring that "Doctor Craik was the companion of Washington's youth and his lifelong physician, was always his dear and close friend, and the regard between the two is very pleasant to look at as we see it glancing out here and there in the midst of state papers and official correspondence." Based upon such documents, we have just heard from the distinguished Surgeon General of the Army an interesting narrative of the activities of that officer of the Revolution who, whatever his title, must be thought of as in reality one of General Ireland's predecessors.

To me is assigned the task of trying to gather up into a sort of tapestry, however drab and imperfect, the information respecting the personal qualities and attitude of the physician, and his relation to the soldier and statesman who is now universally acclaimed as the world's greatest citizen. The task is marked by difficulty due to the fact that Doctor Craik did not write his reminiscences and has had no biographer to laboriously and carefully consult the sources from which more of him might be learned. The public records of the places where he resided should be examined. The newspaper files and particularly those of the Alexandria Gazette should be minutely examined. Nothing should be omitted which can be done to portray more adequately the patriot who so richly deserves to be remembered.

We can not forget the two localities with which Doctor Craik's life was mainly connected—Scotland, the land of his birth and this portion of America to which he came in his young manhood, where he lived and wrought, where he died, and in whose soil, within the shadow of this church he now sleeps in the goodly company of several of those

who were at the front in the Revolutionary era.

The region in Scotland of which he was a native is radiant with the fame of those the mere mention of whom starts fascinating reflections. It is the region which boasts among its sons William Wallace, Robert Bruce, and John Knox, and another son, Robert Burns, who has sung of its attractions in undying verse, and who has also sung of the leader of our Revolution. From that region there came here numerous seamen and merchants of strong intellectual and moral fiber, without whose character and work the history of northern Virginia and this the principal town of northern Virginia would be far less glorious than it is. They constitute a long roll of resolute and adventurous pioneers, who did their utmost in times of peace to build up civilization in the new land and never shunned the bitter sacrifices which in times of war were demanded.

The home of the Craik family, which was a family of prominence, was at Arbigland, not far from the town of Dumfries, a home which more than a hundred years later was described as still beautiful with trees and flowers surrounding an impressive mansion. There overlooking the waters of Solway Firth from its north shore, James Craik first saw the light in 1730, and thus was just a little the senior of the soldier and statesman who two years later was born in our own county of Westmoreland. A circumstance of genuine interest is that at that home there was employed by Craik's father as his gardener the father of John Paul Jones, who himself was born at Arbigland. And accordingly in the struggle for American independence Washington had by his side the Arbigland physician, and at the same time there was fighting on the sea, while Washington led the forces of the Revolution on land, the Arbigland sailor who was the progenitor of the American Navy.

It is a coincidence that in 1778 John Paul Jones began to menace the commerce of England on the ocean in the very year Doctor Craik was disclosing to Washington the effort of the Conway Cabal to displace him from the command of the Army of the Revolution.

From the data which are available we know this: Craik left Scotland in 1750, when he was 20 years old, but I am ignorant of the reason which impelled him. It is stated he had been educated at the University of Edinburgh for service as a physician in the British Army, but I can only conjecture whether on leaving Scotland he was a member of a military expedition, or if so, for what length of time after arriving on this continent, he continued to wear the uniform of the British Army. He landed in one of the islands of the West Indies, and following a brief stay there was in Norfolk and then in Winchester, but could have been in each place but a short time before he participated in an expedition to the frontier, where he was to come in contact with the man with whom for so many years he was to be identified.

Some time subsequent to that expedition, exactly when I do not know, but it seems upon his marriage he took up his residence at Port

Tobacco, the county seat of Charles County, Md., where still stands the house he occupied. The date of his marriage was 1760, and his wife was the daughter of Charles Ewell, of Belle Air, Prince William County, who was a cousin of General Washington, and of that marriage there were born six sons and three daughters, some of whose descendants are here to-day.

That his political views, prior to the Revolution, accorded with those of Washington, is very clear. Here in May, 1774, the year I believe in which this church was established, there was a meeting of the freeholders of Fairfax County, of which Alexandria was the county seat, to protest against the oppression of the city of Boston by the British. Washington presided at the meeting and the resolutions—the Fairfax resolves-setting forth many of the doctrines afterwards announced in the Virginia Bill of Rights and the Declaration of Independence were written by George Mason. Less than two months later Craik participated in a similar meeting in Charles County, and was appointed a member of the committee on correspondence which it created. After the close of the Revolution, I think it was in 1784, he settled and practiced his profession here, his residence being within a stone's throw of this church. In his old age he retired from practice and spent the last few years of his life at Vaucluse, a few miles west of Alexandria, with his son, George Washington Craik, and his grandchildren, and there he died on February 6, 1814. The son was named for his friend and there is a letter preserved containing a generous offer by Washington in respect to the son's education.

Our idea of Doctor Craik's personal appearance is obtained from a silhouette of a very handsome young man wearing a military hat and from a portrait painted in his maturer years. It is hardly too much to say that even if we had less knowledge of them, we might easily conclude, from looking at the pictures of Washington and Craik that they resembled each other, in that while they were unafraid and daring, they were deliberate and cautious. It was their way to look forward carefully before acting and then act with vigor and determination. They observed the injunction of Lord Bacon that "In meditation all dangers should be seen; in execution none unless they are formidable." Doctor Craik's life spanned a period of 84 years and in one of the little sketches of him he is described as being toward the end a "stout, hale, cheery, old man, perfectly erect, fond of company and children, and amusing himself with light gardening work."

It is noted that almost up to the time of his death he often walked from Vaucluse to Alexandria and back, and that a few weeks before his death he was in such excellent health as to engage in a foot race with a young grandson. An article in the Alexandria Gazette of February 10, 1814, four days after his death, stresses his unswerving devotion to Washington, his fine ability, his unsullied character, his close affiliation with the people of the community, and the warm esteem in which he was held by all.

On one point there can be no question, that while practicing his profession in Maryland and Virginia, he stood forth as a capable, earnest, and beloved physician. In that aspect he is commended by all of his contemporaries who refer to him. Since the towns were then mere villages and beyond their limits the population was sparse and scattered, in pursuing his profession he was compelled to endure all the exertions and hardships incident to traveling day and night over wretched highways threading extensive areas. I like to think of him as a county physician of that group who then and in less remote days excelled all others in the simple self-sacrificing service of humanity. He was a Scotchman, and nowhere is the country physician such as he was, more strikingly depicted than in the Bonnie Brier Bush stories of A Doctor of the Old School. You recall how the author tells that as they laid to rest Doctor McClure, the hero of those stories, a gentleman standing by the grave said, "We have buried here the remains of one who served the Glen with a devotion that has known no reservation and a kindness that has never falled for more than 40 vears.

And then the minister preached from the text, "Greater love hath no man than this, that a man lay down his life for his friend." And then an old peasant tenderly quoted that other text, "Come ye blessed of my Father. * * * I was sick and ye visited me." All of this would have been appropriate as Doctor Craik was laid to rest in the churchyard with the survivors of the Revolution, his fellow Masons, those who worshiped with him here, and the people of the town, lamenting his death.

Turn to the relation in which he stood to General Washington. You remember how when Washington was just passing beyond his boyhood, the western wilderness in the neighborhood of what is now Pittsburgh was the scene of the opening contest between the French and English for the control of the headwaters of the Ohio River; how Washington was sent to that frontier on a mission of peace to the French which failed, and how in 1754 the war drums sounded and Virginia organized a regiment to march to the scene of a conflict which was irrepressible. Joshua Fry was appointed colonel of that regiment and Washington was lieutenant colonel. The regiment moved in two detachments from Alexandria, one under the command of Washington and the other under the command of Fry, with whom was Doctor Craik.

Fry died near what is now the city of Cumberland and his detachment went forward and joined Washington, who succeeded him as colonel. I need not relate that the two forces having united, a battle was fought at Great Meadows at which the French prevailed, and that near there the Virginians strengthened the little fortification called Fort Necessity where Washington made his defense against the French and Indians but which he was compelled to surrender because outnumbered and with no supplies to maintain his command. It was then and there that the friendship between Washington and Craik was formed which never weakened. It was such an enduring and cloudless friendship as Washington, who throughout his life did not escape persistent hostilities and criticism, perhaps never enjoyed with any other individual. A little later they were again together in the same western wilderness in the Braddock campaign. Together they fought to preserve a remnant of the army which Braddock's inexperience and rashness had exposed to destruction. Most of the officers being killed, Washington as Braddock's only surviving aide-de-camp assumed command and was in the very thick of the conflict. Two horses were shot under him and there were four bullet holes in his coat and yet he was uninjured.

Doctor Craik in relating that experience was frequently heard to declare that nothing but divine interposition could have preserved Washington's life in that hour of carnage and disaster. It is from him also that we have the story that when he and Washington were again on the same frontier in 1770, an Indian chief who came to meet them told of trying to kill the young officer who was rallying his men to a supreme effort. The chief said he singled him out and fired his rifle at him many times and directed his warriors to do the same but that to his astonishment there was no result, and that he had come to pay homage to the man who was evidently the particular favorite of Heaven and destined never to die in battle. Craik had attended Colonel Fry in his fatal illness; he ministered to Braddock as he was dying, and he stood by Washington as the latter read the burial service over the English general.

As soldier and physician Craik served through the Revolution with conspicuous usefulness and gallantry, always approved by Washington and most of the time in immediate association with him. He had the entire confidence of the wonderful leader, who referred to him in his last will and testament not only as his "old and intimate friend" but as his "compatriot in arms." No man ever lived who would not have been thrilled by such commendation.

Doctor Craik, because of his unbroken intimacy with Washington, perhaps had a clearer conception than anyone else of his temperament and disposition. When Washington Irving was preparing his biography of the great Virginian he eagerly reached out for any correspondence which might be in existence. He called on Lawrence Lewis, a nephew of Washington, who had for a time lived with Doctor Craik and was disappointed to be told that a large package of the Washington-Craik correspondence had in some way been lost. But Mr. Lewis was emphatic in confirming Irving's belief that to no one was Washington knit by such strong ties as to his physician.

Doctor Craik also had a better opportunity than anyone else of knowing that Washington's health was much less vigorous than has generally been believed, and he made it his duty to guard him as far as possible against risking it. After the Braddock campaign, upon Craik's advice, Washington gave up his military activities in order to rest and recuperate at Mount Vernon. After the Revolution, Washington persuaded Doctor Craik to locate in Alexandria so as to be near Mount Vernon. There is ground for believing that he urged this move in 1784 when he and Craik once more journeyed to the West at the time Washington, with broad vision of a coherent union with better means of transportation, was beginning to plan the construction of a canal connecting the Ohio and Potomac Rivers. He did locate in Alexandria, and in the Washington diaries recently published, comprising four volumes, I think that no one is mentioned as a visitor to Mount Vernon and otherwise so often as the physician, not even Hamilton and other statesmen to whom Washington was strongly attached. And Washington was a frequent visitor at the Craik home here in Alexandria.

Look for a moment at some of the Washington letters which have fortunately been preserved. During the first administration, when New York was the seat of the Federal Government, he was prostrated by illness and wrote the Secretary of War asking for an appointment for Doctor Craik which would enable the latter to be near him. In that letter he said, "The habits of intimacy and friendship in which I have long lived with Doctor Craik and the opinion I have of his professional knowledge would most certainly point him out as the man of my choice in all cases of sickness. I am convinced of his sincere attachment to me, and I should with cheerfulness trust my life in his hands; but how far circumstances at present would justify his quitting his practice in Alexandria and enabling him to gratify his inclination and my wishes, I am not able to say; but, could it be made consistent with his advantage to be near me, I am sure it would be highly pleasing to me."

When he was no longer President and a war with France was anticipated, and appointments in the Army were being considered. Washington, who was to be the commander in chief, again wrote expressing his unbounded faith in his physician. In that letter he said,

"I have already been applied to by a gentleman to recommend him for director of the hospital, which I have refused, as well on general grounds as because if I ever have occasion for a physician or surgeon I should prefer my old friend Doctor Craik who, from 40 years' experience, is better qualified than a dozen of them together."

In that time the style of letters written by friends to each other was very formal, and Washington was not emotional or given to using terms of familiarity, but in writing Doctor Craik he addressed him not as "Sir" or "Dear Sir" but as "Dear Doctor" and sent messages to his family, and in closing expressed his affection for him.

When, on that Saturday morning in December, 1799, after his last ride over the Mount Vernon estate on the preceding Thursday, and the last entry in his diary on Friday, Washington became apprehensive that he was seriously sick, he asked that Doctor Craik be sent for, who soon arrived and remained until the curtain fell on the final scene of the most memorable career which history has recorded.

It was a sorrowful scene for the man who during almost half a century had had the opportunity of appreciating not only the great intellect but the great heart and sympathetic nature of the founder of the liberties and institutions of our country who was about to pass away. As the dark shadows gathered, Craik sat by the fire agitated by the grief which he was hardly able to control. When the fatal moment was approaching he was at the bedside holding Washington's head to his bosom, pressing his hand, hearing his last words, and then closing his eyes when the spirit had taken its flight. He was one of the mourners at the tomb, and afterwards he said. "I, who was bred among scenes of human calamity and had so often witnessed death in its direst and most awful forms, believed that its terrors were too familiar to my eyes to shake my fortitude; but when I saw this great man die it seemed to me as if the bonds of my nature were rent and the pillars of my country's happiness had fallen to the ground."

Doctor Craik was the surgeon who cared for many of the officers wounded during the Revolution, including Lafayette. When peace had not yet been secured he hastened from Yorktown to care for Mrs. Washington's son, John Custis, a member of the Virginia Legislature from Fairfax County, who was then sick at Eltham, in New Kent County. He was with Mrs. Washington in her final illness. He was the trusted physician not only of the Washingtons but of other outstanding families of the neighborhood. George Mason, of Gunston Hall, in writing an account of his mother, tells how she was "attended by Doctor Craik, * * * an intimate and personal friend of General Washington as he was of my father."

A scientist has stated that a shadow never falls upon a surface without leaving a permanent trace which would become visible by resort to processes which might conceivably be devised. What a picture we would have if there could be thus represented the forms of those identified in the past with this particular locality. In the picture the most shining figures would be those of the father of his country and the author of the Virginia Bill of Rights. And not far from them in priority of distinction would be the figure of the remarkable physician whose character and services entered into the web and woof of those achievements which as the generations come and go can not be forgotten unless our Republic should become faithless to its ideals and its hopes.

BRIDGES

The SPEAKER pro tempore. Under a special order of the House the Chair recognizes the gentleman from Illinois [Mr. Denison] for 45 minutes.

Mr. DÉNISON. Mr. Speaker, a great man of letters has said somewhere that sometimes there is only one step from the sublime to the ridiculous. We have just had an opportunity to listen to a splendid address on the life of Washington by the gentleman from Pennsylvania [Mr. Beck]. I hesitate to invite your attention to a subject such as I am going to discuss immediately following that address.

I sometimes think that in political principles and their application to the government of nations there has not been much progress from Washington's time to our own. But in the material things of life, those things that go for the conveniences, the comforts, the pleasures, and the advantages of life there has been a wonderful progress since Washington lived at Mount Vernon.

I go out to Mount Vernon every time I have an opportunity, because I like to sit out there and reflect on the changes that have taken place in the material things of life since his time. I like to think of how he would ride from Mount Vernon to Alexandria, and perhaps to Baltimore and Philadelphia in his old-time coach, hauled by two or four horses, while we in going from Mount Vernon to Washington or to Baltimore or Philadelphia ride in our splendid motor cars. In his time he had to drive with his company from Mount Vernon to Alexandria or to Baltimore or Philadelphia or New York through mud that was almost immeasurable and at some seasons entirely impassible, while in a short time we will be able to travel from Mount Vernon to Washington over a splendid concrete memorial boule-

vard constructed by the Government which he helped to found; and we can now go from Mount Vernon to Philadelphia or New

York without getting dust on our cars.

When General Washington traveled from Mount Vernon to Philadelphia or New York he could only cross the rivers by means of antiquated ferryboats, there being no bridges; if weather conditions were unfavorable, or if it was in the night time, he would have to remain in a near-by village or town until the next day.

Times have changed since then with the great increase of population and the improvement of our highways and the transportation of interstate commerce over them, the rivers of the country have become bearers to the movement of commerce on land and there is a universal demand for the construction of highway bridges to afford safe and rapid transit over the rivers. There are some who still prefer to compel the people to cross our rivers by the old antiquated ferries or by modern ferries rather than to permit toll bridges to be constructed to replace them. It is the view of our committee that if the States or municipalities are not in a financial condition to build free bridges at important crossings, private individuals ought to be given a right to construct toll bridges with private capital and they ought to be allowed to operate them as toll bridges until such time as the public authorities can take them over and make them free. In all franchises now granted by Congress we give the right to the State or municipalities to take over the bridge constructed under its provisions for the purpose of making it free. We do not believe that the people ought longer to be required to use ferries where a safer and quicker method of crossing the rivers can be provided, even if it has to be provided for the time being by private capital and operated under private management.

I am not going to discuss to-day the jurisdiction of the Federal Government over the navigable waterways of the country. I have spoken in this Chamber on other occasions when I gave references to decisions of the courts, and discussed generally the jurisdiction of the Federal Government over our navigable rivers. I am going to ask permission of the House to insert at the close of my remarks a brief that I have prepared showing the concurrent jurisdiction of the States and the Federal Government over the navigable waterways of the United States and showing the superior jurisdiction of the Federal Government whenever it chooses to assert it. I shall insert that at the close of my remarks for the benefit of any who may be

interested in that subject.

The courts hold that the States and the Federal Government have concurrent jurisdiction over navigable waters within the boundaries of their respective States, but that, of course, the jurisdiction of the Federal Government is supreme and the States can do nothing with reference to rivers within their borders that will conflict in any way with the exercise of its

superior jurisdiction by the Federal Government.

In 1890 Congress enacted a law in the rivers and harbors bill of that year which prohibited anyone from building any structure in or over any of the navigable waters of the United States until approval for such structure had been obtained from the Chief of Engineers and the Secretary of War. I think that was the first general legislation that Congress enacted upon that subject; but in 1899, by section 9 of the rivers and harbors act, Congress went further than that, and I am going to take the liberty of asking the Clerk to read section 9 of that act in order to advise the Members of the House of the first action taken by the Congress asserting its supreme jurisdiction over the navigable waterways of the United States.

The Clerk read as follows:

[Section 9 of the river and harbor act of March 3, 1899]

SEC. 9. That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: Provided, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: And provided further. That when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. TAYLOR of Tennessee. Is it the gentleman's intention in the course of his remarks to define the real test of navigability?

Mr. DENISON. I do not think I shall have the time to go into that, but I shall define it very briefly in a few moments. Mr. OLIVER of Alabama. And I should like the gentleman to attach to the paper which he states he will have permission to insert, a citation of those decisions which he has collated, so that they may be readily acceptable.

Mr. DENISON. I will be glad to do that.

Mr. ABERNETHY. Assuming now that bridges have been built within a State, wholly within a State, with the approval of the War Department, does that subject any of these folks who have these bridges to criminal liability?

Mr. DENISON. Oh, no; not to any criminal liability, but if the bridges have been built unlawfully the Chief of Engineers

can order them removed

Mr. ABERNETHY. But they have been built under the direction of the Chief of Engineers.

Mr. DENISON. If they are lawful structures, they can not be removed unless, of course, they should obstruct navigation. As to the question of what is a navigable waterway, that is a question of law and fact. It has been adjudicated in numerous cases that have gone to the Supreme Court, and the courts have held that if at any time in the history of a particular river it has been used for transportation purposes, however primitive, if it has been used as a highway for commerce at any time in its history, it is to be classed as a navigable waterway of the United States A great many of the smaller rivers in the early years of our history were used by the pioneers for transporting their produce from one part of the country to another.

They may have been used by hunters for transporting their pelts, or they may have been used for various purposes. early French explorers used our rivers for traveling and transporting their property in their canoes; the court will inquire into the history of the river, and if it finds from the history of the river and from all other facts before the court that it has been at some time used as a channel of commerce, it will hold it to be a navigable waterway under the laws of the United

States.

I have just had read section 9 of the act of 1899 when Congress first asserted its authority over these navigable waterways. In 1906, on March 23, the first general bridge law became effective, in which Congress repeated substantially the act of 1899 which I have just had read, but we went further in that act, and dealt more specifically with the construction of bridges over navigable waterways, and among other things it was provided in section 4 of that act as follows:

If tolls shall be charged for the transit over any bridge constructed under the provisions of this act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Now, every bridge that has been built over the navigable waters of the United States under acts of Congress since March 23, 1906, has been built subject to the provisions of that act, and the Federal Government has the right to regulate the toll charged for the use of the bridge.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAGUARDIA. This law defining reasonable rates must be construed as to reasonableness in the same way as it applies to railroad rates? They can not be arbitrary rates of the

Secretary of War. They must be based on the figures of the bridge company? Am I correct?

Mr. DENISON. No; the gentleman is not correct. They are based upon these considerations: If it is claimed by a responsible person that the owner of any particular bridge is charging tolls that are unjust and unreasonably large, the Chief of Engineers will order the district engineer under whose jurisdiction that particular bridge is located to make an investigation. He will have a public hearing; the owner of the bridge will be heard, and anyone else who is interested will be heard. The engineer transcribes the evidence and sends the evidence as transcribed, together with his report, to the Chief of Engineers. In that inquiry the engineer will ascertain what the bridge cost, and what it costs to maintain it and keep it in repair; he will inquire as to the tolls charged upon other bridges of a similar character, and will hear evidence upon any question that may properly enter into consideration in determining what will be fair and just and reasonable tolls to be charged; and then the Chief on Engineers, if he finds that the tolls charged are unreasonable or unjust, will fix the tolls that ought to be charged, and from his finding there is no appeal.

Mr. DOWELL. Mr. Chairman, will the gentleman yield? Is there any instance where the department is doing what the

gentleman has just stated?

Mr. DENISON. Yes. They are doing it to-day.
Mr. DOWELL. And arbitrarily fixing the rates?
Mr. DENISON. I did not say they were arbitrarily fixing

Mr. DOWELL. I understood you to say he arbitrarily fixed

Mr. DENISON. I said that after hearings were held and he finds from the evidence what is a just and reasonable rate, he fixes the rate. That is not an arbitrary fixing of the rate.

Mr. DOWELL. But my inquiry was this: Does he have the

power to fix the rates when he hears the evidence?

Mr. DENISON. He has.
Mr. DOWELL. Has that been done by the War Department?
Mr. DENISON. It is repeatedly done.

Mr. DOWELL. Another question. It is a well-known fact that there is no uniformity whatever as to toll rates on any two toll bridges over the country. Is it not a fact that that is one of the functions of the War Department, and when it has passed upon this question it is in a case where something extraordinary has happened and the matter has been brought before him. Is it not usually true that there is no consideration given whatever

Mr. DENISON. No; it is not true. I do not know where the

gentleman got that impression.

Mr. DOWELL. I got that opinion from traveling over the toll bridges. I know they are entirely out of harmony with

any kind of equity.

My DENISON. The gentleman from Iowa ought not to judge whether the War Department is doing its duty by merely riding over the different toll bridges of the country. I would suggest to the gentleman that he confer with the Chief of Engineers and then reach his conclusion. Then the gentleman will find that they do just as they are told to do by the act of Congress. They have a hearing and enter into all the phases of the question, and they try to determine what would be just and reasonable rates to be charged, so far as can be determined from the

Mr. DOWELL. Will the gentleman permit one other question for information?

Mr. DENISON. I yield to the gentleman.

Mr. DOWELL. Will the gentleman give us some statement now upon what basis the War Department fixes the rate of toll? Is it the value of the toll bridges? Is there a system in the War Department, or rather a program approved by the department, by which all these toll bridges have their rates fixed?

Mr. DENISON. No. In the nature of things that could not be. Whenever the Chief of Engineers has an investigation made of any particular bridge, evidence is heard as to that particular bridge, and the tolls are fixed with reference to that particular The tolls fixed would depend upon a number of circumstances. All the evidence is taken into consideration. I have not the time now to make a further analysis of that subject.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentle-

man yield?

Mr. DENISON. Yes.

Mr. ROBSION of Kentucky. I think this is information of great importance to the country because, as the gentleman from Iowa [Mr. Dowell] has said, there is a great deal of confusion in the country on the subject. The law says, "Fix reasonable Is that based on the cost of the bridge, or the value of the bridge, as they claim it to be, after we have expended millions of dollars by State and Federal Government in building highways? For instance, in my district there is a bridge that cost \$3,700. They are collecting \$30,000 from that bridge every year. They claim now its value is \$50,000. What is the every year. They claim now its value is \$50,000.

Mr. DENISON. I will have to say to my friend from Kentucky that I never have participated in one of these hearings. I have read to the House the act by which Congress placed this duty on the Chief of Engineers. I am told that the Chief of Engineers tries to perform that duty as best he can under the mandate of Congress. I do not know, of course, just what elements he takes into consideration in arriving at his conclusions. But here is the law, and the Chief of Engineers and Secretary of War are the officials charged by law with the duty of making

an investigation wherever charges are filed and, after a full and fair hearing, fixing what they find to be just and reasonable rates of toll

Mr. ROBSION of Kentucky. That authority having been placed in the War Department, I was wondering how efficiently and effectively that law is operating for the benefit of the public.

Mr. DENISON. I will say to the gentleman that wherever there has been a complaint made the War Department has acted promptly; they have had full hearings and considered the cases carefully and very often have reduced the tolls to a point where there was no further complaint about them.

Mr. BURTNESS. Will the gentleman yield?

Mr. DENISON. I yield.
Mr. BURTNESS. Has not one difficulty been found in this, that there is no law to regulate the tolls charged over a bridge built prior to 1906?

Mr. DENISON. Yes; the gentleman from North Dakota is

correct

Mr. BURTNESS. And the most severe complaints have been made as to bridges built prior to that time?

Mr. DENISON. That is true.
Mr. BURTNESS. Then I want to ask the gentleman one other question, which he can answer in his own time. Has the gentleman given any consideration to the question as to whether Congress could constitutionally adopt legislation now for the regulation of tolls over bridges built prior to the 1906 act?

Mr. DENISON. Well, that is a pertinent and important inquiry. Of course, we must remember that before March 23, 1906, the Government did not attempt to regulate the tolls charged on bridges, and there are quite a few toll bridges in the country that were built prior to 1906. Those are the bridges about which there is so much complaint,

The War Department can not now, under existing law, regulate the tolls on such bridges; and there is a very just complaint against the charges now being made for transit over some of those bridges. I will say, in answer to the question of the gentleman from North Dakota, that I believe Congress has the power to pass legislation regulating the tolls over bridges con-

structed before 1906.

Mr. BURTNESS. I am very glad to hear the gentleman say that, because it seems to me that situation is no different from what it was, for instance, with reference to railroads built prior to the adoption of the interstate commerce act. These bridges are agencies of interstate commerce—being built across navigable streams, so that they are arteries of interstate com-

merce-and over which we have jurisdiction,

Mr. DENISON. There is no question in my mind but that Congress, under the commerce clause of the Constitution, has the power to pass legislation regulating the tolls that are charged on those toll bridges constructed prior to March 23, 1906, especially if they are bridges constructed over rivers that constitute the boundary line between States; because all the commerce that goes over such bridges is in the very nature of things interstate commerce. With reference to bridges of of things interstate commerce. With reference to bridges of that character which have been built within the different States, if those bridges are now located on highways that have been constructed through Federal aid and are now used as channels of interstate commerce, I believe the Congress has the power to pass legislation regulating the tolls charged for those bridges.

Mr. DOWELL. Will the gentleman yield for a brief ques-

tion?

Mr. DENISON. For a brief question; yes, Mr. DOWELL. In view of the fact that most of the road construction has been carried on since 1906, and in view of the opinion of the gentleman that we are able to pass legislation fixing the rates or regulating the rates over the bridges, does not the gentleman believe his committee should immediately bring a bill to this House and immediately have it passed to regulate these tolls so as to forever stop the objection that has been made with reference to these toll bridges on Federal-aid highways?

Mr. DENISON. I will say to the gentleman that I have a bill pending for that purpose.

Mr. BRIGGS. Will the gentleman yield?

Mr. DENISON. Yes.
Mr. BRIGGS. Is the gentleman cognizant of any situation such as the gentleman from Missouri [Mr. Cochran] described the other day with respect to the resistance of certain bridge companies to the orders of the Chief of Engineers in reference to the regulation of tolls on one or more bridges of this character?

Mr. DENISON. No; I am not familiar with that.
Mr. BRIGGS. I understood the gentleman from Missouri to say the other day, when we were considering some bridge bills on the Consent Calendar, that some concern that had one of

these toll bridges, which was receiving rather extraordinary returns from the tolls charged, was making quite a good deal

of resistance to the regulation of those tolls.

Mr. DENISON. Of course, I do not suppose we can pass any law which will prevent people from litigating if they want to do so. It is natural for people to resist having their incomes

Mr. BRIGGS. Does not the gentleman think the practical way to deal with this, until general legislation is obtained, would be to carry in bridge bills a reservation of the right to regulate tolls?

Mr. DENISON. We do that in all of the bridge bills that are now passed. In all of the bills now presented to the House we reserve the right to regulate the tolls.

Mr. CARTER. Will the gentleman yield? Mr. DENISON. Yes.

Mr. CARTER. At the time these bridges are under construction by the bridge companies, or soon thereafter, are they required to file with any public official the amount expended on the construction of a particular bridge?

Mr. DENISON. Yes; we require that in reference to all

Mr. LaGUARDIA. Will the gentleman yield for just a short question?

Mr. DENISON. Yes.

Mr. LAGUARDIA. Is it not true that the decision of the Secretary of War as to rates is final to the people or to the State complaining of excessive rates, but if the company deems the rates fixed by the Secretary of War to be confiscatory on the basis of its own valuation, they may resort to the courts?

Mr. DENISON. Why, of course. No agency of the Government can confiscate private property, and whenever it is claimed that that has been done, the parties always have the right to resort to the courts to determine whether there has been a confiscation.

will have to proceed now because my time is passing, although I realize these questions bring out matters that are of importance to the House; if I have enough time I will be glad

to answer any question I can.

Since the passage of the first Federal-aid road act in 1906 and the establishment of the policy of the Federal Government aiding in the construction of roads, there has been a wonderful growth of road building all over the country. Improved highways are being constructed everywhere, and commerce is growing on these highways. We have developed a new form of transportation, namely, by motor truck and by motor bus, and this kind of transportation is impatient at delays that are occasioned by having to wait and take the old-fashioned ferries to cross the rivers. So there has developed throughout the country a demand for the construction of bridges at all important highway crossings.

Here in Washington we feel it because it comes to the Members of Congress and they are asked to file bills to permit the

construction of bridges.

I find that in the Sixty-sixth Congress, which was the second Congress after the enactment of the first Federal-aid road act, there were 100 bridge bills passed by the Congress in the two

years; that is, about one for each State for each year.

In the Sixty-seventh Congress there were 115 bridge bills passed. Of course, these bridge bills were mostly for railroad When I first went on the Interstate and Foreign Commerce Committee we hardly ever had an application for a franchise for a highway bridge. There were no highway bridges built in those days except bridges like the large one at St. Louis or the ones at New York or in other large cities; but along about the Sixty-seventh Congress applications began to come in for permits to build highway bridges, and as the highway system of the country has improved, these applications for franchises to build highway bridges have been steadily increasing.

In the Sixty-eighth Congress there were passed 150 bridge bills of all kinds, railroad, interurban, and highway; in the Sixty-ninth Congress there were 213 bills passed; and in the Seventieth Congress, including those that are on the calendar now, there are about 375 bridge bills that have either been passed or will be passed before we adjourn.

Mr. WILLIAMS of Illinois. Will the gentleman yield for

a question there?

Mr. DENISON. I yield to my friend from Illinois. Mr. WILLIAMS of Illinois. Will the gentleman state to the House the percentage of bridges that are actually built out of the number authorized by the Congress?

Mr. DENISON. Of course, we grant many franchises to build bridges, but various things happen to prevent their construction. I presume there is not 50 per cent of the bridges built under the franchises we grant. Sometimes they are un-

able to raise the money to build them. Then, sometimes, they are unable to present plans for the bridges that will be approved by the War Department; sometimes we grant franchises to municipalities or to counties or to the highway departments of the States, and they in turn have to submit these questions to a vote of the people, and the people, being unwilling to tax themselves, vote down the proposition; and sometimes we grant permits to State highway commissions and they submit to a vote of the people the proposition of issuing bonds to build the bridges and they are voted down; other reasons may arise that prevent the construction of the bridge, and under the general law these bridge franchises become ineffective unless construction is begun on the bridge within one year after the act is passed. So there is no necessary relation between the number of franchises we grant and the number of bridges that are built.

Mr. WILLIAMS of Illinois. What I had in mind was the fact that these bridges are not really constructed except at such places where public necessity or public demand justifies it.

That is true. Mr. DENISON.

Mr. WILLIAMS of Illinois. Notwithstanding the very large

number of permits?

Mr. DENISON. That is true. Of course, when a Member of Congress files a bill for a bridge franchise our committee respects his wishes and his action, as far as we can, and we treat all Members alike. These bills are all referred to the Committee on Interstate and Foreign Commerce, and this leads me now to a discussion of the policies of that committee, of which I would like to have the Members fully informed.

In the first place, it is the policy of that committee to give prompt consideration to all bills of this kind that come to it.

[Applause.]

We respect the wishes of all Members of Congress alike, and we assume that when a Member of Congress files a bill for a franchise to build a bridge in his district, he is acquainted with the sentiment in his district, he knows what the people there want, and he is trying to carry out their wishes when he presents the bill; so our committee gives it prompt consideration. If we find there is any opposition to the bill, we give prompt hearings and let everyone who is interested come before the committee and be heard; then, after the hearings are completed, we give prompt consideration to the bill, and if we are convinced that it is a proper bill we report it and it goes on the calendar; and up to this time it has been the policy of the committee to lend its assistance to the authors of such bills, in so far as we can, in helping to get the bills through the House.

Now, another policy of the committee is to encourage the building of bridges by public authority. We feel, gentlemen of the House, that wherever the public authorities can do so they ought to build bridges, and this is especially true within the different States. If a bridge is to be built in a municipality or city, that city ought to build the bridge if it is in a financial condition to do so. If it is a county bridge, the county ought to build it if it can do so. If neither of them can build the bridge, we feel the State ought to do it if it is in a financial condition to do so. So we encourage the building of bridges by public authority wherever it can be done.

Now, how do we do this? We give preference to bills that are filed for franchises for public authorities. If there is a bill filed asking for a franchise for a private person or corporation to build a bridge at a particular place and there is another bill filed by the State or the State highway department or a municipality to build a bridge at or near the same place, we give

pality to build a bringe at preference to the public authority.

Preference to the public authority. Why do you give it to the public public actions of Kentucky.

Mr. DENISON. The reason ought to be apparent—I think if the bridge is built by a public authority, under a proper franchise granted, it will in time become a free bridge, and we all want free bridges.

Mr. ROBSION of Kentucky. If the gentleman will permit me, Mr. McDonald, director of roads, has made an investigation in this country. Three or four years ago the moneyed men would not finance a municipality or a State in the building of a bridge, but to-day the policy has changed within the last three or four years. Financial concerns now had rather furnish funds to States or municipalities than to finance private individuals or corporations.

Mr. DENISON. I am not so sure that that is the fact, although it may be true in some instances. But, as I say, the committee shows preference to the public authorities in this way. If a Member files a bill asking for a franchise for a private individual or a corporation to build a bridge at some particular place, the committee asks the author of the bill to file with it a statement over his signature stating whether or not there is any possibility or probability that the municipality or State will build a bridge at that place in the near future. We require that in all cases. If the Member can not give the committee such a showing we do not approve the bill. But when the Member comes before the committee and files the statement showing that there is no chance to get a publicly constructed bridge, we grant a franchise to the private individual.

Mr. DOWELL. Will the gentleman yield?
Mr. DENISON. I yield to the gentleman from Iowa.
Mr. DOWELL. Is the highway commission of the State consulted or notified of the application of the parties for a franchise to build a bridge? Do they know of the application here?

Mr. DENISON. The Member who files the bill is supposed to get that information and furnish it to the committee. committee could not make such inquiries itself. The committee submits the question to the Member who files the bill, and we expect him to file with the committee such information.

Mr. DOWELL. Under the present system the State highway commission is the one that fixes the place for the bridge and ought to be the one who would have the most information as to the propriety of Congress granting the franchise. Ought not the highway commission to have full notice of the application for granting a franchise at any given place?

Mr. DENISON. My own view is that that would be asking

too much of the committee.

Mr. ROBSION of Kentucky. A day or two ago a bill was passed to build a bridge at Maysville, Ky., giving the franchise to a private concern. The State of Kentucky has set aside \$1,750,000 to build that bridge. I was wondering if it was required of the author of that bill to find out whether the State was likely to build the bridge or not.

Mr. DENISON. That was required of the author of the bill, and it will appear in the report of the committee.

Mr. BURTNESS. Will the gentleman yield? Mr. DENISON. I yield.

Mr. BURTNESS. Is not the position of the committee this: That the highway commission should be consulted, but the committee expects the individual Member of Congress who introduces the bill to consult with the State highway commission; and does not the committee require an answer to the specific question sent to them by the clerk of the committee as to whether or not there is any prospect of the State itself building the bridge?

Mr. DENISON. That is true, as I have already stated. answered the gentleman in this way: I do not think our committee ought to be expected to make that investigation. do expect the Member who files the bill to make it. He is the one most vitally interested. It is in his district, and he is supposed to represent the public of that district. When he presents a bill we inquire of him and expect him to furnish an answer to the inquiry, and we take the information he furnishes in good faith.

Mr. DOWELL. That is the question I asked-if your committee required that information, and was it furnished. I did not ask if the committee went out to get it.

Mr. DENISON. My answer is that if the gentleman from Iowa, for example, should file a bill for a franchise to build a bridge in his district—that is, for a franchise to a private individual—we would submit to him the inquiry whether his State highway department or the county or city is likely to build a bridge at this place. We would not undertake to tell the gentleman from Iowa how he shall get the information; we would assume that, being a Member of Congress, he would do what is right and proper and get the information from the very best sources.

Mr. COCHRAN of Missouri. The committee does not include in that inquiry, however, a request for information as to whether or not the State highway commission approves the building of the bridge there?

Mr. DENISON. No; we do not, because when Congress feels that a bridge ought to be built at a certain place in the interest of interstate commerce, we do not recognize the right of anybody to veto or disapprove it. [Applause.]

Mr. SCHAFER. Mr. Speaker, will the gentleman yield? Mr. DENISON. For a short question, because I must get on

if I am going to talk about what I intended to at all.

Mr. SCHAFER. Would it not be a good thing if the committee would amend its rules pertaining to these bridge bills and require that the Member of Congress introducing the bill shall send a copy of the bill to the State highway commission of his State and ask whether or not that commission has objections, and have them filed with the committee, so that the committee can have before it their objections or recommendations?

Mr. DENISON. Our committee does not feel that we ought to treat Members of Congress quite that way. We feel that we ought to treat them as Members of Congress elected to

represent their districts, and we treat them just as we would want to be treated ourselves. But I must get ahead if I am to get any opportunity to say any part of what I intended to say about the policies of the committee.

Our committee does not recognize the right of anyone to own a monopoly in the crossing of a navigable water of the United States, so we grant no monopolies. If a bill is filed for permission to build a bridge, and we grant it, then if another bill is filed for permission to build another bridge in the same locality, if there are no objections presented that we consider valid, we grant the franchise to the second applicant also.

The SPEAKER pro tempore (Mr. BEEDY). The time of the

gentleman from Illinois has expired.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the gentlemen's time be extended 10 minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Illinois be extended for 10 minutes. Is there objection?

Mr. TILSON. Will it take that much time for the gentleman to finish?

Mr. DENISON. Yes. Mr. TILSON. I hope the gentleman will finish within that because we have a number of very important matters to take up this afternoon.

Mr. DENISON. I appreciate that, but this is the first time that I have taken the floor this session. This is not a matter that is of particular interest to me, but I thought it would be to the rest of the House, because Members have been asking many questions about the policies of our committee.

Mr. TILSON. The discussion of the gentleman has been very

useful to the House.

Mr. DOWELL. The gentleman has yielded very freely to Members to ask questions, and I think the time should be extended.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DENISON. The Federal Government is not concerned about how many bridges are built over its navigable waters, provided they do not interfere with navigation, and, of course, the War Department will not permit that. So that we do not grant any monopolies. Some people came in to see me this week and called my attention to the fact that there is a certain bridge between two cities out in one of the Western States, and that there are now bills before our committee asking for a franchise to build one or two additional bridges there. people came to me and said that if we granted those franchises it would bankrupt their company. That presents a very serious question, but our committee knows but one course to follow in Whoever invests money in a bridge does it with such cases. knowledge that there may be another bridge constructed in that vicinity. That is one of the hazards of that investment. I have always contended that an investment in a bridge over a navigable waterway is a hazardous investment, and that such investment is entitled to a large return in the way of dividends because of that hazard. But we can not help situations of that kind. We do not recognize the right of anybody to have a monopoly on the right to cross the navigable waters of the country, and so far as our committee is concerned we grant as many franchises as there are applications, if they are made in good faith and are presented by Members of Congress.

That is important for another reason. If we grant a monopoly, then, just as soon as we grant it, it would have a high speculative value, and a man could take these franchises and sell them at a high value to other people, because those people would have no competition. In order to prevent speculation in franchises, to prevent them from having any commercial value, we announced to the country that no one is justified in paying anybody \$1 for a bridge franchise to cross any river in this country, because he can come here to our committee and get

one for nothing. Mr. PARKER.

Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes. Mr. PARKER. I think the gentleman made one statement that he did not exactly intend to make and that is in the matter of a monopoly. The only monopolies granted by our committee are monopolies to municipalities.

Mr. DENISON. The chairman of the committee is correct in that respect. Of course, if there is a public bridge, we will not grant a franchise to a private individual to build another bridge at that point unless there is an urgent need shown for

another bridge

Mr. COCHRAN of Missouri. I call the gentleman's attention to this fact: Before the United States district engineers in Memphis the other day the owners of a bridge costing less than \$200,000 filed a statement in which they placed the value of their franchise at \$350,000.

Mr. DENISON. They can place its value at \$3,000,000 if they want to. That does not make it so. We do not pay much attention to statements of that kind because they do not amount to very much.

Mr. COCHRAN of Missouri. I call that to the attention of

the gentleman to show the abuses.

Mr. DENISON. But that is merely an abuse of language. Of course we hear these abuses of language every day, but as Members of Congress we ought not to allow those things to influence us in the performance of our duties. There ought not to be any value on franchises to build bridges that are granted by Congress, and this committee is doing everything it can to prevent these franchises from having any value; if people will go to a man or a company that has a franchise to build a bridge and pay anything for it, that is their fault. There is no reason We can not prevent them from doing that, befor doing so. cause men will buy gold bricks and will buy worthless stocks, and will buy real estate that has no title to it. Men will invest their money foolishly; but the point I make is that so far as the committee is concerned, we are following the policy of preventing these franchises from having any value, and we announce to the country that no one is justified in paying anybody one cent for a franchise to build a bridge, because Congress will grant them a franchise free if they will come to us and ask for it.

Mr. DOWELL. But hasn't it a value under the system that we have when it is built on one of the Federal-aid highways and where it has protecting roads on both sides of the bridge? It does have a real value, irrespective of the fact that another franchise may be granted. The man who had the other one granted would know that he is in competition with another one.

Mr. DENISON. The gentleman from Iowa now is talking about the value of the bridge. I was talking about the value of the franchise before the bridge was built.

Mr. DOWELL. No; I was talking about the value of the franchise.

Mr. DENISON. Now, how do we protect the public interests when we grant these franchises? I want to show to the House and to the country briefly how we protect the public interests. In the first place, in all the bridge franchises that we grant we reserve the right to fix the tolls. There is no reason why the people should be imposed upon by unreasonable charges on toll bridges, especially on bridges built now, and in every bill that

we pass we reserve the right to fix the tolls.

In the next place, in all franchises we grant to-day for the construction of bridges we require the owner or builder to make a sworn itemized statement of the cost of the bridge. statement must be filed with the highway department of the State in which the bridge is located, and with the Chief of Engineers here in Washington within 90 days after the completion of the bridge. The franchise further provides that the Secretary of War may, and upon request of the highway department of the State shall, within three years after the completion of the bridge, make a complete investigation of its cost and make a finding as to the reasonable cost of the bridge; and such finding shall be conclusive for the purposes or recapture and rate making. With your permission I shall insert here this provision as to statement of costs and its investigation by the Secretary of War, which your committee now inserts in all bridge franchises granted to private individuals:

-, its successors and assigns (or his or their heirs, legal representatives, and assigns), shall within 90 days after the completion of such bridge file with the Secretary of War and with the and highway departments of the States of --, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and pro-The Secretary of War may, and upon request of the motion costs. highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said -. its successors and assigns (or his or their heirs, legal representatives, and assigns), shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the War as to the reasonable costs of the construction, Secretary of financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield there?

Mr. DENISON. Yes; I yield to the gentleman from Maryland.

Mr. LINTHICUM. How do you determine the charges?
Mr. DENISON. The War Department does that by conducting a full hearing in which they investigate every element of cost and consider all circumstances connected with the bridge, and from their investigation determine the reasonable charges that should be made.

Then in granting franchises to private individuals or corporations to construct bridges, we further protect the public by providing for the recapture of all such bridges whenever the public wishes to recapture them. With your permission I shall insert here the provision which our committee inserts in all bridge franchises granted to private parties to construct toll

bridges:

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of --, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improve-

It will thus be seen that either the State or the county or the city in which any privately owned toll bridge may be constructed is given the right to either purchase or condemn the bridge and take it over for the purpose of making it free. We even encourage the States or municipalities to take over privately owned toll bridges by allowing the States or the municipalities to operate any bridge so taken over as a toll bridge until the amount paid for the bridge has been amortized. It will be noted that we first give the public authority the general right to take over the bridge by purchase or condemnation at any time after its We then further provide that if the public authorcompletion. ity—the State, county, or city—takes over such a bridge by condemnation after a limited number of years, stated in the franchise, they can do so by the payment of a limited measure of damages; that is, the measure of damages is provided by the franchise to be the actual value of the physical structure, and in fixing the measure of damages in a condemnation proceeding nothing shall be allowed for going value or earning power or prospective profits.

Mr. SEGER. Mr. Speaker, will the gentleman yield there?

Mr. DENISON. Yes.

Mr. SEGER. Does the committee fix the time in which this

power can be exercised?

Mr. DENISON. Yes; if it is a small bridge which does not cost much, or if it is in a sparsely settled community, we fix the time at five years. If it is a large bridge, we fix the time at 10 years. In some instances, where the cost of the bridge runs up into many millions of dollars, we would fix the time at 20 years. The time after which the limited measure of damages would apply is determined by the facts in each case. Since this right of recapture by the public upon terms that are entirely fair and just to the public is reserved in all franchises granted by Congress to private individuals to construct toll bridges, it ought to be plain to all of us that there is not the slightest reason why the public should be imposed on very long by the owners of private toll bridges. The public has a complete remedy if it chooses to exercise it.

In the next place, we try to further protect the interests of the public by requiring in all privately owned bridge franchises that all contracts made in connection with the construction of the bridge wherein the amount involved exceeds \$5,000 shall be let by public bidding to the lowest responsible bidder. Whenever bridges are built by the States or counties or municipalities they are generally required by local law to let all contracts to the lowest responsible bidder. The committee thought that by requiring the same practice to be followed by private parties in constructing bridges the cost of the bridge would be kept down, and this becomes important in view of the fact that tolls may be based upon the cost of the structure, and the original cost of the structure is an element to be considered if the public should ever decide to take advantage of the recapture provision in the

franchise. With your permission, I will insert here the provision I have just discussed with reference to the letting of contracts in connection with the construction of bridges:

All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than \$5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

Finally, I call attention to the provision of the general bridge law of March 23, 1906, which requires that before any bridge can be constructed over a navigable waterway of the United States, either under a franchise granted by Congress or under State law, the bridge can not be commenced until the plans therefor and the location thereof have been submitted to and approved by the Chief of Engineers and the Secretary of War. These requirements are provided in the interest of navigation. Years ago when Congress granted consent for the construction of a bridge provision was made in the bill for the exact location of the bridge, for the width of the spans, and for the vertical height of clearance above the water line. But by the act of March 23, 1906, Congress delegated to the Chief of Engineers and to the Secretary of War the duty of passing upon such engineering questions connected with the construction of the bridge. The Chief of Engineers and the Secretary of War are thus charged by law with the duty of safeguarding navigation on the rivers by preventing the erection of any bridge that will obstruct or endanger the free navigation of the waterway over which it is constructed.

I wish to call attention further to the act of March 23, 1906. which contains the following provision:

That whenever Congress shall hereafter by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

Our committee never extends the time for beginning and completing the construction of bridges in the original franchise granting the right to construct. We invariably allow this provision of the general law to govern. So that all bridges authorized by the franchises we are now granting must be actually begun within one year and completed within three years from the date of the passage of the acts authorizing them. causes arise which make it impossible to begin the construction of a bridge within a year after the franchise is granted. Sometimes it requires months to make the necessary borings to determine whether there is a suitable foundation for the bridge piers at the particular location chosen. Sometimes it requires months to have the plans for the bridge approved by the Chief of Engineers and the Secretary of War. Sometimes floods or bad weather conditions make it necessary to delay the beginning of construction of the bridge. Where the franchise is granted to a State, or county, or municipality the proposal to issue bonds generally has to be submitted to a vote of the people, and if it fails it has to be again submitted; sometimes difficulty is experienced in obtaining the necessary finances to construct the bridge. In all such cases the parties usually come back to Congress and ask for an extension of time to begin and complete the construction of the bridge. This explains why our committee reports so many bills to extend the time for the beginning and completing the construction of bridges. In each case of that kind the committee makes inquiry to learn what was the reason for not beginning the actual construction of the bridge within the time allowed by law. If the reasons furnished the committee are found to be sufficient, and if the committee is convinced that the owner of the franchise has made a good-faith endeavor to begin the construction of the bridge within the year, we favorably report the bill granting an extension of time.

Mr. Speaker, I have briefly discussed some of the more important provisions of the law governing the construction of bridges and the policies of the Committee on Interstate and Foreign Commerce followed in the consideration of bridge bills. It is unfortunate that Congress has not been able to pass a general bridge law embodying these various provisions which we are now inserting in individual bridge bills. I have a bill for that purpose that has been pending since the beginning of this Congress. But I have not urged it because I have myself been uncertain as to the wisdom of some of its provisions. be difficult to provide general bridge legislation which would fully protect the interests of the public, and which would not prevent the construction of bridges by the use of private capital where the public authorities are not in a financial position to build them. Until such legislation can be formulated and passed it is necessary for Congress to do the best it can to accomplish those purposes by the provisions inserted in each individual bridge bill. I hope during the next Congress to be I hope during the next Congress to be able to present to the House a general bridge bill revising existing bridge law and providing such new law as, in the judgment of our committee, will fully protect and promote the public interests and not prevent the construction of bridges that the growing commerce of the country may require. If such legislation can be considered and passed, short-form bridge bills can then be used which will not require so much of the time of the committee or of the House for their consideration.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Speaker, I ask permission to extend my

remarks in the RECORD. The SPEAKER pro tempore. Is there objection to the re-

quest of the gentleman from Illinois?

There was no objection.

The matter referred to by Mr. Denison is as follows:

THE JURISDICTION OF THE STATE AND FEDERAL GOVERNMENTS OVER THE NAVIGABLE WATERS OF THE UNITED STATES

Under the common law of England, title to the land under all navigable waters was in the sovereign in trust for the public and this title gave to the sovereign exclusive right to regulate all commerce on the navigable waters of the realm.

That doctrine applied in the British colonies in this country, and the exclusive right to regulate commerce on the navigable waters of the colonies was in the British Government. At first the navigable waters were held to be confined to the tidewaters, but later by analogy, the principle was extended by the courts to include all of the navigable rivers of the interior, as well as those affected by the tidewaters.

When the American Colonies declared and won their independence the different States became themselves sovereign governments and succeeded to all of the sovereign rights that had theretofore belonged to the Crown, including the rights over the navigable waterways within their respective boundaries. When, therefore, the representatives of the different States met in the Constitutional Convention in 1787, the States possessed and exercised the sovereign right of controlling and regulating commerce on all their navigable waterways.

By section 8 of Article I of the Constitution the States surrendered to the Federal Government the right to regulate commerce with foreign nations and among the several States. This is the source and the only source of all the power that the Federal Government now has over the navigable waterways of the United States. The source and the extent of this power of the Federal Government have been given judicial interpretation and declaration in innumerable cases that are found in the reported decisions. And the law is well settled that by the commerce clause of the Constitution the States surrendered and the Federal Government received plenary power to regulate commerce among the States and with foreign nations, and that power includes the right to improve all the navigable waterways of the United States and regulate the commerce thereon.

It is also well settled that where Congress has assumed and exercises its jurisdiction over a navigable waterway within a State the State can not enact any law which would conflict with the Federal jurisdiction so exercised. But it is also well settled that Congress and the State legislatures have concurrent jurisdiction over the improvement of navigable waterways within the States. While the States surrendered to the Federal Government this power to regulate the navigable waterways and the commerce thereon, yet until Congress acts in the exercise of that power the States themselves have the right to improve and otherwise regulate the navigable waters and the commerce thereon within their respective borders, and after Congress has acted in the exercise of its power the States may still act so long as the exercise of their powers does not conflict with the action of the Federal Government.

Some of the courts state the jurisdictional question in substantially the following form:

"All rights over the navigable waterways within a particular State not surrendered to the Federal Government by the commerce clause of the Constitution are retained by the State government; but it is the exercise and not the mere possession of the powers conferred upon the Federal Government that limits the freedom of action by the State. Jurisdiction over the navigable waterways within the State is concurrent in the State and Federal Government, but that of the Federal Government, when exercised, is supreme. No action can be taken by the State

which conflicts with any action taken by the Federal Government, and any action taken by the State is subject to change or nullification by any subsequent action that may be taken by the Federal Government in the exercise of its supreme jurisdiction."

The cases of Cooley v. Board of Wardens (13 Howard, 299) and Covington Bridge Co. v. Kentucky (154 U. S. 204) clearly state these principles. The Minnesota Rate cases (230 U. S. 352) assert the same doctrine with reference to the regulation of commerce on railroads.

In Gould on Waters, third edition, page 80, the author says:

"Under the Constitution of the United States a State has the right, if its legislation does not conflict with the action of Congress upon the same subject, to authorize bridges and dams across the navigable waters within its limits; to license wharves, piers, and decks intruding upon such waters; to establish harbor lines to which wharves may be extended; to prescribe the places and manner in which vessels may lie in a harbor, what lights they are to carry at night, or what course they shall pursue in navigating a river; to pass reasonable quarantine and inspection laws, and pilotage, or port regulations; to regulate harbor beacons, buoys, salvage, and similar matters of a local and limited nature; to improve the navigability of its waters, and to authorize the collection of tolls in consideration of such improvements."

In Cummings v. Chicago (188 U. S. 410) the Supreme Court, through Mr. Justice Harian, said, speaking of the Calumet River, which is also in the city of Chicago:

"Calumet River, it must be remembered, is entirely within the limits of Illinois, and the authority of the State over it is plenary, subject only to such action as Congress may take in execution of its power under the Constitution to regulate commerce among the several States. That authority has been exercised by the State ever since it was admitted into the Union upon an equal footing with the original States."

In the case of Willson v. The Blackbird Creek Marsh Co. (2 Peters, 245), a case involving the authority of a State legislature to authorize a dam to be built across a navigable creek, the Supreme Court, through Mr. Justice Marshall, said:

"The act of assembly by which the plaintiffs were authorized to construct their dam shows plainly that this is one of those many creeks passing through a deep, level marsh adjoining the Delaware, up which the tide flows for some distance. The value of the property on its banks must be enhanced by excluding the water from the marsh and the health of the inhabitants probably improved.

"Measures calculated to produce these objects, provided they do not come into collision with the powers of the General Government, are undoubtedly within those which are reserved to the States. But the measure authorized by this act stops a navigable creek and must be supposed to abridge the rights of those who have been accustomed to use it. But this abridgment, unless it comes to conflict with the Constitution or a law of the United States, is an affair between the government of Delaware and its citizens, of which this court can take no cognizance.

"The counsel for the plaintiffs in error insist that it comes in conflict with the power of the United States to regulate commerce with foreign nations and among the several States.

"If Congress has passed any act which bore upon the case, any act in execution of the power to regulate commerce, the object of which was to control State legislation over those small navigable creeks into which the tide flows, and which abound throughout the lower country of the Middle and Southern States, we should feel not much difficulty in saying that a State law coming in conflict with such act would be void. But Congress has passed no such act. The repugnancy of the law of Delaware to the Constitution is placed entirely on its repugnancy to the power to regulate commerce with foreign nations and among the several States, a power which has not been so exercised as to affect the question.

"We do not think that the act empowering the Blackbird Creek Marsh Co. to place a dam across the creek can, under all the circumstances of the case, be considered as repugnant to the power to regulate commerce in its dormant state or as being in conflict with any law passed on the subject."

Many more cases might be cited which affirm the power of the State to regulate, improve, or even destroy the navigable character of a waterway within its borders unless Congress has exercised jurisdiction over the particular waterway in question. In the case of Huse v. Glover (15 Fed. Rep. 292) the court, speaking through Mr. Justice Harlan, said:

"The doctrines of the adjudged cases sustain the authority of this State—there being no act of Congress forbidding it—to construct locks and dams upon the Illinois River. Her avowed object in so doing was to improve the navigation of that river and effect a reduction of freights to the headwaters of Lake Michigan and to the Mississippi River. The mode and extent of such improvement, in the absence of national legislation, based upon the power of Congress to regulate commerce, was for her determination. Her discretion in such matters is not to be controlled by the courts so long as Congress does not interfere.

And when that case went to the Supreme Court that court, speaking through Mr. Justice Field (119 U. S. 543), said:

"The State is interested in the domestic as well as in the interstate and foreign commerce conducted on the Illinois River, and to increase its facilities and thus augment its growth it has full power. It is only when in the judgment of Congress its action is deemed to encroach upon the navigation of the river as a means of interstate and foreign commerce that that body may interfere and control or supersede it. If in the opinion of the State greater benefit would result to her commerce by the improvements made than by leaving the river in its natural stateand on that point the State must necessarily determine for itself-it may authorize them, although increased inconvenience and expense may thereby result to the business of individuals. The private inconvenience must yield to the public good. The opening of a new highway or the improvement of an old one, the building of a railroad, and many other works in which the public is interested may materially diminish business in certain quarters and increase it in others, yet for the loss resulting the sufferers have no legal ground of complaint. How the highways of a State, whether on land or by water, shall be best improved for the public good is a matter for State determination, subject always to the right of Congress to interpose in the cases mentioned." McConnell, 1 McLean, 337; Kellogg v. Union Co., 12 Conn. 7; Thames Bank v. Lovell, 18 Conn. 500; S. C. 46 Am. Dec. 332; McReynolds v. Smallhouse, 8 Bush. 447.)

It is clear from these cases, and others that might be cited, that so long as the right of the Federal Government to regulate navigable waterways within a State, conferred by the commerce clause of the Constitution, lies dormant the States may act for that purpose and to such extent as they choose, and after the Federal Government acts in the exercise of the power conferred upon it the States may still act in the exercise of their concurrent jurisdiction, but their action must not conflict with the action of the Federal Government.

Now, in the act of September 19, 1890, Twenty-sixth Statutes, chapter 907, section 7, page 454, Congress assumed jurisdiction over all navigable waterways in the following language:

SEC. 7. That it shall not be lawful to build any wharf, pier, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or structure of any kind outside established harbor lines, or in any navigable waters of the United States where no harbor lines are or may be established, without the permission of the Secretary of War, in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, in such manner as shall obstruct or impair navigation, commerce, or anchorage of said waters, and it shall not be lawful hereafter to commence the construction of any bridge, bridge draw, bridge piers and abutments, causeway, or other works over or in any port, road, roadstead, haven, harbor, navigable river, or navigable waters of the United States under any act of the legislative assembly of any State until the location and plan of such bridge or other works have been submitted to and approved by the Secretary of War, or to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of the channel of said navigable water of the United States unless proved and authorized by the Secretary of War: Provided, That this section shall not apply to any bridge, bridge draw, bridge piers and abutments the construction of which has been heretofore duly authorized by law, or be so construed as to authorize the construction of any bridge, drawbridge, bridge piers, and abutments, or other works under an act of the legislature of any State over or in any stream port, roadstead, haven, or harbor, or other navigable water not wholly within the limit of such State"

And by the subsequent act of March 3, 1899, Thirtieth Statutes, chapter 425, section 9, page 1151, Congress further exercised its jurisdiction over navigable waterways by the following language:

"SEC. 9. That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: Provided, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: And provided further. That when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War."

In the case of Economy Light & Power Co. v. United States of America (256 U. S. 113), the Government sought to enjoin the power company from constructing a dam in the Des Plaines River, Ill., and the question involved was whether or not the Des Plaines River was a navigable waterway of the United States, and if so, what was the effect of the provisions of these acts of Congress just quoted. In the opinion the court said:

"Since it (the Des Plaines River) is a natural interstate waterway, it is within the power of Congress to improve it at the public expense; and it is not difficult to believe that many other streams are in like condition and require only the exertion of Federal control to make them again important avenues of commerce among the States. are to be abandoned, it is for Congress, not the courts, so to declare. The policy of Congress is clearly evidence in the act of 1899, and, in the present case at least, nothing remains but to give effect to it."

This case, which is one of the latest and leading cases, makes it clear, first, that it is within the power of Congress to abandon a navigable waterway if it does not think it wise to expend public funds to improve it: and, second, that by the acts of September 19, 1890, and March 3, 1899, just quoted, Congress has declared its policy and exercised its jurisdiction over navigable waterways conferred by the com-

merce clause of the Constitution.

In People v. Metropolitan Railway Co. (285 Ill. 246) the quession arose as to whether or not, by the acts of September 19, 1890, and of March 3, 1899, Congress assumed exclusive jurisdiction over all the navigable waterways of the country and thereby deprived the States of any further right of control over them. In that case the people of the State of Illinois sought to compel the railway company to remove a certain bridge across the South Branch of the Chicago River on the ground that it had become an obstruction to commerce. After citing the case of the Lake Shore & Michigan Southern Railway Co. v. Ohio (165 U. S. 365), where the Supreme Court held that the State of Ohio still had the right to compel the removal of a bridge unlawfully constructed across a navigable stream, the court said:

"If the act of 1890 did not affect the power of the State to require the removal of an obstruction placed in the stream unlawfully, we do not see how it could affect the authority of the State to require the removal of a structure lawfully placed in a navigable stream, but which has since, because of changed condition, become an unreasonable obstruction. The subsequent amendatory acts of Congress, including section 18 of the act of March 3, 1899, do not restrict or encroach upon the power the State had, previous to those enactments, been authorized to exercise. Conceding Congress has the power to take sole and exclusive jurisdiction over navigable waters wholly within a State, it has

not done so."

In the case of Gillman v. Philadelphia (70 U. S. 729), the court said: "It must not be forgotten that bridges which are connecting parts of turnpikes, streets, and railroads, are means of commercial transportation, as well as navigable waters, and that the commerce which passes over a bridge may be much greater than would ever be transported on the water it obstructs.

"It is for the municipal power to weigh the considerations which belong to the subject and to decide which shall be preferred and how far either shall be made subservient to the other."

HON, NICHOLAS LONGWORTH, LL. D.

Mr. TILSON. Mr. Speaker, I wish to make an unusual request. It is not often that a Speaker of this House will have the honor of having the degree of doctor of laws conferred upon him. Sometime to-day, possibly about this hour, in the city of Philadelphia, the University of Pennsylvania is conferring upon the distinguished Speaker of this House the degree of doctor of laws. In recognition of this honor, I ask for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore (Mr. Ackerman). The Clerk

will report the resolution. The Clerk read as follows:

House Resolution 337

Resolved. That the Clerk of the House is authorized and directed to transmit to the Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives, the congratulations of the House upon receiving the honorary degree of doctor of laws, to-day conferred upon him by the University of Pennsylvania.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

BRIDGES

The SPEAKER pro tempore. Under the special order of the day the gentleman from New York [Mr. LaGuardia] is recognized for five minutes.

Mr. LaGUARDIA. Mr. Speaker, it may be somewhat diffi-

cult to answer in five minutes the statement of the gentleman from Illinois [Mr. Denison] in 55 minutes.

Mr. DOWELL. I ask unanimous consent, Mr. Speaker, that

the gentleman from New York may have five additional minutes

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LaGUARDIA. Mr. Chairman and gentlemen, I believe that the merits on my side of the case so overweigh the opposition that 10 minutes will be sufficient in which to answer the gentleman's argument of 55 minutes. The question is not the procedure of the committee. It is not an analysis of the legislation on bridges. The question is, as stated by the gentleman from Kentucky [Mr. Robsion], whether or not it is to the best interests of the community if the State or any agency of the State can not of itself finance the bridge of construction, to permit the bridge to be financed by revenue-bearing bonds, those bonds having only the revenue of the bridge behind them as a guaranty for the bridge to be operated and controlled by a State or municipal agency instead of giving a franchise and monopoly to a private corporation.

Now, when the gentleman from Illinois talks about the franchise value, and the going value, and the earning value, all being specifically excluded in the committee form of bridge bill, it must be pointed out and made clear that such exclusions of values are applicable only at the time of recapture. All these items are included in fixing of the toll rates. That is exactly the cause for objection to privately owned bridges. charges, of course, make for unreasonable and excessive tolls

on bridges connecting to public highways.

I need not indulge in generalities. I will give you a typical case now pending before the Secretary of War under the procedure described by the gentleman from Illinois [Mr. Denison]. Take the case of the De Valles Bluff Bridge over the White River operated by the White River Bridge Co. According to actual figures the cost of constructing that bridge was \$163,358. It is assessed by the State of Arkansas at \$160,000. it earned \$61,938; in 1926, \$96,000; in 1929, \$67,000; and in 1928, \$120,000.

Mr. MAPES. Is that net?

Mr. LAGUARDIA. Before deducting interest, depreciation,

and Federal income tax.

The case is before the Secretary of War on application by the State for a decrease in tolls, and here are the figures submitted. I invite the attention of the gentleman from Illinois This is an actual case and typical. This is not theory or hypothesis. The value of the bridge is not based on the actual cost, the actual value of the physical property; but again we meet our old friend "reproduction value," and the reproduction value of this particular bridge costing \$163,000 in the application now pending before the Secretary of War is The total reproduction cost as against the actual cost-which it is said is so well protected in the bills we pass under unanimous consent-jumps from \$160,000 to \$361,816; the cost of the franchise, \$36,681; the sound going concern, \$75,000that is, fixed on the profits based on the income received from excessive tolls-and the franchise value, \$375,000, bringing it up to \$853,897.

Now, how was this capitalized? We go back to the capitalization and we find there is \$500,000 worth of outstanding bonds at 6 per cent, sold at 90. Three hundred and fifty thousand dollars of 10-year debentures at 7 per cent, and 20,000 shares

of common stock, no par value.

Mr. PARKER. Will the gentleman yield? Mr. LAGUARDIA. Yes.

Mr. PARKER. When was that permit granted? What was the date of the granting of the permit to build that bridge?

Mr. LaGUARDIA. The bridge was authorized by congressional act approved November 23, 1921.

Mr. PARKER. Before any of the provisions which the gentleman from Illinois has just cited were put in the bridge bills?

Mr. LAGUARDIA. Subsequent to the act of 1906, nevertheless

Mr. DOWELL. That increased value has been brought about because of the money that was invested by the Government and

the State in building roads leading to that bridge? Mr. LaGUARDIA. Exactly. The gentleman from Illinois [Mr. Denison] speaks of monopoly, and he says we are not giving any monopoly, because the committee may give somebody else the right to build a bridge alongside of it, but they never do. Where you have two Federal highways disconnected by a river and you there grant a franchise to construct a bridge, you create there a monopoly to charge tolls, not only for the use of that bridge but for the use of the very roads built by public funds, and you can not get away from it. It seems to me that away back in the Victorian age when some one coined the phrase or term "highway robbery" they must have had a private toll bridge in mind. [Laughter.]

Mr. WILLIAMS of Illinois, Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAMS of Illinois. How does the gentleman expect the people who travel these roads to get across a river?

Mr. LAGUARDIA. By bridges, of course.

Mr. WILLIAMS of Illinois. The municipal authorities and the State authorities are not in a position to build bridges. We are not building any in Illinois, although we have built 8,000 miles of roads, and the ferry companies now have a monopoly, and people are paying more for crossing the rivers by ferries than they would if they had to pay tolls over bridges.

Mr. LAGUARDIA. Is the gentleman on the Interstate and

Foreign Commerce Committee?

Mr. WILLIAMS of Illinois. No; but I have a little common

sense about these matters.

Mr. LaGUARDIA. I want to say that the States of Alabama, Louisiana, Kentucky, and Arkansas have already adopted the policy of either building the bridges themselves or financing these public bridges operated and controlled by the State or one of its agencies by private funds out of revenue-bearing bonds. Now, the State of California, which owns 95 per cent of its bridges, has just completed a survey, which I commend to the distinguished chairman of the Interstate and Foreign Commerce Committee and his colleagues, in which they point out that privately owned toll bridges cost more than publicly owned bridges. This is from the Investigation and Report of the Toll Bridges in the State of California by the Highway Commission.

Privately owned toll bridges cost more than publicly owned bridges for the following principal reasons:

The cost of organization and promotion is more for the privately owned bridge than for the publicly owned one.

The cost of financing a privately owned toll bridge is higher than the financing of a publicly owned bridge.

The cost of construction of a privately owned toll bridge is somewhat higher (from 10 to 25 per cent) than a publicly owned bridge, due in most cases to lack of competition in bidding on the contract.

The cost of operation is higher on a privately owned bridge than on a publicly owned bridge, primarily because amortization and interest charges are more.

The cost of public service over a privately owned toll bridge is higher than over a publicly owned one, because the capital investment is more and the interest rate higher. A profit is expected on a privately owned bridge and not on a publicly owned one.

The fixing of equitable values of privately owned bridges is so intricate and involved that it would seem almost impossible for the public to acquire them without either paying from 20 to as much as 250 per cent more than it would have cost the public to build them, or, on the other hand, causing a heavy loss to the investors in toll-bridge stock.

The State or counties or cities own and operate more than 95 per cent of the highway and bridges in the State. If public ownership is proper for 95 per cent, it would seem proper, on 100 per cent of the State system.

Added investment by the public in improving roads enhances the value of privately owned toll bridges located on or contiguous to these roads.

I want to take this opportunity to state that the Public Roads Bureau of the Department of Agriculture is not only alive to the situation, but is doing everything that it possibly can to prevent the Federal aid highways to our country being exploited and monopolized by private bridge companies. Mr. Thomas H. MacDonald, chief of the bureau, has a remarkable grasp of the situation and is doing everything that he possibly can to warn Congress against the continuance and a perpetuation of the vicious practice of privately owned toll bridges along Federal highways. I will here read a brief extract from the most interesting article entitled "The Freedom of the Road," written by Mr. MacDonald:

TOLL BRIDGE FRANCHISES GRANTED TO PRIVATE INTERESTS

There is much confusion in the public mind on this question. In all sincerity many have indorsed the private toll-bridge franchise on the theory that it is desirable to have bridges, and if the public funds are not sufficient or available, rather than do without it is better to grant a toll franchise to private interests. This is not the issue. The real issue is much simpler—too simple, apparently—and, of course, there is wide-spread propaganda directed toward keeping the wrong idea in the public mind. The real question is the very simple one of whether it is sound public policy to grant the right to collect a private profit from the user of the highway. The answer ought to be a vigorous and authoritative "No." There is no place on the public highway to-day for the privately owned toll bridge.

The need for capital for highway improvement is so large that it is not only necessary but, in many States, desirable to provide large bridges through toll collections. Where this situation exists, however, it can and should be met by the public in its own interests.

The public can finance and build at lower costs, and the largest bridge undertakings in the country to-day are being financed on the basis of

their earnings. Two methods are being used: First, municipal bond issues, to be retired from earnings, and, second, revenue bonds issued against the earnings, but not a municipal obligation in the sense of adding to the constitutional indebtedness,

The Port of New York Authority is engaged in building bridges of unusual size and cost. Four bridges will cost, it is estimated, \$100,000,000, and the cost will be met with the income. In this area a number of the most remarkable and most costly public works in the world are being provided without adding to the taxes on the property owner and with the profits devoted to freeing the projects from debt.

One of the projects financed on most favorable terms recently is the new Ohio River bridge at Louisville, Ky. Here is a splendid example of public financing by direct dealing with a strong financial house on the basis of a banking and not a stock-promotion project. The terms are eminently fair to the public. The city will build the bridge and completely control the whole project. Revenue bonds are issued against the earnings of the bridge and they are not a debt liability against the property of the city. The constitutionality of the contract has been passed upon favorably by the supreme court of the State, and within a reasonable time the city will own a magnificent bridge costing upward of \$6,000,000 without cost to the taxpayers.

The States of Alabama, Tennessee, Kentucky, Louisiana, Arkansas, and, perhaps, others have within recent months provided for the building of bridges, the costs of which are to be paid from tolls and then made free

Private toll-bridge interests are becoming bolder and obstructing the public's business. They are attempting to defeat legislation unfavorable to themselves and are obstructing the efforts of highway departments to carry on State projects. Seventy-five Federal authorizations to build toll bridges have been granted to private interests by the present Congress. The terms of these authorizations are wholly inadequate to protect the public's interest, and bills now pending on this subject are even more favorable to the private toll-bridge promoter than existing legislation. Incidentally, the proposal is carried to turn over the fixing of values and regulation of tolls to the Interstate Commerce Commission for bridges over navigable waters and over which interstate commerce is carried.

Basically, all bridges on the main highways have become valuable property because of the construction of highways. The bridges are only a part of such highways and should be legally treated as such. The Bureau of Public Roads made a survey of the situation, but was without legal authority, and consequently could not obtain the records of costs, earnings, investments, and other essential facts from private interests. A full investigation of the toll-bridge situation is needed as a basis for remedial legislation to safeguard the public in their use of the roads and to protect the public which invests in securities. It is a field from which the shoestring promoter should be excluded, and he will be if a thorough investigation is made.

Mr. OLIVER of Mabama. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. OLIVER of Alabama. I am very much interested in the gentleman's statement, and I think it is a matter that deserves the thoughtful attention of Congress. Speaking of the State of Alabama, they concluded, after a study of the evils flowing from the building of private toll bridges, to build them for the State, and they are now constructing 15 large toll bridges over rivers. The State found that the 15 bridges can be constructed for not exceeding \$5,000,000, and that they will amortize themselves probably in 10 years. They went before the committee and said:

We will not ask for 20 or 25 years, which you sometimes grant, but we will ask you to fix a limit of 15 years and, further, we will not ask to be allowed to charge tolls for approaches to bridges but will ask only for the right to charge for the construction of the bridges themselves.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. COCHRAN of Missouri, Mr. BOYLAN, and Mr. WIL-LIAMS of Illinois rose.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended three minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER of Alabama. The charging of tolls for approaches to bridges is another evil that ought to be corrected, and I want to say, in justice to the committee, when we presented this matter to them the committee unanimously voted to give the State this right.

Mr. LAGUARDIA. The State?

Mr. OLIVER of Alabama. Yes. Mr. LAGUARDIA. There is no argument against it.

Gentlemen, just bear in mind when the first act was passed by the Congress the automobile had not yet come into its own. Not even in the year 1906, the year of the statute upon which you rely, did we have the conditions that we have to-day. To-day we are appropriating \$75,000,000 for Federal aid to highways.

Mr. PARKER. Will the gentleman yield?
Mr. LaGUARDIA. Let me finish the sentence. And the
States appropriate about \$725,000,000. We are spending—

Mr. ROBSION of Kentucy. A billion dollars. Mr. LaGUARDIA. I thank the gentleman. A billion dollars on public roads. Your system, your procedure-I do not doubt the good faith of the committee-is antiquated, it is obsolete. The financing is unfair to the public. The time has arrived now when you can finance bridges operated by the State from private funds through revenue-bearing bonds if the State, county, or municipality can not afford to do it direct.

Mr. PARKER. Will the gentleman please point out how a

community can build a bridge where the State and the munici-

pality refuse to do it?

Mr. LaGUARDIA. Certainly.

Mr. PARKER. I would like to know and the committee would like to know.

Mr. LaGUARDIA. As is being done in the gentleman's own State.

Mr. PARKER. I grant you-

Mr. LAGUARDIA. By the port authority, by selling bonds by the municipality or by the county or by the State on the revenue of the bridge itself, and operating the bridge on a selfsupporting basis for service and not for profit.

Mr. PARKER. The gentleman is not answering my ques-on. I say where the State refuses and the municipality re-

fuses, how are you going to do it?

Mr. LaGUARDIA. Then I will say to the gentleman that where the State refuses and the municipality refuses to adopt the system of private financing through revenue-bearing bonds that community is not entitled to the consideration of the Congress

Mr. PARKER. Then they should be compelled to cross on a

Mr. Laguardia. If the committee assumes the policy— Mr. Parker. Answer the question, please. That is a fair

question.

The question is this: If you have public Mr. LAGUARDIA. highways, Federal-aid highways, by all means we should see to it that either the State or a State agency builds and operates the bridge, or else that the bridge is financed out of private funds through revenue-bearing municipal, State, or bridge bonds.

Mr. PARKER. I will say to the gentleman the committee would be very pleased if the States and the various municipalities would finance the bridges; but if they do not, the gentleman has not convinced me how it is possible for the community to

get the bridge

Mr. LAGUARDIA. If the committee will just hold back some of these bills, the gentleman will soon find that the States

will attend to the bridges. [Applause.]

It seems to me that Congress should uphold a public official like Mr. McDonald and adopt the policy of carefully scrutinizing every application for a bridge franchise made by promoters, private bridge companies, or private individuals. The very number of bills for extending the time to commence building the bridge indicates the speculative undertaking of these private companies who obtain a franchise from Congress only to go out and peddle the same or else promote it and mulct the enterprise by excessive tolls based on inflated valuation and watered stock.

Gentlemen, all that I am seeking to do is to protect the highways built by Federal and State money, so that they may be enjoyed by all of the people without paying a tribute to professional promotors and financial manipulators. I do not want to be a chronic objector to all these bills. I do want to do my part in stopping what I consider a vicious practice. I hope the time is not distant when there will come an end to these private bridge bills. Public highways and Federal-aid roads are simply inconsistent with privately owned toll bridges.

CONDEMNATION OF LAND IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker—
The SPEAKER pro tempore (Mr. Tilson). For what purpose does the gentleman from Maryland rise?

Mr. ZIHLMAN. Mr. Speaker, I rise to submit a unanimousconsent request.

The SPEAKER pro tempore. Is it a matter that will require any length of time to consider?

Mr. ZIHLMAN. I do not think so, Mr. Speaker. I think it will take just a moment,

The SPEAKER pro tempore. The gentleman may submit his request.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13461) to provide for the acquisition of land in the District of Columbia for the use of the United States, and I shall move to concur in the Senate amendments.

Mr. SCHAFER. Mr. Speaker, reserving the right to object,

briefly, what do the Senate amendments provide?

Mr. ZIHLMAN. The Senate amendments simply change the method of giving notice to the property owners, and provide that the estimated value of the property must be paid in when the Government files the proceedings, because title immediately passes to the United States.

Mr. SCHAFER. Are the Senate amendments for the benefit of the property owners or for the benefit of the Government?

Mr. ZIHLMAN. I think they further protect the property owners, and were so intended.

Mr. MAPES. Mr. Speaker, reserving the right to object, may we have the amendments read before consent is given?

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments,

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

DEGREE-CONFERRING INSTITUTIONS

Mr. ZIHLMAN. Mr. Speaker, I submit a conference report, for printing under the rules, on the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the language inserted by the House insert the following:

"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: 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 dentistry, for study pursued or work done by correspondence."

And the House agree to the same.

FREDERICK N. ZIHLMAN, CHARLES L. UNDERHILL, THOMAS L. BLANTON, Managers on the part of the House.

JOHN J. BLAINE, D. O. HASTINGS, ROYAL S. COPELAND, Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2366) entitled "An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions" submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

On amendment No. 1: By this amendment the House added to the requirement of the Senate bill that any institution seeking a license to grant degrees must satisfy the Board of Education that degrees were awarded only after completion of such quantity and character of work as usually required by reputable institutions awarding such degrees, the further requirements (1) that if more than half the requirements for a degree are earned by correspondence or nonresidence study, that fact should be conspicuously noted on the diploma; (2) that no diplomas conferring degrees in medicine or any healing art, or in law, shall be issued for correspondence study; and (3), in effect, that the course of study should be as approved by the Board of Education of the District of Columbia.

The position maintained by the Senate conferees was one of approval of the additional requirements with respect to notation on the diploma of correspondence study and interdiction of correspondence-school degrees in medicine or the healing arts. The Senate conferees were firmly of the opinion, however, (1) that ample safeguards were thrown about the licensing of degree-conferring institutions by the other provisions of the bill without requiring courses and methods of study to conform absolutely in all respects with a judgment or decree of the Board of Education of the District; and (2) that it was wholly unnecessary and inadvisable to prohibit granting of degrees for correspondence-course study of law.

The Senate conferees maintained that inasmuch as the bill requires the quantity and quality of work of institutions to conform to that usually required by reputable institutions, it would be unjust and unwise to in effect force reputable institutions conducting correspondence courses (including many great universities) to secure specific approval by the Board of Education of their entire courses and methods of study.

The Senate conferees were equally firm in their opinion that public interest did not require residence-school study of law. They did feel, however, that no degrees in dentistry should be awarded for correspondence-school study.

Because of the other safeguards of public interests contained in the bill and House amendments, the House conferees yielded as to specific approval of courses by the Board of Education and as to correspondence degrees in law, and agreed to the prohibition with respect to dental degrees. Other features of House amendment No. 1 were retained, as agreed to by the Senate conferees.

On amendment No. 2: The bill, as passed by the Senate and approved by the House District Committee, provided for revocation of licenses granted to degree-conferring institutions by the Board of Education, through proceedings instituted by the board, after public hearing on 30-days' notice, commitment of the evidence to writing, and with the right granted the school to have the case reviewed by the Supreme Court of the District of Columbia.

By its amendment No. 2, the House further provided that after notice is given by the board of its intention to revoke a license, and during the 30-day period of such notice, or during the time the board's decision is under review by the court, no diploma shall be awarded or degree conferred by the holder of the school license.

The position of the Senate conferees was that this amendment might result in serious damage to the school and injustice to its students, particularly those about to graduate after long study at the time of serving of the notice of intended revocation of license. The decision of the court might not be made for many months, or even several years, and meanwhile the school, which had complied with the law and been granted a license, would suffer serious injury without means of redress, and some of its students, who had pursued their courses of study in good faith, would be equally injured by reason of inability to obtain earned degrees.

In consideration of this position on the part of the Senate conferees, and the other undisturbed provisions of the bill requiring institutions now in existence and those hereafter organized to be examined and licensed before undertaking to confer any degrees, the conferees on the part of the House agreed to recede from amendment No. 2.

The net result of the action of the conferees is to leave the bill as it was favorably reported by the House District Committee, after extended hearings and full discussion and consideration, except that dental degrees are added to those that can not be awarded for correspondence study.

FREDK. N. ZIHLMAN, CHARLES L. UNDERHILL, THOMAS L. BLANTON, Managers on the part of the House.

POSTAL EMPLOYEES

Mr. BELL. Mr. Speaker, I ask unanimous consent to file minority views on the bill (S. 3281) to provide a shorter workday on Saturday for postal employees.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to file minority views on a bill reported by his committee. Is there objection?

There was no objection.

SAN LUIS VALLEY

Mr. HARDY. Mr. Speaker, I ask unanimous consent to publish in the Record a memorial of the General Assembly of the State of Colorado.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD by publishing a memorial of the General Assembly of the State of Colorado. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following memorial of the General Assembly of the State of Colorado:

Senate Joint Memorial No. 1

[By Senators Headlee and Shawcroft, Messrs. Sylvester, Mathias, Johnson (Conejos), and Jones]

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the General Assembly of the State of Colorado, again respectfully represents to your honorable body that what is known as the San Luis Valley on the Rio Grande, in which is located some 2,000,000 acres of irrigable, productive, agricultural land in the State of Colorado, has been greatly damaged and retarded in its growth and development to the detriment of the peoples of the San Luis Valley and the commonwealth of the State of Colorado, in this, to wit:

That for and on account of the action taken by the Congress of the United States and different departments of the Government of the United States, and particularly on request of the honorable Secretary of State, contrary to the advice of the Attorney General of the United States, in the year 1896 an embargo was placed upon the construction of reservoirs on the upper Rio Grande in the State of Colorado.

That by reason and on account of such embargo, the peoples of the San Luis Valley were prevented from constructing reservoirs whereby they could scientifically and economically administer the distribution of irrigation waters from the Rio Grande River in that territory.

That as a direct result of the prohibition, illegally and unjustly placed upon the people of the San Luis Valley as aforesaid, a large amount of irrigation water was applied to lands in the springtime when the river was in flood, during which period these people were prohibited from the construction of reservoirs to properly regulate their supply of water, in an attempt to secure a sufficient amount of ground storage to supply their crops during periods of drought. This excessive use of water in the springtime resulted in the seeping of a large area of land aggregating several hundreds of thousands of acres theretofore very productive; a total loss of its productivity resulting, and a direct loss to the landowners and entrymen on the public domain in that locality variously estimated at from \$187,000,000 to \$200,000,000, in addition to the loss of homes and improvements erected at the cost of a lifetime of toil by the owners of such lands, and the desolation of a thriving and productive community, occupied by several thousands of happy, industrious, satisfied, and contented people, all citizens of the United States of America.

That in the year 1925, the embargo against the construction of reservoirs on the upper Rio Grande in Colorado was removed and was then found by the then Secretary of the Interior to have been illegally initiated and imposed.

That by the drainage of said lands and the construction of reservoirs now permitted, whereby the application of water in the future may be properly and scientifically regulated, said lands, now desolate and unproductive, may be reclaimed and again made productive; but before such reclamation can be provided for it is necessary that an outlet for the excess waters so applied to such lands which caused the seepage thereof be provided for from what is known as the San Luis Lakes to the Rio Grande, a distance of about 22 miles.

That the action of the governmental agencies of the United States in imposing such an embargo whereby the peoples of the San Luis Valley were prohibited from exercising rights unquestionably exercised and enjoyed by all other citizens was unjust and discriminatory.

That the people of the San Luis Valley have never been recompensed in any particular for the great loss occasioned to them by these unwarranted and unjust acts of the United States Government, notwithstanding the fact that the peoples of southern New Mexico and western Texas on the Rio Grande River, under what is known as the Elephant Butte Dam, have been heretofore compensated by a direct appropriation of Congress in the amount of \$1,000,000 to compensate them for 60,000 acre-feet of water ceded to the Republic of Mexico which, as a matter of fact, on account of the embargo heretofore mentioned, in practical operation was charged directly to the San Luis Valley in Colorado.

That the 60,000 acre-feet of water, heretofore ceded to Mexico by the United States, can be replaced in the Rio Grande by the construction of the outlet contemplated; 2,000 square miles can be added to the drainage area of the Rio Grande and the flow of the river be materiall; augmented, thereby furnishing an additional supply of water for the use of the people in New Mexico and Texas.

Your attention is respectfully directed to a similar memorial to the Congress of the United States adopted by the Twenty-sixth General Assembly of the State of Colorado, since the adoption of which at the suggestion of the Department of the Interior the Reclamation Service and the State engineer of Colorado have made a joint study of this important matter.

We therefore again urge the Congress of the United States of America to take appropriate action to relieve as far as possible the territory devastated as a direct result of the embargo so imposed by providing an outlet from the San Luis Lakes to the Rio Grande in order that these unfortunate people, sacrificed upon the altar of what was in 1896 no doubt considered to be for the good of the Nation, be permitted to drain these lands and relieve the condition brought about by the imposition and maintenance for 30 years of an embargo illegally initiated and imposed.

DAVID ELLIOT. President of the Senate. ROYAL W. CALKINS.

Speaker of the House of Representatives.

SECOND DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill, H. R. 17223; and pending that, I desire to ask the gentleman from Tennessee if we can agree upon the time for general debate.

Mr. BYRNS. I trust that the gentleman will simply make the request for the division of time and let the debate run for

a while.

Mr. WOOD. Mr. Speaker, pending that I ask unnanimous consent that the time for general debate be equally divided, the gentleman from Tennessee [Mr. Byrns] to control one half and I to control the other half.

The SPEAKER pro tempore. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17223; and pending that, he asks unanimous consent that the time for general debate be equally divided, he to control one half and the gentleman from Tennessee [Mr. BYRNS] the other half. Is there objection?

There was no objection.

The motion of Mr. Wood was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The Clerk read the title to the bill, as follows:

A bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. Mr. Chairman, I yield 15 minutes to the gentle-

man from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, a resolution was introduced in the House on January 3 providing for the appointment of a select committee of five to investigate the expenditure of international bankers, United States international business organiza-tions, and their legal representatives, and foreign interests to influence the foreign policy of the United States. As is well known, immense sums of money have been expended for this purpose during the last eight years.

This resolution has not been pressed at this session because

the time was too short for the investigation.

This order of investigation will be reintroduced in the next Congress and vigorously pressed for action in order that there may be exposed to the American people the sinister financial interests and purposes of those who for financial gain would involve the United States in foreign entanglements and destroy The highest public interest demands that her independence. this investigation should be made.

For nearly a century European international bankers have directed and controlled the foreign policies of their respective countries. It has not been uncommon for foreign interests to spend large sums of money to effect their purposes in alien States. These international interests, together with United States international bankers and business organizations, have created a network of expensive propaganda and intrigue to have the United States abandon its wise traditional policy of no foreign entanglements, and they will succeed in their purpose

unless public opinion, aroused by the exposure that would result from this investigation, stop them in their course

These interests assisted by American internationalists attempted, first, to have the United States join the League of Nations, and upon their defeat to have the United States adhere to the protogol of the Permanent Court of International Justice of the League of Nations, the servant and political agent of the league, as a preliminary step toward entry into the league itself, and upon their defeat in this direction, to have the

United States approve the multilateral treaty.

The approval of the multilateral treaty was the first commitment of the United States to internationalism, and the first success of these interests assisted by American internationalists. The League of Nations now asserts that the multilateral treaty commits the United States to the conclusions of the league and that the United States can not oppose hereafter anything it does to enforce peace. It insists that we have lost our rights as a neutral Nation, and there is much force in this assertion. for the first time the United States is entangled with the This is what these interests and American internationalists desired for the accomplishment of their purpose. Their purpose, let it be repeated, is our ultimate entry into the League of Nations, the next step toward which is our adherence to the protocol of the Permanent Court of International Justice of the league. This court is a political court for the enforcement of the Versailles treaty and, incidentally, for the settlement of international disputes. As nations need not be members of the court to have recourse to it for the settlement of disputes, the only reason for United States adherence is as an approach toward entry into the league itself, which the internationalists are now again vigorously pressing.

The first witness who should be called before the committee is Ivy Lee of New York, who recently sent to Members of Congress an elaborately printed publication containing two speeches of a foreign premier the evident purpose of which was to influence the passage of the multilateral treaty and to prevent the expan-

sion of our Navy.

Mr. SCHAFER. Will the gentleman yield? Mr. TINKHAM. I yield. Mr. SCHAFER. Is Mr. Lee an American citizen?

Mr. TINKHAM. I understand that he is.

Mr. Lee, according to Who's Who in America, 1928-1929, was a member of the personal advisory staff of John D. Rockefeller in 1915-16 and now is adviser in public relations to John D. Rockefeller and other large interests; was a lecturer in the London School of Economics, 1911-12; is chairman of the English-Speaking Union, a fellow of the Royal Economic Society and of the Royal Geographic Society, and a member of the Royal Automobile and Author's Clubs of London.

On the 10th of January, in an interview in New York when denying charges that he had received money from the Soviet

Government, Mr. Lee stated:

In view of all the activities with which I am associated, in behalf of large business interests, every principle of whose operations is opposed to some of the fundamental tenets of the Russian Government, it would be absolutely impossible for me to engage in any activity which might in the remotest manner, accept financial support from the Soviet

International bankers, it is said, have repeatedly made as one of their conditions to floating in this country the loans of some foreign governments the retention of Mr. Lee by those governments at a high salary. This is the character of the work in which is engaged a man who used his influence for the approval of the multilateral treaty and the defeat of the cruiser bill. He is the personal representative of John D. Rockefeller and the international oil interests and international finance. If this man is summoned before the investigating committee, the ground will be laid for the exposure of one of the grossest scandals which have ever defaced political affairs in this country. oath Mr. Lee would be compelled to state in whose interest he is acting, from whom his money is received, and what are his activities, direct and indirect, in relation to the foreign policy of the United States. No facile and plausible statement not made under oath by Mr. Lee should satisfy the American people. He is a past master of affable indirection and evasion.

The international Standard Oil interests, John D. Rockefeller, and their agent, Ivy Lee, now open propagandists against the interests of the United States, have no country, no flag, and no allegiance except to the power of money and what money can

compel or buy.

Are the American people to accept without protest foreign policies and international commitments dictated from these sources? Is the sovereignty of the United States to be sacrificed

and the traditional independence of the United States destroyed

by the money and for the profit of such men?

These interests and these men assume the attractive habiliments of lofty sentiments and high-sounding phrases, but underneath there is no love for national independence, no love of but a desire for personal power and their own selfish country, What John D. Rockefeller thinks is right never conflicts with his financial interests.

Men of this character have lately become so bold and open in their activities in public affairs and at present in our international affairs because of a false doctrine which is being constantly disseminated by public authorities—the doctrine that the end of government and of the policies of government is the acquisition of wealth and the achievement of well-being, and the subordination of all national policies to this end. pernicious doctrine all history shows has destroyed liberty, independence, character, and conscience, and finally the very virility of a race. Such a doctrine abolishes all concepts of independence of country, liberty of person, and individuality, and is opposed to their very existence. Such a doctrine is the deification of the brutality of organized wealth.

Since the introduction on January 3 of the order of investigation the following startling and convincing events have

First. The appointment of J. Pierpont Morgan, the leading international banker of the United States, and of Owen D. Young, the president of one of the largest United States international business organizations, as semiofficial representatives approved by the Government to the conference to be held in Europe in relation to German reparations, and the election of the latter, with the consent of the United States Government, as

chairman of this commission.

Second, The mission of Elihu Root, an ex-Secretary of State, formerly known as the leading adviser of international bankers and international business organizations, to a conference of jurists appointed by the Council of the League of Nations to make any necessary changes or amendments in the procedure of the Permanent Court of International Justice of the League of Nations, with the evident purpose of consummating United States adherence to this court and obviating the reservations made by the United States several years ago to control its political activities. This mission was not undertaken until after a visit to the President and the President elect of the United States and the Secretary of State; and Elihu Root is a publicly declared exponent of United States entry into the League of Nations.

Third. The recent employment of Charles Evans Hughes, another ex-Secretary of State, by John D. Rockefeller, jr., to represent a committee formed by the latter to obtain control of a great international oil company which recently acquired, together with British interests represented by Lord Inverforth, another large international oil company. Not only is Mr. Hughes one of the best-known advisers of international bankers and international business organizations, but he has recently been elected to membership on the Permanent Court of International Justice of the League of Nations, which court he wishes the United States to join. Yet, before this very court of which he is a member come questions which in various ways vitally affect the stability of American international loans and American international business interests, and, further, in a recent case of an advisory opinion rendered in relation to Mosul in the Near East vitally affected international oil interests.

Unless the character of the American people has been entirely wrecked by the grossest materialism and their patriotism and love of liberty changed to insatiable greed, they will not long tolerate that all public policies, foreign and domestic, shall be determined solely by financial gain and at the cost of the independence of the country and the liberty of the individual

[Applause.]

Mr. BYRNS. I yield 25 minutes to the gentleman from Vir-

ginia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, after listening to the splendid oration by the gentleman from Pennsylvania [Mr. Beck] to-day, one of the ablest lawyers and brightest minds in all the United States, I hesitate to approach the subject which he so ably discussed. Indeed, some of the press in my State have criticized me rather severely for presuming to discuss constitutional questions, State and National.

Passing this over, I will say that during the 12 years I have represented my city and district in the State and National Legislatures, I have devoted the greater portion of my available time to the consideration of constitutional questions, for the reason that I desired to determine for myself how I should vote on such questions in this body. It is unfortunate that this body too often allows itself to "sink great fundamental ques-

tions for temporary advantage" as suggested by the gentleman

from Pennsylvania

My remarks will be addressed to the passage by this body of Senate Joint Resolution 182. I believe this resolution has passed both bodies, but has not yet been signed by the President, and we do not know whether it will become a law or not.

This resolution authorizes the loan to certain South Atlantic States of \$6,000,000 to be allocated for the purchase of seeds and fertilizers for certain people who are supposed to have suffered from national disaster. I presume that those who voted for this resolution did so with the idea that it would come within the general welfare clause of the Constitution, although it applies only to certain individual States, to a certain class within those States, and to certain individuals within a certain class in those

Speaking for myself and those people of Virginia who may agree with me-and my belief is that a great majority of them will agree with me upon this question-I desire to take advantage of this opportunity to again voice my protest against incorporating Virginia in the proposed legislation for lending money to the South Atlantic States because of supposed disasters from storms and floods. So far as I am aware there have been no unusual disasters in Virginia. Of course, we have a few creeks that overflow their banks annually, and sometimes a crop may be damaged or destroyed as a result of seasonal rains, but I can see no justification for placing Virginia in the column of supplicant States when our press is almost daily expressing to the public the great progress and development and prosperity existing within the past few years. During the recent past I had occasion to investigate the material development of our State in the decades from 1900 to 1920, in which I had recourse to the United States census reports and financial statistics of the States, published by the Departments of Commerce and Treas-Considering natural resources the basis of all wealth, we included the percentage of increase in wealth from agriculture, mineral production, sea-food production, and forestry. We also included the percentage of increase in bank capital, surplus, and deposits, and reducing the whole to a common average we found by comparison that of all the States of the Union Virginia stood thirteenth in the percentage of wealth accumulated. She stands tenth among the States in the volume of money tributed toward the support of the National Government. From the standpoint of efficiency and economy she stood twentyeighth among the States of the Union in the per capita of revenue levied for the support of the State government, including highway construction. In the matter of educational facilities afforded to our children in the year 1926, she stood sixteenth among the States in the volume of money invested in school plants; that is to say, in land, buildings, and equipment, irrespective of size or wealth, and in the volume of money appropriated for maintenance she stood fourteenth.

It is true that agriculture in Virginia, in common with other States in the Union, has suffered during the past few years, in-cident to the fact that farm products have not advanced in market prices proportional to other production, while the labor cost, supplies, and transportation have increased nearly or quite 100 per cent. Nevertheless, intelligent and consistent land improvements have led to a higher per cent of yield, which has in a large measure offset the increased cost, and I have not observed that agriculture in Virginia has suffered so much as has been claimed from some other sections of the country. Virginia, therefore, can not and has not made any claim as a pauper State. My colleagues from Virginia have not expressed themselves upon the floor of the House as to this matter other than by an aye-and-nay vote. They, of course, are to the same extent with me responsible for legislation affecting Virginia's welfare. But Virginia is able from her own treasury to take care of her people, and we ought to know that we can not get something for nothing. The Federal Government has no money save that taken from the pockets of the people, and it is far more expensive to dispense through the Federal than State

Governments.

In view of the consistent attitude of Virginia's representation since the foundation of our Government, that we adhere to a strict interpretation of the Constitution with respect to the delegated powers, and the claim that the general-welfare clause is limited by the specific explanations as to the meaning of "to pay the debts and for the common defense and general welfare of the United States," set forth in section 8, Article I, of the Constitution, it is inconceivable to me that we should at this late day, without cause or reason, recede from our timehonored position and ask to be participants in looting the Treasury of the United States. In 1887 Grover Cleveland, a Democratic President, whose memory we revere, vetoed a similar bill providing Federal aid for the purchase of seed for the relief of certain drought-stricken areas in Texas. Among other reasons a period of time. Why should we desire to break down this which prompted the veto he said:

I can find no warrant for such an appropriation in the Constitution. I do not believe that the power and duty of the General Government ought to be extended to the relief of individual suffering which is in no manner properly related to the public service or benefit.

Such is my conception of the effects of Senate Joint Resolution 182.

Every Representative upon assuming his duties of office takes a solemn oath to support and uphold the Constitution, which he should respect if he has any desire to preserve the integrity of our system of government. I have always voted against this kind of legislation, and I spurn the support of such measures simply because it proposes to incorporate my State as a party to a measure which I consider unwarranted. This sop, voluntarily thrown to our State, is too marked an appearance of an effort to purchase our consent and acquiescence in any kind of raid that may be proposed upon the Treasury of the United States. We have inveighed against the leasing of our oil fields to private interests as a gross scandal and robbery. If we voluntarily accept this sop we should ever hereafter hold our peace and indorse any scandal or corruptions that may develop in the conduct of our Government. Like Banquo's ghost, it will continually arise to plague us in the future. I have had, gentlemen, Members of this House say to me that my position is entirely right, but while the "swng" is being doled out we should get our part. I resent and spurn the thought of asking or taking from the Federal Treasury anything to which we are not justly entitled. even though every other State in the Union were taking a part of the "swag." Let me repeat that two wrongs do not make a right, and after all this is a mere gesture, a pretense of doing something for the farmer which in reality means nothing. have already established farm-loan banks, intermediate credit banks, tariff legislation, revolving funds, and the Agricultural Department. The latter is spending \$154,000,000 annually, supposedly to aid the farmer. But when the farmer undertakes to borrow from the Government he will be required to give some kind of security.

Those farmers who have security do not need this aid. they have land, they can borrow from the farm-loan bank; if they have crops, they can borrow on warehouse receipts; if they have none of these, they can not borrow, and, indeed, if he has these securities he can more conveniently borrow else-Those who have no security, farmers who lease land and obtain credit from supply houses with which to purchase their team and implements and even supplies of food to carry them through the year, have no securities to offer and, in reality, but little to lose even should there be a disaster of a nature which has not yet been shown. This class of farmers, there fore, will not be able to borrow of this proposed fund. All that the average American citizen has a right to ask or does ask of his Government is that it hold open for him the door of opportunity. He does not ask alms, but demands that to which he has a right, and that these opportunities shall not be taken from him by monopolies and concessions granted to monopolies by the Government. This is the great evil, in my opinion, from which agriculture and all other kinds of small business are to-day suffering, and if Congress really wants to do something for the small business man we should rehabilitate and strengthen the Sherman antitrust law.

As stated recently on this floor, the paramount argument used by the Republican Party as a reason why the southern people should support their ticket was that in so doing we could "get out of the Government, presumably something to which we are not entitled. So far as my observation goes, our people have placed principle above filthy lucre. We do not want that to which we are not entitled. During my eight years of experience in this body I have found no great difficulty in getting that to which we are entitled. The preservation of the integrity of our Government as created by our ancestors is the greatest boon that can be given to the American citizen. delegated powers are exceeded and the reserved rights of our sovereign States are destroyed or absorbed by the Federal Government it must inevitably lead to an autocracy, oppression, and tyranny, and the stifling of opportunity which will eventually reduce the average citizen to a condition of servitude. The greatest service, therefore, that a Representative can render to his people is, in my opinion, to preserve, so far as it may be in his power, the fundamental principles upon which our Government was founded. The preservation of the rights. Government was founded. The preservation of the rights, privileges, and liberty of the individual has stimulated the American people to an ingenuity unsurpassed in the history of the world. We have advanced in the arts, sciences, transportation, education, and material prosperity under our system as no other nation in the history of the world has done in so short a period of time. Why should we desire to break down this system and encourage the American citizen to loot the Federal Treasury to supply his every want rather than depend upon his own ingenuity and effort?

The Democratic Party may be ridiculed as being "always on the unpopular side in order that it may be right," but it has been a stabilizing influence upon society. It has contributed no little to the revelations of fraud, graft, and wrongdoing by men in public life. Its record when in power is one of which we have no cause to be ashamed. It is true that during and after the Great War our party was accused of extravagance and wastefulness, but I recall that after appropriations of more than \$700.000 by the Congress to investigate its acts during that period of time no instance of wrongdoing was discovered of sufficient moment to warrant prosecution in the courts.

Let us not, therefore, accept in silence a voluntary offering in questionable raids upon the Treasury which can be offered as an example of our own mendacity in the future should there be a return of the oil scandals or parallel graft. [Applause.]

Mr. WOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH. Mr. Speaker, we have heard and read much concerning the accomplishments of the United States Bureau of Reclamation during the past few years. Investigating commissions have deliberated and reported. Magazine writers have filled pages with prejudiced views, and some Members of Congress have criticized without stating all the facts.

If what we have heard and read from these sources were the only information available pertaining to the work of the United States Bureau of Reclamation, the conclusion might be reached that its accomplishments for the past 26 years had cost too much.

Fortunately for the home builders on the arid lands, there are two sides to the story. The wisdom and vision which gave President Roosevelt the inspiration and courage to recommend that a bureau of the United States Government be given authority, through special act of Congress to use money, accruing from the use and sale of western public lands, for creating western homes, and opportunities for those who might choose to cast in their lot with the West, have never been impugned or successfully challenged.

Out of the 26 years' effort and experience has come much that is of national advantage and cause for large appreciation.

Sometimes during that period the engineering and physical factors have overshadowed the human part of the enterprise, and mistakes have been the result. Sometimes local enthusiasm backed by able political advocates have had a part in allocating some of the reclamation funds in the wrong places. However, our vision and perception of the actual facts and accomplishments should not be clouded or distorted by the smoke screen and clouds raised by those who may be passively indifferent or are out of sympathy with the work of the Reclamation Bureau.

It has been a source of satisfaction to note that real progress has been made in the face of many unforeseen obstacles in this effort to establish western agriculture and industry.

Massive dams have been constructed; great artificial rivers have been diverted over the deserts; cities, churches, schools, colleges, and farm homes have been built in what a generation ago was largely desert. These are accomplishments and monuments well worthy of the highest respect and appreciation of an intelligent people for the vision and courage, in the face of many unforeseen obstacles, which inspired and caused to go forward those reclamation pioneers who in a single generation have written a new chapter into the history of the Nation and the West.

President Roosevelt, in his first message to Congress in 1901, proved himself a great prophet and statesman for his country and was fully conscious of those factors most influencing our national welfare and ideals, when he referred to our greatest natural resources, land and water, in these words:

It is as right for the National Government to make the streams and rivers of the arid region useful by irrigation works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind.

The reclamation and settlement of the arid lands will enrich every portion of our country. Just as the settlement of the Ohio and Mississippi Valleys brought prosperity to the Atlantic States, the increased demand for manufactured articles will stimulate industrial production, while wider home markets and the trade of Asia will consume the larger food supplies and effectually prevent western competition with eastern agriculture.

Indeed, the products of irrigation will be consumed chiefly in upbuilding the local centers of mining and other industries, which would otherwise not come into existence at all. Our people as a whole will profit, for successful home making is but another name for the upbuilding of a nation.

On June 17, 1902, President Roosevelt approved the United States reclamation law, which set aside the receipts from the sale of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming for construction of irrigation works under direction of the Secretary of the Interior. Later the benefits of the law were extended to Texas.

ENCOURAGING FARM-HOME LIFE

For 26 years the United States Bureau of Reclamation has been assisting in conserving and developing our national resources of land and water.

It has built up a farm-home life, not only as a business but as a mode of living.

Judging from some superficial discussions initiated by those who really have but little true knowledge of what constructive development of large desert areas into peopled, prosperous, and productive communities means or requires, the uninitiated public mind largely appraises the works of the United States Bureau of Reclamation as failures or very limited successes

As a westerner, and one who, for over 40 years, has watched with sympathetic interest the gradual driving back and overcoming of the desert and flood liabilities, obtaining throughout the old West of 50 years ago, I am amazed at the great achievements and the seeming facility with which the obstacles, by many considered insurmountable, have been overcome within a relatively short period of time, and practically without expenditure by the National Treasury.

THE ENTIRE NATION HAS PROFITED, BOTH EAST AND WEST

Two outstanding facts should be nationally emphasized:

First. The East has lost nothing from any appropriation craved by it, on account of the work of the United States Bureau of Reclamation, as practically all of the new money invested in this enterprise came from the West through the sale and leasing of western public lands.

Second. The investment of western money in the West should not be a source of dissatisfaction, especially when such investment has so materially assisted in peopling the desert and adding to the wealth, population, and prestige of the West.

Criticism by easterners of the work accomplished by the United States Bureau of Reclamation, therefore, can only be defined as uninformed provincialism, and when westerners criticize this great work, they are either echoing propaganda set on foot by interests inimical to the West, or of that emanating from those who lack real knowledge of the true sources from which the money thus invested has come, and of the transformation within many western communities brought about through its investment.

THE WORK OF THE UNITED STATES BUREAU OF RECLAMATION COMPARED WITH MILLIONS SPENT IN THE EAST AND SOUTH ON RIVERS AND

It would be of much interest here to compare the results obtained by the United States Bureau of Reclamation in building up the West and actually creating new national wealth through irrigation, power development, and flood control, with those obtained from the expenditure of the many millions appropriated by Congress from the National Treasury, from time to time, for river and harbor improvements, in the South and East.

In May, 1896, Congress passed over President Cleveland's veto a single bill providing for the appropriation and expenditure of \$80,000,000 for "river and harbor improvements," payable from the National Treasury.

It is of interest to us at this time to note what President

Cleveland said when returning this bill to Congress without his approval, which Congress immediately passed over his veto. Here is his statement:

Many of the objects for which it appropriates public money are not related to public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

On June 23, 1923, in a public address, President Harding said, when referring to the enormous sums appropriated from the National Treasury, for river and harbor improvements:

The Federal Government has expended approximately \$1,130,610,000 on river and harbor improvements. Only last spring the Congress appropriated \$56,589,910 in spite of a Budget recommendation of less than half that amount.

For the sums spent on harbors we have most beneficial results. The millions expended on inland waterways, on rivers, and canals have brought small returns because we have put them to no practical use. Though we expected to cheapen carrying charges and facilitate transportation, we have failed in coordinating service and allowed the railroads to discourage every worth-while development.

Just what benefit to the Nation the expenditure of this \$80,-000,000 appropriation for "river and harbor improvements" and other scores of millions appropriated for like purposes has been, is not entirely apparent at this time; but assuming all was wisely spent, we feel confident no more worthy purpose existed for these expenditures and no greater accomplishments have been attained than from the use of \$144,000,000 of western public land money in the West by the United States Bureau of Reclamation for water storage, irrigation, power development, and flood control.

FLOOD CONTROL STRUCTURES CONVERTED INTO NATIONAL ASSETS

Engineers now recognize that the most effective and economical flood-control structures are storage reservoirs in the Western States, where the streams leave the mountains. floods on the Mississippi-Missouri River have been and will be lessened by irrigation storage works on the Missouri's tributaries in the mountains far to the west of the areas flooded.

The former damage from the Rio Grande floods has been greatly lessened by construction of the Elephant Butte Dam.

Many eliminations of the flood hazard can be found in drainage basins, both south and west, where the waters so stored are converted into a national asset rather than a national liability.

Irrigated farms, great hydroelectric power development for domestic and industrial use, flood control and elimination of erosion and destruction of great western watersheds, are all achievements of the United States Bureau of Reclamation.

Able engineers and a bureau of our National Government, responsible for these great epoch-making accomplishments, should receive the Nation's thanks and commendation, rather than loose criticism from those who would draw an unfavorable picture of a great national achievement.

ACCOMPLISHMENTS OF RECLAMATION PIONEERS

Some physical accomplishments of the United States Bureau of Reclamation are:

Thirteen million acre-feet of water storage created where irrigation, hydroelectric energy, and flood control unite to make of tremendous economic value that which was formerly largely wasted and often a flood menace.

Sixteen thousand miles of canals, distributing laterals, and drains; 31 miles of tunnel; 11,332 bridges and thousands of smaller structures built for western improvement.

Great massive structures, such as the following-named dams, will remain as monuments to the courage and foresight of those responsible for their initiation and completion, and will remain sources of public wealth through the centuries to come, long after the generation which built them has passed into history.

AMERICANS SHOULD ACQUAINT THEMSELVES WITH THE ECONOMIC IMPOR-TANCE OF THESE NATIONAL ASSETS

Jackson Lake Dam, in Wyoming, for Idaho farms. Roosevelt Dam, Ariz. East Park and Stony Gorge Dams, Calif.

Arrowrock and American Falls Dams, Idaho. Colorado River Roller Crest Dam, Colo.

St. Marys and Sherburne Lakes, Mont.

Pathfinder Dam, in Wyoming, for Wyoming and Nebraska. Elephant Butte Dam, in New Mexico, for New Mexico and Texas.

Belle Fourche Dam, S. Dak. Shoshone Dam, Wyo.

Strawberry Valley Dam, Utah.

Tieton Dam, Wash.

Conconully Dam, Wash. Lahontan Dam, Nev.

And more than 100 smaller structures of like character.

These structures will stand out as among the important economic and physical contributions of large and permanent value which our day and age will bequeath to posterity.

They are the initial structures of like character which will continue to be built as demand for food and opportunity, which a farm home gives to a nation, increases. Eventually all winter precipitation on western mountains will be stored and used for the benefit of the Nation, rather than rush to the ocean in flood

Two of these enterprises have offered occasion for amicable settlements of water questions of international character.

The water stored up by these dams for irrigating millions of hitherto unproductive arid acres, now converted into gardens and farm homes; the hydroelectric energy furnished to sections far removed from other large power and fuel supplies, and the flood control afforded, are not matters to be lightly criticized or passively overlooked.

Ere long, the vision and wisdom of the reclamation pioneers will be more fully appreciated and their work acknowledged as

one of the leading economic contributions made to our Nation | by the twentieth century.

FARMERS PAYING OVER \$5,000,000 ANNUALLY TO RECLAMATION REVOLVING FUND

We have heard much about the noncollection of irrigation costs by the United States Bureau of Reclamation. What are the facts? During the past nine years, covering a period of great economic depression among the farming class, collections which have been received by the reclamation fund average well over \$5,000,000 a year.

The present constructed works are capable of serving about 3,000,000 acres with irrigation water, of which an area of 1,956,910 acres is wholly dependent upon the United States Bureau of Reclamation for water, and was largely unproductive and without value or demand for goods and business before reclamation.

Over 1,431,500 acres are actually cropped and producing food and textile necessities of life.

275 PER CENT RETURN ON TOTAL INVESTMENT-\$50 PER ACRE ANNUAL AVERAGE CROP VALUE

The increased value of lands and other properties on farms and in towns, within the enterprises watered by the United States Bureau of Reclamation, is authoritatively estimated at \$550,000,000, a figure which compares well with the total expenditure of \$229,000,000 for reclamation purposes.

The crops raised within United States Bureau of Reclamation enterprises, in 1927, in a period of relatively low prices, and on lands dependent on reclamation works for their irrigation supply, had an average value of \$50.33 for each cropped acre, or

a grand total of over \$133,000,000 for a single year.

From the twenty-seventh annual report of the Bureau of Reclamation for the fiscal year ending June 30, 1928, we select these figures:

One hundred and forty-three million dollars of the total invested by the Reclamation Service since 1902 accrued to this fund through the sale of public lands, sale of reclamation town sites, and proceeds from the public-land oil leasing act.

Over \$77,000,000 has already been repaid by the farmers and returned to the Government for further use in the reclamation revolving fund.

OVER \$1,000,000 REALIZED ANNUALLY FROM SALE OF HYDROELECTRIC POWER

Fifty power units have been built and are operated by the various enterprises; 396,577,911 kilowatt-hours of electrical energy were produced by these plants in the season of 1927-28, of which 251,768,744 kilowatt-hours were sold to cities, power companies, sugar companies, and farmers, at wholesale, for the sum of \$2,674,658.25, and the remainder of such electrical energy was used where produced, in irrigation or for other purposes.

Other figures, denoting social as well as economic progress, also show what has taken place during the past 26 years on these enterprises.

One hundred and forty-three thousand two hundred and twenty-seven people living on 38,428 farms and 429,683 people residing in 207 towns on these projects is one accomplishment of the United States Bureau of Reclamation.

Six hundred and eighty-five schools, 683 churches, 135 banks, with about \$10,500,000 in capital and \$137,487,000 in deposits, by 237,612 depositors, are other national assets in which the United States Bureau of Reclamation has had a definite part in cre-

How many public or private enterprises requiring large capital investment, initiated over a period of 26 changeful years, can now show an annual return of 31 per cent on the investment in dollar products alone, with increased property values of \$550,000,000, or 275 per cent on the total capital employed for the period, to say nothing of the advantages to industry and commerce and in political prestige which these new settlements and values give to western America?

One million nine hundred and fifty-seven thousand acres of desert made into farms is no mean achievement for a public, private, or corporate agency. Some mistakes were initially made, due to a pioneer field of endeavor by our Government, but to those who know the details of this undertaking, it seems a marvel that there were so few.

Farmers and their families, many of them from the humid sections of our country, have learned much by experience and are now applying that knowledge in avoiding mistakes of the past and in building up for themselves a competence in these irrigated communities of the great West, where life is abundant and where industry and individual initiative are yet rewarded generously.

Mr. BLANTON. Mr. Chairman, will the gentleman yield? Mr. SMITH. Yes.

Mr. BLANTON. Do the \$550,000,000 of increased values, due to reclamation, represent something that is for the farmer or against the farmer, generally?

Mr. SMITH. It is for the farmer, as it means the creation of national wealth and enables thousands of people who otherwise would not have a home on the land an opportunity to get one on the land

Mr. BLANTON. But it creates a surplus.

Mr. SMITH. Oh, no.

Mr. BLANTON. Which is to the detriment of the farmer.

Mr. SMITH. Not at all.

Mr. BLANTON. It brings prices down by reason of overproduction

Mr. SMITH. No; because less than 1 per cent of farm commodities raised in this country are raised on Government reclamation projects.

Mr. BLANTON. Yet it does reduce prices to that extent.

Mr. SMITH. Not at all, because 90 per cent of the products produced on reclamation projects are used in the locality in the cities, towns, and communities developed because of the construction of these projects.

Mr. BLANTON. But it is an increase in the surplus, which is to the detriment of the farmers generally?

Mr. SMITH. Not at all, for, as I have stated, 90 per cent of the products raised on these projects are consumed in the immediate locality.

Mr. BLANTON. It is overproduction that is ruining the farmers of the United States.

Mr. SMITH. Only the wheat and corn growers.

Mr. LEAVITT. Is it not also true that what is raised on the reclamation projects is very largely not the kind of crop of which there is a surplus?

Mr. SMITH. That is true.

Mr. LEAVITT. It consists of crops in which there is a shortage, such as sugar and things of that kind.

Mr. SMITH. Yes. Wheat is the crop generally regarded as producing a surplus. We produce a comparatively small quantity of wheat on the reclamation projects.

NATIONAL SYMMETRY RESULTS FROM DEVELOPMENT OF RECLAMATION RESOURCES

National symmetry, politically and physically, have resulted from these accomplishments wrought by the Bureau of Reclamation and other agencies which have contributed to the irrigation of western farms and development of power. Good county, State, and national highway systems; grade and high schools; towns and cities have been built up while industry has followed in the wake of all of this development and now also contributes its part in wealth and service to our Nation.

The United States Bureau of Reclamation has contributed in no small way to our national wealth and greatness, to the happiness and wealth of many families, and to a better home life in western America.

Its further efforts in conserving our natural resources and creating new wealth and opportunity should have the loyal support of the American people regardless of section.

To demonstrate that reclamation concerns the East as well as the West I call your attention to the following data:

Report on incoming eastern shipments received in Yakima Valley during 1927

(Estimated by the Yakima Chamber of Commerce and checked and

revised by business men and railroads)	
Automobiles, 1,929 new cars purchased during 1927 Tires and auto accessories Farm machinery, farm tractors, plows, etc	\$2,500,000 2,000,000 1,000,000
Hardware and building and plumbing supplies: (a) 250 cars hardware (Pittsburgh and far East)	
Michigan) 25, 000 (c) 4 cars Celotex 10, 000 (d) Metal lath, Pittsburgh 15, 000 (e) Other building materials, plumbing,	
miscellaneous 500, 000 Canned goods, mixed groceries, breakfast foods, etc.	2, 050, 000 4, 000, 000
Ready-to-wear clothing, shoes, etc. Furniture and household supplies. Cotton and woolen goods (mattresses, etc.) Drugs and sundries. Electrical apparatus, etc.	1, 700, 000 2, 200, 000 750, 000
Musical instruments: (a) 1,000 radio sets (from Pennsylvania, New Jersey, and New York) (b) 5 cars planos, (c) 4 cars phonographs,	750, 000
and (d) other musical instruments 100,000	200, 000
Insurance premiums (paid to eastern companies)————————————————————————————————————	5, 000, 000

Eastern lubricating oils (15 cars)_____

Corn (100 carloads of corn from Iowa, Nebraska, Kansas, and Illinois) Millinery, notions, crockery, etc	\$120,000 500,000 2,000,000
Total	30, 120, 000

In 1923 there were shipped into the Salt River Valley project in Arizona 7,935 cars of manufactured artices from 42 States, as follows:

Wisconsin Illinois Indiana	
Indiana	
Ohio	
Ohio	
Iowa	
Missouri	
Kansas	
Nebraska	
OklahomaMississippi, Florida, Virginia, New Hampshire	COSMES
Wyoming	1122
Wyoming Tennessee	ACCESSED.
Alabama	
Colorado	1500000000
Texas	
Kentucky	
West Virginia	
Pennsylvania	
New York	
Massachusetts	
Connecticut	
Maine	
New Jersey	
Maryland	
Minnesota	~~~~
North Dakota	
Arkansas	
Georgia	
Louisiana	
Washington	
New Mexico	
Utah	
Idaho	
Montana	
Oregon	
Nevada	
CaliforniaArizona	

A report from Phoenix, Ariz., states that the official figures of all incoming cars for 1927 amount to 19,084 cars, an increase of more than 11,000 cars of incoming produce since 1923 in that one project.

RECAPITULATION

(As of June 30, 1928)

Total funds available for investment in the 26-year period, by United States Bureau of Reclamation— Total invested since 1902————————————————————————————————————	\$238, 732, 793, 74 229, 424, 520, 70
---	--

9, 308, 273, 04 Cash on hand__ Sources of reclamation fund, as above indicated

Sale and use of western public lands	\$143, 741, 593, 71
Advance from United States General Treasury	

12, 000, 000, 00 5, 286, 602, 69 77, 704, 597, 34 3, 979, 499, 50

[Note.-The figures on this page, taken from the Twenty-seventh Annual Report of the Bureau of Reclamation, should be of interest to citizens of our Nation, both East and West. They give an entirely different picture from that many times reflected by those who should know the facts.]

> UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, Washington, February 13, 1929.

Hon. ADDISON T. SMITH,

House of Representatives, United States, Washington, D. C.

DEAR MR. SMITH: Referring to your recent request for some information showing the amount of goods manufactured elsewhere shipped into our reclamation projects and paid for by them, I have had tabulated the data thus far received, in answer to your inquiry about this matter. The showing is so surprisingly good that I hope you may have an opportunity of presenting it to Congress or of giving it to the press.

Sincerely yours, ELWOOD MEAD, Commissioner.

The attached sheets give the data furnished by the projects and a summary for all the projects from which reports have been received. This summary shows that on nine projects ship-

ments into the projects amounted to over \$22,000,000 and that on two additional projects, which gave the number of carloads shipped in without reporting their value, a larger number of carloads were received than on the nine projects for which values were reported. It therefore appears that on one-half of the projects the value of goods shipped in amounts to at least \$50,000,000, and it is reasonable to assume that total shipments into all our projects amount to between \$75,000,000 and \$100,000,000.

Shipments to the Yuma, Orland, Uncompanyre, Sun River, North Platte, Carlsbad, Vale, Belle Fourche, and Shoshone projects, 1928

Commodity	Carloads	Value
Automobiles Bags, baskets, and shooks. Cement and building materials Coal Culverts Fencing Fertilizer Foodstuffs Furniture Grain and feed Lime rock Livestock Livestock Lumber Machinery Merchandise Oil and gas	927 224 1, 204 6, 459 23 6 6 9 967 961, 323 1, 562 2, 991 1, 376 418 138 2, 408	\$3, 341, 800 486, 350 486, 350 1, 275, 725 35, 000 10, 000 1, 712, 470 96, 500 988, 775 105, 250 5, 942, 800 1, 315, 200 1, 166, 550 261, 720 264, 2900
Salt. Seed. Sugar and sirup. Miscellaneous.	105 67 87 1, 151	69, 750 426, 000 254, 900 1, 130, 500
Total (9 projects)	21, 541	22, 187, 490

Carload shipments to Boise and Rio Grande 1 for which no value is given

Commodity:	Carloads
Automobiles Cement and building materials Coal	2,720
Foodstuffs Grain and hay	$\begin{array}{c} -610 \\ -2,357 \\ -1,945 \end{array}$
Merchandise Oil and gas Paving material	1, 180
Miscellaneous	3, 380
Total (2 projects)	23, 081
Grand total (11 projects)	_ 44, 622

YUMA PROJECT, ARIZONA-CALIFORNIA

Carload shipments to project, 1928

Kind	Cars	Value
Lumber. Gas and oil Livestock ¹. Cement. Sugar Flour Autos Farm machinery Shook (lettuce and cantaloupes) Miscellaneous ²	165 288 202 62 11 78 124 28 67 303	\$214, 500 504, 000 500, 000 68, 200 42, 900 187, 200 695, 000 110, 000 80, 400 454, 500
Total	1, 328	2, 856, 700

¹ Livestock shipped in for winter feeding and fattening for coast market.
² Includes meats, all groceries and building materials not listed above, millwork, vegetables, coal, milk, etc., averaged at \$1,500 per car.

ORLAND PROJECT, CALIFORNIA Carload shipments to project, 1928

Kind	Cars	Value
Oil Lumber Flour and mill stuff Cement Coal Wood (fuel) Fertilizer Farm machinery Tractors Fencing and posts. Brick Automobiles. Miscellaneous	125 55 45 22 20 8 8 5 3 3 3 2 2	\$100,000 38,500 45,000 16,500 9,000 800 2,250 10,500 1,500 9,000 4,500
Total	302	243, 850

¹ Rio Grande shipments for year 1927.

UNCOMPANGEE PROJECT, COLORADO Carload shipments to project, 1928

Kind	Cars	Value
Automobiles and tractors	176	\$704,000
Bags, baskets, and shooks	76	304, 000
Canned goods		8, 600
Cattle	25	10,000
Cement, plaster, and lime	33	33, 000
Coal and coke	656	164, 000
Corn	7	4, 200
Oottonseed cake	13	13, 000
Peed.	26	15, 600
Flour	49	49, 000
Fruit and melons	5	2, 500
Furniture	15	15, 000
las and oil	299	600, 000
Práin	44	44, 000
Proceries, meats, etc.	60	240, 000
Hardware, implements, etc.	40	200, 000
Iay	7	1, 400
		2, 000
Iousehold goods	5	2,000
	55	27, 500
ime rock	137	34, 000
aumber, shingles, etc	112	200, 000
	30	15, 000
eed	10	60, 000
	142	284, 000
heep		32, 000
oap	8	
ugar	21	84, 000
irup	39	43, 000
Vheat.	25	18, 700
discellaneous	30	15, 000
Total	2, 152	3, 225, 500

Boise project, Idaho, carload shipments to project, 1929

Kind	Cars	Value ¹
Building material Paving material Fuel Oil and gasoline Foodstuffs Grain and hay Livestook Merchandise Miscellaneous	2, 720 1, 320 3, 300 1, 180 610 630 950 5, 760 3, 380	
Total	19, 850	

1 No value shown.

SUN RIVER PROJECT, MONTANA Carload shipments to project, 1928

Kind	Cars	Value
Lumber Coal Rye Gasoline Machinery Feed Automobiles Culverts Cement Flour Cattle	12 37 1 28 4 1 5 2	\$9, 000 10, 000 1, 000 35, 000 16, 000 4, 000 1, 800 4, 500 2, 000
Total	95	97, 700

NORTH PLATTE PROJECT, NEBRASKA-WYOMING Carload shipments to project, 1928

Kind	Cars	Value
Acid	9	\$2,700
Automobiles 1	495	1, 485, 000
Bags (sugar)	54	486, 000
Bran and stock food.	156	93, 600
Brick and tile	139	31, 275
Canned goods.	56	179, 200
Cement	278	111, 200
Cereal, beverages	19	24, 700
Coke.	235	52, 875
Cooperage.	14	8, 400
Cottonseed cake	54	81, 000
Culverts	2	4, 000
Dragline	2	
75 111	2	10,000
Drill, well	1	600
Electrical equipment.	1	900
Flour	198	336, 600
Furniture	4	2,000
Gas	960	576, 000
Ice	31	9, 300
Implements, agricultural	162	324, 000
Iron and steel	16	25, 600
Lime	37	14, 800

¹ Does not include cars driven.

NORTH PLATTE PROJECT, NEBRASKA-WYOMING—continued

Carload shipments to project, 1928—Continued

Kind	Cars	Value
Machinery	80	\$160,000
Milk cans.	1	2, 200
Miscellaneous	534	534, 000
Molasses	181	135, 750
Oil	255	153, 000
Paper	1	2,000
Pipe, east iron	5	12, 500
Plaster	53	9, 27
Pulp, beet	87	34, 800
Soda ash	2	1, 800
Stoneware	ī	500
Sugar	16	56, 000
Sulphur	3	1, 800
Sirup	25	20, 000
Targets, clay	1	800
Threshing machines	3	4, 200
Tractors	6	19, 500
Tubing, copper	1	12, 000
Wire	12	18, 000
Cit. January and the contract of the city	4, 188	5, 037, 875
Coal	5, 196	909, 300
Emigrant outfits	71	71, 000
Grain: Barley	200	1 1 2 5 5 5 7
	13	13, 000
Corn	442	486, 200
Oats	3	2, 250
Wheat	2	2, 400
Iron:	149	22, 350
Scrap	3	720
Rock	1, 425	71, 250
Livestock:	-,	
Cattle	1, 428	2, 856, 000
Horses	23	46,000
Sheep	1,050	2, 100, 000
Lumber	747	522, 900
Posts	17	6, 800
Potatoes (seed)	1	720
Salt	60	48,000
Sand and gravel	15	450
Alfalfa	7	84, 000
Beet	60	342, 000
Shingles	8	5, 600
	19	950
Stone		
Total	10, 739	7, 591, 890

CARLSBAD PROJECT, NEW MEXICO Carload shipments to project, 1928

Kind	Cars	Value
Autos	93	\$334, 800
Cattle	119	142, 800
Cement, brick, and tile	215	107, 500
Pipe and casing	53	132, 500
Coal	120	48,000
Furniture.	1	2,500
Flour and feed	98	196,000
Grain	61	21, 350
Hay	57	14, 250
Lumber.	128	128,000
Machinery	33	165, 000
Oil and gasoline	224	302, 400
Salt	15	6, 750
Sand	226	22, 600
Sugar and sirup	14	52,000
Vegetables and fruits	50	30,000
Household goods	2	3,000
Cottonseed	136	81, 600
Fertilizer	4	4,000
Ties and bagging	10	10,000
Miscellaneous	157	23, 550
Total	1,816	1, 828, 600

RIO GRANDE PROJECT, NEW MEXICO-TEXAS Carload shipments to project, 1927

Carrona dispersion to project, 1021	1
nd:	Cars
Hay	- 67
Grain, flour, feed	1 04
Livestock	99
Agricultural implements	_ (1)
Automobiles	50
Lumber	(1)
Chal	- 5.1
Coal	- 53
Petroleum products	- (4)
Fertilizer	- (1)
Foodstuffs	_ (1)
Dry goods	- (1)
Fruit and vegetables	_ (1)
Dairy products	715
Packing-house products	111
Bags and bagging	- (2)
Furniture	- /25
Miscellaneous	- /15
Miscellaneous	- (-)

Total_____ Value not shown.

1 Incomplete.

Carload	shipments	to	project,	1928

Kind	Cars	Value
Lumber Cement Gasoline Oil Automobiles Flour Miscellaneous, including machinery, hardware, furniture, canned goods, dry goods, groceries, etc.	23 3 38 2 1 3	\$35,000 3,000 76,000 10,000 6,000 3,000
Total	90	178, 000

BELLE FOURCHE PROJECT, SOUTH DAKOTA Carload shipments to project, 1928

Kind	Cars	Value
Oils and gasoline Lumber and posts Coal Farm machinery Road culverts Cement and lime Brick Fence wire	103 70 140 22 19 27 14 3	\$150,000 70,000 70,000 55,000 28,000 13,000 6,000
Total	398	398, 000

SHOSHONE PROJECT, WYOMING Carload shipments to project, 1928

Kind	Cars	Value
Automobiles Bags Begt pulp Cement Cosl Flour Feed Gasoline and lubricating oils. Implements Groceries Lumber	31 3 65 13 47 12 15 86 14 53 47	\$93, 000 30, 000 4, 875 10, 400 11, 750 36, 000 21, 000 136, 500 63, 000 185, 500 90, 500
Tile. Steel, brick, and roofing material. Miscellaneous.	24 12 11	18, 000 12, 500 16, 350
Total	433	729, 375

Shipments from Yuma, Orland, Uncompahyre, Boise, North Platte, Sun River, Carlebad, Vale, Belle Fourche, Strawberry Valley, Okanogan, and Shoshone projects, 1928

Commodity	Carloads	Value
Alfalfa	1,734	\$621,080
Apples and other fruit		3, 162, 420
Barley		78,000
Cantaloupes		197, 600
Cattle		9, 856, 200
Cotton		3, 657, 675
Dairy products	838	4, 221, 000
Flax		17, 800
Hogs		1, 133, 900
Horses	116	156, 600
Honey	33	129, 200
Lettuce		499, 300
Oats	18	12, 700
Onions		1, 382, 000
Pickles		37, 000
Potatoes and other vegetables		1, 696, 050
Seed Seed	148	665, 000
Sheep		4, 335, 000
Sugar and beets		20, 363, 800
	2, 609	2, 687, 100
Wheat	75	
	557	725, 000
Miscellaneous	001	326, 150
Total, 12 projects	37, 102	55, 960, 575

Carload shipments from Rio Grande 1 and Yakima projects for which no

Alfalfa	92
Apples	18, 60
Cattle	37
Cotton	5, 08
PotatoesOnions	4, 00
Wheat	1
Miscellaneous	42

29, 948

Grand total (14 projects), 67,050 carloads.

UNCOMPANGRE PROJECT, COLORADO Carload shipments from project, 1928

Kind	Cars	Value
Apples	142	\$44,000
Brick and tile	19	14, 200
Building material (other)	15	30, 000
Canned goods.	63	100,000
Cattle	518	1, 036, 000
Cheese	23	138, 000
Regs	11	33, 000
Flour	88	88, 000
Fruit (other)	3	3, 000
Grain	218	225, 000
Hav	6	1,500
Hogs.	129	250, 000
Honey	16	80, 000
Horses	5	5, 000
Household goods.	3	3,000
Machinery and hardware	15	30, 000
Molasses	8	32,000
Onions.	1, 366	1, 366, 000
Potatoes	914	255, 000
Poultry	41	84,000
Sheep	448	896, 000
Sugar	239	478, 000
Vegetables	63	18, 900
Wool	30	300,000
Miscellaneous	30	15,000
Total	4, 413	5, 525, 600

TUMA PROJECT-ARIZONA-CALIFORNIA Carload shipments from project, 1928

Kind	Cars	Value
Alfalfa hay Alfalfa seed Alfalfa seed Alfalfa straw Manure Cottonseed Cottonseed oil Grapefruit Lettuce Cantaloupes Watermelons Livestock 1 Higera Date palms Honey Grapes	733 48 151 1222 316 305 22 918 510 655 239 1 4 4 3 3	\$147, 800 226, 200 16, 600 22, 200 1, 513, 400 268, 200 9, 600 86, 100 499, 300 197, 600 42, 000 640, 600
Citrus trees (nursery stock)	3, 559	10, 000 3, 698, 000

 $^{1}\,\mathrm{Livestock}$ not raised on project but is shipped in for winter feeding and fattening for coast market.

ORLAND PROJECT, CALIFORNIA

Carload shipments from project, 1928

Kind	Cars	Value
Oranges	80	\$128,000
Alfalfa (baled)	35	5, 250
Almonds	23	207, 000
Prunes (dried)	21	75, 600
Barley	16	24,000
Olives	13	16, 900
Apricots (dried)	8	52,000
Walnut logs	8	4,000
Figs (canned)	7	35, 000
A pricots (green)		3, 300
Milo	2 2	3, 000
Peaches (fresh)	9	1,000
Wheat	ī	1, 700
English walnuts	î	4,000
	1	600
GrapesRaisins	9.1	500
	1	1, 500
Lemons	1	1,000
Apricots (pits)	10	1,000
Mixed fruits	133	500, 000
Butter 1	100	
Sheep		125, 000
Cattle	65	143, 000
Hogs.	62	105, 400
Purkeys.	60	135, 000
Wool	7	42, 000
Horses	3	3, 700
Mules	1	1, 500
Total	657	1, 620, 950

¹ Production of 1,000,000 pounds equated on basis of 75,000 pounds per car. Butter is shipped via motor trucks.

¹ Rio Grande shipments are for year 1927.

Boise Project, Idaho Carload shipments from project, 19	28		Kind—Continued. Hay————————————————————————————————————		92'
			Fruit and vegetables Miscellaneous		42
Kind	Cars	Value	Livestock		87
			Total		7, 81
Grain	698	\$630,000	VALE PROJECT, OREGON		
Seed	148 556	665, 000 445, 000		20	
Iav	199	80,000	Carload shipments from project, 19	28	MEGILE
Pruit Vegetables	1, 892 1, 998	760, 000 800, 000	Kind	Cars	Value
livestock	1,563	1, 560, 000	Aind	Cars	value
Butter	175 297	2, 200, 000 600, 000	***************************************	-	
	7 500		Wheat Barley	38	\$60,00 7,00
Total	7, 526	7, 740, 000	I Potatoes	8	5, 00
SUN RIVER PROJECT, MONTANA			Clover seed Alfalfa seed	78 1,4	5, 00 2, 00
Carload shipments from project, 19	98		Mill feed	1"	6, 00
Curtoun surpments from projects, in			Onions Honey	3	6, 00 15, 00
Kind	Cars	Value	Cattle	23	60,00
	AF		HogsSheep	11 3	18, 00 9, 00
Onttle	27	\$55,000	Dressed poultry	1	6,00
Iorses	1	1, 200	Turkeys Wool	3	24, 00 16, 00
Sheep.	4 3	11,000 3,500			
TogsVool	1	13,000	Total	101	239, 00
Sweet-clover seed	2 18	4, 000 7, 600			
Sugar beets	20	9,000	STRAWBERRY VALLEY PROJECT, UTA	H	
Barley	1	1,000	Carload shipments from project, 19	928	
Wheat	228 2	291, 000 5, 000			Die Der in
Alfalfa	80	17,000	Kind Kind	Cars	Value
Dats	3	1, 300 5, 200	Street and the street and the street and the street and		-
and Considerated and the second secon			Fruit	100	\$50,06
Total	391	424, 800	Onions	10	10, 00
			Total	110	60, 00
NORTH PLATTE PROJECT, NERRASKA-WYO					
Carload shipments from project, 19	18		BELLE FOURCHE PROJECT, SOUTH DAK	OTA	
Kind	Cars	Value	Carload shipments from project, 19		
					HILL DOUBLE
	3	\$15,000	Kind	Cars	Value
Beans	41	205, 000			
Eggs Flax	5 2	15, 000 4, 800	Cattle	- 243	\$535,00
Plour	2	3, 400	Sheep	209	460, 00 310, 00
Food, stock	148	70, 400	Wool	31 120	310, 00 156, 00
Frain: Barley	40	40,000	Hogs.	73	73, 00
Oats	8	6,000	Horses Honey	22	20, 00 16, 00
Wheat Hay	635 143	762, 000 21, 450	Pickies	15	12, 00 10, 40
Livestock:		The second second	Hay Flax	80	10, 40 8, 00
Cattle	1, 857 568	5, 571, 000 681, 600	Poultry	2	6, 00
Horses	83	124, 500	Potatoes	9 3	5, 40
Sheep	953 266	2, 668, 400 199, 500		- 20	2000
Pickles	10	25, 000	Total	815	1, 614, 80
PotatoesPoultry:	2, 895	347, 400	Programme and the second secon		
Live	5	15,000	OKANOGAN PROJECT, WASHINGTON		
DressedPulp, beet	26 1, 051	130, 000 420, 400	Carload shipments from project, 19	928	
Sugar	5, 326	18, 641, 000			-
Strup	216	172, 800	Kind	Cars	Value
Total	14, 283	30, 139, 650			
			Apples	2, 245	\$1,600,00
CARLSBAD PROJECT, NEW MEXICO			Cherries	23	16, 56
Carload shipments from project, 19	88		Pears	30	7,00
		and the same	Total	2, 299	1, 623, 92
Kind	Cars	Value	Total	2, 299	1, 020, 92
			YAKIMA PROJECT, WASHINGTON		
Alfalfa hay	118	\$23,600		0.20	
Alfalia seed	188	4, 000 225, 600	Carload shipments from project, 1	720	
Cotton	560 10	1, 619, 300	Kind	Cars	Value 1
Cotton lintersCottonseed	10	24, 975 600	Kilid	Cars	value -
Cottonseed oil	41	164,000	ranks	-	- B. S
ottonseed cake	80 8	56,000 1,600	Apples Mixed fruit	9,097	
unk	2 27	3,000	Pears	3,848	
heep Vcol	3	43, 200 24, 000	Apricots Cherries	144 436	
Jorn	2	600	Grapes	237	
Forses and mules # iscellaneous	18	27,000	Peaches Prunes P	1, 637	
		INCAME OF THE PARTY OF THE PART	Strawberries	16	
Total	1,063	2, 218, 175	Asparagus	76	
The state of the s	WW.		Melons Onions	420 439	
RIO GRANDE PROJECT, NEW MEXICO-TE	XAS		Vegetables	434	
					The second liverage and the se
Carload shipments from project, 1	27		Potatoes	3, 072	**********
		Cars 4, 800	Total	3, 072	

SHOSHONE PROJECT, WYOMING Carload shipments from project, 1928

Kind	Cars	Value
Alfalfa meal Beans. Beets Honey Peas Potatoes Whest Cuttle Hogs Poultry, dressed Sheep Wool	134 54 1,000 4 4 550 25 17 2 5 68 2	\$56, 286 162, 000 412, 500 10, 000 12, 600 30, 600 2, 400 50, 000 122, 400 20, 000 80, 000
Butterfat, 176,616 pounds	10	3, 75
Total	1, 885	1, 055, 686

Mr. BYRNS. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. BANKHEAD].

man from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentleman of the committee, it is my purpose this afternoon to discuss for a little while a recent episode in our parliamentary procedure, which, in my opinion, is worthy of the earnest consideration of this membership. To some it may appear as a trivial incident, but to my mind it involves very deeply the essence and spirit of the privileges of the House. I refer to the action of the majority representatives on the committee of conference appointed by the House with reference to the disposition of the first deficiency appropriation bill. I think that I may be justified for a moment in recalling the history of that situation so that the remarks that I will make subsequently may appear to be at least pertinent to the proposition.

It will be recalled that in the orderly procedure of the House the Committee on Appropriations brought in this deficiency appropriation bill. It passed through the ordinary routine consideration here on the floor of the House, and with certain amendments was sent to the Senate. The Senate of the United States as a coordinate branch of our representative government, in its wisdom, and I will say incidentally not by a partisan but by a bipartisan vote, and by a very large majority vote, saw fit to incorporate in that bill three amendments; and I shall ask permission to insert those amendments in the Record without now reading them. They are as follows:

Amendment No. 1

Provided, That no part of the funds herein appropriated for tax refunds where the claim is in excess of \$10,000 shall be paid out except upon hearings before any committee or officer in the department conducting same, which hearings shall be open to the public, and the decision shall be a public document.

Amendment No. 2

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 prompt 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.

Amendment No. 3 BUREAU OF PROHIBITION

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.

One was a proposition advanced upon the floor of the Senate by a Senator from Tennessee involving the problem of a real consideration of the enormous amounts of money paid out of the Treasury of the United States by way of rebates and returns to the income-tax payers, a matter of major importance to the fiscal policies of our Government, a matter of great importance to us, the representatives of the people, in our effort to have an economical and a just administration of the fiscal affairs of the Government as administered through the Treasury Department.

In recent debates on the floor of this House it has been developed that very probably grave abuses have existed in that regard, and just criticism lodged in respect to certain features of the administration of that law.

And not only have some gentlemen on the floor of this House, particularly upon the Democratic side, sought some relief from that situation, but, evidencing the sense of importance that the

other branch puts upon it, the amendment authorizing a searching investigation and an auditing of these amounts before these tremendous sums are paid out of the Treasury of the United States was adopted by the Senate. Another amendment was offered by a distinguished Senator from the State of Virginia, formerly Secretary of the Treasury of the United States, a man of long and distinguished public career in the service of his people and of the Federal Government, and recognized not as a publicity seeker or a prohibition propagandist, but as a real statesman seeking to remedy what all men recognize as an almost intolerable situation with reference to the enforcement of our Constitution and certain laws passed in conformity with the Constitution. By the terms of that amendment we are attempting to carry out the recommendations of the President elect of the United States, so far as his anticipated policy upon that question is concerned, because Mr. Hoover in his preelection speeches stated that it was his purpose after his inauguration to appoint a commission to investigate the abuses in the administration of our prohibition laws. Following the spirit, at least, of the suggestion of the next President of the United States, who will have the responsibility of undertaking some character of leadership in the solution of this perplexing problem, that Senator from Virginia offered an amendment on the floor of the Senate appropriating \$250,000 for the particular purpose that Mr. Hoover had declared as, in his opinion, of grave concern to the peace and security of the people of the United States. The amendment merely gives to Mr. Hoover the necessary money to carry out his own policy.

The other amendment, and the one which is responsible for this almost revolutionary conduct on the part of the conferees, was the one offered by the distinguished Senator from Georgia [Mr. Harris], making an appropriation of \$24,000,000 for the more adequate enforcement of the prohibition laws of this country. I am not going into an argument here as to the necessity of that appropriation, because my limited time will not permit me. But evidently, gentlemen, not only the author of that amendment, not only his Democratic associates on the floor of the Senate, thought it a wise and provident provision, but a large number of men of the opposing political faith in the Senate of the United States registered their affirmation of the correctness of that policy, and it will be so shown if you will look at the record vote on this question. That amendment was incorporated in this bill, and all three of them came to the House of Representatives in the due and orderly form for consideration by this body.

Then what happened? The gentleman from Texas [Mr. Garner], when the gentleman from Indiana [Mr. Wood] asked unanimous consent to take the bill from the Speaker's table and disagree to the Senate amendments, asked the conferees on the part of the House a direct interrogatory, which was propounded to the gentleman from Indiana [Mr. Wood] as to whether or not he would assure this House that before refusing to accept the Senate amendments he would bring the proposition back to the House and give the Representatives of the people here an opportunity to say whether or not they thought the Senate amendments ought to be incorporated in the law.

And what assurance did the gentleman from Indiana give to the gentleman from Texas and the membership of this House on that occasion with reference to that promise? It was a matter of such importance, apparently, to the gentleman from Texas, as I know it was to other Members of this House, that he was justified in having some definite assurance from the gentleman from Indiana. Not being willing to trust my memory to quote the reply of the gentleman from Indiana, I will read from the Record, found on page 2427, of January 29, 1929, where the gentleman from Indiana made this statement in reply to a statement from Mr. Byrns:

Mr. Wood. Mr. Speaker, let me ask the gentleman from Tennessee a question. I hope gentlemen on that side have not lost all their confidence in the gentlemen at the other end of the Capitol; and, having that confidence, they can depend upon it that there will be no agreement on these amendments. I know two of the conferees who will be upon the Senate side. One of them will never recede with reference to the tax amendment. Another, the author of this other amendment, will be one of the conferees. Does the gentleman think that he is going to consent to recede and thus despoil all of his purpose in introducing it, in rehabilitating himself with his constituency?

The gentleman from Indiana, thinking perhaps that his statement might seem rather indefinite, made this further statement, which you will find on page 2425 of the Record of January 29:

Mr. Wood. I will say to the gentleman from New York that if this bill goes to conference under the rule we will have to bring these two amendments back, as suggested by the gentleman from Texas [Mr. Garner], and after that any amendment may be proposed.

And to make the gentleman's promise a little more definite | and specific I will quote a further statement from him from this same page of the Record, in which he said, replying to the gentleman from Illinois [Mr. DENISON]:

Mr. Wood. I will say to the gentleman that he has anticipated what can not possibly happen. Knowing the attitude of the gentlemen on the other side and the temper they have already manifested in reference to the amendment, and considering the information that comes to me, I understand that under no circumstances will they recede. So I am free to say this: It would put the House conferees in a very embarrassing position if the thing should occur that the gentleman from Texas is anticipating, which never will occur; that is, that the Senate will recede as to these two amendments; and if the Senate does not recede, then we would have to come back to the House.

There is the record. That deliberate assurance was given to his colleagues here on the floor of the House by the gentleman from Indiana. I will ask you how it eventuated?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. No; I have not come to the gentleman

from Michigan yet. Mr. CRAMTON. The gentleman has referred to some other

matters.

Mr. BANKHEAD. The gentleman can have time a little later on to say what he desires to say.

Mr. CRAMTON. It would improve the discussion.

Mr. BANKHEAD. I am sure whatever the gentleman would say would adorn and illumine even the speech made by the gentleman from Pennsylvania [Mr. Beck] this morning on the floor of the House.

When this matter was up here before I expressed some surprise at the attitude of the gentleman from Michigan upon this question. It seemed to me he manifested some considerable irritation that there should even be a proposal for the appropriation of a sufficient sum for a real effort to try to enforce the prohibition laws of the country, and I was particularly surprised at these vehement protests upon the part of the gentleman from Michigan, because I had known he had been recognized here for a long time as a man who was supposed to be in favor of prohibition and its enforcement. In his zeal to manifest his impatience the gentleman used this language, quoting from page 2553 of the RECORD:

It could well have been termed a bill to eradicate the recent wet splash on the political records of dry Domocrats; or, secondly, to restore Bishop Cannon to the good graces of the southern Democracy; or, third, to condemn Secretary Mellon; or, fourth, to repudiate the administration of President Coolidge and embarrass the administration of President-elect Hoover.

Then on the same page of the RECORD he says:

Oh, if Bishop Cannon wants to single out his particular Democratic leaders, he is welcome; if Scott McBride wants to do so, he can do so.

A little further on he says:

Our Democratic friends would have you think that all the dry leadership of the country is clamoring for this amendment. It is only those excitable bishops of Virginia and these excitable Democrats who are insisting on it.

I am not surprised that the attention of that great bishop of Virginia was attracted to that criticism upon the part of the gentleman from Michigan [Mr. CRAMTON], and displaying his usual courage-although I do not always agree with him in his political positions-he made this statement in an address delivered a short time after this incident occurred:

In order to meet every possible contingency and to eliminate all possibility of lack of adequate enforcement because of needed funds, the appropriation is proposed to be made subject absolutely to the discretion of the President of the United States, thus placing in his hands whatever funds he may find necessary to carry on the present enforcement program until the proposed survey has been made, and also to give him funds with which to put into effect any additional program which he may develop.

I want you to listen to this, because the old bishop evidently got a little bit heated in this part of his reply to the charges of the gentleman from Michigan here upon the floor:

I shall not presume to sit in judgment upon any man who declares that he does not believe that the proposed appropriation can be used to secure more efficient law enforcement, but I flatly repudiate any suggestion or intimation that in advocating the proposed appropriation I am animated by any purpose except the better enforcement of the prohibition law, and I denounce as unworthy and slanderous any statement that I have been animated by any hostility to Secretary Mellon or by any desire to force the hand of President-elect Hoover.

I think Bishop Cannon was entirely justified and within his rights when he made that dignified retort to the remarks made

by his quondam friend here upon the floor of this House in the debate upon this question.

Now, what has happened, gentlemen? And here is the main thing involved in this question, and the main purpose for which I rose: What has happened with reference to the assurances given to us that this House would have an opportunity to pass upon these very important questions of governmental policy? Have those assurances been carried out in good faith, or have they been absolutely and totally evaded? I assert that in our dealings with our colleagues upon the floor of this House we ought to have the right to rely upon the solemn assurances given to us by gentlemen in positions of responsibility as servants of this House. [Applause.]

Those assurances have not been carried into effect. Now, what is the explanation of it? I know that when these gentlemen come to reply to these remarks they will undertake to extenuate the situation by some sort of specious explanation, but they can not do it to the extent of evading their responsibility. The real reason why you have not brought that bill back here upon the floor of this House, and the real reason why you are in practical contempt of this House and its right to exercise its judgment upon that question, is that you are afraid to submit it to the solemn judgment of the Representatives on both sides of the floor. [Applause.] You want to evade any possible embarrassment to which you might probably subject some Members on the Republican side. Otherwise I see no reason why it should not have been brought back. If you were in a position logically to oppose it, if you had facts and arguments by which you could really convince the majority of this House that the appropriation was excessive or that it had not been prudently considered by the Budget and a recommendation made as to its allocation, and if you had been fortified with that character of opposition you undoubtedly would have brought it back, as you do upon other controverted questions in difference between the two Houses, but you have deliberately avoided doing so.

What sort of subterfuge have you resorted to? I asked the gentleman from Michigan here upon the floor of the House the other day if he did not know that it had been agreed upon the part of the majority conferees that they would abandon this bill entirely before they would bring it back and submit these questions to the House and that in that abandonment they would carry the items in the then pending bill in the last bill which is now reported.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNS. Mr. Chairman, I yield the gentleman 10 addi-

Mr. BANKHEAD. Well, I got no satisfactory answer out of the gentleman, but I had rather definite assurances at that time from what I regarded as reliable authority that that was exactly what was going to be done, and that is exactly what has been done. Now, what is the effect of it, gentlemen? It seems to me that you two gentlemen and those who are confederating with you in this enterprise have very little confidence in either the character or integrity of the Senate of the United States. Are you so simple as to believe that when you carry this highly controversial question back to the Senate of the United States that those 57 Senators who supported those amendments are going to lie down and make no further effort to insist upon their views?

Do you think they are so invertebrate that they will surrender their convictions upon this question; or have you made some sort of private arrangement by which you may be assured that the question will not again be in a position where it will have to be brought back to the House? Such rumors are afloat. But the practical effect of the action of these conferees has been to deny to the membership of this House a substantive parliamentary right which this House had a reasonable right to expect would be given them to express themselves upon this matter.

My friend the gentleman from Tennessee [Mr. Byrns], I am will have some remarks to make with reference monkey business that went on in the committee with reference to this question. [Laughter.] He will explain to you why the minority members of the committee have never had an opportunity to examine Mr. Mellon or any of his subordinates, including Mr. Billard, after these new estimates were sent up, or to examine the director of any of these agencies. no opportunity, as is ordinarily the case, to have hearings upon this question. But what do they do, these canny gentlemen who know so well how to maneuver and manipulate the machinery of their activities as to carry out their will alone and not give the rest of us an opportunity to do what ordinarily we would have the right to do? They have waited and sent the bill to the Printing Office and had it printed; and then, this morning. I believe it was, was it not, Mr. Wood, that you got these new estimates? The gentleman can answer in his own time. This morning, I believe it was, they sent up these summarized estimates as to the amount they can actually use advantageously in the enforcement of our prohibition laws. is another short cut they are taking on us.

Mr. BYRNS. I will say to the gentleman that the bill went to the Printing Office on Monday night, and the estimates came

up Tuesday.

Mr. BANKHEAD. Oh, yes; but I think the gentleman will confirm what I said that after the estimates were arrived at by the Treasury, the gentleman from Tennessee and his associates upon the committee had absolutely no opportunity to crossexamine those making the estimates or to get any further information.

Mr. BYRNS. The gentleman is entirely correct.
Mr. BANKHEAD. And we will be compelled to rely entirely upon their naked judgment as stated in figures and not in facts.

Mr. BYRNS. That is correct.
Mr. SCHAFER. Will the gentleman yield?

Mr. BANKHEAD. Is the gentleman with me or against me?

Mr. SCHAFER. I want to obtain some information. Did not the gentlemen of the minority have an opportunity to examine and cross-examine the various representatives of Mr. Mellon's department when considering the original proposition, prior to its being reported to the House in the first instance?

Mr. BANKHEAD. I can not answer that question definitely, but I think I am safe in saying that as far as the original hearing went it was orderly, not in conflict with the ordinary procedure in the committee, and I assume the members of the minority did have an opportunity upon that occasion to examine them; but my friend overlooks the fact that this real trouble for the Republican Party here in the House had not arisen at that time.

Mr SCHAFER. My mind is open on the proposition which

Mr. BANKHEAD. I hope it is open and receptive.

Mr. SCHAFER. Why did not the minority gentlemen of the committee submit minority views when the original bill was reported out, if there was such an urgent necessity for this \$24,000,000, and make a strong fight for it on the floor of the House under the rules?

Mr. BANKHEAD. That is entirely beside the controversy I

am discussing now.

Mr. BYRNS. I want to say this to the gentleman from Wisconsin, since he mentions the minority members of the committee. Never in my experience, and I have been on the Committee on Appropriations for a great many years, have I known of minority views being submitted from the Committee on Appropriations. The bill is always brought to the House. It is not like the legislative committees where minority views are submitted. In cases of differences over appropriations, the matters are brought to the floor of the House and fought out on amendments.

Mr. SCHAFER. If this question is as important as the gentlemen on the other side of the aisle thinks it is, would there not have been sufficient justification to have submitted minority

views in behalf of the \$24,000,000?

Mr. BYRNS. I just stated to the gentleman that in the case of the Committee on Appropriations I never knew in all my life of minority views being submitted.

Mr. SCHAFER. Was there anything to prevent that sub-

mission?

Mr. BLANTON. Will the gentleman yield?

Mr. BANKHEAD. Yes.
Mr. BLANTON. I was wondering on which side of the aisle is the gentleman from Wisconsin [Mr. Schafer]. He first sits on one side and then the other.

Mr. SCHAFER. I will say to the gentleman that, since the gentleman from Texas supported Gov. Al Smith in the last campaign, you do not see me sitting on his side of the aisle very [Laughter and applause.]

Mr. BLANTON. And I am not surprised.

Mr. BANKHEAD. Mr. Chairman, I do not yield further. Gentlemen, I have about concluded all that I have to say on the subject. It might not impress you as being of any importance, but here is the thing that strikes me as being a matter of considerable importance to this House.

What is the real philosophy lying behind the parliamentary theory of the appointment of conferees on the part of this body and the body at the other end of the Capitol? Is it for the purpose of creating breaches between the two Houses? Is it for the purpose of further accentuating differences of opinion that may exist between the two bodies, or is it, fundamentally, for

the purpose of creating a joint instrumentality by which, if possible, the conflicting views of the two Houses may be accommodated, settled, and reconciled? What is the theory upon which the conferees are appointed? I assert that in the interest of orderly, parliamentary government that they should pursue that course under all circumstances, which would make for agreement and not arbitrarily to exert their temporary power to deprive the membership of this House of an opportunity to express itself on questions of public interest.

We had a most delightful and illuminating address delivered here this morning by the gentleman from Pennsylvania [Mr. Beck] upon the philosophy of the political views of George Washington, the father of our country. I think it will go down in the annals of this House as one of the classics, a thing to be read and cherished as the years go by. [Applause.]

The theme, as I understood it, of that magnificent address was ordered and orderly government-not government by special influences in government, not by small fragments of public opinion; not government by individualistic views representing some sectional position or some partisan position-but, as I understood it, running through the whole fabric of that splendid deliverance was the silver thread of an argument admonishing Members of Congress and the people of this country to remember the spirit and essence of the Constitution as framed and dictated by its founders. And if I may appropriate a small part of the sentiment of that address and apply it to the proceedings in the House of Representatives, I say, in a more circumscribed area it is just as important for us to preserve orderly parliamentary government and precedents as it is for the people of the country, the legislative and judicial bodies. to remember orderly government as demanded by the Constitution itself.

That is the protest I am making. I think I am within my rights in expressing my own individual views that these conferees have not been justified in that contumacious attitude

they have assumed.

I see the gentleman [Mr. CRAMTON] smiling; I am sure that he will undertake to say that he has been guilty of no contumacy; I am sure he will say that this is not an unusual thing upon the part of conferees. I insist that it is an unusual thing. He can not gainsay it, and I think he will look serious when I say this: You will never be justified in breaking a solemn promise to your associates on the floor of the House. I remind the gentlemen that they are now and hereafter merely the servants and not the masters of this House. [Applause.]

Mr. WOOD. Mr. Chairman, I yield five minutes to the gentle-

man from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, gentlemen and ladies of the committee, whatever else I do I am not going to borrow any unusual or hard words to pronounce from the Senate debates. [Laughter.]

The gentleman from Alabama has built up his man of straw. He would not yield to me because he knew there was no sub-

stance in his man of straw.

It is remarkable what a change one election can make in the spirit and activity of many men, even so eloquent and so substantial as the gentleman from Alabama [Mr. BANKHEAD] and

the gentleman from Tennessee [Mr. BYRNS].

We have had the eighteenth amendment and the prohibition law for a number of years. The gentleman from Alabama in all that time has been a Member of the House, but until in the recent political campaign Bishop Cannon showed the South the way of political success and the way to be followed by Domocracy in this House if it wants to continue to rule in the Southuntil the election in November demonstrated these facts and until Bishop Cannon thereafter made the appeal for increased appropriations for enforcement, the gentleman from Alabama, who now prates about the appropriation of \$24,000.000 unasked for, that has no program for its expenditure, never raised his voice in this House by amendment or speech for any amount greater than that asked for from year to year by the administration

I am obliged to conclude-I may do the gentleman from Alabama an injustice-but I am obliged to conclude that the November election has had much to do with increasing the interest and zeal of the gentleman from Alabama. [Laughter and applause. 1

Why, Bishop Cannon came into his own in that election. Whatever I may have said about Bishop Cannon the other day, I never called him a bigot or a hypocrite, and he was before the election called both of those names by Democrats of his own State and of the State of the gentleman from Alabama. And if I am to be criticized because of the very mild allusions to which the gentleman from Alabama referred, then what shall be said of a distinguished citizen of Virginia who occupies a

position such that under the parliamentary rules of this body | I am not permitted to refer to him directly, because of what he said about Bishop Cannon in the campaign of last fall?

Let us now look for a moment at the gentleman's man of straw. The gentleman from Alabama has the capacity to originate these ideas himself, without taking them from the debate from another body, but I read in the proceedings of another body the charge stated repeatedly that the House conferees were "unwilling to keep faith with their own House, and, in the face of a promise five times made, refuse to carry the bill back for a yea-and-nay vote," and so forth.

Mr. BANKHEAD. Oh, I will say to the gentleman that I

never read that. I disclaim being influenced by reading those

Mr. CRAMTON. I felt it was only just to the gentleman from Alabama that he be given opportunity to clear himself of any such accusations, so I yielded to him, although he declined that courtesy to me. Such is the charge, that a promise was made by the House conferees on the deficiency appropriation bill, and was not kept. How ridiculous! The gentleman from Alabama and every Member here knows that on the 29th of January the gentleman from Indiana [Mr. Woon] made a request for unanimous consent to send the first deficiency appropriation bill to conference, and when that unanimousconsent request was pending certain gentlemen asked him whether he would do this or that. Whatever he said, and I contend that there were no definite promises in what he said. and certainly no promises from me, though I afterward became one of the conferees, and the charge I have just quoted from the debate in another body included me as one of the conferees, the unanimous-consent request was objected to on the Democratic side of the aisle, and the bill did not go to conference. Even if a promise had been made in consideration of unanimous consent to send the bill to conference, the consent was denied and the promise was not availed of. Why, the ridiculousness of parading around here and hollering about a promise alleged to have been made in order to get unanimous consent which was refused! So, on the 31st of January, a rule was brought in, and under that rule the bill was sent to conference, and there was not then a word of any promise to bring the bill back for a vote on one special item.

What has happened? The conferees have been going along

sawing wood. The gentleman from Alabama [Mr. Bankhead] asked me the other day one of those categorical questions of his, he wanted to know "categorically" if I remember the word-and that is a larger word than I generally use-whether the conferees had made an agreement. At that time the conferees had not made an agreement as to what they would do with the deficiency appropriation bill. It was still under consideration; it was still under investigation. We understood that there was a possibility that estimates would come to the House, and estimates did come to the House, but at that time we did not know; and we did not know if they did come which was the better parliamentary way to handle the situation. I answered the gentleman truthfully and gave him the best information I could that there was no agreement at that time. We proceeded with our study of the situation, not always, perhaps, taking the gentleman from Tennessee [Mr. Byrns] into our confidence, as we would like to do; but trying each for himself to figure out what we ought to do, and so the thing has come along until now this bill is reported and we are about to give the House an opportunity to express itself as to these estimates for money submitted in a regular way.

The gentleman from Alabama [Mr. BANKHEAD], as I understand, is particularly wrathy that the House has never had a chance for a direct vote on the \$24,000,000 proposition. As a matter of fact, that vote of 241 to 141 was a direct vote on the \$24,000,000 amendment. The men who voted knew that they were voting, not on the previous question, but on the \$24,000,000 amendment, and they rejected it; but the gentleman wants more opportunity to vote, claiming that was not a direct vote. The only trouble with the gentleman from Alabama is that he does not take me seriously enough.

Mr. BANKHEAD. It is pretty difficult ever to take the

gentleman seriously.

Mr. CRAMTON. And I hope that will be in the RECORD. explained to the gentleman just how to do this if he wanted a direct vote. On pages 2427 and 2428 of the Record of January 29, 1929, when this matter was up the first time, I said:

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, I think the RECORD ought to show distinctly that which the gentleman from Georgia [Mr. CRISP], the gentleman from Texas [Mr. GARNER], and the gentleman from Tennessee [Mr. BYRNS] know full well-

And I might well have said, the gentleman from Alabama [Mr. BANKHEAD], for of course he would know it full well,

that all they have to do to get an expression from the House is to permit this consent to be granted, let the bill be sent to conference. and then, before the conferees are appointed, make such motion as they desire to instruct the conferees, and upon that they can have a debate; and they can have a roll-call vote; and that is the way to instruct the conferees. It can easily be done, and the gentlemen can get the votes they want.

But the gentleman did not see fit to follow that good advice. He took his way, and he got a roll-call vote of 240 to 141 against him.

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gen-

tleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I want to present a copy of some resolutions passed by the directors of the Independent Oil & Gas Association of Oklahoma at a meeting held in Okmulgee, Okla., February 14, 1929. The directors of this association are familiar with every detail of the oil industry. They have been engaged in the oil business for years and have made a success. They are men of high character and sound judgment, and their findings and recommendations merit and, I am sure, will receive the careful study of every member of the committee and of Congress. Oil is one of the leading industries of my State and of the Nation, and I am interested in giving my best thought and attention. The facts are fully set forth in the resolution. It is urged that a tariff of not less than \$1 per barrel be imposed on crude oil imported into this country. I want to submit these resolutions for the RECORD and for the consideration of the committee.

I am also submitting a letter from the Department of Commerce inclosing:

(a) Figures showing exports of petroleum and products, giving the amount both as to quantity and value with reference to all countries without the United States for the calendar years 1927 and 1928.

(b) Petroleum and products, showing both quantity and value, imported into the United States for the calendar years 1927 and 1928.

The matter referred to is as follows:

Resolution passed by the board of directors of the Independent Oil Association of Oklahoma at a meeting held at Okmulgee, Okla., February 14, 1929

Whereas the American petroleum industry is the greatest industry, the labor and capital of which has been forced to compete with a raw product imported into this country without a protective tariff; and

Whereas the crude oil brought into the United States without a tariff is produced by means of cheap labor and with steel and other materials which can be secured in foreign countries at a lower price than in the United States because of the tariff provided for the protection of the steel industry and similar industries; and

Whereas the oil imported is produced in foreign countries close to water transportation and is moved into the United States at transportation rates much lower than the rates paid upon oil produced in the interior of the United States and transported to tidewater refining points by railroads and pipe lines; and

Whereas the great quantities of crude oil imported into the United States in past years has made it necessary to restrict production and retard development of natural resources, thus curtailing the employment of labor and resulting in much distress among the workers in petroleum districts and destroying home industry; and

Whereas the restriction and curtailment of oil production in the United States has also affected the commercial situation in many States in the Union, resulting in a restricted market for the produce of American farms in the principal centers of the various petroleum fields where thousands of oil workers are now idle; and

Whereas at the present time approximately a quarter of a million barrels of crude oil is being imported into this country each day and run through the stills of United States refineries, while a similar or larger amount of oil already developed in the United States is being run to storage or held in the fields under restriction and proration with direct loss to the producer, landowner, and oil worker in restricted and prorated areas: and

Whereas because of the small gasoline content of the crude oil imported into the United States it is necessary to mix the same with our American high-grade crude oil to obtain the best results, and for this reason there can be no fear of a tariff augmenting the building of refineries in South America and other oil-producing countries and exporting to Europe and other foreign countries in competition with American refineries, as the United States is the largest producer of highgrade crude oil and will always be the leading influence in gasoline and other high volatile oil product exports; and

Whereas the record for the past years indicate that the price of crude oil, whether it be cheap imported foreign crude or high-gravity oils produced in this country, has little effect on the price of retail gasoline and lubricating oils in the United States; because the price of gasoline is an artificial one, quoted either by agreement or manipulation on the

part of the major producing and marketing concerns in the United States, while the retail price of high-grade lubricants remains approximately the same regardless of the crude oil market; and

Whereas the reports of the United States Bureau of Mines, Department of Commerce, indicate that under a full-time capacity operation of coal mines in the United States the gross output of coal would be approximately 1,000,000,000 tons per year, but the said reports further indicate, that because of a lax market condition and demand that the mine output for the year 1928 was approximately 570,000,000 tons; this reduction of coal output beginning apparently in the year 1918, the peak of domestic coal output and continuing to the present time, the decline in production being coincident to the increased imports of Mexican and South American fuel oils, resulting for the past year of 1928 alone, in the falling off of 20,000,000 tons of coal in comparison with the year 1927; and

Whereas the crude-oil production of the United States in the year 1928, according to the Department of Commerce, was 900,000,000 barrels of which 16,000,000 barrels only were run to storage, indicating that if 80,000,000 barrels of imported crude had been shut out by a tariff the United States would have had to draw upon stocks for 64,000,000 barrels of crude in the year 1928 or else produce additional crude to meet the demand, thereby stabilizing the petroleum industry. Now therefore be it

Resolved, That the Independent Oil Association of Oklahoma call upon the Congress of the United States to enact legislation imposing a protective tariff of not less than \$1 per barrel on crude oil imported into this country to relieve a condition of demoralization, depression, and chaos in the petroleum industry caused by the importation of tariff-free crude oil into the United States; and be it further

Resolved, That copies of this resolution be sent to the President and Vice President of the United States, the President elect and the Vice President elect, members of the Finance Committee of the Senate, members of the Ways and Means Committee of the House, and members of the congressional delegation of the State of Oklahoma.

J. G. LYONS,

J. J. CALLAHAN,

M. C. FRENCH, R. D. PINE,

T. T. BLAKELY.

Committee.

INDEPENDENT OIL ASSOCIATION OF OKLAHOMA, C. I. O'NEILL, Secretary.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, February 8, 1929.

Hon. W. W. HASTINGS,

House of Representatives, Washington, D. C.

Mx Dear Congressman: Please refer to our letter of January 17 on the subject of domestic imports and exports of petroleum products. At the time the above letter was written we had complete figures only for the first 11 months of the year 1928. It is thought, therefore, that you will perhaps be interested in the attached sheets from our Monthly Summary of Foreign Commerce which give complete figures for the past calendar year.

If we can be of further service to you, please do not hesitate to call upon us.

Sincerely yours,

O. P. HOPKINS, Acting Director.

Exports of domestic merchandise, by articles and principal countries

	Unit of	December—				Tw	Twelve months ending December—			
Articles, and countries to which exported	quantity	1	927	11	928	19)27	19	28	
. Petroleum and products		Quantity	Value \$35, 409, 494	Quantity	Value \$37, 786, 463	Quantity	Value \$485, 903, 129	Quantity	Value \$525, 536, 78	
Petroleum, crude	Bbl 1	1, 717, 307	2, 956, 798	1, 528, 968	2, 105, 437	15, 843, 405	25, 944, 489	18, 961, 362	26, 786, 24	
Europe Canada Cuba Japan Other countries	Bbl	1, 412, 316	187, 737 2, 457, 891 305, 664 5, 506	79, 448 1, 335, 474 109, 741 4, 305	117, 062 1, 858, 548 123, 109 6, 718	416, 721 13, 036, 216 526, 819 1, 633, 389 230, 260	804, 850 21, 579, 333 1, 303, 291 1, 904, 556 352, 459	556, 421 15, 431, 230 527, 956 2, 066, 139 379, 616	906, 31 22, 235, 29 989, 71 2, 253, 89 401, 02	
Refined oils	. Bbl.1	8, 450, 761	29, 927, 008	8, 952, 352	33, 303, 649	115, 398, 860	429, 663, 342	126, 186, 841	464, 899, 31	
Gasoline, naphtha, and other finished light products	Bbl.1	3, 026, 732	13, 484, 352	3, 674, 806	17, 246, 455	43, 334, 164	209, 838, 685	51, 756, 533	231, 969, 94	
In bulkIn containers	Bbl.1	2, 687, 732 339, 000	10, 733, 550 2, 750, 802	3, 329, 815 344, 991	14, 087, 992 3, 158, 463	38, 745, 589 4, 588, 575	169, 431, 987 40, 406, 698	47, 288, 881 4, 467, 652	194, 307, 68 37, 662, 26	
Belgium Denmark France Germany Irish Free State Italy Netherlands Norway Portugal Spain Sweden United Kingdom Canada. Panama Mexico Cuba Dominican Republic Argentina Brazil Uruguay Other South America China, Hong Kong, and Kwantung Japan Philippine Islands Australia New Zealand British South Africa British West Africa French Africa Morocco Portuguese Africa Spanish Africa Other countries	Bbi	60, 255 771, 149 79, 509 55, 791 92, 229 268 1, 003, 191 189, 346 5, 427 92, 065 57, 413 24, 524 2, 105 8, 366 34, 165 77, 503 192, 165 83, 070 73, 539 42, 837 7, 443 3, 600 3, 876 41, 387	209, 799 2, 631, 840 302, 204 205, 042 333, 639 2, 248 4, 338, 404 709, 038 114, 661 1, 615 45, 740 383, 533 447, 734 185, 271 121, 340 75, 738 243, 941 551, 540 988, 943 369, 559 367, 767 347, 424 62, 340 369, 605	112, 025 73, 338 474, 247 170, 294 6, 357 174, 681 140, 485 9, 920 18, 884 48, 462 1, 139, 513 312, 905 59, 749 8, 349 8, 349 8, 349 8, 349 8, 349 8, 349 8, 349 8, 349 8, 349 8, 349 8, 369 3, 595 8, 880 3, 893 15, 874 229, 997 63, 175 96, 443 36, 934 76, 128 50, 465 3, 795 3, 001 57, 046	534, 722 308, 023 2, 091, 623 29, 369 753, 555 672, 471 48, 958 103, 440 221, 810 4, 468, 418 1, 309, 251 119, 851 59, 926 239, 656 73, 836 444, 690 937, 702 240, 236 31, 938 65, 498 20, 106 481, 002 481, 002 4	1, 126, 085 1, 099, 945 6, 832, 669 1, 230, 997 172, 674 982, 721 1, 674, 054 282, 797 184, 323 984, 222 1, 232, 641 13, 690, 870 3, 144, 539 96, 548 364, 465 488, 867 72, 189 942, 660 353, 355 153, 059 321, 155 356, 044 292, 704 2, 470, 403 1, 661, 065 657, 976 284, 940 558, 302 83, 004 84, 500 54, 991 649, 473	5, 130, 882 4, 948, 112 28, 146, 682 5, 657, 594 960, 320 4, 238, 642 7, 335, 574 1, 155, 698 934, 852 3, 850, 749 63, 088, 679 12, 004, 541 346, 286 1, 968, 598 1, 744, 592 646, 438 7, 128, 797 6, 780, 590 2, 817, 930 970, 319 2, 279, 397 2, 788, 653 2, 257, 165 14, 624, 964 7, 138, 464 7, 138, 464 7, 128, 686, 861 2, 329, 562 3, 122, 955 342, 233 453, 525 4, 593, 076	1, 273, 745 970, 271 7, 726, 271 7, 726, 271 1, 318, 250 170, 753 1, 464, 690 1, 884, 855 223, 558 967, 001 1, 561, 523 15, 640, 770 4, 409, 565 180, 143 300, 430 809, 224 86, 731 1, 782, 798 1, 254, 131 1, 782, 798 1, 254, 131 737, 428 2, 751, 815 1, 219, 906 931, 603 348, 512 700, 854 134, 242 94, 831 770, 854 134, 242 94, 831 770, 854 134, 242 194, 831 177, 283 1, 155, 489	5, 272, 06 3, 976, 80 31, 776, 51 5, 404, 72 618, 01 6, 326, 24 8, 177, 81 1, 192, 71 982, 45 4, 186, 14 60, 813, 83 18, 574, 90 761, 43 1, 536, 73 3, 009, 59 763, 30 9, 322, 90 8, 410, 41 1, 308, 73 1, 971 4, 780, 20 2, 999, 89 14, 202, 85 6, 431, 61 4, 803, 62 2, 967, 81 3, 674 4, 780, 20 2, 997, 81 3, 674 4, 780, 20 2, 997, 81 3, 674 4, 805, 78 816, 16 656, 93 5, 978, 81	
Illuminating oil (kerosene)			5, 255, 589	1, 229, 422	5, 580, 028	19, 352, 102	79, 303, 008	21, 852, 626	93, 477, 91	
In bulkIn containers	Bbl.1	791, 971 451, 400	2, 274, 581 2, 981, 008	911, 305 318, 117	3, 385, 382 2, 194, 646	13, 832, 317 - 5, 519, 785	42, 601, 308 36, 701, 700	16, 290, 641 5, 561, 985	56, 694, 60 36, 783, 31	
Belgium Denmark France Germany Italy Netherlands Norway	Bbl Bbl	34, 810 121 137, 855 17, 523 37, 313 184, 244 12	89, 483 1, 050 355, 842 46, 910 117, 536 461, 308 80	16, 272 1 25, 317 357 34 153, 100 9, 456	49, 415 4 77, 421 2, 100 300 417, 963 36, 764	538, 588 517, 990 1, 127, 435 832, 922 258, 492 1, 757, 326 269, 935	1, 391, 908 1, 478, 831 3, 013, 500 2, 221, 452 707, 078 4, 672, 015 769, 595	296, 373 526, 402 1, 669, 660 838, 610 160, 039 1, 599, 226 262, 775	867, 18 1, 545, 01; 5, 295, 05; 2, 198, 94 508, 27; 4, 303, 20; 756, 44;	

¹ Barrel of 42 gallons.

	Unit of		Decen	nber—	er— Tw			ding Decembe	r—
Articles, and countries to which exported	quantity	19	27	19	28	195	27	192	18
etroleum and products—Continued. Refined oils—Continued. Illuminating oil (kerosene)—Continued. Portugal Spain Sweden. United Kingdom Other Europe Canada. Central America West Indies and Bermudas Argentina Brazil Uruguay British India. British Malaya China, Hong Kong, and Kwantung Netherland East Indies French Indo-China Japan Philippine Islands	Bol Bbl Bbl	8, 970 3, 101 12, 357 5, 479 60, 409 6, 968 11, 216 70, 896 115, 189 14, 094	Value \$144, 241 5, 051 455 187, 376 3, 028 28, 828 21, 397 92, 605 50, 564 386, 316 46, 608 75, 027 220, 731 653, 606 88, 494	Quantity 16, 456 122 376, 173 24, 384 6, 879 2, 111 12, 673 2, 510 65, 818 7, 973 59, 903 207, 114 7, 412 238 37, 727 16, 225	Value \$48, 381 786 1, 297, 623 69, 152 21, 345 14, 565 94, 200 18, 101 464, 142 66, 006 143, 396 1, 261, 027 49, 108 1, 800 239, 461 105, 763	Quantity 315, 948 77, 623 224, 978 3, 172, 465 363, 794 128, 003 78, 412 159, 191 336, 200 696, 843 225, 410 1, 360, 741 1, 53, 404 2, 618, 322 186, 763 54, 683 1, 608, 997 197, 460	Value \$822, 415 216, 424 800, 262 8, 811, 625 1, 174, 499 473, 802 324, 909 1, 167, 537 2, 001, 396 4, 521, 21 1, 618, 718 3, 949, 060 528, 151 14, 951, 599 1, 175, 163 352, 101 8, 012, 531 1, 312, 639	Quantity 356, 192 101, 824 400, 700 2, 944, 533 380, 398 150, 058 45, 142 178, 769 189, 773 649, 969 180, 732 474, 827 12, 391 4, 769, 165 174, 162 75, 763 2, 371, 610 360, 405	Value \$912, 355, 1, 371, 8, 230, 997, 600, 293, 1, 319, 1, 352, 4, 225, 1, 488, 70, 28, 860, 1, 107, 516, 8, 090, 2, 286, 5, 600,
Japan Philippine Islands Australia New Zealand British Africa French Africa Portuguese Africa Other countries	Bbl Bbl	56, 866 9, 609 66, 138 7, 248 7, 305 19, 985	383, 994 52, 616 462, 781 54, 686 50, 201 122, 357	65, 534 3, 858 56, 295 12, 523 6, 894 36, 063	389, 170 26, 414 402, 353 63, 200 48, 805 171, 263	599, 604 114, 793 608, 364 320, 211 70, 923 326, 282	4, 069, 649 763, 675 4, 206, 906 1, 263, 549 515, 650 2, 015, 154	998, 344 176, 866 669, 191 283, 884 101, 284 393, 469	5, 600, 915, 3 4, 641, 9 1, 102, 3 724, 3 2, 115, 3
Gas and fuel oil.		3, 402, 632	3, 798, 897	3, 171, 040	3, 475, 537	42, 963, 180	49, 801, 802	41, 558, 367	45, 797,
Belgium Denmark France Germany Italy Netherlands Norway Spain Sweden United Kingdom	Bbl Bbl Bbl Bbl Bbl Bbl Bbl Bbl Bbl	33, 772 22, 793 19, 776	48, 746 136 153, 208 39, 143 35, 462 21, 288 1, 038, 721 229, 007	57, 158 41, 298 161, 906 122, 464 17, 882 413, 151 136, 462	71, 463 29, 007 240, 483 368, 613 29, 069 555, 722	534, 410 717, 649 92, 553 1, 257, 971 182, 308 769, 653 106, 004 68, 511 236, 970 5, 507, 283 2, 377, 177	814, 897 1, 280, 183 159, 056 2, 153, 360 337, 491 1, 351, 038 183, 140 125, 968 448, 356 8, 283, 212 2, 864, 131	433, 935 597, 528 578, 477 1, 793, 140 402, 800 884, 301 106, 747 153, 242 146, 894 4, 402, 741 2, 371, 833	623, 959, 1, 193, 2, 793, 635, 1, 632, 169, 195, 246, 5, 813,
Canada Panama Mexico Cuba Other West Indies and Bermudas. Argentina Brazil Chile Other South America China, Hong Kong, and Kwantung	Bbl Bbl Bbl Bbl Bbl Bbl Bbl Bbl Bbl	329, 756 76, 141 52, 054 626 392, 913 202, 830 639, 893 162, 607	314, 343 75, 828 58, 927 1, 999 331, 166 265, 078 527, 753 126, 325 289	418, 364 67, 480 75, 791 31 56, 251 60, 088 740, 146 23, 686 96, 333	154, 712 384, 640 67, 875 63, 511 497 47, 101 99, 424 593, 540 19, 649 116, 496	7, 360, 016 1, 042, 743 1, 942, 493 544, 549 4, 307, 750 1, 232, 879 4, 349, 940 1, 597, 642 1, 159, 120	7, 481, 379 1, 160, 091 2, 331, 101 724, 701 3, 882, 934 1, 383, 390 3, 880, 438 1, 449, 656 1, 490, 271	5, 188, 569 1, 218, 770 2, 025, 707 604, 037 2, 113, 870 887, 428 6, 328, 693 980, 583 1, 131, 086	2, 785, 4, 850, 1, 360, 2, 715, 938, 1, 942, 1, 261, 5, 265, 838, 1, 187,
Japan. Philippine Islands. New Zealand French Africa. Other countries. Fuel or bunker oil for cessels in foreign trade (not	Bbl Bbl Bbl	432, 802 6, 435 64, 383 38 92, 688	368, 759 5, 470 55, 610 166 101, 473	257, 757 59, 117 81, 105 193 284, 467	213, 146 59, 117 73, 002 733 287, 737	4, 419, 106 685, 995 918, 587 71, 996 1, 479, 875	4, 032, 073 743, 243 962, 077 105, 676 2, 173, 940	5, 114, 192 592, 431 948, 285 79, 044 2, 474, 034	4, 256, 589, 892, 80, 2, 568,
included in Domestic Exports)	Bbl.1	4, 263, 618	5, 516, 633	4, 234, 695	4, 459, 354	50,050,574	72, 967, 245	51, 124, 820	59, 299,
On American vessels	_ Bbl	1,909,817 2,355,801	2, 499, 386 3, 017, 247	2, 255, 941 1, 978, 754	2, 291, 293 2, 168, 061	22, 205, 735 27, 844, 839	31,747,310 41,219,935	23, 263, 915 27, 860, 905	26, 181, 33, 117,
Lubricating oil		769, 114	7, 265, 875	866, 029	6, 859, 085	9, 605, 757	88, 843, 128	10, 849, 541	91, 591,
Red and pale		513, 492 72, 009	4, 203, 032 332, 962	538, 527 79, 517	394, 545	5, 984, 138 645, 338	49, 367, 575 3, 623, 626	6, 939, 071 757, 913	3, 269,
Denmark France Germany Italy Netherlands Spain Sweden United Kingdom Other Europe Canada Mexico Cuba Argentina Brazil Chile	Bbl Bbl	4, 656 44, 168 68, 408 12, 818 4, 324 13, 624 2, 998 140, 456 9, 507 18, 779 4, 275 6, 395 6, 395 9, 408 9, 408 3, 537 5, 253 12, 342	69, 631 285, 851 400, 703 108, 021 67, 289 111, 492 46, 607 812, 411 140, 405 102, 742 57, 289 66, 576 148, 904 131, 557 98, 118	759 115,962 73,043 14,342 11,346 9,725 389 6,775 19,122 2,300 4,058 4,478 15,626 2,650 3,891	12, 050 587, 559 355, 994 197, 504 95, 082 150, 886 6, 239 438, 541 107, 030 199, 796 68, 766 71, 878 203, 956 41, 424 72, 904	112, 715 792, 583 777, 802 155, 777 96, 296 143, 738 58, 908 1, 199, 515 107, 279 250, 945 46, 071 59, 264 193, 615 141, 938 36, 198 58, 881 300, 661	850, 728 4, 920, 799 3, 880, 413 1, 500, 633 814, 768 1, 486, 277 800, 934 7, 039, 855 1, 244, 194 2, 384, 917 513, 245 694, 635 3, 332, 561 1, 752, 479	107, 281 1, 008, 851 859, 190 263, 414 208, 474 54, 483 98, 983 1, 320, 965 87, 589 303, 436 47, 525 47, 110 125, 442 149, 441 37, 741 70, 864	3, 209, 6, 264, 4, 590, 2, 533, 1, 246, 834, 1, 011, 8, 228, 1, 332, 2, 843, 598, 593, 2, 049, 1, 807, 555, 1, 180, 2, 874, 2, 391,
Other South America British India China, Hong Kong, and Kwantung Netherland East Indies Japan Philippine Islands Australia New Zealand British Africa Egypt Portuguese Africa Other countries Black	Bbl. Bbl. Bbl. Bbl. Bbl. Bbl. Bbl. Bbl.	12, 342 6, 485 5, 884 17, 451 4, 603 12, 733 3, 154 5, 492 1, 502 733 12, 577	85, 897 113, 665 162, 874 76, 795 184, 073 47, 433 110, 650 12, 644 6, 011 190, 614	16, 388 10, 607 5, 675 19, 417 6, 843 16, 617 4, 593 2, 360 1, 594 787 12, 239	164, 325 105, 962 61, 034 194, 113 112, 646 221, 637 78, 576 26, 642 12, 169 5, 880 155, 420	145, 230 51, 371 186, 432 44, 019 171, 288 37, 224 29, 426 14, 588 10, 674 116, 982	556, 353 1, 031, 432 2, 733, 796 1, 416, 031 810, 557 2, 034, 747 636, 659 2, 172, 438 531, 655 519, 330 139, 697 101, 107 1, 783, 659	388, 682 234, 485 39, 156 198, 870 70, 354 183, 963 42, 798 33, 116 38, 507 14, 266 126, 172	2, 228, 945, 2, 412, 602, 521, 254, 153, 1, 779,
Cylinder	100000000000000000000000000000000000000	219, 352	261, 767	94, 697 232, 805	2, 181, 553	671, 776 2, 949, 843	3, 486, 400 35, 989, 153	1, 029, 270 2, 881, 200	5, 125, 32, 020,
Belgium Denmark France Germany Italy	Bbl Bbl Bbl	8, 330 3, 229 13, 548 8, 671 15, 868	73, 625 39, 163 170, 889 130, 905 192, 169	12, 138 472 41, 258 6, 724 15, 600	115, 589 6, 118 338, 625 89, 184 125, 724	100, 440 21, 890 335, 936 331, 720 196, 454	1, 048, 656 302, 071 3, 793, 905 3, 824, 918 2, 516, 008	118, 209 12, 120 391, 272 438, 402 213, 086	1, 155, 146, 3, 808, 4, 245, 2, 455,

Exports of domestic merchandise, by articles and principal countries-Continued

Separate Sep	Unit of		December— Twelve months ending Dec						-	
Articles, and countries to which exported	quantity	19	27	1	928	192	1927		1928	
Spain Sweden United Kingdom Canada Mexico Cuba Argentina Brazil Chile Other South America British India China, Hong Kong, and Kwantung Netherland East Indies Japan Philippine Islands Australia New Zealand British Africa Egypt Portuguese Africa	Bbl Bb	Quantity 3, 255 1, 516 4, 781 2, 976 66, 042 3, 530 2, 273 2, 482 2, 683 4, 682 3, 804 9, 408 3, 872 1, 584 3, 405 5, 853 1, 622 6, 973 2, 892 2, 438 12, 236	Value \$45, 127 24, 728 50, 471 44, 701 789, 147 36, 935 18, 470 27, 030 227, 012 32, 388 69, 357 61, 887 142, 850 41, 118 9, 796 92, 762 26, 867 121, 290 44, 468 51, 456 182, 672	Quantity 3, 485 1, 985 381 56, 031 33, 797 1, 415 3, 520 5, 992 6, 245 1, 001 5, 355 3, 784 367 2, 298 13 10, 278 13 10, 278 6, 833 2, 180 2, 234 7, 734	Value \$39, 743 1, 249 25, 238 5, 400 535, 593 66, 587 16, 158 45, 799 80, 928 102, 145 15, 314 44, 344 44, 344 45, 303 29, 428 8, 693 29, 428 112, 880 10, 978 118, 986 34, 281 110, 439	Quantity 76, 011 9, 918 51, 662 22, 485 753, 754 107, 271 22, 240 30, 388 110, 194 55, 794 17, 679 40, 139 67, 429 23, 077 8, 621 56, 361 2, 788 180, 884 183, 995 85, 215 46, 664 29, 258 131, 576	Value \$811, 697 153, 662 592, 282 327, 618 8, 162, 308 1, 119, 907 243, 756 387, 210 1, 411, 216 653, 472 271, 428 658, 206 876, 086 249, 185 122, 373 659, 803 44, 007 2, 801, 704 407, 550, 178 1, 379, 177 593, 792 481, 133 2, 003, 395	Quantity 74, 102 6, 367 31, 506 20, 737 551, 931 153, 706 34, 581 29, 899 85, 965 92, 828 19, 506 40, 106 43, 379 17, 953 10, 299 48, 832 1, 740 143, 927 30, 676 74, 850 43, 082 29, 349 122, 790	Value \$580, 2 330, 4 303, 7, 6, 149, 1 1, 360, 2 287, 3 377, 2 1, 099, 7 919, 9 277, 5 605, 8 529, 4 163, 8 150, 1 575, 5 20, 9 408, 3 473, 6 1, 783, 5 473, 6 1, 783, 5	
Insulating or transformer oils Light lubricating oils in small packages	Gal Gal	183, 004 162, 250 29, 069	43, 667 46, 500 32, 128	188, 731 243, 203 32, 366	45, 254 53, 348 43, 942	2, 648, 274 2, 844, 976 540, 360	550, 246 836, 467 490, 006	2, 352, 727 4, 232, 854 544, 925	508, 7 1, 040, 2 513, 9	
Lubricating greases	Lb	9, 663, 358	488, 466	8, 571, 146	451, 564	100, 483, 272	5, 298, 592	108, 111, 834	5, 589, 0	
Paraffin wax	Lb	30, 668, 757	1, 228, 506	26, 600, 116	1, 390, 179	340, 422, 834	15, 034, 424	392, 648, 443	16, 863,	
Refined	Lb	7, 937, 413 22, 731, 344	259, 372 969, 134	5, 839, 764 20, 760, 352	273, 159 1, 117, 020	76, 248, 749 264, 174, 085	2, 747, 693 12, 286, 731	83, 090, 154 309, 558, 289	3, 011, 13, 851,	
Belgium Germany Irish Free State Italy Netherlands Spain Sweden United Kingdom Other Europe Central America Mexico Cuba Argentina Chile Colombia Peru Other South America China, Hong Kong, and Kwantung Japan Philippine Islands British South Africa Other countries	Lb Lb Lb Lb Lb Lb	8, 463, 516 437, 443 494, 735 1, 264, 661 181, 736 1, 151, 411 1, 166, 999 587, 799	64, 438 36, 608 8, 644 191, 937 40, 471 76, 927 46, 379 271, 176 20, 919 22, 723 51, 260 9, 133 47, 343 47, 343 48, 244, 561 10, 275 26, 731 131, 261 56, 524 1, 063 6, 235 6, 235 38, 990	1, 632, 599 954, 563 662, 710 3, 302, 593 1, 200, 442 882, 510 222, 083 6, 139, 058 6, 139, 058 1, 172, 430 322, 188 710, 467 481, 270 463, 153 55, 199 1, 109, 669 393, 364 948, 885 2, 194, 483 1, 971, 409 610, 000 869, 190 869, 190 860, 881	80, 963 45, 920 33, 347 163, 169 63, 997 49, 200 15, 624 260, 494 260, 494 260, 494 260, 494 260, 497 163, 283 33, 011 24, 714 2, 920 69, 988 22, 243 57, 069 129, 704 123, 251 3, 350 46, 337 46, 359	10, 695, 036 14, 710, 805 6, 604, 898 41, 424, 161 12, 880, 208 17, 891, 463 7, 644, 501 107, 330, 081 5, 639, 069 7, 140, 069 7, 140, 069 7, 140, 071 18, 439, 412 3, 274, 841 14, 273, 764 7, 813, 935 7, 654, 712 4, 808, 501 10, 553, 275 19, 123, 561 6, 701, 550 1, 681, 380 3, 188, 756 10, 958, 918	516, 678 640, 293 232, 588 2, 072, 697 519, 398 886, 065 299, 144 4, 061, 783 275, 721 366, 812 793, 079 541, 502 206, 370 514, 373 835, 286 390, 785 91, 400 174, 104 557, 084	13, 003, 970 15, 314, 514 9, 177, 431 52, 225, 625 16, 586, 729 13, 760, 097 7, 039, 515 101, 389, 469 8, 324, 589 7, 294, 538 17, 232, 456 3, 202, 984 13, 097, 345 22, 647, 836 10, 956, 362 23, 674, 483 10, 108, 670 36, 736, 678 14, 154, 047 685, 082 3, 903, 343 12, 141, 680	585, 664, 6340, 2, 139, 760, 853, 533, 231, 3, 732, 368, 176, 855, 550, 176, 855, 123, 521, 1, 991, 768, 44, 190, 1536,	
Petroleum asphalt Petroleum coke Petroleum residuum	Ton Ton Bbl. ¹	24, 871 9, 615 23, 144	613, 989 128, 445 66, 282	27, 516 5, 587 903	483, 884 48, 305 3, 445	343, 778 93, 253 217, 239	8, 325, 413 1, 052, 772 584, 097	442, 129 128, 688 62, 506	9, 788, 1, 384, 226,	

-		-		_				-	-
General	imports	of	merchandise	bu	articles	and	arincina!	countrie	6

	Unit of		Decer	nber-		Twelve months ending December—			
Articles, and countries from which imported	quantity				1928		27	1928	
3. Petroleum and products		Quantity	Value \$9, 960, 386	Quantity	Value \$10, 784, 152	Quantity	Value \$113, 434, 019	Quantity	Value \$132, 782, 203
Crude petroleumfree	Bbl.1	6, 209, 418	7, 803, 786	6, 807, 286	6, 843, 517	58, 382, 632	78, 609, 117	79, 766, 672	90, 413, 284
Mexico Netherland West Indies Colombia Peru Venezuela Other countries	Bbl Bbl Bbl Bbl Bbl	1, 327, 000 1, 599, 979 1, 075, 000 100, 000 1, 910, 664 196, 775	1, 502, 419 2, 236, 584 1, 711, 040 225, 000 1, 895, 514 233, 229	1, 293, 500 1, 858, 319 1, 227, 000 2, 232, 624 195, 843	1, 356, 326 1, 375, 090 1, 754, 610 2, 116, 135 241, 356	26, 019, 058 10, 136, 248 7, 962, 001 1, 886, 474 11, 423, 575 955, 276	30, 442, 475 14, 228, 581 13, 559, 123 4, 156, 674 14, 945, 832 1, 276, 432	17, 584, 211 24, 989, 387 11, 838, 025 1, 224, 125 21, 987, 319 2, 143, 605	19, 400, 030 27, 309, 822 17, 210, 451 2, 706, 507 21, 274, 538 2, 511, 939
Refined oils	Bbl.1	748, 712	2, 054, 147	1, 088, 965	3, 792, 487	13, 281, 188	33, 637, 919	11, 800, 208	40, 942, 631
Topped, including fuel oil	Bbl.1	281, 932	641, 220 1, 342, 715 60, 385	646, 319 177 420, 050 19, 882	747, 034 560 2, 944, 782 51, 197	8, 124, 192 91, 303 5, 002, 306 55, 435	10, 176, 290 337, 814 22, 772, 734 248, 017	7, 268, 147 19, 962 4, 297, 774 201, 747	8, 484, 740 33, 588 31, 517, 538 716, 213
Lubricating oils, including paraffin oilfree	Bbl.1	15, 253 455	60, 385 9, 827	2, 537	48, 914	55, 435 7, 952	103, 064	201, 747 12, 578	190, 552
Paraffin and paraffin waxfree	Lb	1, 905, 702	102, 453	2, 138, 494	148, 148	20, 461, 774	1, 186, 983	24, 740, 996	1, 426, 288

¹ Barrel of 42 gallons.

Mr. WOOD. Mr. Chairman, I yield five minutes to the gentlemen from Massachusetts [Mr. Stobbs].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. STOBBS. Mr. Chairman, unless some definite action repealing or postponing operation of the so-called national origins provision of our immigration law is adopted in the closing days of Congress this method of determining our immigration quotas

will become operative by presidential proclamation during the |

An unusual situation is thus presented when a provision, condemned alike by both candidates for the Presidency in the last election, may be allowed to become a law by reason of the failnre of Congress to act

The present law may present certain inconsistencies, but it has served a purpose and will continue to do so until some more

equitable method can be devised.

The substitution of the so-called national-origins method is indefensible by reason of the inaccuracy of its data. We have only to refer to the language used in the report or letter written by the members of the special commission-composed of Secretaries Kellogg, Hoover, and Davis-in submitting the tabulation of data upon which the national-origins quotas are to be based, to realize the truth of this statement. They reported as follows:

The statistical and historical information available raises grave doubts as to the full value of this compilation as a basis for the purpose contended.

Surely a very strong statement as to the ureliability of the national-origins method of determining our immigration quotas.

The reason for this is that the data is compiled very largely as a result of guess work as to the origin of people residing in this country at the time of the census of 1790, the guess work being almost entirely predicated on the supposed origin of such people because of their names. When we propose to change an existing method, whereby we are to reduce materially the quotas of some of our most desirable immigrants, we want something more than guess work as a basis for any such action.

Take the case of the immigration from the Scandinavian countries as an illustration, which I think we will all agree has proven to be one of the most desirable. Under the present act, based on the percentage of foreign born in this country as of the date of the census of 1890, there is allowed to come into this country annually from the three countries of Denmark, Norway, and Sweden 18,803 immigrants. Under the so-called nationalorigins provision this would be cut down to only 7,036, much

less than one-half.

There would also be considerable reduction in the number of immigrants coming from Germany, the Irish Free State, and

several other countries.

But the argument is made that the national-origins method will give us more of the old Anglo-American stock, to which we owe so much in the original settlement of this country. not wish to decry the debt we owe to our forefathers of English descent, who constituted such a large part of the early immigration into this country. As a descendant myself of the stock which contributed so much to the early growth and development of what we call our American institutions, I am very proud of my ancestry.

But we must not overlook the fact that men and women of other stock and of other national heritage likewise played their part, and a glorious one, in the establishment of a form of gov-ernment and the building of institutions which have commanded

the admiration of the world.

This country was not settled by people from Great Britain It was settled by people of various nationalities. Side by side in the War of Independence, as in fact in every other war in which we have ever been engaged, fought men from practically every nation in Europe, all imbued with the same

love of liberty, irrespective of their national origin.

Any method of determining admission into this country of the nationals of other countries which operates to discriminate against a fellow countryman of any of those who participated in the most glorious events in our history, based entirely on guesswork data, as is admitted by the committee having the matter of investigation in charge, is certainly very much to be condemned.

I sincerely trust that this Congress will in the few days remaining again postpone the operation of this so-called nationalorigins provision of our present immigration law until such time as the whole matter of quota basis can be more carefully considered with a view to arriving at a method which will be more just and equitable to all parties concerned. [Applause.]

The CHAIRMAN. The time of the gentleman from Massa-

chusetts has expired.

Mr. BYRNS. Mr. Chairman, I yield 15 minutes to the gen-

tleman from Texas [Mr. BLANTON]. The CHAIRMAN. The gentleman from Texas is recognized

Mr. Chairman, I want to commend the pres-Mr. BLANTON. ent Bureau of Investigation in the Department of Justice, presided over at this time by Mr. J. Edgar Hoover, and commend also the Washington manager of that department, Mr. Thomas F. Cullen. I have been very much impressed with the high character of the splendid work that they are doing.

There was a poor, unfortunate woman, you remember, who was afraid to stay in Washington. Just as soon as she learned that she could find safety in the protection of the Department of Justice agents she voluntarily got on the train in Chicago and came to Washington. She has been protected here by these agents. They arranged for her to come in here through the depot last night and there was a bunch of reporters and photographers there waiting for her. They brought her in here and took her to a hotel without one of those people knowing anything about it.

I want to show you one of the reasons why that woman was afraid to stay in Washington, her birthplace, the Nation's

Capital.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No; I do not yield.

I want to read to you, under the heading of "Burlingame's cruel third-degree persecution caused innocent young Chinese student to get death sentence. Supreme Court of the United States saved student's life," an excerpt from the decision of the Supreme Court of the United States, volume 266, page 8, the following quoted from the decision rendered by Mr. Justice Brandeis:

On January 31, 1919, the police department learned that three Chinamen had been murdered. Li said he had seen Wan, of New York, enter the building on January 29. Detectives started immediately for New York. On February 1 they entered Wan's room, brought him to Washington, was tried and sentenced to be hanged, and court of appeals affirmed the judgment.

Wan was a native of China. He had come to the United States in 1916 as a student. Since December, 1918, his health had been bad, having Spanish influenza. He suffered continuously from a chronic stomach trouble. When detectives entered his room unannounced they found him in bed. They had no search warrant, but they made a search of his room and effects, including his bed where he lay. They requested him to return with them to Washington. He told them he was too sick.

On arrival in Washington, Wan was not put formally under arrest, but he was taken to a secluded room. In the presence of three detectives (one being Burlingame), the superintendent of police, and Li, he was subjected there to questioning for five or six hours. They then took him to Dewey Hotel, and without entering his name on the hotel registry, placed him in a bedroom on an upper floor. In that room he was detained continuously for one week. Throughout the period he was sick and, most of the time, in bed. In vain Wan asked to see his brother, whom detectives were detaining in another room and subjecting to like interrogation.

Wan was held in the hotel room without formal arrest, incomunicado. But he was not left alone. Every moment of the day, and of the night, at least one member of the police force was on guard inside his room. Three ordinary policemen were assigned to this duty. Each served eight hours; the shifts beginning at midnight, at 8 in the morning, and at 4 in the afternoon. Morning, afternoon, and evening, and at least on one occasion after midnight, the prisoner was visited by the superintendent of police and/or one or more of the detectives. The sole purpose of these visits was to interrogate him. Regardless of Wan's wishes and protest, his condition of health, or the hour they engaged him in conversation. He was subjected to persistent, lengthy, and repeated cross-examination. Sometimes it was subtle, sometimes severe,

And the record shows that one of his tormentors was Capt. Guy E. Burlingame, then a detective. Let me quote from it some of what it says about Burlingame. The record shows that on the eighth day these officers took Wan to the house where the murder occurred, and concerning his harassment there, one officer testified:

Well, he sat and rolled his eyes when I asked him questions. Burlingame (another detective) said: "Answer his question," and then Wan started in Chinese language, and Burlingame said, "Here, don't speak Chinese. Answer Kelly's question." Burlingame caught him on the shoulder and said, "We don't want anything like that here." was about 1 o'clock in the morning, and we left about 4 o'clock. Burlingame set him down in a chair.

Defendant was not permitted to sleep or go back to the hotel. On the ninth day, after an all-night interrogation, I told defendant, "If you are guilty, and your brother is innocent, I want to know, for I am holding your brother just the same as I am holding you." Wan had to talk. I left details to Burlingame and Kelly.

Let me quote further from what Mr. Justice Brandeis said about it in said Supreme Court decision:

On the eighth day the accusatory questioning took a more excruciating form. Continuously for 10 hours this sick man was led from floor to floor minutely to examine and reexamine the scene of the triple murder and every object connected with it. The places where the dead men were discovered, the revolver with which presumably the murder was committed, the bloodstains and fingerprints thereon, the bullet holes in the walls, the discharged cartridges found upon the floor, the clothes of the murdered men, the bloodstains on the floor and the stairs, a bloody handkerchief, the coat and pillow which had been found covering the dead men's faces, photographs taken by the police of the men as they lay dead, the doors and windows through which the murderer might have entered or made his escape, photostat copies of writings, by means of which it was sought to prove that Wan was implicated in a forgery. Every supposed fact ascertained by the detectives in the course of their investigation was related to him. Concerning every object, every incident detailed, he was in the presence of a stenographer plied with questions by the superintendent of police and the detectives. By these he was engaged in argument; sometimes separately, sometimes in joint attack. The process of interrogation became ever more insistent. It passed at times from inquiry into command. From 7 o'clock in the evening until 5 o'clock in the morning the questioning continued. Li had left worn out. The superintendent returned home exhausted. One detective had fallen asleep. To Wan not a moment of sleep was allowed.

On the ninth day Wan was formally arrested; interrogation was promptly resumed. Detectives, day and evening, plied their questions, arguing, urging him to confess lest his brother be deemed guilty. On the tenth day Wan was "bundled up" and again questioned at the scene for hours. On the eleventh day detectives at the station questioned Wan in the presence of a stenographer. On the twelfth day Wan signed the stenographer's report in the jail. On the thirteenth day, for the first time, Wan was visited by the jail physician.

He found Wan lying in a bunk in the cell, very weak, very much exhausted, very much emaciated, complaining of intense pain, vomiting if he attempted to take food, and he was confined in his bed for a month thereafter. Being questioned by the court, "Would he be liable to sign a confession that would lead him to the gallows in that condition," the physician replied, "I think he would, if he wanted to be left alone; he would do anything to have the torture stopped."

That is from the decision of the Supreme Court of the United States, if you please, and the Supreme Court of the United States held that Burlingame and these other members of the police department in Washington violated the law in this mistreating of Wan; and by his timely decision Mr. Justice Brandeis saved the life of this poor Chinese student and re-versed the case, and when it came up again Wan was acquitted by the verdict of a jury of his peers.

Most of the high police officials in Washington are anti-quated, helpless fossils, with one-track minds. These three Chinamen had been murdered. These policemen realized that Chinamen had been murdered. These policemen realized that they must find a culprit. Li told them Wan, of New York, had once visited this Chinese mission. "Presto change," they just knew it could not have been anyone else but Wan, of New York. They captured poor Wan sick in bed in his home in New York. For 12 days and nights they tortured him. And they would have hanged him if the Supreme Court of the United States had not stopped them.

And it is just this local police situation here that has forced Mrs. Helen F. Blalock to be afraid to subject herself to their third-degree methods, their inquisition, their torture. I am glad that we have a Department of Justice as a part of the Government of the United States.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?
Mr. BLANTON. I want to tell you a joke on the gentleman
from Wisconsin. Do you know why he interrupts me so much in this Burlingame matter? I will tell you. Burlingame used to have a man working in the Capitol, until recently, who reported to him daily the actions of certain Congressmen. Every turn I took he reported it to Burlingame and every turn that the gentleman from Vermont [Mr. Greson] took he reported it He was Burlingame's information man and he found out that the gentleman from Wisconsin interrupted me frequently. He knew I was after him, Burlingame, and he thought it would be nice to cultivate the acquaintance of my friend from Wisconsin and he sent this information man to my friend from Wisconsin and got him to go down on a raid with Burlingame one night, had him go down and see him raid a "nigger joint" where there were a lot of poor "niggers." showed him how he cuffed them around and showed him he was the big chief, and he had the big chief from Wisconsin there watching and looking on.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes; I yield. Mr. SCHAFER. I want to state that I have met Captain Burlingame twice in my whole life.

Mr. BLANTON. Did not the gentleman go on a raid with

other time is when I met him while attending a hearing of the GIBSON committee in the House Office Building.

Mr. BLANTON. Did not the gentleman make a raid with him on a bunch of niggers?

Mr. SCHAFER. I saw Captain Burlingame that evening make a hundred or more arrests in about four hours. I did not see him punch any negroes, though.

Mr. BLANTON. And presto, change, he made a confederate and a companion of our friend from Wisconsin and uses him here in the House to try to hamstring me when I am here trying to bring about better conditions in your Nation's Capital.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes. Mr. SCHAFER. I will say to the gentleman, that Captain Burlingame has never asked me to say a word in the House and he has never contacted me directly or indirectly on any of the matters which the gentleman is bringing out.

Mr. BLANTON. Certainly; he does not have to do it. He

takes the gentleman on a nigger raid and has him here to represent him when these questions come up

Mr. SCHAFER. Will the gentleman yield? Mr. BLANTON. I can not yield further.

Mr. SCHAFER. Just one more question. Mr. BLANTON. No; and I want my own time.

falling out with the gentleman from Wisconsin. I think he is a very valuable man here. He started over here on this side of the aisle, and then he crossed over, and then he crossed back, and now he has crossed over again. If he would stay in one

The CHAIRMAN. The time of the gentleman from Texas

has expired.

Mr. BYRNS. I yield the gentleman two additional minutes. Mr. BLANTON. He starts out wet against the drys, and then, when the country offers him a wet candidate, than whom there is no wetter, he quits that wet candidate.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. SCHAFER. The candidate of your party, who the gentleman supported, was not a wet candidate; he was pussyfooting on the wet question.

Mr. BLANTON. And that is the reason I supported him

against Hoover, who is just as wet.

Mr. SCHAFER. And that is one reason why I opposed Governor Smith, because he was pussyfooting on the wet and dry

Mr. BLANTON. And the gentleman from Wisconsin supported Hoover, I guess, because he thought Hoover was wetteris that the idea?

Mr. SCHAFER.

Answer me on that, Mr. BLANTON.

Mr. SCHAFER. I supported Mr. Hoover because of political and economic questions of vital interest to the people of Wisconsin and the Nation, and because of the exceptional ability and character of Mr. Hoover as compared to the other can-

didate. [Applause.]

Mr. BLANTON. I can not yield further. I want to say this, that the beer-drinking people of Milwaukee wanted Smith; the

drinking people of Wisconsin wanted Smith.

Mr. SCHAFER. Is that why the gentleman supported him? Mr. BLANTON. The gentleman's idea was that they wanted Smith; but in the race that he expects to make in Wisconsin next year the gentleman from Wisconsin thought possibly it would be good politics to oppose the politics of the man against whom he is going to run, and, presto, change, we find him going back on the man who stood for Milwaukee beer with a content of 4 per cent of alcohol, something that the gentleman from Wisconsin had fought for here for days and weeks and months and years.

Mr. SCHAFER. If the gentleman will yield I will state that if I run for the Senate against the man in question, it will not be on the prohibition question, but on many political and

economic questions.

Mr. BLANTON. I will say this to my friend from Wisconsin-and I do like him "with all his faults I love him still "-if he will come down to my district in Texas I will ask every bootlegger there to give him everything to drink there is in my district, and there is plenty of it. [Laughter.]
Mr. SCHAFER. The gentleman from Wisconsin does not

drink intoxicating liquors, so he can not accept the gentleman's

kind hospitality. [Applause.]
Mr. WOOD. Mr. Chairman, I yield two minutes to the gen-

tleman from Wisconsin [Mr. Schafer].

Mr. SCHAFER. I have asked for two minutes because I want to propound a question to the gentleman who has just taken his Mr. SCHAFER. There was one time that I went down to seat. During the course of his debate the gentleman from make a personal investigation of the second precinct. The Texas indicated that Mrs. Blalock, who we have read so much about in the Congressional Record and in the Washington newspapers, voluntarily got on the train and came to Washington to appear as a witness in the trial board proceedings. Washington newspapers, everyone of them, contain information that the Department of Justice located Mrs. Blalock through Now, I rise to ask the gentleman which is tracing bank checks. correct. Did Mrs. Blalock voluntarily come to Washington, or did the Department of Justice locate her by tracing checks going through her bank?

Mr. BLANTON. I will say to the gentleman that his friend, Burlingame, and the 1,400 policemen of Washington did not locate her, but the Department of Justice did locate her, and they can locate anybody. But they did not bring her here. They let her alone. They located her and then let her alone

and she came here voluntarily.

And if it had not been for the activities of Mr. SCHAFER. the Department of Justice, Mrs. Blalock would not be here, the insinuation of the gentleman from Texas in his debate to the contrary notwithstanding. I would now like to ask one further question.

Mr. BLANTON. The agents of the Department of Justice did not make themselves known to her until she had already bought

her ticket and got on the train.

Mr. SCHAFER. The gentleman spoke about the case of a Chinaman and mentioned Burlingame. Is this the same Burlingame who was a member of the trial board that tried Mr. Staples, a Metropolitan policeman. I recollect that the proceedings of the trial board indicate that the gentleman from Texas [Mr. Blanton] represented this policeman, Mr. Staples, as counsel, and when the trial board asked whether the board as constituted met with the approval of the defense, the gentleman from Texas in regard to Mr. Burlingame, particularly, said "Captain Burlingame is absolutely satisfactory." Is this the same gentleman?

Mr. BLANTON. The gentleman's idea of the matter is entirely incorrect. He was hand-picked beforehand.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HASTINGS. Mr. Chairman, on behalf of the gentleman from Tennessee, I yield five minutes to the gentleman from New

York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman and gentlemen of the committee, to-day I introduced the following resolution:

Whereas the Congressional Record as now constituted does not present a fair, correct, or complete picture of the proceedings of the Congress: Therefore be it

Resolved, That a commission of three Members of the Senate and three Members of the House of Representatives be appointed, to be chosen by the President of the Senate and the Speaker of the House, respectively, to conduct an inquiry into the feasibility and advisability of permitting the inclusion in the RECORD of photographs, cartoons, halftones, rotogravures, portraits, comic strips, and similar material in so far as they contribute to a more accurate portrayal of the development of society and civilization in the United States, and to a more faithful recording of the activities of the Congress of the United States; and that the sum of \$50,000 be appropriated for the employment of a committee of competent and experienced journalists and for the payment of other expenses incident to the aforesaid study, said commission to report its findings to Congress not later than January 1, 1930.

Now, gentlemen, I was induced to present this resolution owing to the fact that we are following a one-track custom in printing the Congressional Record.

I now show you a copy of the Congressional Record. are doubtless all familiar with it. [Laughter.] You have seen it many times. You notice its appearance is dull and dingy. It is just like a man who speaks to you in a monotone without any emphasis or without accenting any particular words or phrases. It grows exceedingly tiresome to you. So it is that the RECORD for 56 years has been printed in the same old way with the same old unreadable type, without a descriptive heading, without a picture or an illustration, although I will say that about eight years ago Congress, yielding slightly to modernism, did permit the printing of the picture of a cow in the RECORD, and I am informed that this particular RECORD with the picture of the cow in it has been requested thousands and thousands of times since its printing, causing an enormous increase in its circulation.

Now, I think, furthermore, that my resolution is designed to fill a long-felt need. I see no reason why it should not be adopted and I am informed there is a great deal of sentiment

It is important for many reasons. The Congressional Record is the great diary of the elected Representatives of the American

people, but it is more than that. It is our great national journal, and as now made up it does not discharge that responsibility

in substance or in style.

I was in Philadelphia a few months ago at a convention, and I spoke at it; and after the convention had adjourned a gentleman came to me and said, "I am a great reader of the Con-GRESSIONAL RECORD; in fact, I am going to confide in you that I read no paper other than the Congressional Record. I would not read a daily paper. I believe there is more information in the Congressional Record than in any daily paper published in the United States."

Well, this being the fact, we ought to make the RECORD attrac-We ought to make it so good that we will have a larger circulation and more interested readers. The RECORD should reflect the manners, good or bad, the customs, the habits, the invention, the art, the thought, the opinions, and the ups-anddowns of American life and of our current civilization.

To the historians of the future years it should furnish material by which he can reconstruct the great American scene and all the figures who play their parts thereon-the Presidents, Members of Congress, philosophers, poets, artists, prize fighters, There should be room for a Babe Ruth as well as Speaker Longworth, for Lindbergh, as well as for President Coolidge. We do not know how history will judge us or where the hand of the historian will place us. Let us not have pride in ourselves and confine the Congressional Record to a mere museum of our oratorical achievements; let us have pride in our country and its men of achievement.

It is obvious that speeches alone do not count for much. Yet that is all the RECORD contains now. It is my belief that the rules governing the inclusion of material in the RECORD should be revised to sanction insertion of anything that helps to give a picture of American life to-day. This may, conceivably, mean cartoons, pictures, rotogravures, comic strips, headlines, editorials, and even a sporting page-in fact, all the adornments of

the modern, entertaining, and historical newspaper.

I admit the proposed change is revolutionary. But I also suggest that there is more wit and wisdom in many a cartoon without words, or even in a comic strip, than in some congressional orations I have read in the RECORD.

A cartoon or photograph has a more direct appeal than a written speech. Only a few weeks ago I was prevented by Majority Leader Tilson from inserting a cartoon by H. M. Talburt, Scripps-Howard cartoonist, in which he depicted the horror of the Michigan law under which a mother of 10 children may be sent to prison for life for a fourth minor offense against the dry laws.

No words by me or anybody else could convince our ardent drys from Michigan that this statute should be changed. But it is possible a vivid cartoon or picture would soften their hearts and enlighten their ideas on legislation. Such an achievement would be worth the effort, even if it requires a revolution in the

printing of the RECORD.

Another cartoon that I would like to have had inserted in the RECORD appeared in the New York World about 10 days ago. It depicted the leader of the "immortals" in one of the Houses Congress. This leader of the "immortals" was not sitting in his chair, but was standing on it. It depicted him so small that he was scarcely discernable by the Presiding Officer of the That would have been a wonderfully instructive cartoon for the readers of the RECORD, and, after all, these things would lead us to hark back to the words of the famous Scotch poet who said:

Oh wad some power the giftie gie us To see oursel's as others see us!

Oh, that we did not take ourselves so seriously! If we permitted the introduction of these interesting cartoons, pictures, and cuts in the RECORD, I am sure that we would inculcate a greater desire upon the part of the American people to read and keep in touch with what we are doing here. I say this in all seriousness. This resolution should be passed. Not one of you men would think of reading a paper to-day that was published in exactly the same style it was published 56 years ago. It is said that if we do not make progress we will retrograde. We are certainly retrograding in publishing such a RECORD as we now publish. You can not even read it without the aid of a magnifying glass. Let us publish the Record as it should be published, as an up-to-date, alert, live paper in readable type giving a great cross-section of the American people as represented in the American Congress. If we decline to do this, then let us suspend entirely the publication of this obsolete sheet that is so antediluvian and prehistoric in its make-up as to make a printer's devil laugh. Let us get away from our staid and set conservatism and be alert, with our

ear to the ground, alive to the progress of society and civilization. [Laughter and applause.]
Mr. WOOD. Mr. Chairman, I yield 10 minutes to the gentle-

man from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman and gentlemen, under the procedure by which we consider appropriation bills liberal time is always allotted for general debate. Sometimes there is a bit of difficulty in associating or contacting our remarks under general debate with the appropriation bill itself. The only way in which I am able to do that this afternoon is by the statement that appropriations mean taxation, and taxation of a local sort is the question that I desire to discuss. to trespass upon the patience of the House for this limited time, even at this late hour, for the purpose of emphasizing again what we have already had emphasized many times on the floor of the House-and probably will again-that in all the programs we propose for farm relief, and in all the discussion of so-called farm problems, the problem of taxation is one of the very greatest. From a leading farm journal the other day I picked up this little sentence that caught my attention, and I thought it was about as brief and yet as comprehensive a statement of the situation as anything that I had recently come across, and I submit it for your consideration:

FARMERS' TAXES MOSTLY LOCAL

The story of the increase in taxation of farm properties has been told so often that it is a familiar story even to those who do not have to pay such taxes. Broadly speaking, farm taxes have increased about 160 per cent in the past 15 years, while land values now are some 20 per cent higher than in 1913.

A recent governmental survey of this question shows that very few farmers pay direct taxes to the Federal Government and are therefore little affected by changes in the income tax. Nearly all revenues derived from the taxation of farm properties is spent for local purposes. In the average community from one-third to one-half of all public money is expended for schools. Roads come next, accounting for about one-fourth of the total, on an average. Next, but in very much smaller amount, come the salaries and expenses of local and county officers; and, finally, the amount that goes to maintain the State government.

As showing how in one particular instance this burden of taxation has increased, I want to make reference to one piece of land of which I have knowledge. It is a 200-acre farm. Back in 1914 the State of Michigan passed a law requiring that all assessments of real estate should be upon the cash basis. That law was then put into effect, and this particular 200 acres of land was assessed at a figure which has remained constant from that time to this. To show the increase in taxes, may I give you the figures from the 1914 tax return on that piece of land? In 1914 the taxes paid were \$108.96. In 1926 the taxes paid were \$374.61, an increase of 244 per cent. Of course that is not an extraordinary illustration and I presume it might be duplicated by many others who might have similar information, but it all indicates forcibly the tremendous significance of the question of local taxation, and particularly taxation upon real estate. Back in our own State of Michigan I think we have been doing a splendid piece of work in trying to lift the burden of taxation from real estate, not only farms, but small homes. Naturally, all of us agree that that is a sound procedure. I shall make reference in my extension to what our own State has done in the way of lessening the burden of local

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM.

Mr. HUDSON. The gentleman will concede, will he not, that there has been a share contributed by Federal legislation which has tended to increase those taxes. That is by passing legislation such as our Federal road legislation and the maternity legislation and other such legislation where the Federal Government appropriates so much provided the States equal the amount. That class of legislation has added an extra burden of taxation on the States.

Mr. KETCHAM. I would answer the gentleman by stating that in such a progressive State as the State of Michigan we would have undertaken those movements all by ourselves if they had not been undertaken by the Federal Government, but in view of the fact that the rest of the country is coming along we are glad to have the encouragement given by Federal aid.

Mr. HUDSON. That is a fine statement of the progress of our State, and I agree with the gentleman, but as a matter of fact all of those things have helped to increase taxation.

Mr. KETCHAM. Seriously, I would say that I think they have to a degree. I want to call attention now to this rather unusual situation in our State, and I commend it to those of you who are thinking of these problems with reference to your own localities. We have what we know in the State of Michigan as a primary-school interest fund. Originally that fund

was created by setting aside the proceeds of the sale of land of the fifteenth section of each township. In the growth of the State that of course has become more or less a fiction, and now the principal source of support of the primary-school interest fund comes from the taxation of public utilities.

For the last year, you may be interested to know, in our State the total amount collected from these various public utilities amounted to \$20,583,000, whereas the State taxes amounted to \$20,500,000. That, of course, will immediately suggest to you that by reason of the differing valuations in the different counties of the State a large number of counties, in fact, a great majority of them, received from the State, through the medium of the so-called primary-school interest fund, large contributions that they made to the State in the way of taxation. In fact, so unusual has that situation become that out of 83 counties in the State of Michigan for the year 1928 there were but 9 counties where there was an excess of State tax over that returned to them from the primary-school interest fund, while in 74 counties of the State there were more moneys returned for the use of the school authorities and the maintenance of the public schools than was paid in State taxes. To indicate to you the extent to which that goes, I cite the case of one county where there was returned to the county \$200,000 over that which was contributed to the State from the county.

It seems this is rather an inevitable tendency, in view of the fact that we are concentrating our wealth in the great centers of population, and having collected toll from the rest of the State, we must provide ways and means whereby the load of taxation from real estate and real property may be lightened in a corresponding degree. In that regard it seems to me our State has done a very fine piece of work in helping to lighten this burden which would otherwise be almost crushing.

Mr. HARE. Mr. Chairman, will the gentleman yield? Mr. KETCHAM. Yes.

Mr. HARE. I am very much interested in the gentleman's statement. I understood that you have been able to reduce the taxes on real estate, but by the illustration you gave me I have a different idea. The taxes on a 200-acre farm have increased 240 per cent.

Mr. KETCHAM. That increase of the tax was in local taxes. Notwithstanding this vast contribution in the way of primaryschool interest fund, the school and road taxes have become very heavy. In our State we have a law of general character called the Covert Act establishing road districts, much as drainage districts are usually established.

Then the pressure on real estate has not been Mr. HARE. relieved at all in the last analysis?

Mr. KETCHAM. It has been relieved to the extent of the \$20,000,000 we have received from the public utilities to lessen our school taxes. Of course that has been a great contribution. I append the following table for which I am indebted to The

Detroiter: [From The Detroiter, February 18, 1929]

The accompanying table shows the State tax of 1928 apportioned to the counties of Michigan for the fiscal year ending June 30, 1929, and the primary-school fund distribution for the same period. In studying table it should be noted that the sums falling under the head of State tax, involve only the property tax received by the State and do not contemplate the gasoline tax or any of the special and direct

EXCESS OF SCHOOL FUND

It is interesting to note that except in the case of nine counties, there was an excess of primary-school fund distributed to the counties over the State tax. Those nine counties were: Calhoun, Genesee, Ingham, Jackson, Kalamazoo, Livingston, Oakland, Washtenaw, and Wayne.

A total of \$20,500,000 in State tax and \$20,583,851.68 in primaryschool funds were distributed, according to the records of the auditor general's offiffice at Lausing, giving an excess of \$83,851.98 of primaryschool fund over the State tax.

State tax distribution

Counties	04-1-1	Their	Excess			
	State tax of 1928	Primary- school fund	Of primary- school fund	Of State tax		
Alcona	\$11, 023, 05 26, 200, 43 126, \$88, 03 41, 857, 65 17, 636, 97 15, 677, 37 23, 026, 01 73, 487, 17 190, 332, 04 12, 247, 93 264, 554, 14 93, 083, 94	\$30, 403. 49 58, 472. 80 196, 351. 91 107, 775, 71 54, 581. 65 62, 748. 99 95, 088. 28 372, 574. 33 33, 318. 60 358, 238. 86 100, 387, 74	\$19, 380, 44 32, 272, 37 69, 463, 88 65, 888, 06 36, 944, 68 38, 729, 88 39, 722, 98 21, 601, 11 182, 242, 29 21, 070, 67 93, 684, 72 7, 303, 80			

State tax distribution-Continued

		ne salur	Ex	cess
Counties	State tax of 1928	Primary- school fund	Of primary- school fund	Of State tax
Calhoun	\$345, 390. 15	\$328, 584, 81		\$16, 805. 34
Cass.	75, 936, 92	96, 604, 77	\$20, 667. 85	
Charlevoix Cheboygan	28, 145, 00	73, 666, 67	45, 521. 61	1 1 1 S 1 S 1 S 1 S 1 S 1 S 1 S 1 S 1 S
Chippewa	74 712 04	69, 932, 73 131, 189, 84	47, 151, 70 56, 477, 80	0150
Clare	28, 145. 06 22, 781. 03 74, 712. 04 17, 147. 02	38, 056, 28	20, 909, 26	4 200 = 200
Clinton	21,000,01	115, 491, 32	23 632 25	E I EIST
Crawford	8, 083. 56	16, 614. 25	8, 530. 69	THE RELEASE
Delta	59, 279, 64 70, 425, 29	181, 560, 56	122, 280, 92	I DESIGNATION OF
Dickinson	120, 029, 14	181, 560, 56 174, 126, 77 137, 658, 89	8, 530, 69 122, 280, 92 103, 701, 48 17, 629, 75	
Emmet	36, 743, 58	74 915 86	38, 172, 28	
Emmet	36, 743, 58 771, 778, 06 17, 147, 02 167, 551, 01	699, 868, 79 46, 698, 46 196, 038, 41	00, 110, 00	71, 909. 27
Gladwin	17, 147, 02	46, 698. 46	29, 551, 44	
Gogebic	167, 551, 01	196, 038. 41	28, 487, 40 42, 394, 42	
Grand Traverse	40, 418, 00	82, 812, 42	42, 394, 42	
Gratiot	123, 928, 45	166, 895, 48 120, 881, 97	42, 967. 03 13, 355. 58	
Hillsdale	107, 526, 39 124, 978, 25 110, 210, 87 514, 410, 81 110, 230, 96	331, 597. 34	206, 619. 09	and the second of the
Huron	110, 210, 87	188, 778, 70	78, 567. 83	
Ingham	514, 410, 81	188, 778. 70 432, 393. 37		82, 017. 44
Ionia	110, 230. 96	153, 349, 67	43, 118. 71	
Iosco	19, 590, 57	41, 217. 17	21, 620, 60	
Iron.	105, 086, 69	133, 076, 56	27, 989. 87	
Isabella Jackson	68, 588, 08 357, 902, 53	41, 217. 17 133, 076, 56 114, 554, 49 341, 837, 48	45, 966. 41	16, 065, 45
Kalamazoo	357, 883, 05	351, 638, 71	***************************************	6, 244. 34
Kalkaska	8, 068, 60	25, 061. 63	16, 993. 03	
Kent	945, 536. 26	1, 023, 501, 92	77, 965. 66 2, 324. 87	
Keweenaw	31, 844, 49	34, 169. 36	2, 324. 87	NO BUILD
Lake	5, 389. 04 85, 980. 07	21, 797, 97	10, 405, 93	
Lapeer	16, 657. 07	121, 482, 96 48, 347, 83	35, 502. 89 31, 690. 76	
Leelanau Lenawee	203, 633, 26	223, 542, 28	19, 909, 02	
Livingston	85, 735, 10	83, 352, 77 24, 359, 15		2, 382. 33
Luce	20, 331, 49 20, 331, 49	24, 359, 15	4, 027. 66 27, 094. 69	
Mackinac	20, 331, 49	47, 426. 18	27, 094, 69	
Macomb	320, 894, 50 41, 642, 88	353, 380, 52,	32, 486. 02	
Manistee	166, 693. 70	92, 657. 91	51, 015, 03 67 103 00	
Mason	42, 867, 55	233, 796, 70 98, 020, 92	67, 103. 00 55, 153. 37 50, 322. 31	TO BE IN TO
Mason	42, 867, 55 34, 294, 04	84, 616, 35	50, 322. 31	
Menominee	58, 789, 90	139, 376, 98	80, 587. 08	
Midland	46, 786. 95	93, 351. 64	46, 564, 69	
Missaukee	10, 533, 11	41, 260, 16	30, 727. 05	
Montealm		216, 449, 85 134, 287, 79	14, 359, 82 58, 350, 87	
Montmorency	6, 858, 89	18, 751, 25	11, 892, 36	
Muskegon	925 150 10	362, 110, 85	126, 951, 66	
Muskegon Newaygo Oakland	943, 086, 51 34, 294, 04 13, 717, 58	84, 421. 09	42, 778. 21	181, 618. 37
Oceana	34 904 04	761, 468, 14 77, 834, 26	43, 540. 22	101, 010. 07
Ogemaw	13, 717, 58	39, 070. 71	25, 353. 13	
Ontonagon		72, 732, 88	41, 378, 33	
Osceola	26, 797. 81	72, 732. 88 70, 574. 06	43, 776. 25	
Osceola Oscoda Otsego Ottawa	4, 899, 09 12, 737, 88 173, 919, 95	10, 190, 71 31, 039, 73 277, 167, 67	43, 776. 25 5, 291. 62 18, 301. 85 103, 247. 72	
Otsego	12, 737. 88	31, 039. 73	18, 301. 85	
Presone Isla	20, 576, 47	66, 877. 33	46, 300, 86	
Roscommon	4, 899. 09	11, 004, 34	6, 195. 25	
Saginaw	384, 583, 28	551, 698, 88	167, 115, 60	
Presque Isle Roscommon Saginaw Sanilae	384, 583, 28 110, 210, 87 23, 755, 81	551, 698. 88 163, 999. 08	167, 115, 60 53, 783, 21 20, 794, 97	
Schoolcraft	23, 750. 81	44, 550, 78	20, 794, 97	
Shiawassee	127, 602, 87 269, 453, 23	188, 330, 37	60, 727. 50 44, 827. 59	
St Joseph	106, 556, 54	314, 280. 82 129, 569. 71	23, 013, 17	
St. Clair St. Joseph Tuscola	100, 412, 69	186, 613, 70	86, 201. 01	
Van Buren	97, 983, 03	186, 613. 70 157, 366. 71	59, 383, 68	
Washtenaw	330, 692. 67	247, 760. 97		82, 931. 70
Wayne	10, 092, 251. 27	7, 124, 529. 51	40 400 50	2, 967, 721. 76
Wexford	38, 703. 39	87, 186, 18	48, 482. 79	
Total	20, 500, 000. 00	20, 583, 851. 68	3, 511, 547. 58	3, 427, 695. 60
The state of the s		the state of the s		The Party of the P

Mr. BYRNS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. McCormack].

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a resolution adopted by the Boston City Council in favor of repealing the so-called national-origins clause of the immigration act, and a communication from the commander of the American Legion, Department of Massachusetts, on the same subject. These documents relate to an address that I made a week ago last Thursday.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by inserting the memorials he has indicated. Is there objection? There was no objection,

Following are the papers referred to:

CITY OF BOSTON, IN CITY COUNCIL.

Whereas legislation of a very grave and far-reaching nature bearing on proposed changes in existing immigration laws is at present pending before the Seventieth Congress of the United States of America; and

Whereas definite action repealing the so-called national origins law must be had during the present session of Congress, otherwise this law becomes operative by presidential proclamation during the present year; and

Whereas under the existing methods of computing the annual quotas from the various European countries, which is considered equitable and fair to all the immigrants reaching our shores; and

Whereas the report of the special committee consisting of three members of President Coolidge's Cabinet, after having figures submitted to them by the special congressional committee, stated that "the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purpose intended, and therefore we can not assume responsibility for such conclusions under these circumstances." President-elect Hoover was a member of this Cabinet committee; and

Whereas Legislative Agent Taylor, by inference, places the American Legion on record for the national-origins clause by declaring that this was the only way in which those races who in the World War were classed as "slackers" could be kept out, the plain inference being that this stigma was placed on those born in France, Sweden, Norway, Denmark, Germany, and the Irish Free State, and that nationals of these races were the chief "slackers" in America during the World War, and that these are the races who are to be punished by a large cut in their immigration quotas; and

Whereas complete refutation of the base charge that men of alien bloods were "slackers" in the World War is contained in the report of Provost Marshal Enoch H. Crowder, who was in charge of draft, in which he devoted many pages to a eulogy of the high patriotism shown by men of alien blood in responding to the call of the colors. He termed it a great and inspiring revelation, and said that "the melting pot of the world and the cosmopolitan composition of our population was never more strikingly disclosed than by the events of the World War." He wrote, further, in this section of his report, that the "great inspiring revelation is that men of foreign and of native origin alike responded to the call of arms with a patriotic devotion that confounded the plans of our archenemy and surprised our highest expectations." Any man who can peruse the muster rolls of one of our camps, or the battle casualty lists in France, without realizing that America has fulfilled one of its highest missions in breeding a spirit of loyalty among all those who owe allegiance to its institutions, is not himself imbued with the high order of patriotism of those who answered the call of arms:

Resolved, That the Boston City Council goes on record as favoring the repeal of the so-called national-origins clause of the immigration act.

In city council, February 18, 1929. Adopted. Attest:

W. J. DOYLE, City Clerk.

DEPARTMENT OF MASSACHUSETTS, THE AMERICAN LEGION, 159 Statehouse, Boston.

The recent widespread discussion of the national origins act brings home to the general public for the first time the extremely difficult and delicate nature of the subject. The Department of Massachusetts of the American Legion recognizes the authority of the American Legion through its national convention to determine the national policy of the American Legion, not merely for the Department of Massachusetts, but for the entire American Legion. We recognize that through its national convention the American Legion has gone on record as favoring the immediate application of the national origins act. Massachusetts is but 1 of over 50 departments of the American Legion; and, while we must recognize the existence of the principle of democracy as to majority control, still, the situation before us is that a tremendous objection to the legislation has developed, evidenced by speeches by our Representatives in the Congress of the United States and by other public officials and by expression of opinion by leading cities throughout the Commonwealth. Among legionnaires the opposition is equally intense, as indicated by resolutions of American Legion posts and statements by individual legionnaires.

The reason for the development of this opposition at this time is Citizens generally were first made acquainted with the specific provisions of the act by newspaper reports of the recent discussions before Congress. Knowledge and consideration of the provisions of the national origins act have caused a new public opinion to form in Massachusetts

The Department of Massachusetts of the American Legion, in view of this development of public opinion, earnestly urges that an immediate meeting of the national executive committee of the American Legion be called by National Commander Paul V. McNutt, or other appropriate action taken, in order that the American Legion may reconsider its action as taken by the national convention, to the end that the application of the national origins act may be postponed until there has been a more complete study of the effect of the national origins act.

WILLIAM H. GRIFFIN, Commander.

Mr. WOOD. Mr. Chairman, I will ask the gentleman from Tennessee if we can agree upon the time of general debate?

Mr. BYRNS. I think we can.
Mr. WOOD. I suggest one hour.
Mr. BYRNS. That will be satisfactory.

Mr. WOOD. I ask unanimous consent, Mr. Chairman, that the debate shall close in one hour, one-half the time to be controlled by the gentleman from Tennessee and the other half by myself.

The CHAIRMAN. The fixing of time for the closing of debate can only be had in the House after the committee rises. If there is no further general debate, the Clerk will read.

Mr. SNELL. They can not make a gentleman's agreement in the committee.

Mr. WOOD. We have agreed to close in an hour, the gentleman from Tennessee to control one-half the time, and I to control the other half.

The CHAIRMAN. The gentlemen can agree that way all

Mr. BANKHEAD. Mr. Chairman, instead of this so-called gentleman's agreement in committee, to-morrow a man might arise and ask to be recognized.

The CHAIRMAN. The time will be divided equally between

the gentleman from Indiana and the gentleman from Tennessee.

Mr. BANKHEAD. I forgot about that.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. Tilson having resumed the chair as Speaker pro tempore, Mr. Lehlbach, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, had come to no resolution thereon.

ORDER OF BUSINESS

Mr. WOOD. Mr. Speaker, I would like to ask unanimous consent, in view of the fact that the deficiency bill is quite a long one, and the fact that the gentleman from Tennessee desires some time in which to make some observations, and I, likewise, in reference to this bill, we may meet to-morrow at 11 o'clock.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, why should we not meet at the usual time? Why does not the gentleman take the usual course of suggesting an

hour's debate and meeting at the usual time?

Unless we could get a gentleman's agreement that a point of order of no quorum would be made, it would be within the power of any Member, of course, if we met at 11 o'clock, to make such a point of order and that would take up practically all the time that it is sought to gain by meeting at 11

Mr. WOOD. I will say to the gentleman that I was proceeding on the theory that one very good reason why a point of no quorum would not be made is because of the fact that there is nobody here listening to the general debate and there would not be to-morrow.

Mr. GARRETT of Tennessee. Probably when the gentleman

from Indiana speaks there will be a quorum present.

Mr. WOOD. I am not counting on attracting anybody. Mr. BYRNS. I will say this to the gentleman, that if you meet at 11 o'clock to-morrow morning, when the House is in the habit of meeting at 12 o'clock, there would not be anybody I would rather meet at 12 o'clock and, if necessary,

sit until 10 or 11 o'clock at night, so far as I am concerned, and complete the bill, and I think that would be infinitely better. Mr. WOOD. I want to complete this bill to-morrow.

I shall interpose no dilatory tactics so far as Mr. BYRNS. I am concerned.

Mr. WOOD. Then, with the understanding that we will continue the consideration of the bill to-morrow until it is finished,

I will withdraw my request.

Mr. GARRETT of Tennessee. At this stage of the session it is always necessary-and gentlemen of the House ought to understand it-to remain longer in the afternoon than is the usual custom, and important business sometimes necessitates remaining here at night. I think the suggestion of the gentleman from Tennessee is a very good one and we will try to hold our people here.

Mr. WOOD. Mr. Speaker, I ask unanimous consent that general debate be limited to one hour, one half of that time to be controlled by the gentleman from Tennessee [Mr. Byrns] and

one half by myself.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that general debate be limited to one hour and that this hour be equally divided and controlled by himself and the gentleman from Tennessee [Mr. Byrns]. there objection?

There was no objection.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills and a joint resolution of the House of the following titles:

H. J. Res. 418. House joint resolution to provide for the quartering in certain public buildings in the District of Columbia of

troops participating in the inaugural ceremonies;

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes:

H. R. 13582. An act to authorize and direct the Secretary of the Interior to convey title to Lucile Scarborough for section 29, township 26 south, range 37 east, New Mexico principal meridian, upon the payment to the Government of \$1.25 per acre;

H. R. 13825. An act to authorize appropriations for construc-

tion at military posts, and for other purposes; H. R. 15849. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

H. R. 15918. An act to amend the act entitled "An act to authorize credit upon the construction charges of certain waterright applicants and purchasers on the Yuma and Yuma Mesa

auxiliary projects, and for other purposes"

H. R. 16270. An act to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924;

H. R. 16306. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny

River at Oil City, Venango County, Pa.;

H. R. 16524. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.;

H. R. 16920. An act authorizing E. T. Franks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; and

H. R. 17024. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi

River at or near Carondelet, Mo.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Saturday, February 23, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 23, 1929, as reported to the floor leader by clerks of the several committees: COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—SUBCOMMITTEE

ON RAILROADS

(10 a. m.)
To amend section 15a of the interstate commerce act, as amended (S. 656 and H. R. 8549).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 11801. A bill to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto; with an amendment (Rept. No. Referred to the Committee of the Whole House on the state of the Union.

Mr. HOFFMAN: Committee on Military Affairs. A bill to grant relief to those States which brought State-owned property into the Federal service in 1917; with an amendment (Rept. No. 2667). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOFFMAN: Committee on Military Affairs, H. R. 16028. A bill to regulate computation of percentage of active pay to be paid as retired pay to officers of the Army; with an

the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16393.
A bill to include henceforth, under the designation "storekeepergaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes; without amendment (Rept. No. 2669). Referred to the Committee of the Whole House on the state of the Union,

Mr. WILLIAMSON: Committee on Indian Affairs, H. R. 16985. A bill authorizing the Uintah, Uncompangre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims; with an amendment (Rept. No. 2670). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOFFMAN: Committee on Military Affairs. H. R. 12463. A bill for the relief of Adam A. Schultz; without amendment (Rept. No. 2661). Referred to the Committee of the Whole House

Mr. GLYNN: Committee on Military Affairs. H. R. 13872. A bill for the relief of James J. Gianaros; without amendment (Rept. No. 2662). Referred to the Committee of the Whole

House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 15021. A bill for the relief of William S. McWilliams; without amendment (Rept. No. 2663). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 8691. A bill for the relief of Helen Gray; without amendment (Rept. No. 2664). Referred to the Committee of the Whole

Mr. WAINWRIGHT: Committee on Military Affairs. H. J. Res. 339. A joint resolution conferring the rank, pay, and allow-1928, upon ances of a major of Infantry, to date from March 24, Robert Graham Moss, late captain, Infantry, United States Army, deceased; without amendment (Rept. No. 2665). Referred to the Committee of the Whole House.

PEAVEY: Committee on War Claims. H. R. 15769. A bill to pay certain claims, heretofore reported to Congress by the Secretary of War, arising from the explosions and fire at the plant of the T. A. Gillespie Loading Co. at Morgan, N. J., October 4 and 5, 1918; without amendment (Rept. No. 2671).

Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORTON D. HULL: A bill (H. R. 17237) to extend the times for commencing and completing the construction of a bridge across the Calumet River at or near One hundred and thirtieth Street, Chicago, Cook County, Ill.; to the Committee on Interstate and Foreign Commerce. By Mr. PARKS: A bill (H. R. 17238) extending the times

for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOYLAN: Joint resolution (H. J. Res. 427) to appoint a commission to make a study of proposed change in the printing of the Congressional Record; to the Committee on Rules.

By Mr. BLACK of New York: Joint resolution (H. J. Res. 428) to provide a temporary shelter for newspaper correspondents in Washington, D. C.; to the Committee on Appropriations.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows

By Mr. ROWBOTTOM: Joint resolution of the General Assembly of the State of Indiana, concerning a system of inland waterways, including the Wabash River, and urging Congress to enact appropriate legislation to secure the establishment of such system; to the Committee on Flood Control.

By Mr. SELVIG: Memorial of the Legislature of the State of Minnesota, urging that Congress oppose the placing of any duty upon Canadian lumber and shingles; to the Committee on

Ways and Means.

By Mr. VINCENT of Iowa: Concurrent resolution adopted by the Forty-third General Assembly of the State of Iowa,

amendment (Rept. No. 2668). Referred to the Committee of favoring investigation on the marketing of livestock; to the Committee on Agriculture.

By Mr. ROBINSON of Iowa: Memorial of the Iowa State Legislature, relating to direct marketing; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 17239) granting a pension to Abbie Osborn; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 17240) granting an increase of pension to Abby E. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17241) granting an increase of pension to Elizabeth A. Bitting; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17242) granting a pension to Emeline Beaston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17243) granting an increase of pension to Mary A. Conrad; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 17244) for the relief of Edward J. Devine; to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 17245) granting an increase of pension to Lou M. Hoover; to the Committee on Invalid

By Mr. KNUTSON: A bill (H. R. 17246) granting a pension to Edward W. Collins; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 17247) granting a pension to Sarah B. Johnson; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 17248) granting an increase of pension to Sarah J. Mohlar; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

12368. By Mr. BACHMANN: Petition of John F. Larke and other citizens of New Martinsville, W. Va., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and

12369. By Mr. BLOOM: Petition of the Senate of the State of New York, requesting that the Hon. Harry S. New, Postmaster General of the United States, cause to be issued 100,000,000 postage stamps, of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

12370. By Mr. BOYLAN: Petition of New York Conservation Association, favoring agricultural appropriation bill; to the Com-

mittee on Agriculture.

12371. Also, resolution adopted by the United Irish American Societies of New York, requesting the repeal of the national-origin clause of the immigration act; to the Committee on Immigration and Naturalization.
12372. By Mr. CHASE: Petition of members of Bellefonte

Union of the Woman's Christian Temperance Union, of Bellefonte, Pa., urging support of the Jones-Stalker bill (H. R. 9588), to increase the maximum penalties for violation of the Federal prohibition law; to the Committee on the Judiciary.

12373. Also, petition of retail shoe dealers, with their customers, respectfully requesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to

the Committee on Ways and Means.

12374. By Mr. CONNERY: Resolution of Shoe Workers' Protective Union, local No. 3, of Lynn, Mass., in regard to tariff on boots and shoes; to the Committee on Ways and

12375. Also, resolution of the Scandinavian American Civic League in Lynn, Mass., protesting the national-origin clause of the immigration act; to the Committee on Immigration and Naturalization.

12376. By Mr. CRAIL: Petition of Thomas H. Gardnier, of Los Angeles, Calif., suggesting ways and means of reducing taxes and making the Federal Government more efficient; to the Committee on Ways and Means.

12377. By Mr. GARBER: Petition of residents of Washington County, Okla., in support of House bill 14676; to the Committee on Pensions.

12378. Also, petition of residents of Payne County, Okla., in support of certain measures pertaining to the Post Office Department now pending before Congress; to the Committee on the Post Office and Post Roads.

12379. Also, petition of William Green, president American Federation of Labor, in support of Senate bill 1462; to the Committee on Irrigation and Reclamation.

12380. By Mr. JOHNSON of Texas: Petition of National Wool Growers' Association, recommending 10-year program of predatory animal control, as recommended by the Secretary of Agriculture; to the Committee on Agriculture.

12381. Also, petition of R. H. Ames, president Amarillo Chapter Will H. Dilg League of America, of Amarillo, Tex., favoring a tariff on imported fishing tackle; to the Committee on Ways

and Means.

12382. By Mr. LUCE: Petition of the City Council of the city of Boston, Mass., for the repeal of the so-called national origins clause of the immigration act; to the Committee on Immigration and Naturalization.

12383. By Mr. MAPES: Petition of Edward Raum and 41 other residents of Grand Rapids, Mich., against any change in the present tariff on hides and leather used in the manufacture

of shoes; to the Committee on Ways and Means.

12384. By Mr. MORROW: Petition of Samuel Kenoi, Sam Chino, Martin Blake, and Henry Treas, commending House bill 17057, a bill granting a per capita allowance of \$100 to members of the Mescalero Apache Tribe, New Mexico; to the Committee on Indian Affairs.

12385. Also, petition of Henry Meyer, L. C. Lynch, and other citizens of Chama, N. Mex., opposing House bill 78, compulsory Sunday observance for the District of Columbia; to the Com-

mittee on the District of Columbia.

12386. By Mr. O'CONNELL: Petition of the American Live Stock Association, Denver, Colo., urging a duty on livestock and fresh and preserved meats; to the Committee on Ways and

12387. By Mr. RANSLEY: Petition of P. L. Bjornsgaard and other citizens of Philadelphia, Pa., urging that the present quota distribution based on the census of 1890 be retained; to

the Committee on Immigration and Naturalization.

12388. By Mr. SANDERS of Texas: Petition of Walter Tynes and 34 others, in favor of the passage of the Johnson bill (H. R. 16084), authorizing an appropriation of \$30,000 for the construction of the bridges at Porters Bluff and Akers Ferry, which were destroyed and removed by the Federal Government; to the Committee on Claims.

12389. By Mr. SELVIG: Petition of 13 residents of Ottertail County, in the ninth district, Minnesota, urging the enactment

of House bill 10958; to the Committee on Agriculture.

12390. By Mr. SWING: Petition of residents of San Diego, Calif., and vicinity, protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

SENATE

SATURDAY, February 23, 1929

(Legislative day of Friday, February 22, 1929)

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

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. MOSES. I wish to announce the necessary absence of my colleague [Mr. Keyes] because of illness. This announcement may stand for the day.

Mr. BRATTON. My colleague [Mr. Larrazolo] is detained from the Senate by illness. I will let this announcement stand

throughout the day.

Mr. GERRY. I desire to announce the necessary absence from the city of the Senator from Arkansas [Mr. Robinson], the Senator from New York [Mr. COPELAND], the Senator from New Jersey [Mr. EDWARDS], and the Senator from Georgia

[Mr. George]. I ask that this announcement may stand for the day.

Mr. TRAMMELL. I wish to announce the unavoidable absence of my colleague the senior Senator from Florida [Mr. FLETCHER]. I ask that this announcement may stand for the

day.

The VICE PRESIDENT. Eighty-two Senators having an-

swered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

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

S. 5129. An act authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.; S. 5465. An act authorizing V. Calvin Trice, his heirs, legal

representatives, and assigns, to construct, maintain, and operate bridge across the Choptank River at a point at or near Cam-

bridge, Md.; and

S. 5630. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate bridge across the Ohio River at or near Carrollton, Ky.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1648) for the relief of Oliver C. Macey and Marguerite

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 16, 28, 29, and 54 to the bill and concurred therein; that the House had receded from its disagreement to the amendments of the Senate Nos. 41, 52, 55, 56, 57, 58, 59, and 60, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the

amendment of the Senate to the bill (H. R. 11285) to establish

Federal prison camps.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes; and

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States.

ENROLLED BILLS SIGNED

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

S. 3848. An act creating the Mount Rushmore National Memo-

rial Commission and defining its purposes and powers;

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.; S. 5543. An act to establish the Grand Teton National Park in

the State of Wyoming, and for other purposes; and
H. R. 16422. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Finance:

LEGISLATURE OF THE STATE OF IDAHO, TWENTIETH SESSION,

IN THE SENATE.

Senate Joint Memorial 3 (by forestry committee)

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the Legislature of the State of Idaho, respectfully represents that-

Whereas the lumber industry in Idaho is of importance secondary only to that of agriculture; and

Whereas by reason of large investments, carrying charges, and overhead expenses involved, the frequent suspension of operations is ruinous to the lumber industry, and such suspensions adversely affect directly

and indirectly a large number of our citizens; and