

passage of House bill 2562 to increase pensions of Spanish War veterans; to the Committee on Pensions.

2183. By Mr. McDUFFIE: Petition of citizens of Mobile, Ala., urging the passage of Senate bill 476, and House bill 2562, granting an increase in pension to Spanish-American War veterans; to the Committee on Pensions.

2184. Also, petition of citizens of Mobile, Ala., urging the passage of House bill 2562, granting an increase in pension to Spanish-American War veterans; to the Committee on Pensions.

2185. Also, petition of citizens of Mobile, Ala., urging the passage of House bill 2562, granting an increase in pensions to Spanish-American War veterans; to the Committee on Pensions.

2186. By Mr. McREYNOLDS: Petition of 80 voters of Cleveland, Bradley County, Tenn., urging that immediate steps be taken to bring to a vote the bill granting increase in pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2187. By Mr. MANLOVE: Petition of Cread E. Taylor, O. A. Nunley, Ed Brown, Charles Brown, and 67 other residents of Newton County, Mo., praying for increase in pensions for veterans of the war with Spain; to the Committee on Pensions.

2188. By Mr. MILLER: Petition of residents of Seattle, Wash., and vicinity, for legislation increasing pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2189. Also, petition of residents of Retsil, Wash., indorsing legislation looking toward increase in pensions for Spanish War veterans (S. 476 and H. R. 2532); to the Committee on Pensions.

2190. By Mr. MILLIGAN: Petition by citizens of Hardin, Ray County, Mo., asking the Congress to enact legislation granting to members of the armed forces of the United States during the Spanish war period certain pension legislation; to the Committee on Pensions.

2191. By Mr. NIEDRINGHAUS: Petition of John C. Hendricks, St. Louis, Mo., and 53 others, favoring the passage of a Civil War pension bill increasing the pensions now allowed to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2192. By Mr. O'CONNELL of New York: Petition of the Uncompensated Disabled Veterans of the World War, Oteen Hospital Division, Oteen, N. C., favoring extending the date of presumptive service connection from January 1, 1925, to January 1, 1930; to the Committee on World War Veterans' Legislation.

2193. By Mr. PALMER: Petition of Mary A. Neely and a number of prominent citizens of Sedalia, Mo., urging the passage of legislation granting increased pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2194. By Mr. PARKS: Petition of citizens of Arkansas, urging the passage of the pension bill granting an increase of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2195. Also, petition of citizens of Bradley County, Ark., urging the passage of favorable legislation for the relief of Spanish-American War veterans and widows of veterans; to the Committee on Pensions.

2196. By Mr. RAMSPECK: Petition of J. D. Watkins, 1686 DeKalb Avenue, Atlanta, Ga., and 48 other citizens, urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

2197. By Mr. ROWBOTTOM: Petition of Charles F. Stevens and others, of Gibson County, Ind., that Congress enact into law legislation increasing the pension of Spanish-American War soldiers at the earliest possible date; to the Committee on Pensions.

2198. By Mr. SHORT of Missouri: Petition of citizens of Morley and Benton, Scott County, Mo., urging increased pensions for Civil War soldiers and widows of soldiers; to the Committee on Invalid Pensions.

2199. By Mr. SMITH of West Virginia: Petition of citizens of Ury, Raleigh County, W. Va., urging the passage of bills providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

2200. By Mr. SNOW: Petition of E. H. Doyle, of Caribou, Me., and many others, urging the passage of Senate bill 108, preventing unfair practices in the marketing of perishable farm products; to the Committee on Agriculture.

2201. Also, petition of H. W. Grinnell, of Fort Kent, Me., and many others, urging the passage of Senate bill 108, preventing unfair practices in the marketing of perishable farm products; to the Committee on Agriculture.

2202. By Mr. SPEAKS: Petition signed by 82 citizens of Columbus, Ohio, urging that Congress take immediate steps to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune, etc.; to the Committee on Invalid Pensions.

2203. By Mr. SPROUL of Illinois: Petition of certain residents of Cook County, Ill., urging enactment during the present session of legislation to increase pensions of Spanish-American War veterans; to the Committee on Pensions.

2204. By Mr. VINCENT of Michigan: Petition of residents of Ionia, Mich., urging more liberal pension legislation for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

2205. By Mr. WOLVERTON of West Virginia: Petition of W. S. Pierson and 63 other citizens of Clay County, W. Va., urging Congress to take favorable action on Senate bill 476 and House bill 2562, providing for increased rates of pension for the men who served in the armed forces of the United States during the Spanish-American War period; to the Committee on Pensions.

2206. By Mr. WOOD: Petition of residents of Gary, Ind., asking for legislation increasing rates of pensions for soldiers of the Spanish war period; to the Committee on Pensions.

SENATE

THURSDAY, December 19, 1929

(Legislative day of Friday, December 13, 1929)

The Senate met at 11 o'clock a. m. in open executive session on the expiration of the recess.

ORDER FOR RECESS

Mr. SMOOT. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it recess until to-morrow morning at 11 o'clock.

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

CALL OF THE ROLL

Mr. FESS. 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:

Allen	Gillett	Keyes	Simmons
Ashurst	Glass	McCulloch	Smith
Baird	Glenn	McKellar	Smoot
Barkley	Goldsbrough	McMaster	Steak
Bingham	Gould	McNary	Steiner
Black	Greene	Metcalf	Stephens
Blaine	Grundy	Moses	Sullivan
Bleas	Hale	Norbeck	Swanson
Borah	Harris	Norris	Thomas, Idaho
Brock	Harrison	Nye	Thomas, Okla.
Brookhart	Hastings	Oddie	Trammell
Capper	Hatfield	Patterson	Tydings
Caraway	Hawes	Phipps	Vandenberg
Copeland	Hayden	Pine	Wagner
Couzens	Hebert	Pittman	Walsh, Mass.
Dale	Heflin	Ransdell	Walsh, Mont.
Fess	Howell	Robinson, Ind.	Waterman
Fletcher	Jones	Schall	Watson
Frazier	Kean	Sheppard	Wheeler
George	Kendrick	Shortridge	

Mr. NORRIS. I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate by illness.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is absent because of illness.

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is detained from the Senate by illness.

I also wish to announce that the Senator from Arkansas [Mr. ROBINSON] is necessarily out of the city.

Mr. HASTINGS. My colleague [Mr. TOWNSEND] is necessarily absent on official business.

The VICE PRESIDENT. Seventy-nine Senators have answered to their names. A quorum is present.

THE JOURNAL

Mr. JONES. Mr. President, I ask unanimous consent for the approval of the Journal for the calendar days of Friday, December 13, to and including Wednesday, December 18, 1929.

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

NOMINATION OF RICHARD J. HOPKINS

The Senate, in open executive session, resumed the consideration of the nomination of Richard J. Hopkins to be United States district judge for the district of Kansas.

Several Senators rose to present routine business.

Mr. BLAINE. Mr. President, I hope that Members of the Senate will not consume any time between now and 12 o'clock by asking unanimous consent to present any matters, because we have a special order on until that hour and the time is divided, and every moment taken from the debate will be taken from some Senator who wishes to discuss the question before the Senate. Therefore I trust Senators will not until after 12 o'clock ask unanimous consent for other matters.

Mr. WAGNER. Mr. President, I ask unanimous consent that there be printed in the RECORD an editorial—

Mr. BLAINE. Mr. President, I must object. As I have just stated, we have only until 12 o'clock to discuss the matter before the Senate.

The VICE PRESIDENT. Objection is heard. The question is on the motion of the Senator from Wisconsin [Mr. BLAINE] to recommit to the Committee on the Judiciary the nomination of Richard J. Hopkins to be United States district judge for the district of Kansas.

Mr. ALLEN. Mr. President, when on yesterday afternoon the Senator from Wisconsin [Mr. BLAINE] proposed that we recommit the nomination of Justice Hopkins, it will be remembered that I referred the matter to the chairman of the Judiciary Committee, asking his advice upon the necessity for that course. His advice was that he did not think it necessary, but he had no objection to the nomination going back to the committee. He stated that certain circumstances had aroused his suspicion as to the character and source of the objections.

There is no new material here in the pretended charges that were submitted yesterday. The Senator from Maryland [Mr. TYDINGS] called it new material and submitted a 5-year-old annual file of a Kansas newspaper. The Senator from Wisconsin [Mr. BLAINE] called attention to a letter he had received. He did not give the name of the author of the letter, but it referred to an attack that had been made upon a Non-Partisan lecturer. I happen to be familiar with that matter.

A Non-Partisan lecturer in the person of a Professor Mills, a socialist, came to Kansas in 1921 to lecture, it was announced, upon the Non-Partisan League program. It turned out to be a communist discussion. At that hour there was a great deal of passion in the country, and it appears that some of the Legion men of Great Bend were aroused by some of the remarks which Professor Mills had made and some eggs were thrown.

Next morning my attention was called to it when Professor Mills came into the governor's office and exhibited some evidences of the marksmanship of some of the men who had thrown the eggs. I immediately summoned Justice Hopkins, who was the attorney general at that time, and asked that he set in motion at once an inquiry, which he did. The proposal was made to Mr. Mills that since he thought he might be able to recognize some of the members of the so-called mob, he should go back with a special investigator from the attorney general's department and see if he could identify some of his assailants. He declined to go back. Nobody could have made a more sincere and earnest effort than did the attorney general to discover and apprehend the members of that so-called mob. I have here the excerpts from the report of the attorney general on the matter.

On a subsequent occasion a radical labor leader by the name of Stevic, who had been aroused by this incident, went out to make an address. He was warned that the temper of the community was likely to be upset, but he persisted. A crowd of men seized him, took him outside the limits of the city, and poured some tar upon him but did not injure him, as was stated yesterday. Immediately when I heard of that, in conjunction with the attorney general, we set on foot an effort to apprehend the perpetrators of the outrage. Finally we presented the matter to the attorney of Mr. Stevic and his friends for whatever action they desired to take. It was not a very good case; we did not have very much evidence, and Senator Burton, a former Member of this body, who was the attorney of Stevic, advised against any action.

Mr. President, this pretended new material is not really entitled to consideration. It was all before the committee in some form. I myself transmitted the references by Mr. Howe, the secretary of the Federation of Labor of Kansas, and in response to what Mr. Howe said, I think it might be well to reemphasize what is said by Mr. Beckman, the commissioner of labor for Kansas, a well-known friend of labor, a well-known member of organized labor, chosen to be commissioner of labor for my State for that reason. He says:

Justice Hopkins at that time—

Referring to the time to which Mr. Howe referred—

Justice Hopkins at that time was the attorney general for the State of Kansas and was sworn to enforce the laws of the State. Their complaint is that he lived up to his oath. They show no instance of

unfairness or of using the law for personal gain; neither do they show any instance where Justice Hopkins attempted to play one class of society against the other. Confirmation by the supreme court of the prosecutions justifies the position taken by the attorney general, Richard J. Hopkins, in these controversies.

I am a member of the Brotherhood of Railroad Trainmen, Lodge No. 370, Parsons, Kans., and have been actively identified in the labor movement in this State for more than 12 years, holding practically every office that the organization had to offer within the State, and I believe the success and future prosperity of the workers of this country depends very largely upon the placing of fair-minded men such as Richard J. Hopkins in office. Labor should not ask for special favors; they should demand justice.

One objection raised by the Senator from Montana [Mr. WALSH] made an impression—the constitutional objection which arises from the fact that Kansas, in its effort to prohibit judges from mixing in politics, adopted an article in its constitution prohibiting a judge while in office being a candidate for another office. That prohibition was in the constitution during the days of Benjamin Harrison, when he was President of the United States, but he did not hesitate to take from the State bench of Kansas Justice Brewer and make him a member of the Supreme Court of the United States. There is some similarity in the situation as between that day and this. A Kansas Senator, then as now, sat in the chair of the Vice President, acting as Vice President, John James Ingalls. Another peculiar similarity is that the prohibition question was involved in that day, as in this. Two protests were filed on the floor against David Brewer, one from Pennsylvania, the other from Nebraska, that had to do with the prohibition question. They came from Pennsylvania and Nebraska, instead of from Wisconsin and Maryland, as now. David Brewer was confirmed in open Senate. The head of the Judiciary Committee at that time was a revered Member of this body—Senator Edmunds. The same question that is brought forward to-day touching the constitution of Kansas might then have been raised; undoubtedly it was discussed; but because of the fact that the executive sessions then were closed rather than open it is not possible to find out what Senators talked about.

This issue has just been threshed out in Kansas by the voters themselves. In support of the candidacy of Justice Hopkins every member, except one, of the Kansas delegation in Congress, visited the President.

Upon that delegation, Mr. President, were six lawyers, including one lawyer, Mr. SPARKS, who had just been elevated from the bench to the House of Representatives; and in his campaign last October the only issue raised against him was the issue of that inhibition in the Kansas constitution. It was regarded as an effective and final answer by the people of that State that the Congress of the United States in the case of Representative Peters had already settled that point, so far as Kansas was concerned.

A quarter of a century ago, Mr. President, there came before this body the name of John C. Pollock, a member of the State court. He was appointed a Federal judge by Theodore Roosevelt—and no one may question Theodore Roosevelt's desire to adhere to the Constitution of the United States. Mr. Pollock was recommended by President Roosevelt's Attorney General, Mr. Knox, once a powerful Member of this body. He was supported by former Senator Chester I. Long, recently president of the American Bar Association. The present Vice President of the United States was in the House of Representatives at that time, and was friendly to the appointment of Justice Johnston, now chief justice of Kansas, and at that hour a member of the supreme court of my State. It has been regarded always Mr. President, as being peculiarly appropriate that the President of the United States in his judgment might have the privilege, without question, of promoting from the State bench men who had grown to proper stature in the service of the State.

The fight on Mr. Hopkins has been a long one. It began seven months ago when his appointment was first suggested. It was instituted with the organized objection of corporation attorneys, headed by Mr. Tom Doran, who was the Kansas representative of the Insull interests, and it progressed until it had reached the full development of its possibilities; but after six months of investigation the President of the United States and the Attorney General submit to the Senate the name of Mr. Hopkins.

I desire to read a telegram from Mr. Silas Porter, an eminent lawyer, a man who left a splendid record as judge in Kansas, and who happens to be the judge who was defeated by Justice Hopkins when Hopkins was elected to the State court. He sends me this telegram:

Judge Hopkins, having won the President's recommendation in a fair contest, should be confirmed. The attack on his character is disgraceful and, in my belief, without any foundation.

Mr. President, I would be perfectly willing to see this nomination go back to the committee if any purpose could be served thereby; but all these pretended facts were available to the committee. Just before the Thanksgiving recess some of them had reached the committee that had charge of the investigation of Justice Hopkins's fitness, and the committee asked for a little more time. Having taken time to survey the situation, they brought in a favorable recommendation. It is my belief, Mr. President, that if we send this nomination back we will rearouse issues that have been honestly settled, that we will renew the hope of six candidates, and that we will further delay the selection.

Mr. President, for every Non-Partisan Leaguer from Wisconsin who protests against the appointment of Justice Hopkins, we give you the evidence of 500,000 Kansans who have voted for him on occasions for the last 25 years for one office or another. For every wet from Maryland who protests against his appointment, seeking a more liberal judge, we give you the indorsement of thousands of Kansans who have chosen him to the bench and who believe that he is suited for the peculiar position for which he has now been chosen. So, Mr. President, I express the hope that the motion of the Senator from Wisconsin will be defeated, and that we may then proceed immediately to the confirmation of Justice Hopkins. It has been delayed many months. It is needed that the position be filled.

Justice Hopkins was born in my State; he is a product of Kansas institutions. In a peculiar fashion he stands as the embodiment of those things which we have believed to be important in the philosophy of organized society. To the objections which have been coming to this body against him there is not attached the name of a single outstanding citizen of Kansas.

Mr. President, I do not wish to take more time from those who might wish to address the Senate upon this issue; I merely wish to register my protest against the recommitment of the nomination to the committee. If the senior Senator from Nebraska [Mr. NORRIS], the chairman of the Judiciary Committee, had expressed the desire yesterday that that be done, I would have been glad to yield, because I desire, as does every friend of Justice Hopkins in Kansas, that there remain no uncertainty touching his worthiness to hold this great position. If the chairman of the subcommittee, the senior Senator from Idaho [Mr. BORAH], had thought it necessary to ask that the nomination be recommitment, then I should have been very glad to have acquiesced in that suggestion; but since neither of them has seen fit to make such a request, I express the hope and entertain the belief that the motion will be defeated.

Mr. BLACK. Mr. President, I desire to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Alabama?

Mr. ALLEN. I yield.

Mr. BLACK. It was not possible for me to be here during the entire argument of the Senator, but there is one matter in connection with the charges which have been made which personally I desire to have explained before I vote. The charge has been made and placed on file before the committee that Judge Hopkins discharged one or more district attorneys in the State of Kansas because they would not prosecute striking miners as vagrants. In addition to that the charge is on file before the committee that Judge Hopkins himself urged the prosecution of striking miners as vagrants and conducted such prosecution. If the committee has already investigated those charges and has found them not to be true, I should desire to vote against recommitting the nomination to the committee; but if the committee has not investigated those charges and has not found that those charges are untrue, they are of such an important nature, in my judgment, as not to justify a vote in favor of confirmation without having an investigation.

Mr. ALLEN. Whether the committee investigated that particular point or not I do not know.

Mr. BORAH. Mr. President—

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

Mr. ALLEN. I yield.

Mr. BORAH. No such charges were brought to the attention of the subcommittee, and therefore we made no investigation into them; that is, no specific mention was made of this particular charge.

Mr. BLACK. I understood from the Senator from Wisconsin—and I ask him to see if I am correct—that he read some charges here yesterday which he stated, if I did not misunder-

stand him, had been filed before the subcommittee embracing this charge. Is that true?

Mr. BLAINE. I read from a file containing the protests that were sent to the Attorney General of the United States, and by the Attorney General of the United States filed with the Committee on the Judiciary, to which, of course, the subcommittee had access.

Mr. BLACK. Were they before the committee at the time of the investigation?

Mr. BLAINE. Those files, I understood, are always transmitted to the Judiciary Committee upon transmittal of the nomination.

Mr. BORAH. Mr. President—

Mr. ALLEN. I yield.

Mr. BORAH. There might have been such charges somewhere in the files. If there were, the subcommittee overlooked them. They were never called to our attention in any way. I never heard of the charge until it was made here.

I did, however, through friends who knew Judge Hopkins, and friends whom I had known for years and in whom I had great confidence, go as thoroughly as possible into the entire matter of the charges against Judge Hopkins in regard to the discharge of his duties while attorney general, and satisfied myself upon that point.

As to the particular item to which the Senator refers, that did not come to my attention; but there had been charges made that Judge Hopkins was arbitrary—one man says "a witch burner," and so forth—and I undertook to satisfy myself concerning all those matters. But as to the particular item under discussion, if it was before me at all it has escaped my mind.

Mr. ALLEN. Let me say that I am familiar with these so-called charges. This was an immoderate letter written by Mr. Howe.

Mr. BLAINE. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Wisconsin?

Mr. ALLEN. Yes.

Mr. BLAINE. Did the Senator say it was an anonymous letter?

Mr. ALLEN. No; I say it was an immoderate letter. At that time, if I may say so to the Senator from Alabama, there was being conducted before the Kansas Industrial Court an inquiry into the strike that had been called in opposition to the Kansas law, and this general statement came up in connection with the work which the attorney general was doing before the industrial court. This is old material.

Since that time, I want to say to the Senator from Alabama, Judge Hopkins has been before the people and received their approval on every occasion—three times in primaries, three times in general elections. In addition to that, the present governor, Mr. Reed, who was the first judge of the industrial court, and had heard the case of which these complaints are being made, was elected governor by a great majority. All of this material was brought into the campaign; and he received the support of organized labor in a distinguished sort of way, as well as the support of other elements of the community.

It is my conviction, as I read this report of the trial, that the complaint uttered by Mr. Howe in that so-called charge is not correct.

Mr. BLACK. Mr. President—

Mr. ALLEN. I yield.

Mr. BLACK. I had not intended to make any remarks on this subject—

Mr. ALLEN. In order to save the time of my side, Mr. President, I yield the floor.

Mr. BLACK. Mr. President, I had not intended to make any remarks at all on this question; but in order that my vote may not be misunderstood I think it absolutely imperative that I state the grounds upon which I shall vote to rerefer the pending nomination to the committee.

In the first place, so far as the opinion written by Judge Hopkins is concerned, I do not agree with the Senator from Maryland [Mr. TYDINGS] that he has in any way disqualified himself, either by his mental philosophy or his political philosophy, from holding the position of judge. It is my judgment that in that case he simply rendered a decision concerning a conflicting claim of authority between the district attorney and the attorney general. Personally, it is my judgment that his opinion was fundamentally unsound. I believe that no district attorney and no attorney general should have the power absolutely to govern the dismissal of a criminal case; but many States recognize that power in a district attorney and an attorney general. Consequently, so far as I am concerned, I should be willing to vote for the confirmation of this gentleman, even in the face of that opinion.

In so far as the second charge is concerned, relating to the funds collected by Judge Hopkins or his subordinates, it seems to me that if there had been any basis at all for this charge it would have long since been investigated. Therefore it has no weight with me in reaching a conclusion. But if there is the slightest semblance of authenticity to the charge that an attorney general of a State would put in force and effect the laws of vagrancy against a striking miner endeavoring to improve his condition as a laboring man, it is my judgment that the matter should be fully, fairly, and impartially investigated.

I can think of no abuse of power in this Nation which would be more contrary to the rights of free speech and of free action than for a district attorney or an attorney general to attempt to put the strong machinery of the law against a man who was attempting to better his working condition by misusing a statute intended to convict vagrants and vagabonds.

Mr. BLEASE. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. BLACK. I yield.

Mr. BLEASE. The Senator, I presume, means men who have been there working, not just loafers who came in for the purpose of bringing on a strike?

Mr. BLACK. Certainly.

The charge is made, and for that reason I asked if it had been refuted, that the attorney general, this gentleman who is now to be a judge and is to be invested with the vast and supreme power of issuing injunctions in labor suits, discharged district attorneys in his State because they would not use the vehicle of the vagrancy law to trample and oppress workmen who dared to attempt to improve their condition by going out on a strike.

I can not yield to the idea that the mere election of Judge Hopkins by the people of Kansas after this charge had been made is sufficient to purify his conduct or to refute the charges. They strike at such a fundamental right of an American citizen—a right which has been prized by every man with Anglo-Saxon blood—that I shall not vote—

Mr. ALLEN. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. BLACK. I yield to the Senator.

Mr. ALLEN. Was the Senator here when I read the explanation of the commissioner of labor touching Judge Hopkins's work?

Mr. BLACK. I was not. I asked the Senator if there had been any denial—

Mr. ALLEN. Before the Senator commits himself, I wish he would read the statement which I send to his desk.

Mr. BLACK. I shall be delighted to read it.

Mr. ALLEN. I know the Senator wants to be fair.

Mr. BLACK. I do. My inclination was to vote for the confirmation of Judge Hopkins; but here is the position I take: Let it be made clear.

Mr. BLAINE. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. BLACK. I yield to the Senator.

Mr. BLAINE. I desire to suggest that the complaint filed by the Kansas State Federation of Labor states that the attorney general, in his effort or desire to enforce the vagrancy law, forced smaller-town officers out of office and forced them to resign because they would not enforce that vagrancy law against these miners—not district attorneys, but local town officers whose duty it was to enforce the law. He threatened them, and, by pressure, forced them to resign because they refused to enforce the vagrancy law.

Mr. BLACK. Mr. President, this charge may be absolutely false. It may have no foundation; it may be baseless; it may be actuated by malice; it may be prompted by hatred; but no committee has investigated in order to determine whether or not such motives are responsible for the charge.

Mr. BORAH. Mr. President—

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

Mr. BLACK. I yield to the Senator.

Mr. BORAH. As I said a moment ago, the committee did not specifically investigate this specific matter; but I will say that as chairman of the subcommittee I took up the matter with two men from Kansas whom I know, who are just as sensitive to an injustice done under those circumstances as the Senator would be, and I went thoroughly into Judge Hopkins's record generally because it had been charged that he had used arbitrary methods in regard to these matters. I

became satisfied that he did nothing more than to discharge his duty under the law as attorney general; that he was not acting arbitrarily nor taking advantage of his position for the purpose of wreaking injustice upon those who he might think were derelict, but he was seeking to establish and maintain order and law, and I became satisfied that in the discharge of his duty he did nothing more than any conscientious officer would have done under similar circumstances.

Mr. BLACK. I understood from the Senator that the Senator had not heard of this charge until I mentioned it a few moments ago.

Mr. BORAH. As I say, I have no remembrance of this specific charge; but the charges were made that while attorney general Judge Hopkins did all kinds of arbitrary things and took advantage of his position to exercise powers which really did not belong to him. I went generally into all those matters, but not into this specific matter, because I had not heard of it. There were two matters which bothered me—the question of taking expense money and the constitutional question, but I concluded to support Hopkins because I believe him to be honest and a man of fair ability as a lawyer. But I regret that these matters were a part of his record.

Mr. BLACK. Mr. President, I have the greatest respect for the judgment of the Senator from Idaho; and if there had been an investigation of this specific complaint by the Senator, or by the committee of which he was a member, I should have unhesitatingly accepted any conclusion which he reached. I may be overestimating the importance of this charge; but, as I have read history, the vehicle used by those of despotic trend of thought for the purpose of suppressing the common, average citizen has usually been the misapplication of a certain law, or an excessive and extravagant use of governmental prerogative.

In this case the charge is made, and, as I recall, sworn to by a member of the Federation of Labor—if it had been made by any other it would have been of the same seriousness, but in this case it was made by the Federation of Labor—that in particular instances this gentleman was responsible for the removal of citizens from their positions because they would not agree with him in the use of the vagrancy statute. If this charge is not true, this gentleman has been grossly maligned.

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

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. BLACK. I yield to the Senator.

Mr. FESS. I am not acquainted with the point which the Senator is discussing, but it suggests an inquiry to my mind. In my State the governor is authorized to remove the mayor of a city in case the mayor is derelict in his duty in the enforcement of the prohibition law, and the Governor of Ohio has removed the mayors in quite a number of cities in pursuance of that law. Would the Senator go to the extent of criticizing the governor for removing a mayor under those circumstances?

Mr. BLACK. Not at all; I think such a mayor should be removed if he does not properly enforce the law in a fair manner, but I would criticize the governor of the Senator's State if a number of men who belonged to a union had organized to better their working conditions, or to raise their wages, so that they might receive a fairer proportion of the profits that come from business, and if those men were on strike, and a local officer should decline to misuse the vagrancy statute against them, and the governor for that reason removed the mayor or public official from office.

Mr. FESS. The Senator says "misused" the statute.

Mr. BLACK. Misused the vagrancy statute.

Mr. FESS. Under those circumstances, I would agree with the Senator.

Mr. BLACK. In other words, I claim that there could be no greater wrong than to take a man who may have been working steadily for 10 years, and because, forsooth, he dared to assert his rights as an American citizen, and discontinue his work for a week, or two weeks, or three weeks, and have the strong arm of the law bear down upon him, and prosecute him on the false and spurious charge of vagrancy.

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

Mr. BLACK. I yield.

Mr. ALLEN. I wish to give it as my deliberate judgment that no prosecution of that kind was ever entered against anyone in Kansas in reference to this matter. The charges to which the Senator refers were statements, as I have said, in an immoderate letter, which have been dignified into the character of a charge. Mr. Hopkins was in that district in pursuance of his business to enforce the industrial court act, which regarded it, and does regard it, as a conspiracy against the public for per-

sons to enter upon a strike to halt the production of coal or of food, or put a stop to transportation or any other essential industry. Mr. Hopkins was there in pursuance of his duty to enforce the law, and I have just sent to the Senator a statement from the commissioner of labor of my State, who makes indirect reference to the so-called charge of Mr. Howe.

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

Mr. BLACK. I yield.

Mr. McMASTER. The Senator from Wisconsin specifically states that local officials were removed because they failed to arrest the striking workers as vagrants. Is that charge denied by the Senator from Kansas specifically, so that we may know what the issue is?

Mr. ALLEN. I say that it is my deliberate belief that it is not true. I am not familiar with it, but I was governor of the State at that time, and I am inclined to think I would have known about it if it had happened.

Mr. HARRIS. Mr. President, will not the Senator from Alabama read the statement from the commissioner of labor? I would like to hear it. I have not seen it.

Mr. BLACK. Mr. President, I have the statement of the commissioner of labor, and I will be glad to send it to the Senator from Georgia so that he may read it. It is not a specific denial of this charge. There is only one way to ascertain about the charge.

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

Mr. BLACK. I yield.

Mr. NORRIS. If the things the Senator has stated are true, I would feel entirely different about the matter, but the Senator must realize that a specific charge can not be denied before it is made. These charges are more or less general, and the junior Senator from Kansas, who was governor of the State at that time, never heard of this matter.

Mr. BLACK. Mr. President, I am not criticizing anyone for not investigating it; that is not the question; but the proposition now is this: Since the charge has been made seriously and solemnly, since it has been made not only in the record but has been made in the Senate—

Mr. NORRIS. Mr. President, if the Senator will permit me, he asks the Senator from Kansas to specifically deny it. The Senator from Kansas, having no knowledge that such a thing occurred, of course can not specifically deny it. He simply says, "I was governor, and I think I would have known of it if it had occurred, and I never heard of such a thing."

Mr. BLACK. I do not ask the Senator to deny it specifically, but I do go to this extent: That since the Senator does not personally know the facts, since no one here personally knows the facts, because they were not developed before the subcommittee in such a way that they were investigated fully and specifically, are we to put the stamp of our approval on a man who has had within his care and custody the liberties of American citizens before we fully satisfy ourselves, by statements from those who do know, that the charge is false? It may be false.

I know nothing about this gentleman, but I myself can not reach the conclusion that I can vote for the confirmation of any man against whom there is the slightest shadow of suspicion that he would misapply the laws relating to vagrancy so as to direct the strong arm of the law against men and penalize and place them in prison under a spurious charge of that kind simply because they had exercised an American's privilege of refraining from work until their rights as American citizens could be established.

That is my whole position; that is the only ground upon which I shall vote to rerefer this matter to the committee. A charge has been seriously made, which, in my judgment, is so enormous in its import that it is unfair to Judge Hopkins to confirm him without an investigation, and it is more than unfair—it is a crime against the great laboring people of this Nation—to place upon the bench such a man until we have satisfied ourselves by evidence that he did not use his power to crush the individual freedom of American citizens.

Mr. BLAINE. Mr. President, there are just a few moments left.

The VICE PRESIDENT. The Senator has about six minutes, and the other side has three minutes left.

Mr. BLAINE. I want to say to the junior Senator from Kansas that no single Non-Partisan Leaguer from Wisconsin has filed any protest against Judge Hopkins. No wet from the State of Maryland has filed any protest against Judge Hopkins. Every single protest, every single complaint, against Judge Hopkins comes from the State of Kansas.

Those protests are official records. I hold in my hand the file of the Attorney General of the United States. Within that

file will be found the letters and the complaints which I read into the RECORD yesterday.

Mr. ALLEN. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. BLAINE. I can not yield, with only six minutes.

Those records were before the Committee on the Judiciary. However, as was suggested by the Senator from Nebraska yesterday, there was scarcely any time in which to consider this case before the full committee. The charges are made by responsible citizens, by the president and the secretary-treasurer of the State Federation of Labor of Kansas. The charge with reference to using browbeating methods against the miners in Kansas was approved by a convention composed of the executive board of the State Federation of Labor of Kansas. That charge has not been investigated. It is not fair to the workingmen of Kansas to deny them an opportunity to be heard on this matter.

Their complaint, which I read yesterday, is not immoderate. It is a conservative, moderate statement of facts which the junior Senator from Kansas has not denied and can not deny.

The junior Senator from Kansas has failed to explain away the failure of the attorney general of Kansas, Mr. Hopkins, to prosecute the mob. He has given secondhand, hearsay testimony of a distinguished Member of this body who is now dead, but the complaint is of record, and was of record before the Judiciary Committee, signed by a responsible citizen of the State of Kansas, and that charge stands undenied and unexplained.

Moreover, Mr. President, no attempt has been made on this floor to excuse Judge Hopkins for the violation of his oath. When the attorney general of the State of Kansas, Mr. Hopkins, took a place on the supreme bench of that State, he took an oath to support the constitution of Kansas. Now he repudiates that oath, he repudiates the constitution of his own State, and I say that a man who has this record comes here stamped with a character that unfits him for the position on the Federal bench.

The VICE PRESIDENT. The Senator has about half a minute left.

Mr. BLAINE. Mr. President, there is not a single word in this record which indicates in the remotest degree that the Insull interests have had anything to do with this nomination, not a single word. Any statement on that score that has been made has been made out of whole cloth. There is nothing in the record to substantiate it. I submit that the Kansas constitution ought to be here regarded as sacred and that the oath of a judge ought to be binding.

The VICE PRESIDENT. The Senator's time has expired.

Mr. CAPPER. Mr. President, the complaint filed by the officers of the Federation of Labor does not represent the views of the great body of workingmen of Kansas or of a large number of the members of the Federation of Labor. I say that because I have received numerous letters and telegrams from members of that organization within the last month stating that they are not in sympathy with the fight on Judge Hopkins and that they hope the Senate will confirm him. Let me read this paragraph from the letter of the commissioner of labor, Mr. Beckman, in which he says:

I am a member of the Brotherhood of Railroad Trainmen, Lodge No. 370, Parsons, Kans., and have been actively identified in the labor movement in this State for more than 12 years, holding practically every office that the organization had to offer within the State, and I believe the success and future prosperity of the workers of this country depend very largely upon the placing of fair-minded men, such as Richard J. Hopkins, in office. Labor should not ask for special favors; they should demand justice.

This is typical of many of the letters I have received.

Mr. President, these charges were before the people in the campaign two years ago when Justice Hopkins was a candidate for reelection. Little attention was paid to them, and in the county where this strike trouble occurred Judge Hopkins received one of his largest majorities. He carried every county in the State except one.

If there is a man in the State of Kansas who has been regarded as the friend of the average man, who has the confidence of the laboring man and the plain people of the State, I will say it is Judge Hopkins. The opposition to him, in a political way, usually has come from the other side—from the corporations and big business influences.

It seems to me the main question to consider seriously in voting on the nomination now before us is whether Judge Hopkins is qualified and fully equipped for the position to which he has been appointed. Is he the kind of a man we want to see

elevated to the Federal bench? I have already called attention to the indorsements of 28 district judges, the indorsements of the attorney general of the State, of the governor of the State, of the chief justice of the State, of William Allen White and Victor Murdock, and of nearly 800 lawyers who are fully acquainted with Judge Hopkins's record and qualifications. In my opinion, the chief justice of Kansas, more than any other man, is competent to testify as to the fitness of Judge Hopkins.

I now call attention to the statement by the chief justice regarding Judge Hopkins, after they had served together for seven years on the supreme bench of the State. Chief Justice Johnston says:

I have learned that he is a capable lawyer and an able jurist. In his judicial service he has demonstrated that he is conservative, careful, courageous, fair-minded, capable, and just. His record discloses that his decisions are made regardless of the parties involved, free from partiality or prejudice.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. CAPPER. Mr. President, the people of Kansas are overwhelmingly for Mr. Hopkins and it will be a great shock to them if he is not confirmed. They have a right to expect favorable action on the nomination.

Mr. President, may I have unanimous consent to place in the RECORD certain documentary evidence completely refuting the charges against Justice Hopkins that fees collected by special assistant attorneys general were misappropriated? I presented this evidence to the Senate in my remarks yesterday, but inadvertently neglected to place the statements in the RECORD.

The VICE PRESIDENT. Without objection, the statements will be printed in the RECORD.

The statements referred to are as follows:

KANSAS CITY, KANS., December 15, 1929.

Senator ARTHUR CAPPER,
Washington, D. C.:

Just completed record Hubbard cases. Have also sent corrected certificates of clerks of respective courts here showing dates when Hubbard collected fee in each case. These certificates show that former certificate of deputy clerk was misleading because dates of collection of fees by Hubbard not given. New certificates of clerks of courts here show that over \$4,000 of Hubbard fees on cases listed in former deputy clerks' certificate were not collected by Hubbard during Hopkins's administration. These, of course, were not included in report of Topeka accountants because this (accountants) report covered only fees paid into State treasury during Hopkins's term.

Deputy clerks' certificate dated September 14, used in Howe complaint, stated that fees from cases there listed, total \$13,518, were collected by Hubbard between January 1, 1919, and January 1, 1923. This is erroneous in three particulars. It included 26 cases, total fees, approximately \$1,500, all of which were collected during Brewsters's term (previous to Hopkins's). It included 47 cases where fees total \$2,400 were collected in 1923 after Hopkins's term, and which was sent to State treasury by Hubbard in 1923, according to vouchers shown me and which were mailed you with Hubbard affidavit. It included five cases, fees total \$225, which were collected by Hubbard, 1926 and 1927. Total of these three erroneous matters is \$4,125 fees collected by Hubbard entirely outside of Hopkins's term. The fact that this amount of fees was collected outside of Hopkins's term is shown by certificates of clerks of courts here personally mailed you last night, wherein dates of collection were set opposite number and title of case. I have carefully examined Hubbard's record of Hopkins's cases and certify that they were accurately kept, and that by comparison with the certificates of the two clerks of the courts here find them identical as to number and title of case and date and amount of fees collected.

LOUIS R. GATES, County Counselor.

KANSAS CITY, KANS., December 15, 1929.

Senator ARTHUR CAPPER,
Washington, D. C.:

My deputy clerk's certificate, dated September 14, gave correct number and title of cases and amount of fees collected from such cases by Hubbard, but did not give individual dates of collection of individual fees, and therefore was misleading. Saturday I checked all cases on my deputy's former list and I have certified to the correctness of the dates of collection shown on my certificate mailed from Kansas City last night, and my certificate shows from such dates that a number of fees were collected by Hubbard both before January 1, 1919, and after January 1, 1923.

WALTER F. MATHIS,
Clerk of the District Court of Wyandotte County, Kans.

STATE OF KANSAS,
County of Wyandotte, ss:

Roy R. Hubbard, of lawful age, being first duly sworn upon his oath, deposes and says, that he was duly appointed assistant attorney gen-

eral of the State of Kansas by the then Attorney General S. M. Brewster on November 12, 1915, and held his commission throughout the term of Richard J. Hopkins from January 13, 1919, to January 9, 1923; and during the term of Charles B. Griffith, attorney general, following that of Richard J. Hopkins.

That he has examined the certificate of the deputy district clerk of the district court of Wyandotte County, Kans., under date of September 14, 1929, with reference to attorneys' fees received by affiant, as shown by the records in the office of the clerk of the district court of Wyandotte County, Kans., and the first and second districts of the city court of Kansas City, Kans., respectively, such fees purporting to have been received between the 1st day of January, 1919, up to and including the 1st day of January, 1923.

That in truth and in fact the former certificate includes many fees that were not received during such period; that attached hereto and made a part hereof is Exhibit A, being the certificate of Walter F. Mathis, clerk of the district court of Wyandotte County, Kans., under the seal of the said court, dated December 14, 1929, and Exhibit B, under the certificate of Roy D. Angle, clerk of the city court of Kansas City, Kans., first and second districts, dated December 14, 1929, which is a duplicate of former certificate, as far as the number of the cases, the style of the cases, and the fees received, and has added thereto on the left-hand margin the dates when the fees were received by said affiant Hubbard from the clerk of the respective courts; and for convenience a circle in red ink has been marked around the date and the number of the case of all cases where the fees were collected by said affiant either prior to the commencement of the administration of Richard J. Hopkins as attorney general or collected subsequent to the close of the administration of Richard J. Hopkins as attorney general.

Fees thus designated by red ink would not and could not appear in the abstract of Brelsford, Wasson & Gifford, accountants, since that abstract showed only moneys turned into the State treasury by Hubbard from liquor cases between the dates of January 13, 1919, and December 31, 1922.

(1) That examining said certificate and referring specifically to the following numbered cases appearing on said certificate of deputy district clerk aforesaid, as follows: 5927, 5960, 5961, 5963, 6092, 6219, 6184, 6087, 6234, 6282, 6183, 6248, 6254, 6079, 6240, 6269, 6089, 6121, 6265, 6172, 6152, 6283, 6216, 6286, 6018, 6209, 6287, 6090, 6164, 6261, 6163, 6264, 6291, 6293, 6123, 6095, 5057, 5079, 6299, 6370, 6274, 6289, 6258, 5958, 6044, 5964, and 6245.

This affiant did receive said moneys and did remit the same to the State treasurer of Kansas in the year 1923, and during the term of Charles B. Griffith, attorney general, who was the immediate successor in office to Richard J. Hopkins, the dates of remittances being approximately as follows:

Jan. 29, 1923	-----	\$525
Apr. 17, 1923	-----	500
July 31, 1923	-----	475
Nov. 8, 1923	-----	500
Dec. 18, 1923	-----	400

Or a total sum of ----- 2,400

The certificate of the deputy district clerk aforesaid did not set forth the date of the collection of these fees by this affiant, and therefore this said sum of \$2,400 just referred to would not be included in the abstract of Brelsford, Wasson & Gifford, accountants, which shows only the moneys turned into the State treasury from January 13, 1919, to December 31, 1922.

(2) That reference to the following numbered cases listed on the certificate of deputy district clerk aforesaid, under the heading "City Court, First District," and referring specifically to the following numbered and entitled cases under the heading of said "City Court, First District Report," certified to by deputy district clerk aforesaid, to wit:

5181	-----	\$25.00
5182	-----	25.00
5197	-----	25.00
5212	-----	50.00
5213	-----	50.00
5218	-----	50.00
5219	-----	50.00
5235	-----	25.00
5239	-----	50.00
5288	-----	50.00
5289	-----	25.00
5290	-----	25.00
5389	-----	50.00
5410	-----	50.00
5411	-----	50.00
5412	-----	24.60
5413	-----	50.00
5496	-----	50.00
5505	-----	50.00
5508	-----	25.00
5537	-----	50.00
5576	-----	50.00
5617	-----	50.00
5618	-----	75.00
5631	-----	50.00
5640	-----	50.00
5666	-----	50.00

The district court of Wyandotte County, Kans.—Continued

Table with columns: Date of receipt, No., Style of case, Attorney's fee, Received by—

City court of Kansas City, Kans., first district—Continued

Table with columns: Date of receipt, No., Style of case, Attorney's fee, Received by—

STATE OF KANSAS,

County of Wyandotte, ss:

I, Walter F. Mathis, clerk of the district court within and for Wyandotte County, Kans., hereby certify that the appearance dockets in the office of the district clerk of Wyandotte County, Kans., show that Roy R. Hubbard, assistant attorney general of Kansas, received attorney's fees from said district court on the dates prefixed to the cases numbered and entitled, attached hereto.

Given under my hand and seal of said court affixed at my office in the city of Kansas City, Kans., December 14, 1929.

[SEAL]

WALTER F. MATHIS,

Clerk of the District Court of Wyandotte County, Kans.

EXHIBIT B

City court of Kansas City, Kans., first district

Table with columns: Date of receipt, No., Style of case, Attorney's fee, Received by—

STATE OF KANSAS,

County of Wyandotte, ss:

I, Roy D. Angle, clerk of the first and second divisions of the city court within and for Wyandotte County, Kans., hereby certify that the appearance dockets in the office of the city clerk of Kansas City, Wyandotte County, Kans., show that Roy R. Hubbard, assistant attorney general of Kansas, received attorney's fees from said city court on the date prefixed to the cases numbered and entitled, attached hereto.

Given under my hand and seal of said court affixed at my office in the city of Kansas City, Kans., December 14, 1929.

[SEAL]

ROY D. ANGLE, Clerk of the City Court.

EXHIBIT C

Attorneys' fees from liquor cases in Wyandotte County, Kans., remitted by Roy R. Hubbard to State of Kansas treasury between January 13, 1919, and December 31, 1922

Table with columns: Date, Amount

Jan. 30, 1920	\$300.00
Feb. 22, 1920	425.00
Mar. 30, 1920	525.00
Apr. 15, 1920	450.00
May 27, 1920	400.00
July 31, 1920	500.00
Aug. 14, 1920	550.00
Aug. 31, 1920	425.00
Oct. 15, 1921	350.00
May 10, 1921	375.00
May 10, 1921	130.25
Jan. 19, 1922	250.00
Mar. 30, 1922	50.00
Mar. 31, 1922	300.00
Apr. 3, 1922	50.00
Apr. 5, 1922	175.00
Apr. 14, 1922	500.00
May 5, 1922	150.00
May 15, 1922	525.00
May 30, 1922	400.00
July 10, 1922	25.00
Dec. 18, 1922	600.00

Total 10,180.25

Liquor fees remitted in 1923 from cases filed during Hopkins term

Jan. 29, 1923	\$525.00
Apr. 14, 1923	500.00
July 31, 1923	475.00
Nov. 8, 1923	500.00
Dec. 18, 1923	400.00

Total 2,400.00

Summary

Fees Jan. 13, 1919-Dec. 31, 1922	\$10,180.25
Fees in year 1923	2,400.00

Grand total 12,580.25

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin to recommit to the Committee on the Judiciary the nomination of Richard J. Hopkins to be United States district judge for the district of Kansas.

Mr. BLAINE. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLENN (when his name was called). Upon this motion I have a special pair with the junior Senator from Washington [Mr. DILL]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. HATFIELD (when Mr. GOFF's name was called). My colleague the senior Senator from West Virginia [Mr. GOFF] has a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. If my colleague were present and not paired, he would vote "nay."

Mr. HATFIELD (when his name was called). I have a special pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who if present, I understand, would vote "yea." If I were permitted to vote, I would vote "nay."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Chamber by illness. As already announced by the Senator from West Virginia [Mr. HATFIELD], he is paired with that Senator, and if present and permitted to vote would vote "yea."

Mr. MCKELLAR (when his name was called). On this vote I have a pair with the junior Senator from Delaware [Mr. TOWNSEND]. In his absence I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. As he is absent, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). My colleague is unavoidably absent. He is paired with the senior Senator from West Virginia [Mr. GOFF].

The roll call was concluded.

Mr. HAWES. I have a pair with the senior Senator from Kentucky [Mr. SACKETT]. Not knowing how he would vote, I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent because of the state of his health.

Mr. MOSES. I learn that I may transfer my general pair with the junior Senator from Louisiana [Mr. BROUSSARD] to the junior Senator from Connecticut [Mr. WALCOTT], which I do, and vote "nay."

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is detained from the Senate by illness.

I also wish to announce that the senior Senator from Arkansas [Mr. ROBINSON] is necessarily out of the city.

Mr. JONES. I wish to announce the following general pairs: The Senator from Illinois [Mr. DENEEN] with the Senator from Utah [Mr. KING];

The Senator from California [Mr. JOHNSON] with the Senator from Texas [Mr. CONNALLY]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from New Mexico [Mr. BRATTON].

I also wish to announce that on this question the Senator from New Jersey [Mr. KEAN] has a pair with the Senator from South Carolina [Mr. BLEASE]. If present, the Senator from New Jersey would vote "nay" and the Senator from South Carolina would vote "yea."

The result was announced—yeas 25, nays 48, as follows:

YEAS—25

Ashurst	George	Ransdell	Wagner
Barkley	Glass	Simmons	Walsh, Mass.
Black	Harrison	Smith	Walsh, Mont.
Blaine	Hayden	Swanson	Wheeler
Brock	Heflin	Thomas, Okla.	
Caraway	McMaster	Trammell	
Copeland	Pittman	Tydings	

NAYS—48

Allen	Goldsborough	McCulloch	Schall
Baird	Gould	McNary	Sheppard
Bingham	Greene	Metcalf	Shortridge
Borah	Grundy	Moses	Smoot
Brookhart	Hale	Norbeck	Steck
Capper	Harris	Norris	Steiner
Couzens	Hastings	Nye	Stephens
Dale	Hebert	Oddie	Sullivan
Fess	Howell	Patterson	Thomas, Idaho
Fletcher	Jones	Phipps	Vandenberg
Frazier	Kendrick	Pine	Waterman
Gillett	Keyes	Robinson, Ind.	Watson

NOT VOTING—23

Bleas	Dill	Kean	Robinson, Ark.
Bratton	Glenn	King	Sackett
Broussard	Goff	La Follette	Shipstead
Connally	Hatfield	McKellar	Townsend
Cutting	Hawes	Overman	Walcott
Deneen	Johnson	Reed	

So the Senate refused to recommit the nomination to the Committee on the Judiciary.

The PRESIDING OFFICER (Mr. FESS in the chair). The question now is, Shall the Senate advise and consent to the nomination of Richard J. Hopkins to be United States district judge for the district of Kansas?

Mr. BLAINE. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLENN (when his name was called). On this question I have a special pair with the junior Senator from Washington [Mr. DILL]. I understand that if he were present he would vote "nay." If I were at liberty to vote, I would vote "yea."

Mr. HATFIELD (when Mr. GOFF's name was called). My colleague the senior Senator from West Virginia [Mr. GOFF] has a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. If present, my colleague would vote "yea."

Mr. HATFIELD (when his name was called). On this question I have a special pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. If present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. HAWES (when his name was called). I have a pair with the senior Senator from Kentucky [Mr. SACKETT]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. MCKELLAR (when his name was called). Making the same announcement as on the previous roll call, I withhold my vote.

Mr. MOSES (when his name was called). Making the same announcement regarding my general pair and its transfer as on the previous vote, I vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to state that my colleague the junior Senator from North Carolina [Mr. OVERMAN] is unavoidably detained from the Senate. He is paired with the senior Senator from West Virginia [Mr. GOFF].

The roll call was concluded.

Mr. WALCOTT. I understand that I am paired by transfer with the junior Senator from Louisiana [Mr. BROUSSARD]. Therefore I withhold my vote.

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is detained from the Senate by illness.

I also wish to announce that the senior Senator from Arkansas [Mr. ROBINSON] is necessarily out of the city.

Mr. JONES. I wish to announce the following general pairs: The Senator from Illinois [Mr. DENEEN] with the Senator from Utah [Mr. KING];

The Senator from California [Mr. JOHNSON] with the Senator from Texas [Mr. CONNALLY]; and

The Senator from Pennsylvania [Mr. REED] with the Senator from New Mexico [Mr. BRATTON].

I also wish to announce that on this question the Senator from New Jersey [Mr. KEAN] has a pair with the Senator from South Carolina [Mr. BLEASE]. If present, the Senator

from New Jersey would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 49, nays 22, as follows:

YEAS—49

Allen	Goldsborough	McNary	Shortridge
Baird	Gould	Metcalf	Smoot
Barkley	Greene	Moses	Steck
Bingham	Grundy	Norbeck	Stelwer
Borah	Hale	Norris	Stewens
Brookhart	Harris	Nye	Sullivan
Capper	Hastings	Oddie	Thomas, Idaho
Couzens	Hebert	Patterson	Vandenberg
Dale	Howell	Phipps	Waterman
Fess	Jones	Pine	Watson
Fletcher	Kendrick	Robinson, Ind.	
Frazier	Keyes	Schall	
Gillett	McCulloch	Sheppard	

NAYS—22

Ashurst	Glass	Simmons	Wagner
Black	Harrison	Smith	Walsh, Mass.
Blaine	Hayden	Swanson	Walsh, Mont.
Brock	Hefflin	Thomas, Okla.	Wheeler
Copeland	McMaster	Trammell	
George	Ransdell	Tydings	

NOT VOTING—25

Blease	Dill	King	Sackett
Bratton	Glenn	La Follette	Shipstead
Broussard	Goff	McKellar	Townsend
Caraway	Hatfield	Overman	Walcott
Connally	Hawes	Pittman	
Cutting	Johnson	Reed	
Deneen	Kean	Robinson, Ark.	

So the Senate advised and consented to the nomination of Richard J. Hopkins to be United States district judge for the district of Kansas.

The PRESIDING OFFICER. The President will be notified of the confirmation.

Mr. HARRISON, Mr. KEYES, and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. The clerk will report the remaining nominations on the Executive Calendar.

The Chief Clerk proceeded to read nominations for the Diplomatic and Foreign Service.

The PRESIDING OFFICER. Without objection, the remaining nominations on the Executive Calendar will be confirmed en bloc, and the President will be notified.

POSTAL NOMINATIONS

Mr. PHIPPS. From the Committee on Post Offices and Post Roads I report certain postal nominations, and I ask that the nominations, which are approved by the Senators from the respective States interested, may be confirmed.

The PRESIDING OFFICER. Is there objection to the confirmation of the post-office nominations reported by the Senator from Colorado?

Mr. NORRIS. Mr. President, I did not hear the request of the Senator from Colorado.

Mr. PHIPPS. My request is that the nominations of postmasters, which have been approved by the Senators from the States for which they are made, may be confirmed.

Mr. NORRIS. The Senator's request applies only to post-office nominations?

Mr. PHIPPS. It applies only to the post-office nominations.

Mr. NORRIS. Very well.

The PRESIDING OFFICER. Without objection, the post-office nominations reported by the Senator from Colorado will be confirmed en bloc, and the President will be notified.

RESUMPTION OF LEGISLATIVE SESSION

Mr. SMOOT. Mr. President, I move that the Senate resume legislative session.

The motion was agreed to.

PETITIONS

Mr. HEBERT presented the petition of Thomas F. Plunkett, of Westerly, R. I., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was referred to the Committee on Pensions.

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

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

Mr. TYDINGS presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Baltimore, Md., praying for the passage of legislation granting increased

pensions to Spanish War veterans, which were referred to the Committee on Pensions.

Mr. BINGHAM presented a resolution adopted by the council of the city of Norwalk, Conn., favoring the making of an appropriation for the construction of a Federal building at Norwalk, Conn., which was referred to the Committee on Public Buildings and Grounds.

He also presented resolutions adopted by the boards of selectmen of Guilford and Winsted, the board of aldermen of the city of Hartford, and the common council of the city of Danbury, all in the State of Connecticut, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. THOMAS of Idaho, from the Committee on Banking and Currency, to which was referred the bill (S. 486) to amend section 5153 of the Revised Statutes, as amended, reported it without amendment and submitted a report (No. 67) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2400) to regulate the height, exterior design, and construction of private and semi-public buildings in certain areas of the National Capital, reported it with an amendment and submitted a report (No. 68) thereon.

BILLS INTRODUCED

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

By Mr. CAPPER:

A bill (S. 2759) to correct the military record of William H. Ray (with accompanying papers); to the Committee on Military Affairs.

By Mr. COUZENS:

A bill (S. 2760) granting a pension to Kathryn L. Hodge; to the Committee on Pensions.

A bill (S. 2761) for the relief of Alash Sakarian; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 2762) for the relief of S. C. Davis; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 2763) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more but not to exceed three toll or free bridges across the Missouri River; to the Committee on Commerce.

By Mr. THOMAS of Oklahoma:

A bill (S. 2764) granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and dependent children; to the Committee on the Judiciary.

By Mr. WHEELER:

A bill (S. 2765) to create a Federal child relief board, and for other purposes; to the Committee on Education and Labor.

A bill (S. 2766) authorizing appropriations for the construction and maintenance of improvements necessary for protection of the national forests from fire, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 2767) to repeal the act entitled "An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters," approved May 19, 1926; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 2768) to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 2769) for the relief of the Great American Indemnity Co. of New York; to the Committee on Claims.

By Mr. HARRISON:

A bill (S. 2770) providing for repairing, remodeling, enlarging, improving, or altering the Federal courthouse building at Aberdeen, Miss.; to the Committee on Appropriations.

A bill (S. 2771) for the erection of a public building at Amory, Monroe County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. BROCK:

A bill (S. 2772) to extend the jurisdiction of the United States court and district courts in naturalization cases (with accompanying papers); to the Committee on Immigration.

A bill (S. 2773) for the relief of Charles Rosenthal; to the Committee on Public Lands and Surveys.

By Mr. WALSH of Massachusetts:

A bill (S. 2774) for the relief of Nick Rizou Theodore; to the Committee on Claims.

A bill (S. 2775) granting compensation to David Samuel Goldstein; to the Committee on Finance.

A bill (S. 2776) for the relief of William Thibeault; to the Committee on Military Affairs.

A bill (S. 2777) granting an increase of pension to Myra I. Hatch; to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 2778) to direct The Adjutant General of the Army; the Bureau of Navigation, Navy Department; the Major General Commandant United States Marine Corps; and the Commandant United States Coast Guard, in certain cases to transfer the statements of World War service to the State, Territory, District of Columbia, or insular possession of the United States wherein true legal residence is shown, and to credit the service accordingly in the record and statistics of the World War; to the Committee on Military Affairs.

By Mr. GLENN (for Mr. DENEEN):

A bill (S. 2779) granting a pension to Margaret Higgins; to the Committee on Pensions.

A bill (S. 2780) authorizing the reinstatement of Carl L. Bernau as a captain in the Regular Army; to the Committee on Military Affairs.

PROHIBITION ENFORCEMENT

Mr. HARRIS. Mr. President, I submit a resolution and ask that it may be read and lie on the table.

The resolution (S. Res. 190) was read and ordered to lie on the table, as follows:

Whereas by the first deficiency act, fiscal year 1929, the Congress appropriated \$250,000, to be expended under authority and by direction of the President, for an inquiry into the problem of enforcement of the prohibition laws, together with the enforcement of other laws; and

Whereas the debates upon such appropriation indicate that it was directed particularly to an inquiry into the problem of prohibition enforcement; and

Whereas it was contemplated that an early report thereon would be made in order that the Congress might be advised as to the necessity for additional appropriations for prohibition enforcement; and

Whereas the Law Enforcement Commission appointed by the President has entered upon an investigation of the enforcement of all laws, which will necessarily delay for at least one year a final and complete report; and

Whereas appropriation bills carrying appropriations for prohibition enforcement will be acted upon in the near future: Therefore be it

Resolved, That the President is requested to transmit to the Congress, at the earliest practicable date, a preliminary report in order that the Congress may be advised as to the necessity for additional appropriations for the enforcement of the prohibition laws, together with his recommendations with respect thereto.

MESSAGE FROM THE HOUSE

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

H. J. Res. 174. Joint resolution making an emergency appropriation for the control, prevention of the spread, and eradication of the Mediterranean fruit fly; and

H. J. Res. 175. Joint resolution to provide additional appropriations for the Department of Justice for the fiscal year 1930 to cover certain emergencies.

THE TARIFF—ARTICLE BY HON. MARTIN DODGE

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting and instructive article entitled "The Protective Tariff," written by the Hon. Martin Dodge, of Ohio, formerly Director of the Office of Public Roads.

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

THE PROTECTIVE TARIFF

By Hon. Martin Dodge, of Ohio, former Director United States Office of Public Roads

Our people are the wealthiest in the world. They have also produced their great wealth in the shortest time that any great national wealth was ever produced. Mr. Gladstone said that the surplus accumulation of wealth in the whole world prior to 1800 was not greater than the surplus produced during the next 50 years from 1800 to 1850.

The writer has seen, during the last 50 years in this country, the wealth of the United States multiplied by more than tenfold. The rapidity of this increase was unprecedented and to a great extent unex-

pected, and there is in a sense a mystery involved in the processes by which it has been produced. Indeed, it always is a mystery how a great fortune can be rapidly produced. If it were an open secret how rich men make their riches almost everybody would become rich, but there is so much mystery involved in this matter that it is doubtful even if those who make great fortunes can reveal the principle by which they do it.

Now, if there is a mystery involved in the making of a single great fortune there is a much greater mystery involved in producing the wealth of nations. Accordingly we have in our country a division of opinion as to how the wealth of this great Nation has been produced and how it can be extended. One class of statesmen and economists contend that free trade is the open sesame of the wealth of nations. Another class have contended that the wealth of our Nation springs not from free trade, by going down to the sea in ships, but from the development of our inestimable and almost inexhaustible resources at home. The true principle on which the American protective tariff rests is based on a union between the natural resources of the country and the application of the hand of labor to those resources. Our material is inexhaustible and our labor has been multiplied by 10 by the division of labor and the application of power to machinery. It is noticeable in this respect that the writers of all our books that teach the economic doctrine of free trade, and most of our professors, teaching in the institutions of learning, contend for the open door of free trade between all countries. It is equally noticeable that most captains of industry and those under their direction contend that our great wealth is not brought to us in ships of the sea but produced by the application of labor and industry to all those forces and resources which God and nature have placed within our power.

The wonderful developments in this country so rapidly made have been based upon the application of principles exactly opposite to those taught by professors in institutions of learning and writers of books put forth by the free traders. Those who contend for the former policy have only slightly contributed to the addition of the common wealth but those who have contended for the latter course seem to furnish an explanation of the wonderful additions that have been made to the wealth of our country as stated above.

WHAT PRINCIPLES SHOW

A concrete application of these principles covering a considerable period of time and a great extent of our own country will reveal the fact that practically all of our enormous wealth is expressed in forms of wealth that were plainly produced not only in our country but near the spot where they exist and were a direct result of the application of domestic labor to domestic materials. The writer has traveled far and wide over this country and is familiar with all of the forms and manifestations of wealth, industry, transportation, and land values. Covering a period of more than 30 years of observation and a very great multitude and diversity of objects of wealth, he was not able to recall a single instance which he has ever seen in this country of any property of lasting value that was imported into the country. Going through our great cities—Cleveland, Detroit, Chicago, and the like—it is perfectly evident that all the great permanent and lasting wealth in our great cities has been produced by the application of labor to the domestic building material out of which these cities are made. And the resulting land value springs from this application, and nothing, or almost nothing, pertaining to all the great material wealth of these great cities comes from abroad.

To illustrate the difference between the production of domestic wealth and the value of imported articles you may step into a million-dollar hotel and there see a man smoking a cigar. The cigar may be imported, but it perishes with its use; the million-dollar building has been produced on the spot and not imported, and it does not perish with its use, but may last even a thousand years. What is true of these cities is equally true of all our cities and their circumjacent territory as well as of the great stretches of agricultural land that lie between them. Nothing of all this inestimable and almost inconceivable wealth is produced in any other way except by the application of domestic labor to domestic material. Seeing how enormous this material value is and how little, if anything, is contributed to it by the things brought from foreign countries, it seems to be quite certain that many people overestimate the true relation that exists between the import foreign trade and the great aggregation of wealth that is built up in our country by our own men with our own material.

It is commonly estimated that not to exceed 18 per cent of our total production ever goes abroad under the most favorable circumstances of trade. It is supposed that we receive in exchange goods of greater value than what we parted with; that may be admitted, but if all we receive from abroad was imported to us, not in exchange but as free as salvation, without money and without price, it would be such a small part of our real domestic product that the ratio would be like a flea to a dog, because we must remember that this 18 per cent is estimated on our portable, transportable, salable, and exchangeable values and not on our permanent, substantial, and abiding values, such as great cities, increasing land values, and permanent industries. Nor does it include the very great majority of those portable and exchangeable products which perish with their use on account of the daily consumption of our people. This

may be illustrated not only with figures but by observation in that part of our country which has contended the longest and the strongest for the free-trade policy and has put that policy into operation to a great extent by exchanging their cotton for manufactured articles, and has failed to produce to any great extent those lasting elements of wealth which are so common in the more progressive parts of our country. When we consider this great disproportion which exists between our real, substantial, and abiding wealth of the Nation produced out of domestic material and domestic labor in comparison with the slight value of imported products, most of which perish with their use, we feel sure that there must be a fundamental error either in the doctrine of free trade itself or in the application of it with relation to this country.

THE AMERICAN POLICY

The fundamental doctrine as announced by Adam Smith and his numerous followers is a true doctrine as applied to his own country, Scotland, and also to England, and probably to all countries that have a great population with a small territory; but in our own country we are not so situated, but, on the contrary, we have a great country with boundless and inexhaustible resources and a comparatively small population. It is a maxim of law that when the reason of a law ceases the law itself ought to cease with it, and this is equally applicable to the economic law, so that in a country like ours any law ought to cease which is based upon the idea of bringing material into a country which has an abundance of material of every kind within itself.

A review of tariff legislation giving the alternate periods of low and high tariffs that followed each other will reveal the fact that whenever we have had a low tariff and abundant imports our industries have been shattered and often destroyed, but when we have had a high tariff our industries have expanded and our population and wealth have greatly increased. In other words, when we have turned our faces toward the foreign trade and gone out to the sea in ships the industries of our country have been greatly injured and in many cases almost ruined, but when we have turned our backs to the sea and our faces to the land we have come into our true inheritance and built up this great and fabulous wealth, doubling itself in value every five years. If the seas are no longer whitened by the sails of our ships our land is darkened by the smoke of our chimneys, and these have become so great and enormous that they constitute many a great city that is set on a hill and can not be hid. Our people made no mistake when they turned their backs on the god of the ocean and joined hands in their devotion to the gods of the hills and the gods of the valleys, for it is out of these hills and valleys that we take our mighty industries and our mighty wealth, and not out of the sea.

THE FUNDAMENTAL ERROR

The fundamental error in the application of the free-trade doctrine consists in making plans to carry materials from other countries to our country which already has this material in the greatest abundance and to a people who do not need to import the things that they already have at their command, when touched by the hand of labor. In other words, it is the old story of carrying coals to Newcastle. It is fundamental that the two factors which enter into the production of wealth are land and labor. Land includes all of its products—timber, minerals, and the like. It is a close approximation to estimate the value of labor and the value of land, or the materials entering into a given article, to be of equal value—50-50. If the article is brought from a foreign country it is compounded of the two elements, land and labor, and both are expressed and paid for in the price current. But in our own country all of the great and inestimable value of the products of the land are a free gift of the country. They cost us nothing as a people; they are our inheritance. So that one-half of the cost expressed in the selling price is either a free gift of nature or clear profit.

Now, within the last 50 years, the division of labor, the application of machinery, cheap overland transportation, the inventive genius of our people and their constructive faculty have made it so that there is an increased power of production, whereby 10 men are now doing what a hundred men were required to do 50 years ago. In other words, there is an increase of tenfold in the power of labor, or a decrease in the cost of labor measured by the man power and not by the money power required to produce it. Therefore, if we save one-half of the cost of an article by using our own material instead of importing it from other countries, and save nine-tenths of the labor cost by taking 1 man instead of 10 to perform the work, we are making in reality a profit or a saving of nineteen-twentieths of the cost of the article.

Now our free-trade friends will say that we should get the article from abroad because they can produce it cheaper than we can. I say that there is no such cheapness existing in the world, as to the cost of production, as that which I have just shown above, whereby nineteen-twentieths is really saved by devoting our own unused material to the service of our tenfold efficient labor evolved by the processes of education and opportunity which our country affords. This ratio of 19 to 1 seems very large, but to me the increase of our wealth in so short a time seems equally large, and I do not believe it could have been effected without a saving similar to what I have indicated.

I have already referred to the wonderful rapidity of increase in wealth and the enormous aggregation of accumulated wealth so recently made, but we must also remember that during all the period of time when this great work was going forward, all of our people in the aggregate not only saved these enormous sums of wealth but in the meantime used still more enormous sums in their increased daily cost of living, because of the high scale to which they have advanced. There never was a time in this or any other countries when the common people lived in the midst of such abundance.

We are apt to be confused between individual wealth and national wealth. It is not enough to prove that an individual may be benefited by securing a cheap article unless it can also be shown that the Nation as a whole does not lose by the transaction. The greatest good to the greatest number requires not that a few shall secure imported articles at a lower price but that the many shall be able to turn their time and opportunity into money by utilizing the vast resources of our own country, touched by the genius of our people, with the division of labor, and the application of machinery. We have lately found out that it would be a mistake to destroy the sugar industry of Louisiana even if sugar could be obtained a little cheaper. We learned from the panic of 1893 that the Nation gained nothing by free wool, because of the inestimable loss that followed on account of the great reduction in the price of sheep and the diminished value of grazing lands. The cattle on a thousand hills are produced by the application of skillful labor to the bare land. I heard Senator SMOOT say that the great organ in the tabernacle at Salt Lake City was produced by one expert brought from England, with a small number of helpers who went to the forest and selected timbers suitable for the pipes, bored them themselves, and constructed the great organ, which is said to be one of the best, if not the best, in the United States, at a minimum of cost, and all produced by the hand of labor applied to the native materials. Senator SMOOT also said that there was not enough money in the State of Utah at that time to have purchased the organ, have it transported and set up in the tabernacle. What is true of that delicate piece of machinery is true of all of our great machines and our great industries—it is also true of our great cities. They were not imported, but produced on the spot. And so it is with all of our great wealth, as we could illustrate at any length.

It is said that it would be very foolish for this country to undertake to produce tea or coffee or spices or bananas and other tropical fruits. I concede this and contend for the following rule of procedure in reference to such imports: All articles and products the like of which we can not produce economically in this country should be admitted free of duty or should bear a duty for revenue only. It will be found, however, that the number of and quantity of such articles are very insignificant if we confine ourselves to the use of such as are necessary and beneficial and do not go to distant places for foreign fruits when our own land in great quantities lies fallow in easy reach of every city in our country. In the city of Washington to-day we are consuming large quantities of fruit brought from distant places and retailed to our people at such exorbitant prices that the cost of living is made more oppressive. Within sight of the Capitol itself there are thousands of acres of fallow land suitable for the production of the most healthful and luscious fruits that can be produced anywhere. The so-called luxuries of imported fruit are unnecessary, undesirable, and uneconomical. We hear a good deal lately about the open door to China and making the world safe for democracy. We neither hear nor see anything in reference to the open door to Washington by means of which we can transport the products of the near-by fields to the consumers to help reduce the high cost of living.

FEW INFANT INDUSTRIES

Some say that the theory of protection is all right so long and so far as it is confined to infant industries. I do not allow this claim, but on the contrary contend against it. Not many of the important industries of our country are infant industries; most of them have long been established, and many of them for more than 100 years. The theory of protection based only upon infant industries is like the exploded traditions of the elders. It rests upon a fundamental error. We have quite recently had an overt act that demonstrates this fallacy. Formerly the free-trade argument was based largely upon the policy of Great Britain, which once had a protective tariff but, since 1846, had become a free-trade country because it had outgrown the necessity for protection. Her industries were no longer infant industries. But very soon after the armistice was signed the Government decreed that very many manufactured articles formerly on the free list should be prohibited from entry into the United Kingdom under any circumstances. The reason for that is easily found in the fact that, with the returning soldiers unemployed and the large army of women mobilized in their industries, they had a surplus of labor which enabled them to produce all such goods within their own country. Not one of these prohibited articles is excluded on account of the fact that they wished to protect an infant industry. Shoemaking is as old as civilization, but shoes are prohibited under the regulations forbidding imports. This is true of a multitude of articles.

Now, my contention is that in England or in any other country, and especially in our own country, if there is a surplus of labor which would otherwise go unemployed it is beneficial to the country to provide for their employment. This becomes doubly so in a country like ours, where we have not only a surplus of labor but a surplus of almost every material of manufacture and a large productive capacity by reason of the division of labor, the application of machinery, and the like. No industry can be so old that it should not be protected as long as such conditions as I have stated above maintain. We should see to it that nothing shall interfere with the continued activity of our industries as long as we have the abundance of material, the sufficiency of labor, and the continuing increase in the productive capacity of labor. These things are likely to continue as long as the inventive genius of our people is protected in their rights and liberties and in the independence of their country.

Let me give you two illustrations of how this works in our own country at different times and apparently under different circumstances. A pioneer living in northern Ohio about 100 years ago was offered a contract to build a large barn for \$100 in money. He decided to accept the offer and was about to undertake the job when several of his neighbors told him that he was about to undertake an enterprise which would ruin him, because it would be impossible for him or any other person to build such a large building for such a small sum of money. He replied that he had considered well everything pertaining to the contract and his obligation, and that he could carry out what he had agreed to do, and not only that, but he would make \$100 in cash on his contract.

This was before the days of frenzied finance, but here was his plan: "I have the timber in my own woods which I want to clear; I will haul logs to the sawmill with my own team, which is standing in the barn idle; I will pay the sawyer's bill by selling him a part of the lumber; I will also trade some of my surplus lumber to the storekeeper at the village for nails. This will give me all the material needed for the building. I will exchange work with my neighbor, and thus get all the labor I will need to complete the work of construction. Therefore I will be able to carry out and complete my contract without paying out a cent of the \$100 which I am to receive for the contract." So we see he turns his time into money and waste material into wealth. Fifty years ago the writer performed the same miracle, and added to the profits not only the \$100 which he received for the contract but an experience in mechanical operations and financial responsibility which was worth as much as the money.

You may say that times and manners are changed. What the pioneer did a hundred years ago is no longer attainable. What you did 50 years ago is no longer practicable. Therefore I will bring one of the numerous illustrations up to date. Recently I went into a hardware store and inquired the price of a carpenter's hammer. The expert showed me the best hammer made and expected I would buy it. I told him to his surprise that I didn't want to buy any hammer but I wanted to know the weight of the hammer, and asked him if he would weigh it for me. "Why," he said, "the weight is stamped on the hammer; it weighs a pound and one-quarter, or 20 ounces." "Well, now," I said, "are you expert enough to tell me how many such hammers can be made out of a ton of steel?" "That is easy," he said, "just 1,600 hammers." Well, I had failed to ask him the price of the hammer, and he surprised me more than I surprised him when he told me it was \$1.60. I had hoped that the price would be high, so as to show the immense profit from a ton of steel when made up into hammers by the skillful hand of labor, but this I thought was too high. I am going to knock off a large discount and allow for the wooden handle and figure the price at \$1 instead of \$1.60. Now, if we count the 1,600 hammers out of a ton of steel at \$1 a piece and the cost of the steel at \$100 a ton, which is more than double its necessary cost, you can easily see that \$1,500 is made over and above the cost of the steel. This represents the labor and profits on the transaction.

This is not an exceptional case, but multitudes of similar cases are occurring constantly and make up our great industries and our great wealth. But a short time ago iron ore in the Lake Superior region was sold for \$1.25 an acre. It is now sold for \$1.25 a ton. My point is that we are continually making great profits and fabulous wealth by the application of our own labor to our own materials in our own country, and as long as we can do that it is our highest interest and our highest duty to do so. We can always do it if we have either of the two ingredients—surplus labor or surplus materials.

BUILDING FOR THE SUPREME COURT OF THE UNITED STATES

Mr. KEYES. Mr. President, on yesterday I asked unanimous consent for the consideration of the bill to provide for the construction of the Supreme Court Building. We were then in the midst of the consideration of a judicial nomination, and, very properly, I think, objection was interposed. However, we have now completed the Executive Calendar, so far as I know, and I ask unanimous consent for the immediate consideration of House bill 3864, being Order of Business No. 65 on the calendar, providing for the construction of the Supreme Court Building.

The PRESIDING OFFICER (Mr. Fess in the chair). Is there objection?

Mr. SMOOT. Mr. President, I should like to ask the Senator if the consideration of the bill will lead to lengthy discussion?

Mr. KEYES. I think not. The bill has been passed by the House unanimously, and I do not think it will lead to discussion.

Mr. SWANSON. Mr. President, as I understand, the bill merely carries out the purpose of Congress, after the question was debated here and decided in the affirmative by an overwhelming vote.

Mr. SMOOT. I wish to say to the Senator that I have no objection to the bill; but if its consideration will lead to discussion I do not desire to give my consent.

Mr. KEYES. I do not understand that it will involve discussion.

The PRESIDING OFFICER. The Chair will state that unanimous consent is not necessary, as there is now no unfinished business before the Senate, and the bill is in order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3864) to provide for the construction of a building for the Supreme Court of the United States, which was read as follows:

Be it enacted, etc., That the United States Supreme Court Building Commission is authorized and directed to provide for the construction and equipment of a suitable building (including approaches, connections with the Capitol power plant, and architectural landscape treatment of the grounds) for the accommodation and exclusive use of the Supreme Court of the United States, substantially in accordance with the plans recommended by the commission in its report to the Seventy-first Congress, first session, with such modifications thereof as may be necessary or advantageous. Such building shall be constructed on the site heretofore acquired for that purpose and bounded and described as follows: On the east by Second Street NE., on the south by East Capitol Street, on the west by First Street NE., and on the north by Maryland Avenue NE., being all of square 728 and that portion of square 727 located on the south side of Maryland Avenue NE. as such squares appear on the records in the office of the surveyor of the District of Columbia. Authority is hereby given for closing and vacating such portion of A Street NE. as lies between such squares, and the portion of such street so closed and vacated shall thereupon become part of such site. The Architect of the Capitol shall serve as executive officer of the commission and shall perform such services under this act as the commission may direct.

Sec. 2. For the purposes of this act the Architect of the Capitol is authorized, under the direction of the commission—

(1) To provide for the demolition and removal, as expeditiously as possible, of any structures on the site heretofore acquired for the Supreme Court Building; and

(2) To enter into contracts; to purchase materials, supplies, equipment, and accessories in the open market; to employ the necessary personnel, including architectural, engineering, and other professional services without reference to section 35 of the act approved June 25, 1910; and to make such expenditures, including expenditures for advertising and travel and the purchase of technical and reference books, as may be necessary.

Sec. 3. There is hereby authorized to be appropriated the sum of \$9,740,000, or so much thereof as may be necessary, to enable the commission to carry out the provisions of this act. Appropriations made under authority of this act shall be disbursed by the disbursing officer of the Department of the Interior.

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

REVISION OF THE TARIFF

Mr. SMOOT obtained the floor.

Mr. GOLDSBOROUGH. Mr. President—

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

Mr. SMOOT. I will ask the Senator to wait until I make a motion and then I will yield.

Mr. GOLDSBOROUGH. Very well.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The pending amendment will be stated.

The CHIEF CLERK. The pending amendment is, in paragraph 1107, on page 173, line 25, before the words "ad valorem," to strike out "40 per cent" and insert "45 per cent."

Mr. GOLDSBOROUGH. Mr. President—

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

Mr. SMOOT. I will yield to the Senator from Maryland if the request he desires to make will not lead to debate.

CHARLESTOWN SAND & STONE CO.

Mr. GOLDSBOROUGH. Mr. President, I desire to make a brief statement. There is now on the calendar the bill (S. 1250) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md. A similar bill was passed by both the Senate and the House during the Seventieth Congress in an amount of about twelve thousand three hundred and odd dollars. However, the bill was lost in being transmitted to the President. The bill was reintroduced in the form in which it now appears on the calendar; it has been approved by the committee, and I ask unanimous consent that it may be laid before the Senate and considered at this time.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I shall not object, provided the bill will not lead to discussion.

Mr. BLAINE. Mr. President, reserving the right to object, I desire to say that there is hardly opportunity at this time to consider bills of that character. It appears to be a private bill, and I find that toward the close of a session there is a tremendous rush to secure the passage of such bills by unanimous consent.

Mr. President, we ought to take up the tariff measure; and those who have prepared themselves to discuss it, and who are ready, I assume, to proceed, should go ahead with the discussion. Other bills ought to be considered on some day when we can take up measures on the calendar and dispose of them.

Mr. SMOOT. The bill referred to by the Senator from Maryland passed the Senate during the last Congress and will not lead to any debate. If it should lead to debate, I would object.

Mr. FLETCHER. As I understand, the bill has passed both the House and the Senate.

Mr. GOLDSBOROUGH. It passed both the House and the Senate in the Seventieth Congress, but was lost by an employee of the Senate.

Mr. FLETCHER. Under those circumstances I think the bill might well be acted upon at this time.

Mr. GOLDSBOROUGH. In view of the circumstances, I hope the Senator from Wisconsin will not object.

The PRESIDING OFFICER. Is there objection?

Mr. BLAINE. Mr. President, there is so much disorder in the Chamber that I doubt if any Senator knows what is going on.

The PRESIDING OFFICER. The point is well taken. The Senate will be in order.

Mr. McKELLAR. Mr. President, I suggest that the Senator from Maryland state just what this private bill contains, so that we can all hear it; and if it is a proper measure, and has already been passed once by the Senate, it seems to me it ought to be permitted to go through now.

Mr. BLAINE. Mr. President, I am not concerned with what the bill contains. The point is that if one bill is to be taken up by unanimous consent for one Member, then it is unfair to object to taking up another bill for another Member. It rests upon the proposition that if we take up all of these bills we will never reach the tariff; and if we consent to take up some of these minor bills, and refuse to take up others, it is discriminatory; it is unfair toward Members of the Senate who are not pressing their measures with the vigor that some others may press theirs.

Mr. SMOOT. Mr. President, there is this difference: This bill passed the Senate and passed the House. It was not signed by the President, although he did not announce that he would not sign it. I do not know any Senator who is disposed to object to it.

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

Mr. BLAINE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GOLDSBOROUGH. Mr. President, inasmuch as the Senator from Wisconsin objects, I move that the bill be taken up at this time.

The PRESIDING OFFICER. That motion is out of order.

Mr. SMOOT. The motion is not in order now.

REVISION OF THE TARIFF

The PRESIDING OFFICER. The clerk will state the pending amendment to the tariff bill.

The CHIEF CLERK. The pending amendment on the tariff bill is on page 173, line 25, where the committee proposes to strike out "40 per cent" and insert "45 per cent."

Mr. HARRISON. Mr. President, I desire to make a suggestion to the Senator from Utah, the Senator from Wisconsin, and others.

A good many Senators have gone away. Others are leaving for the Christmas holidays. It is ordained, as I understand,

that immediately following the Christmas holidays we are going to bring the tariff bill before the Senate and keep it there to the exclusion of everything else.

Mr. SMOOT. A unanimous-consent agreement to that effect has already been entered into.

Mr. HARRISON. To-morrow there probably will not be a quorum here. Why can we not during to-day take up the calendar and get rid of various bills, so that the decks will be cleared for us immediately following the Christmas holidays?

Mr. SIMMONS. Mr. President, I desire to suggest to the Senator that while there may not be a quorum here to-morrow, it will not interfere with our taking up and passing bills by unanimous consent.

Mr. SMOOT. The only point is, if a vote should be desired upon any of the bills, we would not have a quorum.

Mr. WATSON. Mr. President, will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield to the Senator from Indiana.

Mr. WATSON. It will be recalled that on Monday I took the position that we ought to pass the joint resolution asked for by the President, creating a commission to deal with the temperance question, the radio bill, the French debt settlement bill, and then dispose of these two confirmations. All that has been done, and various other matters were settled also.

It was my belief that we ought to take up the calendar, as suggested by the Senator from Mississippi [Mr. HARRISON], and conclude the consideration of everything on the calendar, because I did not believe that in one-half day, such as we have before us now, we could accomplish anything on the tariff bill. The Senator from North Carolina [Mr. SIMMONS], however, came to me yesterday and insisted that the tariff bill be taken up, and stated that he himself would make a motion to take it up if we did not do so.

We did not want to appear hesitant on that subject. We wanted everybody to understand that we want the tariff bill passed, and intend to apply ourselves diligently to its passage after the holidays, as has already been agreed upon; but it occurred to me, and the Senator from Utah [Mr. SMOOT] agreed with me about it yesterday, that it would be futile to take up the tariff bill to-day with the hope of accomplishing anything. We know that we shall not have a quorum to-morrow. We can take it up to-day and do the best we can with it; but it seems to me we ought to get rid of all the underbrush, in order that after the holidays we may reach the tall timber.

Mr. SIMMONS. Mr. President, let me ask the Senator a question.

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

Mr. SMOOT. I do.

Mr. SIMMONS. Does not the Senator believe that to-morrow we can dispose of a good many of these unanimous-consent matters without a quorum? We shall have to hold a session to-morrow. We shall have to hold a session Saturday.

Mr. WATSON. The Senator from North Carolina has been here now longer than any other Senator; and he knows better than I do that some Senator may call for a quorum at any instant, and that will end the whole matter.

The PRESIDING OFFICER. Will Senators permit the Chair to make a statement? A moment ago the Chair declared the motion of the Senator from Maryland [Mr. GOLDSBOROUGH] out of order. The Chair was in error. The motion of the Senator from Maryland is in order; and if he desires to repeat it, the motion is before the Senate.

Mr. WATSON. I did not know that the Senator from Maryland had made a motion.

Mr. SMOOT. I will ask the Senator not to do that at this time.

Mr. GOLDSBOROUGH. Very well.

Mr. SMOOT. I think the Senator will have time later to do it; and I want to state to him that I am in full accord with the provisions of his bill.

Mr. GOLDSBOROUGH. I withhold the motion, Mr. President.

Mr. McKELLAR. Mr. President, a moment ago the Senator from North Carolina suggested that these unanimous-consent matters could be disposed of to-morrow whether there should be a quorum present or not. I think that is very unwise. I do not believe that we ought to have legislation by unanimous consent with so many Members absent. If we are going to do anything with these private bills I think we ought to do it to-day, while there is a quorum present, because, while I know of nothing that I want to bring up, I shall be very much inclined to object unless there is a quorum present.

Mr. WATSON. Mr. President, I am very anxious to proceed with the calendar.

Mr. BLAINE. Mr. President—

Mr. SIMMONS. Mr. President, permit me to say to the Senator from Indiana that I thought the Senator was very anxious to proceed with the tariff bill to-day.

Mr. WATSON. Only because the Senator from North Carolina insisted on it, and said he would make the motion if we did not.

Mr. SIMMONS. I thank the Senator. Several Senators addressed the Chair.

Mr. SMOOT. Mr. President, I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Utah has the floor. To whom does he yield?

Mr. SMOOT. I desire to make a statement.

I want the Senate to understand distinctly that I do not want to lose a single, solitary minute from the consideration of the tariff bill. When we know, however, that we shall not have a quorum here to-morrow, if the reports that come to me concerning the Senators who have to leave are correct, what is the use of going on with the bill to-morrow and having a quorum called for and being unable to do anything at all?

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

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

Mr. SMOOT. I do.

Mr. SIMMONS. If the action the Senator now desires to be taken should be agreed to, will the Senator join us in a promise that when we do take up the tariff bill after the holidays he will resist all efforts to lay it aside for anything else?

Mr. SMOOT. Mr. President, I am perfectly willing to do that; and not only that, but we have a unanimous-consent agreement already entered into that when we meet here after the holidays the tariff bill will be considered to the exclusion of any and all other business.

Mr. WATSON. That is right.

Mr. SMOOT. That is the unanimous-consent agreement; and I want to say to the Senator that I am going to insist upon it.

Mr. SIMMONS. And the Senator will not move to lay aside the tariff bill temporarily?

Mr. SMOOT. I will not. I will say to the Senator that if an effort is made to displace the tariff bill as the unfinished business I shall fight it as long as I can, and it will never be done by my vote.

Mr. SIMMONS. Mr. President, all I have in mind is this: I realize that we can not do much with the tariff bill to-day. I realize that we shall not have a quorum here to-morrow; but I also realize that when we take up a bill like this we are constantly asked to lay it aside temporarily for some emergency matter, and we do it; and when we get up those things they displace the tariff sometimes for a day, sometimes for two days, and sometimes for three days. All I desire to do is to have a distinct understanding that when we take up the tariff bill after the holidays it is not to be laid aside for other matters.

Mr. WATSON and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I yield to the Senator from Indiana.

Mr. WATSON. It has been pledged over and over again on this floor that we intended to pursue that program. I hope my old friend will not require any further pledge on that subject.

Mr. SIMMONS. It seems to me that we sometimes have to pledge people several times before we can get them to stick.

Mr. SWANSON and Mr. BLAINE addressed the Chair.

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

Mr. SMOOT. I do.

The PRESIDING OFFICER. The Chair will ask Senators to take their seats. The business of the Senate can not be conducted in this way.

Mr. SMOOT. I yield to the Senator from Virginia, and then I am going to yield to the Senator from Wisconsin.

Mr. SWANSON. Mr. President, it seems to me that if we take up bills by unanimous consent, there being a very small calendar, about 2 or 3 o'clock we shall have nothing to do but adjourn. On the other hand, if we could run along on the unanimous-consent calendar under Rule VIII until 2 o'clock and make the tariff bill the unfinished business at 2 o'clock—

Mr. SMOOT. It is already the unfinished business.

Mr. SWANSON (continuing). We will be able to pass bills by unanimous consent under Rule VIII until 2 o'clock, and I believe we will dispose of what is on the calendar. Then we can take up the tariff bill from 2 o'clock on.

I ask unanimous consent that we take up, under Rule VIII—

Mr. SMOOT. There is one unanimous-consent agreement already.

Mr. BLAINE. Mr. President—

Mr. SMOOT. I yield to the Senator from Wisconsin.

Mr. BLAINE. We are about to enter upon the consideration of the most important paragraphs in the tariff bill—

Mr. SMOOT. Absolutely.

Mr. BLAINE. Yarns, fabrics, and manufactured products of wool, carpets—

Mr. SMOOT. Silks and rayon.

Mr. BLAINE. And then follows the silk schedule.

Mr. President, while we are on the wool schedule we ought to have the opportunity to go right through with it continuously from day to day. It will save debate. It will save controversies.

When we can settle the policy with respect to yarns under paragraph 1107 we ought to be in a position where we can go right on with paragraphs 1108, 1109, and so on down through the bill. We will get much further if we make up our minds to take up the tariff bill as has been suggested. With the promises that have been made, obligations entered into, bonds given by the leader, bonds given by the chairman of the committee, and, in fact, a most binding agreement entered into, why not displace the tariff bill, which can be considered for only two or three hours to-day, and we will accomplish nothing, and take up the calendar?

Mr. SIMMONS and Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SIMMONS. May I interrupt the Senator?

Mr. SMOOT. Yes; I yield to the Senator from North Carolina.

Mr. SIMMONS. Under the circumstances I am going to yield; but I desire to state that when we do take up the tariff bill I am going to insist upon observing the pledges that have been made here to-day.

Mr. SMITH. Mr. President, right there may I ask the Senator from Utah a question?

Mr. SMOOT. Yes.

Mr. SMITH. When we come back after the holidays everyone knows that it will be 30, 60, or perhaps 90 days before we will complete the tariff bill, if we are to judge the future by the past. Do I understand that the Senator from Utah and the Senator from North Carolina are entering into a mutual agreement that no other legislation of any character whatever shall be considered during all that time?

Mr. SMOOT. That agreement has already been entered into by the Senate.

Mr. SMITH. What was the nature of the agreement entered into by the Senate—that we were to consider the tariff bill to the exclusion of all other legislation of whatever character?

Mr. HEFLIN. Except by unanimous consent.

Mr. SMOOT. Of course; that is all.

Mr. SWANSON. Mr. President, no such agreement could be entered into and enforced. All that would be necessary to make such an agreement ineffective would be to adjourn, and then we would have a morning hour. We can not fail to have a morning hour here during 90 days.

Mr. SIMMONS. We all understand that; but the Senator from Utah can refuse to give unanimous consent to consider anything else unless it is something that can be disposed of in a very few minutes.

Mr. SMITH. Mr. President, let me call the Senator's attention to this fact—

The PRESIDING OFFICER. Does the Senator from Utah further yield to the Senator from South Carolina?

Mr. SMOOT. I do.

Mr. SMITH. There is a very distressing condition in several parts of this country. There is legislation that is recommended not only by those interested but by the Government itself looking to its relief. If relief does not come immediately after the holidays, it will be too late. I have agreed to postpone it until then, because of the insistence of other States upon being included, and with at least a partial understanding with the Government.

Mr. SMOOT. The Senator is not unreasonable. When such situations arise they will be taken care of, but it must be by unanimous consent, or we can adjourn and have a morning hour, and the matter could be considered in the morning hour. As far as the unfinished business is concerned, there is an agreement in effect now that it shall be considered without interruption and without any other business being considered unless by unanimous consent.

Mr. SMITH. Mr. President, I am perfectly willing to have that continue until the unfinished business is disposed of. I have served in this body a long time, and I do not think there is any justification for having this bill prevent consideration of some necessity that might arise that really had merit in it as

compared with this bill. I do not believe we should be prevented from considering any other legislation, and put at the mercy of any one Senator who might object to unanimous consent.

Mr. SMOOT. Just let me say that when such legislation is brought before the Senate the Senator can make a statement if there is any objection. If it is such a case as that described by the Senator, I do not think there will be objection; and if there is, the Senator can make his statement.

Mr. SMITH. Does the Senator think that I, representing in part a distressed community, as I do, would enter into an agreement, together with other Senators, and help ratify the agreement, that would jeopardize the securing of any kind of relief for distressed citizens, and enter into it for the sake of a bill that may not give any relief? It is a thing we all want to get rid of and settle in some way, but not to the exclusion of emergency legislation that may be imperative.

Mr. SMOOT. Mr. President, I want to say to the Senator that I am certain the Senator from North Carolina does not, and I am sure I do not, intend to say that there is not going to be a morning hour, or two or three morning hours. Things like that to which the Senator has just referred, if they appeal to the Senator, will appeal to other Senators. A bill of that character will not lead to very much discussion, and I do not think there will be any objection to it. Why endeavor to meet that situation now?

Mr. SMITH. Because under the proposed agreement I would be tied hand and foot.

Mr. SIMMONS. No; the Senator would not be.

Mr. SMOOT. The Senator never has been tied hand and foot at any time since he has been in the Senate. I do not think he ever will be, and I would not like to see him tied hand and foot.

Mr. SMITH. Very well. I would like to hear what the Senator from North Carolina has to say about it.

Mr. SIMMONS. Mr. President, if there were any difficulty in getting unanimous consent to deal with the matter the Senator has in mind—and I know what it is—it could be avoided, and such a situation has been avoided under conditions similar to those now confronting us by the Senate simply adjourning and having a morning hour the next day.

Mr. SMITH. That is all right.

Mr. SWANSON. Mr. President, I understand there is no agreement here for unanimous consent. The Senator from Utah, in charge of the tariff bill, has said that when it is laid before the Senate as the unfinished business, as it will be at the conclusion of the morning hour, he will not consent to have it laid aside. The Senate has control of its business. There is no agreement; it is simply a declaration. If the Senate wants to have a morning hour, all it has to do is to adjourn. When it adjourns and there is a morning hour, and the calendar is taken up under Rule VIII. Under Rule VIII, unless it is agreed that nothing shall be taken up except by unanimous consent, any Senator can move to take a matter up, with debate limited to five minutes, and the Senate determines whether it shall be taken up in the morning hour. As I understand, the Senate will have control of its business.

Mr. SMOOT. Yes; the Senate has control of its business, and will have.

NOMINATION OF ANNABEL MATTHEWS

Mr. COUZENS. Mr. President, yesterday during the consideration of executive business the Senate confirmed a nomination for the Board of Tax Appeals in violation of a policy of the Senate as expressed in a resolution. I move that the Senate proceed to the consideration of executive business, so that I can present the case before the Senate.

The motion was agreed to.

Mr. COUZENS. Mr. President, yesterday, during the closing hours of the executive session, as appears on page 893 of the CONGRESSIONAL RECORD, the junior Senator from Georgia [Mr. GEORGE] presented a report from the Finance Committee favorable to the nomination of Miss Annabel Matthews, of Georgia, to be a member of the United States Board of Tax Appeals.

Apparently the committee reported this nomination out without any hearings or discussion. I am not now raising the question because of any complaint I have to make about the nominee, but in 1926 this body passed a resolution unfavorable to the appointment of employees of the Internal Revenue Bureau to the Board of Tax Appeals until they had been separated from the bureau for at least two years.

Mr. President, I want to file a motion now to reconsider the vote by which this nomination was confirmed and have the case recalled if it has been sent to the President, or, if not sent to the President, that it be delayed until we can have the matter discussed in the Senate.

Mr. SMOOT. Mr. President, really I had forgotten about the resolution. It was a Senate resolution, expressing the view of this body as to what the future policy should be. It is not a law.

Mr. COUZENS. No; it is not a law.

Mr. SMOOT. The Senate did express its opinion by resolution to that effect.

Mr. COUZENS. That is correct.

Mr. SMOOT. I want to say to the Senator that as soon as the Finance Committee met two nominations were presented, one from Mississippi and one in which the Senator from Georgia was interested. I asked if there was any objection, and there was not. There was no discussion, as the Senator says. I asked the Senator from Mississippi to report the Mississippi case and the Senator from Georgia to report the one from his State, and the RECORD shows what happened after that.

Mr. COUZENS. Mr. President, the only point is that in the committee no explanation was made of the prior service of this nominee.

Mr. SMOOT. That is true.

Mr. COUZENS. No consideration was given to the question of what her experience had been or where she came from, and therefore no member of the committee had an opportunity of knowing that she had been an employee of the Bureau of Internal Revenue for some 15 years.

Mr. NORRIS. Mr. President, I have no objection to having this matter reconsidered, if the Senator from Michigan wants to have a reconsideration, but since the matter is before us, I think I ought to state that this appointment does conflict with an opinion expressed in a Senate resolution, not a law. As I understand it, it is not illegal to take this action, but the Senate was moved by the fact that employees were being taken from the Internal Revenue Bureau, and it was decided, and wisely, I think, that it was not best to have appointees to the Board of Tax Appeals taken from the Internal Revenue Bureau, regardless of their qualifications.

Under the impression that this appointment, when made, would come before the Judiciary Committee—I suppose that was the impression—a friend of Miss Matthews, Mrs. Willebrandt, who is as well acquainted with her qualifications as anybody, came to my office and said that there was some desire to send in the name of Miss Matthews for this office, and she called my attention to this resolution, and also to the fact that there was no desire to send the name in if objection would be made and the appointee rejected on the strength of the resolution.

I am not acquainted with this lady, I never met her, and have no interest in the matter whatever; but I went over the matter and made some investigation, and reached the conclusion that this appointee is exceptionally well qualified for the position to which she has been appointed; and that since we passed the resolution to which the Senator from Michigan has referred, appointments had come from other sources, so that the danger the Senate had in view when it passed the resolution was past, perhaps.

I learned that the Senator from Virginia [Mr. GLASS] was the author of the resolution, and I told Mrs. Willebrandt that I would consult the Senator from Virginia about the matter before I expressed any opinion upon it, in order to see what the author of the resolution thought of it. I thought I knew what he had in mind, and the danger he was trying to avoid, and I was sympathetic with his purpose. I told Mrs. Willebrandt that I would take the matter up with him.

In accordance with that assurance, I did take the matter up with the Senator from Virginia; and I gathered from my conversation with him that he knew about the qualifications of this lady and thought it would be an excellent appointment. The only possible objection was that the Senate had expressed itself by this resolution, and the appointment did apparently conflict with that.

I reported back to a messenger who came to me from Mrs. Willebrandt that I had seen the Senator from Virginia and that he had no objection, but thought it was a good appointment.

I felt it was my duty to say that the department, or the President, or whoever it was who was responsible for the appointment, had no desire and no intention to violate the real spirit of the resolution, and I suppose I was consulted because I was chairman of the Judiciary Committee, and it was assumed that the matter would come to that committee. Before they acted on the appointment they wanted me to look into the matter, and they wanted to know whether, in the judgment of the committee, the Senate would insist on the resolution being carried out. So I took the action I have taken.

Notwithstanding all this, if the Senator from Michigan wants to have this nomination returned to the committee it ought to

be returned by unanimous consent, because it was passed upon hurriedly and without consideration. Nobody wants to take any snap judgment about it. Nevertheless, when it is returned, unless there is some other reason that has not come to my attention, I think we ought to give very careful consideration in this case to the fine qualifications for this particular office possessed by the appointee.

The VICE PRESIDENT. The Chair may announce that the President has not been notified of the action of the Senate taken yesterday.

Mr. SWANSON. Mr. President, would not returning the nomination practically amount to a rejection?

Mr. NORRIS. I do not understand it that way. It would then come before the Senate for consideration.

Mr. SWANSON. We have considered it in committee.

Mr. NORRIS. As I understand from the Chair, the President has not been notified, so that the nomination is still before us, and it will be a simple matter to reconsider the action taken.

Mr. COUZENS. Mr. President, I believe the matter can best be disposed of by recommitting the nomination to the Committee on Finance. There is no use going into the details at this time. The Finance Committee did not properly consider the nomination, and particularly it did not have in mind the resolution passed by the Senate. I think it would be perfectly proper to send the nomination back to the Finance Committee.

The Board of Tax Appeals is a very important body. There was considerable discussion in the Senate last evening about the Interstate Commerce Commission. The Board of Tax Appeals is not a body so important as that, but it is a very important board, and the Finance Committee should not report out nominations without more consideration than was given to the one now under discussion.

Mr. SMOOT. The Senator does not ask that the nomination be returned to the President. All he asks is that it go back to the Finance Committee?

Mr. COUZENS. All I ask is that the nomination be referred back to the Finance Committee, not that it go back to the President.

Mr. GLASS obtained the floor.

Mr. GEORGE. Mr. President—

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

Mr. GLASS. I yield.

Mr. GEORGE. I wish to make this observation: There is in this case, unless some other question shall be raised, no necessity for sending the nomination back to the Finance Committee. It is admitted now that Miss Matthews is and has been since the passage of the first income tax act connected with the Internal Revenue Bureau. Therefore if that is the only question involved the Senate might as well consider it now. If additional ground of objection exists, of course, there will not be the slightest objection, certainly not on my part, to the request made by the Senator from Michigan, because when I brought the matter to the attention of the Senate at the request of the chairman of the Finance Committee I specifically stated that if any Senator wished it to go over I would be very glad to have it go over.

Mr. GLASS. Mr. President, in view of the fact that we have had some open discussion of the matter I think it due to the President to say that he was not indifferent to the expressed sense of the Senate taken on June 7, 1926, with reference to matters of this kind. The President through his secretary sent word to me that he would like to nominate Miss Matthews to the Board of Tax Appeals, but hesitated to do it in view of the fact that the Senate had unanimously, nearly four years ago, expressed itself against nominations from the Bureau of Internal Revenue.

I said to him that I would examine into the matter and let him know what my own disposition would be in the event that he should decide to send in the nomination. This I did as carefully as I could and I ascertained upon inquiry that this woman had exceptional capacity. She was regarded as the foremost perhaps among the experts of the bureau. She had made tax problems a study of her later life and in point of real ability was entirely suited to membership on the Board of Tax Appeals.

Having ascertained that fact, I said to the President through his secretary that, speaking for myself, I would interpose no objection to her confirmation, though I wanted it distinctly understood for myself that I would not be willing to regard it as a precedent; that I thought the resolution unanimously adopted by the Senate reflected a sound general policy; that I had not altered my mind with respect to that policy at all; but this seemed to be a very exceptional case and therefore I

personally would interpose no objection. However, I, of course, could not answer for anybody else.

I think it is due the President to say that much.

Mr. FESS. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Ohio?

Mr. GLASS. I yield.

Mr. FESS. I think I can take the same position the Senator has taken on this particular nomination, although I have declined to recommend a very exceptionally well-qualified man for a position on the ground that he has been identified with the Treasury Department. I felt that it was wholly out of order for me to do it and I declined to do it. However, in this case I am perfectly willing to waive that scruple.

Mr. GLASS. I may call attention to the fact that we had a rather extended and very earnest debate upon the question. There were various amendments proposed to the resolution by the Senator from Michigan [Mr. COUZENS] and the Senator from Nebraska [Mr. NORRIS] and others, all of which were voted down, and it was the unanimous opinion of the Senate at that time that the resolution reflected a sound policy which ought to be generally observed.

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

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Michigan?

Mr. GLASS. I yield.

Mr. COUZENS. I want to point out to the Senator that when I raised the question about the nomination I particularly stated that it was nothing personal. I do not know the woman. The matter was never drawn to my attention, and I did not know until this morning that she was an employee of the Bureau of Internal Revenue. I concur in the view expressed by the Senator from Virginia that the resolution of the Senate reflects a sound policy, and I do not propose to be one of those who are going to lightly brush it aside. I am not charging anyone with bad faith in any respect whatsoever.

Mr. GLASS. I would not like to have the Senator infer that I lightly brushed it aside.

Mr. COUZENS. No; I am not charging it, because the Senator was consulted and none of the other Senators were. The Senator did not brush it lightly aside because he had an opportunity to consider it. I do not think that the Senator from Georgia [Mr. GEORGE] did so either. But the Finance Committee apparently lightly brushed it aside, because no consideration was given to the question when the nomination was reported out.

Mr. GLASS. I may say to the Senator that in fairness to the Senate had I been present when the nomination came up in executive session yesterday I would have stated the facts in the case in order that the Senate might determine the matter for itself.

Mr. COUZENS. Mr. President, I ask that my motion to return the nomination to the Finance Committee may be put to a vote.

Mr. GEORGE. Mr. President, I did not know that Miss Matthews was being considered for this appointment until her name came to the Senate. I had indicated my desire to indorse her for another position of equal dignity, as I recall. I was not at the Finance Committee meeting during the first few minutes the committee was in session yesterday morning. I was detained at one of the departments and came to the Finance Committee meeting as hurriedly as I could in order to reach the committee room by the time the committee convened. When I came in the matter had been presented to the committee and the chairman asked me if I would report it. I said I would.

At the time I did not recall the passage of the resolution referred to. I remember the discussion that went on in the Senate, but I did not recall that a formal resolution had been adopted. I have this morning refreshed my recollection, and I find that a resolution was introduced by the Senator from Virginia [Mr. GLASS] and that it was debated here and was passed. If I had recalled the fact that there was a formal resolution expressing the sense of the Senate that no person connected with the Internal Revenue Bureau should be appointed to these positions, I would have brought that fact to the attention of the Senate.

I expected yesterday afternoon to make a brief statement about Miss Matthews, but there was no question, and I directed a question to the Senate and wished to know whether there was any objection to immediate consideration of the nomination. Since no one raised any question, I of course did not volunteer any explanation. But even at that time I did not have in mind the passage of the resolution now brought to our attention.

I am sure that the Senator from Michigan [Mr. COUZENS] has only the policy expressed in the resolution in mind; but I wanted to be clear that if there was any other question in the Senator's mind or in any other Senator's mind, then, of course, the matter ought to go back to the committee. Since that is the only question, it occurred to me that we might as well dispose of it in the Senate, because there is no dispute about the fact.

I want to make this statement about Miss Matthews. Miss Matthews came to Washington in 1914. She went into the Internal Revenue Bureau. She has been connected with tax work in the bureau, I believe, since 1914. She is very familiar with the income tax law and the administration of that law. She was not a member of the bar at the time she entered the service of the Government, but in 1921, having completed a law course, she was admitted to the bar. Subsequently she was admitted to the Georgia bar, all the while, however, retaining her connection with the Internal Revenue Bureau. She is a lady of exceptional capacity. She is especially well qualified and peculiarly well qualified to do this particular work. Indeed, I have no hesitancy in saying that Miss Matthews is a lawyer of ability and experience in this particular field.

The act does not require the appointee to be a lawyer. Anyone may be appointed—that is, anyone from any profession or calling may be appointed a member of the Board of Tax Appeals. It is not required as matter of law that the appointee be an attorney. But she is a lawyer and she has had this special training and special experience, an experience that could probably not be exactly duplicated by many in the country at this time, because, if I may repeat, she came here in 1914 and has had the experience of handling tax matters in the bureau from 1914 and through the successive income tax acts down to this time. Some four years ago she was attached to the office of general counsel, I believe as assistant to the General Counsel in the Internal Revenue Bureau in charge of tax cases and tax matters. That has been her peculiar work; that has been her special experience. It has been most extensive, and I have no doubt that anyone who knows Miss Matthews will gladly attest her exceptional qualification for the work.

There is the resolution which was passed by the Senate. Of course, it is not the law, but it expresses the policy and the view of the Senate on a sound public policy at the time we passed it. I regret that I did not have in mind the passage of the resolution, though I recall now the discussion, sympathized with it, and approved it at the time. As I have said, I did not recall that it took the form of a formal resolution, either at the time the matter came up in the Finance Committee or at the time the chairman of the committee asked me to report out the nomination yesterday when I did report it or I should have been glad to direct the attention of the Senate to the matter.

I submit that there seems to me to be no reason why the nomination should go back to the Finance Committee, the fact being admitted, indeed, there being no dispute about it. The resolution is an existing resolution of the Senate; it was adopted some four years ago, and the whole question is whether the reason for the resolution will apply in this case.

I do not want, Mr. President, to assume the attitude of opposing the request of the Senator from Michigan if he wants the question to be considered by the Finance Committee itself, but it seems to me it should come before the Senate, because the resolution was not a resolution of the Finance Committee but was a resolution of the Senate, and it enunciated what we believed to be a proper public policy.

If the Senator from Michigan, however, insists that the nomination go back to the committee, I shall not oppose it; but I hope that the Senator will not ask that that be done. If he feels impelled to oppose the nomination upon the ground that it is counter to the purpose and sense of the Senate as expressed in the resolution, let that question be brought directly to the Senate and disposed of. However, I want the Senator to know that I fully appreciate his purpose in raising the question, and I have fully explained my position in the matter. If the Senator insists upon his course, I shall not oppose it.

Mr. COUZENS. I should like to have the nomination go back to the committee, because the committee ought to determine in advance whether it is going to be the policy to take up these extraordinary cases and pass upon them favorably notwithstanding the resolution which has been referred to. I do not know why there should be an exception made in this case over any other case. Every argument in favor of filling this board with bureau employees is based on the same proposition as that advanced by the Senator from Georgia, that long and faithful service, experience, expertness, and all that sort of thing should be controlling factors. That is the same reason

which is urged for the appointment of other employees of the Internal Revenue Bureau on the board.

Mr. GEORGE. No, Mr. President; the Senator from Michigan is quite wrong. This lady is a lawyer of exceptional and unusual ability, as her experience, of course, has enabled her to demonstrate.

Now, I want to suggest to the Senator that, as a member of the Finance Committee, I shall be somewhat embarrassed to recommend anyone in the face of a resolution, not of the committee but of the Senate, expressing what the Senate believes to be a sound policy. As a member of the Senate I shall have no hesitancy in doing so. Therefore, repeating what I said, I do not see the necessity of sending the nomination back to the committee.

Mr. SMOOT. Mr. President, as chairman of the Committee on Finance, I will say that if the majority of the committee at the hearing shall decide that the nomination of this lady shall be reported back to the Senate, I shall be glad to report it.

Mr. COUZENS. No one is questioning the correctness of what the Senator from Georgia [Mr. GEORGE] has said; no one is questioning the fact that this lady may be an exceptional woman; but I submit a similar argument may be made in behalf of anyone whom it may be desired to appoint to the Board of Tax Appeals, namely, that he has had exceptional experience and is exceptionally or unusually well qualified. I desire to ascertain from the Committee on Finance whether or not it approves of making an exception in the case of some person of unusual ability, although his confirmation would be in violation of a policy which was unanimously adopted by the Senate. I should like to ascertain whether or not that practice is to be followed.

Mr. WHEELER and Mr. GLASS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Michigan yield; and if so, to whom?

Mr. COUZENS. I yield first to the Senator from Montana.

Mr. WHEELER. I was going to ask the Senator what was the reason—I do not now recall—why the Senate adopted the resolution to which reference has been made. It would seem to me, offhand, that a person who has been employed in the bureau and is familiar with tax matters, as is Miss Matthews, would be better qualified for a position on the Board of Tax Appeals than some one who has not had such experience? If there is some reason for pursuing that policy, I should like to know what it is. I do not recall just what reason was advanced when the resolution was adopted.

Mr. COUZENS. The RECORD of June 7, 1926, is quite complete on the subject. The resolution was presented by the Senator from Virginia [Mr. GLASS] and was debated at considerable length. It was desired that the Board of Tax Appeals should not be a part of the Bureau of Internal Revenue and that it should not be influenced by the rules and regulations and practices of the Bureau of Internal Revenue; in other words, it was contended, "What is the use of having a Board of Tax Appeals if it is only going to sustain the contentions of the Bureau of Internal Revenue in tax controversies with citizens of the United States?"

Mr. GLASS. In other words, if the board is merely going to review its own work.

Mr. COUZENS. In other words, if it is to review its own work, as the Senator from Virginia suggests.

Mr. GLASS. That is the whole of it.

Mr. President, I merely rose to suggest that if the nomination should go back to the Finance Committee, it might be of interest to the Senate to have the Finance Committee ascertain how many former attachés of the Internal Revenue Bureau are now members of the Board of Tax Appeals. That might have some influence with the Senate in determining whether or not it is desirable to make exceptions in the cases which seem to be rather unusual, if not extraordinary.

Mr. COUZENS. Mr. President, I concur in what the Senator from Virginia says, and when the nomination shall have been recommittees to the committee I suggest to the chairman that the committee go into that very question and ascertain the facts as to the make-up of the whole Board of Tax Appeals, because the composition of the board is important. The Senator from Georgia yesterday was very meticulous about the appointment of a man to the Interstate Commerce Commission. I am not finding any fault with his position in that instance. In fact, I sustained his views by agreeing to have the nomination recommittees to the Interstate Commerce Committee. But the Board of Tax Appeals is also a very important tribunal. Before it there are heard contests between citizens and the Government involving great sums of money. Are we going to have that board made up of persons who are only trained from the view-

point of the Bureau of Internal Revenue? I do not see how citizens can get a fair chance if the board is made up of members who review their own work, who have gone through 15 years, as this nominee apparently has, of bureaucratic training, and then are called upon to review the work done by them during their service with the Internal Revenue Bureau.

Mr. FLETCHER. Mr. President, I can appreciate the general idea of preventing the packing of the Board of Tax Appeals by persons employed in the Bureau of Internal Revenue, and I recognize the wisdom of such a policy; but I can not see that there is any danger of packing the Board of Tax Appeals by putting one person on it who has had wide experience in the Bureau of Internal Revenue. I see no reason to recommit the nomination.

Mr. GEORGE. Mr. President, I wish to request the chairman of the Finance Committee, in view of the circumstances, to call the committee together for the consideration of this nomination as soon as possible.

Mr. SMOOT. I will call the committee together at 10 o'clock to-morrow morning, if that be satisfactory to the Senator from Michigan.

Mr. COUZENS. I am going away this afternoon, and I can not attend a committee meeting to-morrow. I think the question ought to be given a proper hearing, and after to-morrow there will remain only one more day of the session before the holiday recess will commence.

Mr. SMOOT. Then, I will consult the Senator from Michigan, and call the committee together at the earliest day possible.

The VICE PRESIDENT. Without objection, the vote whereby the Senate advised and consented to the nomination is reconsidered, and the nomination is recommitted to the Committee on Finance.

ORDER OF BUSINESS

Mr. SMOOT. I move that the Senate resume the consideration of legislative business.

The motion was agreed to.

Mr. SMOOT. Mr. President, according to the understanding entered into before we discussed the nomination which has just been considered, I now ask unanimous consent that the unfinished business may be temporarily laid aside for the consideration of bills on the calendar under Rule VIII.

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

CHARLESTOWN SAND & STONE CO.

Mr. GOLDSBOROUGH. Mr. President, I ask unanimous consent to make a statement relative to the bill (S. 1250) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md., which is now on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. WALSH of Montana. Before the Senator proceeds, I should like to make a request for unanimous consent.

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

Mr. GOLDSBOROUGH. I yield.

THE WORLD COURT

Mr. WALSH of Montana. Mr. President, a few days ago some publicity was given in the press to a letter addressed by former Senator George Wharton Pepper to the Senator from Idaho [Mr. BORAH] in relation to the World Court, indicating that Mr. Pepper at the present time is in opposition to the proposed adherence. That prompts me to offer for the RECORD an article by Mr. Salmon O. Levinson, of Chicago, on the same subject. I should say in this connection that Mr. Levinson, as is doubtless well known by most Members of the Senate, is generally credited with being the father of the outlawry of war idea. I am sure that if the Senator from Idaho were here he would coincide with the statement I make, to the effect that Mr. Levinson was to a very large extent the inspiration of the resolution introduced by the Senator from Idaho on that subject as far back as 1922.

When this matter was last before the Senate in 1926, Mr. Levinson was opposed to adherence for the reason, as he contended, that the decisions of the court were subject to enforcement either by war or by economic pressure by the league. He has now reached the conclusion that in view of late amendments to the statutes of the court, to which he himself contributed in a very large measure, there is no longer any reason for opposing adherence; and, accordingly, he and those associated with him in forwarding the idea of the outlawry of war, out of which grew the Kellogg-Briand pact, will be found supporting adherence. I ask, Mr. President, that the article be incorporated in the RECORD.

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

The article is as follows:

[From the Chicago Daily News, December 16, 1929]

LEVINSON TELLS A B C OF WORLD COURT PROTOCOL—WHY ROOT FORMULA OPPONENTS ARE AWAY BEHIND THE TIMES

(The author of this clear and accurate statement, prepared at the request of the Daily News, is the universally recognized father of the outlawry-of-war principle embodied in the Briand-Kellogg treaty. He was instrumental in obtaining at The Hague and in Geneva remarkable changes in the world court statute and in the recorded attitude of the League of Nations toward advisory opinions delivered by the world court. The importance of these changes is explained in this article by Mr. Levinson.)

By Salmon O. Levinson

The foundation of the court, its constitution so to speak, is article 14 of the league covenant. This provides "for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it." Thus it is plain that in all litigated disputes, now commonly called contentious cases, the jurisdiction of the court depends upon the consent of the parties. No one questions this. In the same paragraph, referring to advisory opinions, article 14 provides: "The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly." It is to be noted that there is no reference in this provision to the question of consent. Those of us who originally opposed American adherence claimed that the council might ask for an advisory opinion, at least in matters affecting member nations, without their consent, as contrasted with the requirement of consent in contentious cases.

WHAT THE COURT HAS SAID

More than two years before the 1926 court debate in our Senate the court itself, in a decision upon the request from the council for an advisory opinion concerning a dispute between Finland and Russia, known as the Eastern Carelia case, held that it would not render an advisory opinion unless both parties consented. In this case Russia, a nonmember nation, had refused consent. The language of the court on this point is as follows:

"It is well established in international law that no state can, without its consent, be compelled to submit its dispute to other states, whether to mediation or to arbitration or to any other means of pacific settlement. * * * The court, being a court of justice, can not even in giving advisory opinions depart from the essential rules guiding their activities as a court."

The council of the league, however, was reluctant to accept this decision and went on record to the effect that it "could not exclude the possibility of resort by the council to any action, including a request for an advisory opinion from the court, in a matter in which a state nonmember of the league and unwilling to give information is involved, if the circumstances should make such action necessary to enable the council to fulfill its function under the covenant of the league in the interests of peace."

THE CHIEF BONE OF CONTENTION

Here, then, was the bone of contention in the Senate in January, 1926. Senator BORAH, the leading opponent of advisory opinions, contended all through the debate that as the Eastern Carelia decision was by a divided court—6 to 4—and as the council itself had refused to be committed to this important decision, a change of two in the personnel of the court might cause a reversal of the holding on this question of jurisdiction in advisory opinions. The same point was stressed by Senator LA FOLLETTE and others during the course of the debate in 1926. In this uncertain situation Senator BORAH and others insisted that through the instrumentality of advisory opinions the council might exert political domination over the court. While improvement as to the practice in advisory opinions was made by certain rules of the court, the fear remained as to the final attitude of the council on this vexed question. Would any future court ever deliver an advisory opinion to the council touching any dispute without the consent of the disputant nations? If so, then there was basis for the charge of potential political manipulation of the court, the impairment of the court's judicial quality, and the ability by indirection to emasculate the Eastern Carelia decision.

THE ROOT-HURST FORMULA

This question was not settled by the famous Root-Hurst formula. That formula might satisfy the United States as to advisory opinions affecting us, but it left the question entirely open as to whether the council might not, from this or some successor court, procure advisory opinions affecting the other nations of the world, at least those that are members of the court, without their prior consent.

It was my privilege to go to Europe this summer on my own initiative, without representing either the administration or any Member of the Senate. I desired to ascertain at first hand whether the nations members of the court and their jurists would not be willing to put an end to this controversy by accepting the spirit of the Eastern Carelia

case and embodying it in the report of the jurists and in the statute of the court.

After numerous interviews, both at The Hague and at Geneva, with various premiers, foreign ministers, and the leading jurists, I found a splendid spirit of cooperation and a willingness to consider making such changes as would rid the court of the last vestige of political domination arising out of the procedure on advisory opinions. Indeed, it was Sir Cecil Hurst who, after two discussions, suggested that we settle this matter for all time by incorporating it in the court statute. I also ascertained the willingness on their part completely to disavow power in the league, or any other body, to enforce the decisions of the court by war in any form.

REMOVING THE LAST OBJECTIONS

I presented, therefore, at Geneva, two propositions:

(a) That the statute of the court be amended so that the league could not call upon the court for an advisory opinion touching any phase of a dispute between nations without the free consent of those nations.

(b) That the power to enforce decisions, which, in the Senate debate in 1926, the league was charged with possessing, should be completely disavowed so as to make the world court a genuine world peace court.

Both of these things were done.

The reports were submitted to the assembly at Geneva by the jurists on September 13, 1929, and were accepted and adopted by the assembly on the next day. The amended statute relating to advisory opinions—the new article 68—reads as follows:

"In the exercise of its advisory functions, the court shall further be guided by the provisions of the statute which apply in contentious cases to the extent to which it recognizes them to be applicable."

This puts the status of advisory opinions on the same footing as contentious cases, which, as we saw from article 14 of the covenant, can only be heard on the consent of the disputant nations. To revert to the exact language of the covenant: "The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it." The effect of the present article 68, read in connection with article 14 of the covenant, is to give this unmistakable result:

"The court may also give an advisory opinion upon any dispute or question referred to it by the council or the assembly with the consent of the parties thereto."

Otherwise stated, it is the same as if the language in article 14 which requires consent in contentious cases were repeated at the bottom of the next sentence relating to advisory opinions.

BOTH SIDES MUST BE HEARD FULLY

This is the direct legal effect of the new amended article 68 of the court statute. Now, in addition, the jurists and the assembly have gone even beyond what I asked them to do. Under the report of the jurists adopted by the assembly on September 14, 1929, the court will not render an advisory opinion touching any dispute between nations, even upon consent, unless both sides are fully heard and fully present their case. This is a most beneficent provision. It means that the court will not be interested in taking a default or in deciding a case on the presentation of only one side. The court has no sovereign power behind it because there is, and should be, no world sovereignty, and it desires to render all decisions only after presentation and argument of both sides, so that the decision may be useful in the development of international law. The jurists' reports adopted by the assembly on September 14, 1929, makes this abundantly clear. I now quote from official document No. A50-1929-V. At the top of page 3 this report quotes the new article 68 in full and then adds:

"The conference associated itself with the following observations formulated in the course of its discussion with reference to the new article 68:

"In contentious cases, where a decision has to be given, the procedure naturally involves hearing both parties; the two parties set out their arguments and observations, and the judges are thus provided with all the material necessary for reaching a conclusion. It must be the same in the case of advisory opinions.

"When an advisory opinion is asked, it is really indispensable, if the opinion is to carry any weight, if it is to be truly useful, that in the same manner as in a contentious case all the material necessary for reaching a conclusion should be placed before the person consulted; he requires to know the arguments of both parties.

"This is the reason for providing that the procedure with regard to advisory opinions shall be the same as in contentious cases."

HIGH GROUND TAKEN BY THE COURT

Here, then, is not only a direction to the court that the procedure in advisory opinions must be the same as in other cases, but the reasons therefor are given so that he who runs may read, and the reasons do honor to the jurists.

I also quote from official document A49-1929-V, also a jurists' report, adopted by the assembly on September 14, 1929, contemporaneously with the change in article 68:

"The procedure followed by the court in dealing with the questions submitted to it for an advisory opinion is in fact almost identical with the procedure which is followed in dealing with contentious cases."

Here, then, we see in two official reports adopted by the assembly, constituting practically all the present members of the court, that the vexed question as to advisory opinions raised in opposition to the court in our Senate in January, 1926, has been completely answered and cured. In addition thereto, the reports require that the court shall not give an advisory opinion, even with the consent of the disputants, unless both sides are fully heard. This is a protective measure in judicial procedure beyond anything that was suggested in the Senate or thought of by myself.

The suggestion appearing in the isolationist press that there is a "joker" in article 68 of the statute is nullified by the reasons, instructions, and interpretations contained in the reports. This suggestion implies that under the language of article 68—the court "shall further be guided by the provisions of the statute which apply to the contentious cases to the extent to which it recognizes them to be applicable"—the court by arbitrary discretionary power can refuse to give effect to the provisions requiring consent; in other words, that the court can emasculate article 68 by utilizing its judicial discretion and wilfully ignoring all provisions and requirements of consent. This is certainly a strained and unwarranted inference.

NO LOOPHOLE FOR ARBITRARY ACTION

There are over threescore provisions in the statute. Many of these have no bearing upon the limited procedure relating to advisory opinions.

But, in so far as they are applicable, and in so far as they relate to the requiring of consent of the parties disputant as indispensable to the request of the league for an advisory opinion, there is no discretion left in the court; the instructions are mandatory and the reasons are plain. After the jurists have said, and the assembly has approved and adopted the proposition, that consent must be required from the interested nations and that a full argument and presentation must be made by both sides before the court will grant an advisory opinion, no possible loophole is left upon which to base an objection or a fear. Is it possible that the court, the jurists, and the council are to be in a common conspiracy to deceive and estrange the United States, to "make us a promise to the ear and break it to the hope," when all they get out of it is our immediate withdrawal provided for in the original reservations and in the Root formula? Moreover, it was the court that decided the Eastern Carelia case, and it was feared that the council might in some way upset that decision. We opponents of the court at that time were satisfied with the Eastern Carelia decision, but feared a change through the political power of the council. Now the statute has been amended by action of the council itself, and the instructions given to the court in strict harmony with the Eastern Carelia decision forever require the consent of the disputants as necessary to the giving of an advisory opinion.

EFFECTS OF THE STATUTORY CHANGES

The effects of the change in the statute and of the instructions of the reports binding upon the court are the following:

1. The spirit and essence of the Eastern Carelia decision have been adopted and enacted into positive law in the statute of the court.

2. Instead of protecting only the United States from the potential political designs of the council relative to the advisory opinions, this consent requirement now protects every member of the court and every nation, great or small. In short, the council can not obtain an advisory opinion from the court on any phase of a dispute touching even the two smallest nations in the world without the express consent of these two smallest nations in the world.

3. This provision is so broad and promotes such judicial parity among all nations that, together with the express instruction that the court must have both the consent of the disputant nations and full presentation of both sides, the old reservation, No. 5, in its entirety and the Root formula are virtually superfluous. For even in the case of the mere claim of interest by the United States, as distinguished from its being a recognized party to a controversy—assuming good faith on the part of the United States, which we all must—it is the simplest thing in the world for us, with a real interest, to write a diplomatic note calling attention to this interest and thereby making ourselves a real party to the dispute. This would then give us the veto under the statute itself, because the moment we are a party no advisory opinion can be granted without our express consent. Therefore the benefits of the Root formula are wholly independent of and in addition to these sweeping changes and improvements made by the jurists and the assembly of the league in September. This is not an argument against the Root formula nor an argument against the old fifth reservation. It is merely saying that the purpose of the Root formula and of the old fifth reservation in their highest sense, and more, have been extended to all members of the court and not to the United States only.

It is only just to add that without the spirit of cooperation and good will created by Mr. Root in his work with the jurists, my own work would not have been possible. The greatness of Mr. Root is again

shown by the assistance he has given me and the appreciation and approval he has wholeheartedly accorded my efforts.

RESTRICTED POWER OF THE LEAGUE

4. The consent requirement restricts the power of the league itself to request an advisory opinion largely to questions of administration, or, again to quote from official document A49-1929-V:

"Advisory opinions are given by the court at the request only of the council or the assembly of the league and in general only for the purpose of guiding the organs of the league or the international labor office in questions which come before those bodies in the execution of their duties. They are opinions only and in theory are not binding."

For as to all advisory opinions in disputes between nations the league is now the mere channel through which the disputants go to get an advisory opinion from the court when they both want such advisory opinion. Unless they both want it, the league is impotent to get it.

The second point, and one in which I am intensely interested, is that there should be no power of enforcement by war in any form, by the league, of the decisions of the court, as was claimed and at least partially admitted in our Senate debate in 1926. The spirit of the peace pact requires the disavowal of force in all aspects of international relations. Now we have its express disavowal as to the court. I quote again from official document A49-1929-V, jurists' report, adopted by the assembly, page 2:

"Misapprehension appears also to exist in the United States as to the power of the council to give effect to the opinions rendered by the court on questions submitted to it by the council or the assembly. It has, for instance, been suggested that the provisions of the concluding paragraph of article 13 of the covenant would enable the council to oblige the members of the league to resort to war for the purpose of enforcing such an opinion. This view is erroneous. * * * Advisory opinions are given by the court at the request only of the council of the assembly of the league, and in general only for the purpose of guiding the organs of the league or the international labor office in questions which come before those bodies in the execution of their duties. They are opinions only, and in theory they are not binding. Even in cases where an advisory opinion was asked for by the council or the assembly at the request of individual States which preferred to submit their disputes to judicial settlement through the machinery of an advisory opinion rather than by direct submission to the court, the powers of the council would not go beyond its general duty of securing respect for treaty engagements by insuring that parties which submit their dispute for decision by a tribunal shall execute in good faith the decision which may be rendered. The power of the council, under article 13, paragraph 4, in connection with awards or judicial decisions, is limited to 'proposing' measures for the purpose of giving effect to them. It can not do more. It certainly could not oblige States to take measures which would violate their treaty engagements."

RESPECTING THE BRIAND-KELLOGG TREATY

The reference in the last sentence to "treaty engagements" is manifestly directed to the peace pact, which provides that nothing but pacific means will be used hereafter in any disputes or conflicts. In fact, one of the original drafts was prepared by M. Fromageot, the French jurist (since elected to membership in the court), after conferences with the writer. He inserted a direct reference to the peace pact on this subject at the time, but the jurists concluded to broaden it by including not only the peace pact but all other pertinent treaty engagements.

In addition, it is the consensus of the jurists and other notables whom I met (and incidentally my own opinion) that there is, and can be, no sovereign power back of the world court. Here we have a court with no world sovereignty behind it, whose jurisdiction is voluntary and requires consent to any kind of a case between nations, and which has been divorced from all semblance of politics and force. The jurists and the assembly have covered and cured every point of substantial criticism that has ever been leveled against this court as a court. I feel the more confident in this statement by reason of my previous opposition to our adherence to the court prior to the execution of the peace pact. My opposition was based on the then legality and consequent danger of war, on the claimed power of the league to enforce the decisions of the court by war, and on the potential political connection between the council and the court based upon this unsettled question of advisory opinions. These objections having all been removed, I not only see no objection to our adhering to the court, but I see every necessity for our doing so in the interest of disarmament and world peace.

The peace pact commits us to the use of only "pacific means" in the settlement of controversies and conflicts. The greatest pacific means known to civilization is a judicial body, a court, with juridical functions. How can we, in the presence of our own peace pact, refuse to accept the first judicial body, the greatest pacific means ever established in international relations? And if we do refuse, how can we ask China or any other nation to submit its dispute to this judicial body whose portals we refuse to enter? Either we are interested in world peace or we are not. Either the United States is to continue its sound leadership for world peace or it is not. The choice is at hand.

CHICAGO, December 13, 1929.

PRINTING OF THE INTERSTATE COMMERCE ACT, ANNOTATED

Mr. FLETCHER. Mr. President, will the Senator from Maryland yield to me?

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

Mr. GOLDSBOROUGH. I yield.

Mr. FLETCHER. I desire to bring to the attention of the Senate a matter which can be disposed of very quickly. From the Committee on Printing I report back favorably, without amendment, Senate Concurrent Resolution 22, providing for the printing of additional copies of Senate Document No. 166, Seventieth Congress. The Senator from Missouri [Mr. HAWES] is much interested in the matter, and I ask unanimous consent for the immediate consideration of the concurrent resolution.

Mr. SMOOT. May I ask the Senator what the document is?

Mr. FLETCHER. It has to do with a compilation of Federal laws relating to the regulation of carriers subject to the interstate commerce act.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Con. Res. 22) submitted by Mr. HAWES on September 18, 1929, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound 4,700 additional copies of Senate Document No. 166, Seventieth Congress, entitled "Compilation of Federal Laws Relating to the Regulation of Carriers Subject to the Interstate Commerce Act, with Digests of Pertinent Decisions of the Federal Courts and the Interstate Commerce Commission and Text or References to General Rules and Regulations," of which 1,000 copies shall be for the use of the Senate, 2,500 copies for the use of the House of Representatives, 100 copies for the use of the Committee on Interstate Commerce of the Senate, 100 copies for the use of the Committee on Interstate and Foreign Commerce of the House of Representatives, and 500 copies for each of the Printing Committees of Congress.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. SMOOT. As I understand, the document to be reprinted is a Senate document?

Mr. FLETCHER. Yes; it is Public Document No. 166.

Mr. SMOOT. Then it has heretofore been printed?

Mr. FLETCHER. Yes; it has been printed heretofore.

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

The concurrent resolution was considered by unanimous consent and agreed to.

RESOLUTIONS OF AMERICAN FARM BUREAU FEDERATION

Mr. CAPPER. Mr. President, I offer a copy of the resolutions adopted by the American Farm Bureau Federation at its eleventh annual convention held at Chicago, December 9, 10, and 11, 1929. These resolutions present the views of this great farm organization on many matters of importance pending before the Congress, and I believe the views thus expressed will be of interest to the Senate. I ask unanimous consent, therefore, that the resolutions may be printed in the CONGRESSIONAL RECORD.

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

I. INTRODUCTION

Experience has to a large degree justified policies previously adopted by the American Farm Bureau Federation, and except in those cases where it has seemed advisable to make some changes, we hereby reaffirm all previous pronouncements of the organization.

II. FEDERAL FARM BOARD

We approve the actions of our executive officers and the board of directors in their efforts to assist and cooperate with the Federal Farm Board in its task of putting into operation the national agricultural policy enunciated in the agricultural marketing act. Recognition in this act of the economic condition of agriculture which now exists and the effort being made by the Federal Farm Board in its stimulation of cooperative marketing to place agriculture on an economic plane equal to that of industry are actions on the part of the Federal Government in behalf of agriculture which we commend.

We request all individuals, partnerships, corporations, or associations contemplating new developments or expansion in business designed to facilitate cooperative marketing of agricultural products to submit their plans to the Federal Farm Board for its consideration as to necessity and convenience and as to organization set-up; we recommend to our members that approval of the Federal Farm Board be required of any cooperative marketing plan before farmers are asked to participate financially or with membership.

We pledge our support to the Federal Farm Board in all efforts to secure the broadest possible benefits to agriculture in the control of agricultural surpluses, seasonal or otherwise, and in making the tariff

effective on all farm crops. Should it be found necessary to amend the agricultural marketing act to accomplish these purposes, we pledge our unqualified support in so doing.

III. RURAL CREDITS

The Federal laws which have established our rural credit policies should be amended so that from production to final marketing, the producers of our farm crops, the owners of our farm property, and the cooperative groups of our farm producers can have available in all necessary quantities credits at interest rates as low as are secured by any other group in our Nation.

IV. FEDERAL TAXATION

Our national wealth is rapidly becoming more of the intangible rather than of the visible form for tax purposes. This makes it indispensably necessary that the structure of Federal income, corporation, and estate taxes be maintained in such form as will procure the most of our revenue for support of the Federal Government from these forms of taxes. The Nation as a whole is prosperous. The purchasing power of the tax dollar is now comparatively high for debt-reduction purposes. An immense Federal debt must be liquidated at the earliest possible moment so that it, together with its interest charges, will not impose undue burdens on succeeding generations. These conditions make it imperative that more attention in Federal tax matters be given to debt reduction than to tax reduction.

If, however, as a method of stabilizing our temporary financial and credit conditions, a moratorium to be secured by slight reductions in Federal taxes could be helpful, Congress might find it advisable to give temporary relief in tax matters. The legislation which gives such relief should specifically state that the reductions shall be for one year only, and should provide that at the end of that period of time the present rates shall automatically be resumed.

V. TARIFF

The present session of Congress is expected, at the earliest possible date, to enact the pending tariff bill and in so doing give to all agricultural commodities which directly or indirectly meet foreign competition in our domestic markets, rates of duty which will as adequately protect the American farmer as the industrial producer has been and is now protected. We urge the Senate to continue its work of revising the agricultural rates upward, and we insist that the tariff bill in conference between the two Houses of Congress must emerge for final approval by President Hoover with the farm rates at that height which will enable the American farmer to maintain an American standard of living on the farm. It is recognized that while the law provides a tariff on certain commodities prices are lower in the United States than in the Dominion of Canada. We demand an effective tariff on all agricultural commodities as advocated in President Hoover's message to the regular session of the Seventy-first Congress. It is an idle gesture to place even high rates of duty on farm commodities and then allow such commodities or substitutes thereof to enter our markets, duty free, from our so-called colonies or dependencies. Therefore, we favor immediate independence for such dependencies, but in the event that such independence can not be granted we insist most strenuously that the products from these colonies or dependencies be subjected to the rates of duty which are applicable to similar products from foreign nations.

VI. FARM-TO-MARKET HIGHWAYS

We are at that point in our development of transportation facilities in our Nation which requires not only more Federal appropriations to continue and finish the Federal-aid system of roads now under construction but to expand Federal financial participation in the building of secondary or farm-to-market highways. In this enlarged program of highway building we approve an appropriation of at least \$125,000,000 by the present Congress and such additional legislation and appropriations as will provide the active beginning on the part of the Federal Government in the construction of farm-to-market roads. Highways are now arteries of commerce and must be constructed largely at the expense of the Nation as a whole, and not wholly at the expense of local or State taxing units. The States are urged to extend their supplemental rural-road program by allocating more of the gasoline and vehicle taxes to farm-to-market highways.

VII. FARMER REPRESENTATION ON FEDERAL BOARDS

We urge the appointment of farmers on all Federal boards and commissions before which the interests of agriculture are involved, and that appointees to such boards and commissions shall be men who have the qualifications necessary to serve with credit to agriculture and to the Nation.

VIII. FUNDS FOR AGRICULTURAL EXTENSION

We reaffirm our position in favor of additional Federal funds for extension service work and strongly urge Congress immediately to enact into law the Capper-Ketcham amendment for this purpose now pending before Congress. We expect the extension service organization, with funds now available and with others which we are herewith advocating, to participate more actively in the future in the organization of agriculture.

IX. RURAL EDUCATION

We advocate the policy of Federal financial participation in the cost of rural education.

X. RECOGNITION OF COOPERATIVES

We favor the recognition by the Federal Government of cooperative purchasing organizations which distribute necessary supplies used directly in farm operation; such recognition to be secured by suitable modification of existing legislation.

We recommend that the American Farm Bureau Federation recognize the increasing activities of cooperative purchasing organizations and lend facilities and direction to the national committee which represents the cooperative purchasing organizations approved by their respective State farm bureau federations.

XI. FARM BUREAU RELATIONS TO COOPERATIVES

It is well known that the American Farm Bureau Federation indorsed and adopted cooperative marketing as the basis upon which should be built a sound and permanent policy for American agriculture. It has continually reaffirmed that position, and throughout the years has put forth continuing effort for the development and maintenance of successful commodity marketing organizations.

Experience has proven the need for a stabilizing factor in such developments and we therefore urge the officers and directors of the American Farm Bureau Federation to see that in the continuing developments of such cooperatives an opportunity is provided for the Farm Bureau to exercise a voice in the development of commodity marketing policies and later in their administration equal to the responsibilities assumed by the Farm Bureau in promoting these organizations.

XII. PREDATORY ANIMAL CONTROL

We recommend the proposed 10-year program of predatory animal control as outlined and recommended by the Secretary of Agriculture in House Document No. 496, dated December 26, 1928.

XIII. MUSCLE SHOALS

There is no shortage in the supply of commercial fertilizers. The limiting factor is price. This factor can not be expected to be reduced materially so long as a world combination, in which the Chilean Government has a part, fixes prices. Muscle Shoals should be operated so that its economies will tend to regulate our fertilizer prices instead of the foreign combination controlling them.

The operation of Muscle Shoals on a vast commercial scale at the earliest possible moment would be incomparably better than to use this great project for mere laboratory research. Such commercial operation is provided in the Madden-Wright bill, and all necessary research is also provided in that measure without cost to the United States.

We commend the recent message of President Hoover in advocating a private lease for this project and confining its use to agriculture.

XIV. HOME AND COMMUNITY PROJECTS

Early enactment of maternity and infancy legislation is greatly to be desired. The participation of the American Farm Bureau Federation in the national child health and protection work is commended by us. We pledge our support in these activities in order that the health of our farm people and the costs of medical service in the country districts may receive proper consideration by the entire Nation.

XV. FOREST CONSERVATION

Since a constant supply of lumber and lumber products, an adequate supply of water for domestic use, irrigation, and power, and control of our waters against erosion and flood are national necessities, we advocate the conservation of our forests by reforestation of burned-off, cut-over, and marginal lands, the immediate establishment of better fire protection with the necessary appropriation of funds, the abandonment of destructive logging practices, and the proper management of forest and range lands to assure adequate watershed protection. We advocate also the participation of the State governments in the above program.

XVI. FEDERAL AND STATE QUARANTINES

We recommend that when the United States Department of Agriculture has no quarantine regulations relative to plant and animal pests and diseases a State may establish a quarantine for its protection, provided first that no such State quarantine shall be based upon a test which has not been approved by the Secretary of Agriculture, and, second, that any such State quarantine shall be null and void when the Secretary of Agriculture establishes a Federal quarantine covering the situation in question or declares such State quarantine is unnecessary.

XVII. LOCATION OF 1930 CONVENTION

We acknowledge with deep appreciation the very courteous invitation of the Massachusetts Farm Bureau Federation and the northeastern group of State federations to hold the 1930 annual meeting in Boston in connection with the three hundredth anniversary of the founding of the Commonwealth of Massachusetts and of the establishment of free government in America, two of the most significant facts of world history. We recommend the reference of this invitation to the incoming board of directors for its most serious and sympathetic consideration.

XVIII. THE PORTO RICAN SITUATION

We regret to be informed from a responsible governmental source that the economic, social, and educational conditions in Porto Rico have not materially recovered since that island was devastated last year by a hurricane. We urge the Federal Government to expedite the rehabilitation of these conditions in every possible way.

XIX. ORGANIZATION POLICY

Since it is now universally recognized that no national program which relates to social or economic phases of the agricultural problem can be successfully accomplished unless farmers are banded together in a great nation-wide membership organization which can speak for agriculture, we urge all local, county, and State units of the farm bureau to continue their enthusiastic activities in putting into operation our membership slogan, "There is no substitute for membership."

XX. INLAND WATERWAYS

In addition to our declared policy of getting an outlet to the sea through the St. Lawrence route, we reiterate all our previous pronouncements on inland waterway development and especially at this time do we urge the earliest possible completion of the Mississippi-Missouri-Ohio-Illinois outlet to the Gulf.

XXI. GENERAL TAXATION PRINCIPLES

I. Some cardinal principles of taxation

The American Farm Bureau Federation presents the following cardinal principles as indispensable features in any fair taxing system:

1. Except for the purpose of equalizing economic opportunity, no special consideration should ever be given to any industry, locality, or class of persons.

2. The significant facts of any system of taxation, including its social and economic effects, should be under constant and impartial scrutiny and should be given the widest possible publicity as the only proper basis for intelligent modification of any taxing system.

3. Every person owning or operating property for profit, or profitably employed should, in proportion to his ability, contribute to defray the cost of government, National, State, and local. So far as possible, every tax should be universal and direct, for no system of total exemption from taxation or of indirect taxation can promote a wholesome and general public interest in efficiency, economy, and honesty in the administration of government.

4. Every legitimate tax must be, directly or indirectly, a levy on net income as the only equitable measure of ability to pay the tax.

II. The present property tax situation

Estimates by economists indicate the comparatively small percentage of the total national income which is derived solely from the ownership of property either rural or urban. If a fair allowance is made, as it should be made, for the labor and management of owner-operators, the ownership of property does not produce more than one-half or one-third and, in most of the States, one-fourth or one-fifth of the total income of the entire population. Yet in every State the ownership of property is compelled to bear almost the entire cost of government. In most States, no direct tax whatever is levied upon the larger portion of total net income which is derived from personal industry, thus exempting the greater portion of the population from the payment of substantial taxes.

With a decreasing percentage of population owning property which is easily taxed, and an increasing percentage depending upon wages, salaries, fees, and commissions as sources of income, the gross unfairness of our present State taxing systems is gradually becoming worse. Because of the destruction of property values partly resulting therefrom, foreclosures and tax delinquency are reaching alarming proportions in many States.

III. Tax policy of the American Farm Bureau Federation

On the principles of taxation stated above and the statement of the present property-tax situation in the various States, the American Farm Bureau Federation:

1. Asks for agriculture no advantages or special favors in National, State, or local taxation, but does ask for equitable treatment in taxation.

2. Offers its cooperation to and invites the cooperation of all other organizations and industrial groups in securing constant and impartial study of the facts of taxation, including the social and economic effects thereof.

3. Urges that as rapidly as feasible net income be recognized by the States as the most equitable basis of taxation.

4. Asks that the Federal Government protect the States using the income tax from the competition of States not using this tax in some manner similar to the Federal Government's protection of the State inheritance or estate taxes.

5. Asks that the various States and the Federal Government, for the purpose of equalizing economic opportunities, assume in greater measure the support of the public schools and public roads.

6. Urges that Congress authorize the Secretary of Agriculture to establish in the Bureau of Agricultural Economics a unit with suitable personnel and adequate funds for research in taxation and expenditures as they affect the economic status of agriculture and the welfare of the rural population. We believe further that this unit should cooperate so

far as possible with State agencies, including the agricultural experiment stations and that the experiment stations should further emphasize fundamental research in this field, using for this purpose the funds made available to them under the Purnell Act.

IV. Some recommendations for immediate action

For the purpose of giving some immediate relief from the present grossly unfair taxation of property, the American Farm Bureau Federation:

1. Asks that the term "value" as used for the assessment of property be defined not as the fair cash sale or market price, the definition current in most of the States, but as the average capitalized net production value as used in Europe.

2. Recommends that owners of real estate, urban and rural, in most of the States, urge the enactment of State income taxes, with moderate exemptions and moderately progressive rates, to replace part of the present taxes levied on property.

3. Supports proper control of budgets, bond issues, and expenditures, under some plan similar to that employed with such conspicuous success in the State of Indiana.

4. Urges the study of retail sales taxes on carefully selected commodities.

5. Recommends resistance by property owners to further increases in tax levies, either for existing purposes or for new purposes, unless the additional funds required therefor are provided from sources other than the general property tax.

6. Recommends an impartial survey, supplementing the Federal forest taxation inquiry, to secure reliable information for the solution of the acute problem of State and local taxation arising out of the fact that the Federal Government owns a considerable portion of the land area of many of the Western States, thus largely withholding that land from State and local taxation.

7. Favors the establishment of a department of taxation in the American Farm Bureau Federation as soon as the necessary financial means therefor can be provided.

Respectfully submitted.

E. A. O'NEAL,

President Alabama Farm Bureau Federation, Chairman.

CHAS. E. HEARST,

President Iowa Farm Bureau Federation.

GEO. M. PUTNAM,

President New Hampshire Farm Bureau Federation.

C. R. WHITE,

President New York State Farm Bureau Federation.

EABL C. SMITH,

President Illinois Agricultural Association.

M. L. NOON,

President Michigan State Farm Bureau.

R. W. BLACKBURN,

President California Farm Bureau Federation.

CHESTER H. GRAY,

Secretary.

COLUMBIA RIVER BRIDGE

Mr. JONES. Mr. President, from the Committee on Commerce I report back favorably, without amendment, a bill extending for a period of four months the time for completing the construction of a bridge across the Columbia River, and I ask unanimous consent for its immediate consideration.

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

The CHIEF CLERK. A bill (S. 2768) to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

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

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

Be it enacted, etc., That the time for completing the construction of the bridge across the Columbia River, between Longview, Wash., and Rainier, Oreg., authorized to be built by W. D. Comer and Wesley Vandercook, by the act of Congress approved February 28, 1925, as amended by act approved January 28, 1927, is hereby extended to June 1, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

FLOOD CONTROL—OPINION OF UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF LOUISIANA

Mr. RANDELL. Mr. President, I ask unanimous consent to have printed in the RECORD a very important decision, rendered on the 13th of this month by the Hon. Ben C. Dawkins, judge of

the United States District Court for the Western District of Louisiana, interpreting the flood control act. It is in a case entitled "R. Foster Kincaid, sr., complainant, against United States of America et al., respondents."

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

(No. 355. In equity)

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA
R. FOSTER KINCAID, SR., COMPLAINANT, v. UNITED STATES OF AMERICA
ET AL., RESPONDENTS

DAWKINS, Judge:

In the former opinion rendered in this case on the motion to dismiss, for the reason that the petition disclosed no cause or right of action, the court reviewed the allegations of the bill of complaint at length (35 Fed. (2d) 235). The Government was dismissed as an unnecessary party, but otherwise the motion was overruled and the remaining defendants, the Secretary of War, Mississippi River Commission, Chief of Engineers, and subordinate officers thereafter answered, putting at issue the material allegations of the petition. The case has now been submitted upon its merits.

The record shows that complainant owns 160 acres of land within the Boeuf Basin, between the east guide levees contemplated by the adopted plan for flood control and the hills on the west bank of the Ouachita River. This property, together with the buildings and improvements thereon, is worth under normal conditions about \$9,000; and while the complainant does not reside on it personally, he cultivates about 120 acres thereof, with the assistance of his father and brother.

There is attached to this opinion a copy of a map showing the proposed locations of the levees along the Boeuf Basin, from which it will be seen that the property involved lies about midway between the guide levees on the east and the hills on the west, which are from 10 to 12 miles apart. The west guide levee will end just below the city of Monroe, which is some 40 miles northwest of complainant's land, while the one on the east will extend a few miles south of his property.

From the end of the east guide levee south to the vicinity of Bayou des Glaisses in Avoyelles Parish, the area between the levees on the west bank of the Mississippi River and the hills west of the Ouachita River, except for the high ground of Sicily Island, will be left exposed to the waters of the Boeuf Basin, Bayou Macon, and Tensas River, as well as the backwaters of the Ouachita and Black Rivers.

There is a ridge or strip of high land known as Macon Ridge, which begins in Chicot County, Ark., and extends south into and through Louisiana, passing in the vicinity of the town of Delhi, to a point near Sicily Island in Catahoula Parish. This ridge separates the valleys of the Boeuf and Tensas Rivers, which converge below the end of Macon Ridge and several miles south of the lower end of the east guide levee.

The hills on the west bank of the Ouachita come up to the water's edge in the locality of Harrisonburg, La., and between this point and the south end of Macon Ridge is situated a circular-shaped elevation of appreciable area, called Sicily Island, which impedes the outflow from the Boeuf Basin. The result is that while this basin has an average width of about 15 miles, it spreads out toward the south end to probably 20 miles, but closes in at Sicily Island with outlets on either side thereof, which are only a few miles in width.

This condition at present causes backwater to accumulate in the area immediately south of complainant's property, and will continue to do so after construction of the proposed guide levees. When the Mississippi reaches such a stage that the fuse-plug levee just below Arkansas City will break, under the plan, about one-third of the total volume of water passing that point at the time will be turned down the Boeuf flood way and into the area just described.

In a general way, the adopted project, commonly called the Jadwin plan, contemplates diverting from the Mississippi River in the vicinity of Cairo, Ill., sufficient water to insure that the main channel will carry the remainder safely to the mouth of the St. Francis River. The water so diverted will be carried through a by-pass or flood way to a point near Helena, Ark., where it will return through the mouth of the St. Francis and join that coming down the main river.

From Helena south the levees on the west bank of the Mississippi will be maintained at sufficient height to hold all of this water to a point about 12 miles distant from a similar levee on the south bank of the Arkansas River. Through this gap the White River passes into the Mississippi about midway between the lower end of the levee on its west bank above mentioned and the mouth of the Arkansas. Lying between these levees to the north and west of the 12-mile gap will be located a pool or basin for backwater of some 1,200 square miles, into which will be poured all of the waters of the White and its watershed, as well as the overflow on the north bank of the Arkansas for a distance upstream to the locality of Pine Bluff.

It is not contemplated that levees will be built along this stretch of the Arkansas River. When this basin of 1,200 square miles is filled, its outlet, together with all water coming down the White and Arkansas Rivers, will be discharged through the 12-mile gap above described.

This combined volume will be added to that in the main stream of the Mississippi, which, as previously shown, will consist both of its own waters brought down from Cairo and the quantity which will have returned from the St. Francis Basin at Helena. Then for a few miles the Mississippi, which will have a width between the levees on either side of approximately 4 miles, will carry it all until it reaches the fuse-plug levee below Arkansas City.

The expression "fuse plug" was coined no doubt because of the fact that, in operation, this stretch of levee will break, or be washed out, when the river reaches a predetermined height of 60½ feet, in similar fashion to what happens when a current of electricity attains a designed voltage sufficient to blow out the fuse in electrical machinery. It simply means that the levees above and below this stretch of about 20 miles will be strengthened and raised approximately 3 feet higher than the fuse plug and when the water in the Mississippi reaches 60½ feet it will begin to flow over.

It is contemplated that this will cause a crevasse through the fuse-plug levee, which will gradually widen to include the whole of 20 miles if the condition of the Mississippi requires. The former Chief of Engineers and author of the project stated in his examination before the Flood Control Committee of the House of Representatives that the soil of this piece of levee would be softened with sand or otherwise to be sure that it would break without undue danger to those above and below, although the Government's chief hydraulic expert in his testimony in this case stated that he did not so understand the purpose.

With a flood at the maximum contemplated by the plan, the quantity of water passing down the Boeuf Basin, it is estimated, will be between 900,000 and 1,250,000 second-feet, with the result that complainant's property, as well as all other lands therein, will be submerged. The depth, of course, will vary according to the conditions and stages of water in the Mississippi, the Tensas, Black, and Ouachita Rivers at the time, but may reach a maximum of approximately 16.4 feet on the plaintiff's land.

In the opinion of some of the engineers the velocity will not be very great, but will be sufficient to destroy the buildings and improvements in the flood way which are not anchored to the ground. The duration of the water upon these lands will also depend upon conditions prevailing in the lower Mississippi Valley, including the Ouachita, Black, Red, and Atchafalaya Rivers, but will probably be from 30 to 60 days.

The high waters of the Mississippi and its tributaries usually come in the spring of the year, and the question of whether the lands in this flood way may be cultivated after the waters have passed off will depend upon the time at which the break occurs as well as the conditions just mentioned. If it should be in the late spring, say, about the first of May, and the waters should remain for 60 days, it would be somewhere between the first and middle of July before the plaintiff and others similarly situated could begin cultivation.

By the time their improvements sufficient to enable them to plant were restored it would be too late in the season to raise anything except late corn and forage crops, for the staple crop of cotton could not be planted with any reasonable hope of success. It is true that plaintiff and others as far from the fuse-plug levees would have time to move their livestock, household furniture, and farming implements out of the path of the flood, but, of course, the opportunity for fleeing to high ground would diminish in exact proportion to the nearness of the land to the point of the levee's breaking.

It is well known that in a large part of the area between the guide levees of the Boeuf Basin, as well as below where the levee ends to the Bayou des Glaisses section, livestock is allowed to range in the woods and swamps to such extent as would require several days to herd and drive them to safety.

Contrasted with these conditions with which plaintiff and others within the floodway will have to deal, those fortunate enough to own property behind the levees will be fully protected, including their improvements, livestock, etc., and can pursue their farming and other activities in perfect safety. Those within the floodway will live under a constant menace, for no one can tell in what years meteorological conditions will require the use of their lands for the purpose intended by the plan; i. e., a flood way.

The Government engineers estimate that this will probably not happen more than once in 12 years, while evidence offered on behalf of the plaintiff tends to indicate that in the light of past experience it might occur once in every four or five years.

However, as pointed out in the former opinion in this case, there is no escape from the proposition that the complainant's property and that of all others similarly situated will be, by express design of the plan, compelled to bear the whole burden whenever the necessity arises. The act itself (sec. 9) specifically makes sections 14, 16, and 17 of the rivers and harbors act of 1899 applicable to "all lands, waters, easements and other property and rights acquired or constructed under the provision of this act (the flood control act), which will prevent any interference with the carrying out of the plan and purposes of the act of May 15, 1928.

This was done, no doubt, because of the recommendation of the Chief of Engineers, in Document No. 90, referred to as the adopted project, that the Federal Government should have complete control

over these floodways. It is likewise beyond question that all those portions of the valley which have been heretofore subjected to the overflow waters of the Mississippi and its tributaries, which the plan is designed to protect, will be entirely relieved, and the waters which they might otherwise receive will be carried to the sea, either through the main channel of the river or through these proposed flood ways.

Referring now to the flood control act, in section 4 it is provided:

"The United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River * * *."

If the conditions which the carrying out of the plan will produce result in a diversion through the Boeuf Basin floodway of "additional flood waters * * * from the main channel of the Mississippi River" within the meaning of this provision, then clearly the statute requires that the "Government shall provide" these "flowage rights" and all question as to how they were to be "provided" was removed by the proviso which immediately follows: "That in all cases where the execution of the flood-control plan here adopted results in benefits to property, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid." That is, they must be acquired by purchase or condemnation as elsewhere provided in the act.

Now, the record shows that during the time preceding 1927, for which there are any reasonable figures, the quantity of water passing down in the vicinity of the proposed fuse-plug levee into both the Boeuf and Tensas Basins was as follows: In 1913, 137,732 second-feet; in 1916, 335,814 second-feet.

What is known as the Cypress Creek outlet from the Arkansas River was closed by the State of Louisiana, with the consent of the War Department, about 1921, and in 1922, although the waters of that river and the Mississippi reached stages which would have sent them through that point without the levee, none came down these basins. Then in the flood of 1927 it is estimated that a total of 600,000 second-feet flowed through the Boeuf and Tensas Basins combined, of which 450,000 second-feet went down the former, all of which came from crevasses on the south bank of the Arkansas.

Under the proposed plan the entrance to the Tensas Basin at its head is to be closed by the guide levees, and all the waters which will escape through the fuse plug near Arkansas City will be diverted down the Boeuf Valley; hence the Tensas area will be fully protected in the future, except from the waters within its own watershed, which will be relatively insignificant. Likewise the quantity that comes down through the Boeuf Basin from its own drainage, when unaffected by overflow waters of the Arkansas and Mississippi, is unimportant. In the past some water from crevasses on the Arkansas has flowed farther west into Bayou Bartholomew and down the Ouachita, thus relieving the Boeuf Basin until it returned south of the city of Monroe.

In none of these small river basins would there be any occasion for concern from their own waters except in the lower sections, where the country is affected to some extent by backwater from the Ouachita, Black, and Red Rivers, or from water entering through crevasses in the Mississippi between the northern end of Macon Ridge and the mouth of Red River.

As stated in the former opinion, the flood control act does not define what is meant by "additional flood waters." But even if we give these words the widest interpretation, without consideration for the fact that the waters to be diverted will be confined to a limited channel, it is proposed, as above shown, under the maximum flood conditions, to discharge from the main stream of the Mississippi through the Boeuf floodway from 900,000 to 1,250,000 second-feet of water, whereas it appears, according to the most reliable figures obtainable, not more than 600,000 second-feet have ever before passed down the Boeuf and Tensas combined, of which 450,000 second-feet went through the former. Unquestionably, it would seem to the extent that the waters which would go through the Tensas under present conditions will be diverted through the Boeuf flood way (and it was conceded by the Government's chief expert engineer) this will be a diversion of additional waters.

As a result of the examination of the Government's chief experts, I gather that the contention of the War Department is, because the levees upon the main stream of the river will be raised several feet and there will be no breaks or crevasses at any point except those designed for flood ways, and the capacity of the Mississippi otherwise will be increased so that it will carry a greater volume than ever before, there will actually be less water diverted or escaping from the river than has been the case in the past. For this reason they say there will be no diversion of additional waters.

However, I can not conceive that Congress had any such idea in mind when it inserted the provision now under consideration. Besides the estimated 600,000 second-feet, which came into the Boeuf and Tensas Basins from crevasses in the south bank of the Arkansas River in 1927, at about the same time another occurred on the east bank of the Mississippi at Mounds Landing, approximately opposite the proposed fuse-plug levee and through which it is estimated 500,000 second-feet of water also escaped into the basin of the Yazoo River in the State of Mississippi.

The underlying theory of the adopted plan is that the main channel of the river shall be relieved of its excess waters at flood stage by diverting them through definitely determined channels. This, of course, means that all of the water which has gone out of the Mississippi in past overflows at all points, or at least such as will escape under the improved and strengthened levees of the present plan above what it is deemed safe for the main river to carry, will have to flow through these diversion channels. Certainly to the extent that the lands in the flood ways will receive more water than ever before if destructive, they will bear a greater burden within the meaning of the act.

It is also contended on behalf of the Government that because the Boeuf Basin, prior to the closing of the Cypress Creek gap on the south bank of the Arkansas, was overflowed from that source on an average oftener than it is calculated the stages of the Mississippi will blow out the fuse plug, that the area to be used for the flood way will actually receive less water when probable frequency is considered.

However, as pointed out heretofore, this stretch of levee on the Arkansas River had already been built and afforded the same protection, comparatively, as any other major levee on either the Mississippi or Arkansas.

I think it also reasonable to say that Congress had in mind the conditions as they existed in 1927, and with which they were dealing in the act of May 15, 1928. They were attempting to formulate a comprehensive system as outlined by the document No. 90 and realized that they were giving full protection to about two-thirds of the area of the Mississippi Valley, which had theretofore been subjected to the menace of overflow under the old system, and that as a consequence certain sections of the valley which were to be devoted to the purpose of spillways would be compelled to bear the whole burden for the benefit of protected lands.

It seems also to be one of the theories of the defense that, inasmuch as the height of the levee to be used as a fuse plug will not be lessened, and the waters of the Mississippi under present conditions would overtop this point when it reached 60½ feet, no protection is being taken away from property owners in the Boeuf Valley; hence they should receive no compensation for the use of their lands to carry the excess water above that height. I do not believe that any such narrow construction is justified by the language of the law, for to the extent which the property of the complainant and others similarly situated will be taken for the purposes of the flood way, to aid navigation of the river, and to protect the lands of other persons, the same will be done in the public interest, and to the extent that he and they will be deprived of the unhampered control, possession, and use of their land, just to that extent will their property be confiscated.

Of course, so long as their lands, along with those of all other property owners in the Mississippi Valley, were subject to the uncontrolled action of the elements and were dependent upon the strength or weakness of the constructions upon the main stream of the river, they were in no greater danger and were compelled to bear no heavier burden than anyone else.

But when the Government departed from the policy of building levees and other public works for the purpose of commerce and navigation alone and expressly entered the field of controlling floods for the protection and reclamation of private lands, then it became engaged in activities which make it responsible for the invasion of private rights. It will not be assumed that Congress intended to violate the fifth amendment to the Constitution by taking private property for public purposes without just compensation.

There is a universally recognized principle that the owner of property subject to overflow waters of either navigable or nonnavigable streams is entitled to have them continue in their natural state "without burden or hindrance imposed by artificial means, and no public easement beyond the natural one can arise without grant or dedication, save by condemnation, with appropriate compensation for the private right." (U. S. v. Cress, 243 U. S. 231.) This doctrine has had its application usually in cases where the property was situated upon or near the particular stream whose waters were affected by the acts of man, but mere size or magnitude of the condition with which we are dealing can not alter the principle.

All of the property within the range of the overflow of the Mississippi in its natural state and before construction of levees or other works for confining it to the main channel was by virtue of its location charged with the burden of receiving those waters at flood time in such manner and to such extent as nature had provided. It is equally well settled, as shown in the previous opinion in this case, that everyone so affected had the right to build levees or dikes along the banks of the stream to keep the water off his own property without responsibility to those above or below or on the other side, so long as he did not change or impede its natural course.

Therefore, merely because of the fact that these levees as they were increased in height and extended throughout the length of the Mississippi were unable to hold the river within its channel at flood stages, did not change the legal situation. The water continued to seek the weakest spot, as expressed by the engineers, and when it was found followed the course of nature just as in the original state of the river.

There was under these circumstances no artificial condition created by which the waters should designedly flow over specific lands.

However, in the case before us the very basis of the plan is that by strengthening and increasing the height of the existing levees the excess water shall be diverted over property within the flood ways. In other words, the whole scheme is one for artificially controlling the waters of the whole valley so as to divert them through these channels at flood stage. And this is true notwithstanding the beneficent purpose for which the project was conceived.

I think it reasonably clear that when the plan is completed the property within the flood ways can be cultivated in most years, but always, of course, with the knowledge that a flood may come and cause the owners or operators to suffer serious loss. However, these are elements going to the amount or value to be paid for the rights, for the act clearly indicates that the Government may acquire either in fee simple the land desired or merely a servitude or right of flowage in those cases where nothing more is needed.

It is admitted that the defendants do not contemplate prosecuting any proceedings for the condemnation of flowage rights through the Boeuf Basin or that they will endeavor to acquire them amicably from the owners. Under the view they have taken of the law, they could not have followed a different course. It also appears that the surveys and other works of the engineers, including the location of the levees and the proposed construction of the fuse plug at the head of the flood way in Arkansas, has, for the present at least, affected materially the sale and mortgage value of property between the proposed levees, which will be subjected to the flood waters passing through. This may be to some extent a psychological condition, but it seems real enough to those most affected.

The act, in section 4, provides that when the Secretary of War wishes to acquire "any lands, easements, or rights of way needed in carrying out this project," he shall institute proceedings in the United States district court where the same are situated, if unable to agree with the owners as to price; but if he desires to take possession and begin work before the issue of value is determined, he may do so upon showing that the money to pay for such lands, easement, or rights of way has been made available to the satisfaction of the court.

Of course, the physical occupancy of the ground in this case will not take place until and when it is overflowed by water in time of flood; but the process of subjecting it to that service and the taking possession, in so far as is either necessary or contemplated by the act, will begin with the construction of the first levee or works which are intended to direct the water upon the land. No other character of possession seems reasonable to have been contemplated in any case where "flowage rights" or rights of way as distinguished from lands were to be acquired, than that which flows from the construction of the works. When they will have been completed the appropriation will be complete.

It can not be that if the owner is entitled to compensation he must wait until an overflow comes. Under the law of this State, unqualified ownership of property includes the usus, fructus, and abusus, or the right to possess, enjoy the fruits, and dispose of the whole in the most unrestricted manner. (R. C. C., arts. 491, 490, 493.) When either of these is taken away or diminished, to that extent does the owner lose a part of his property, or, which is the same, the elements that constitute ownership. (See *Ambler Realty Co. v. Village of Euclid*, 297 Fed. 307; *Buchanan v. Wurley*, 245 U. S. 60; *Pumpelly v. Green Bay Co.*, 13 Wall. 166; *U. S. v. Welsh*, 217 U. S. 333; *Boston Chamber of Commerce v. Boston*, 217 U. S. 189; *Tucker v. U. S.*, 283 Fed. 428.)

"My conclusion is that the act requires the Government to pay for the rights which it seeks to exercise over plaintiff's property, and in so far as the defendants are proceeding without complying therewith, they should be restrained."

Monroe, La., this the 13th day of December, A. D. 1929.

BEN C. DAWKINS,
United States District Judge.

WEALTH CONCENTRATION INDICATED BY TAX RETURNS

Mr. WALSH of Massachusetts. Mr. President, on May 23, 1929, I had inserted in the CONGRESSIONAL RECORD, under the title of "Wealth Concentration Indicated by Tax Returns," several tables showing the individual income-tax returns for the calendar years 1922 to 1927, arranged by zones. At the same time there was also inserted in the RECORD a statement of the net-income returns of corporations reporting incomes during the same calendar years.

At that time the statistics for 1927 had not been fully tabulated. They are now complete. I ask to have them inserted in the RECORD. The returns for 1927 indicate that the incomes of the wealthier individuals and the larger corporations are continuing to increase greatly. The net-income returns of individuals in 1927 represent 217.4 per cent increase over the returns for the calendar year 1922 by individuals in the zones having incomes in excess of \$100,000.

The net incomes of corporations reporting net incomes for the calendar year 1927 in the zones with incomes in excess of \$50,000 show an increase of 31.5 per cent over the returns filed by cor-

porations in the same zones for the year 1922. Of the net incomes returned by all corporations, 84.9 per cent are in the zone of corporations having a net income of over \$50,000. One-half of all net incomes returned by corporations in 1927 was reported by corporations having a net income in excess of \$1,000,000.

The VICE PRESIDENT. Without objection, the statistics will be inserted in the RECORD.

The matter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 10, 1929.

HON. DAVID I. WALSH,

United States Senate, Washington, D. C.

DEAR SENATOR: Your letter of the 7th instant relative to the returns for income tax for 1927 and 1928 is at hand. In reply I have to advise you that the statistics of income for 1927 have recently been issued, but as yet the statistics for 1928—not even the preliminary report—have not been issued.

Inclosed please find the final figures for the tax accruing for 1927, payable during the calendar year 1928. Also the pages of the RECORD containing prior statistics of income.

Respectfully,

Jos. S. McCoy, Government Actuary.

P. S.—Please notice typographical error on page 1804 of RECORD of May 23, 1929—14.1 per cent instead of 1.4 per cent.

Individual income-tax returns, 1927

Zone	Number of returns in excess of \$100,000 (calendar year)	Net income returned (calendar year)
\$100,000 to \$150,000	5,261	\$636,018,520
\$150,000 to \$200,000	2,122	364,214,566
\$200,000 to \$250,000	1,105	246,213,183
\$250,000 to \$300,000	645	176,842,506
\$300,000 to \$400,000	755	259,624,653
\$400,000 to \$500,000	386	171,497,074
\$500,000 to \$750,000	384	228,999,193
\$750,000 to \$1,000,000	173	149,167,396
\$1,000,000 to \$1,500,000	138	164,637,400
\$1,500,000 to \$2,000,000	56	97,049,514
\$2,000,000 to \$3,000,000	55	132,044,039
\$3,000,000 to \$4,000,000	22	74,835,056
\$4,000,000 to \$5,000,000	8	36,523,123
Over \$5,000,000	11	95,551,714
Total over \$100,000	11,122	2,833,217,937
Increase over 1922	175.9	217.4

Corporation income-tax returns, 1927

Zone	Number of returns filed by corporations who returned net income in excess of \$50,000 for calendar year	Net income returned by corporations reporting net income (calendar year)
\$50,000 to \$100,000	8,299	\$580,908,267
\$100,000 to \$250,000	5,823	901,979,956
\$250,000 to \$500,000	2,047	714,494,467
\$500,000 to \$1,000,000	1,139	788,890,764
\$1,000,000 to \$5,000,000	855	1,700,282,717
Over \$5,000,000	187	2,938,777,864
Total over \$50,000	18,350	7,625,335,035
Increase over 1922	13.4	31.5
Percentage to total returns	7.1	84.9
Total under \$50,000	241,499	\$1,356,549,226

Number of individuals returning taxable net income for 1927

1927 (individuals) 2,429,819
Number of returns for taxable income and net income for calendar year 1927

Returns:	Number	Percentage to total returns
Below \$10,000—		
Number	2,095,044	
Increase over 1922 (per cent)		-27.8
\$10,000 to \$50,000—		
Number	312,202	
Increase over 1922 (per cent)		67.1
\$50,000 to \$100,000—		
Number	22,573	
Increase over 1922 (per cent)		88.1
Net income returned:		
Below \$10,000—		
Amount	\$7,921,631,297	
Increase over 1922 (per cent)		-19.8
\$10,000 to \$50,000—		
Amount	\$5,799,828,191	
Increase over 1922 (per cent)		67.4
\$50,000 to \$100,000—		
Amount	\$1,565,387,374	
Increase over 1922 (per cent)		94.4

CHARLESTOWN SAND & STONE CO., OF ELKTON, MD.

Mr. GOLDSBOROUGH. Mr. President, I renew my request for unanimous consent to make a statement relative to Senate bill No. 1250, for the relief of the Charlestown Sand & Stone Co., of Elkton, Md., now on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GOLDSBOROUGH. Mr. President, a similar bill in the Seventieth Congress (H. R. 11659) passed the House, was favorably reported to the Senate, and passed by the Senate on March 2, 1929. Owing to the rush of legislation at that time the bill was not messaged to the House, and as a result it failed to become a law. The facts are fully set forth in Senate Report No. 2063, Seventieth Congress, second session.

In view of the unusual circumstances connected with this bill the fact that it had been previously passed by Congress and through a mistake had failed to become a law, the Committee on Claims last Saturday favorably reported thereon, with the recommendation that the bill do pass with the following amendment:

In line 8 strike out the words "and the increased cost of labor and materials."

The facts are these:

On August 23, 1917, the Charlestown Sand & Stone Co., of Elkton, Md., entered into a contract with the United States Engineers to furnish and deliver to Fort Saulsbury, Del., certain quantities of cement, sand, and gravel—or broken stone—to be used in the construction of gun and mortar batteries.

The contract was received through competitive bidding, and the prices bid by the company were based on the labor conditions existing at the time, as well as freight rates then in effect.

In January, 1918, the United States Government took over and operated the Pennsylvania Railroad, over which the company's material had to be shipped. In April, 1918, the United States Railroad Administration increased the freight rates on cement, sand, and gravel (or broken stone), and in June, 1918, put into effect another increase in rates on these commodities. Inasmuch as these increases in freight rates were put into effect by the United States, which was a party to the contract, and the company was unable to obtain from the Railroad Administration the privilege of delivering the material called for under the company's contract at the old rates in effect when the contract was entered into, it worked an extreme hardship upon the company and caused it to lose considerable money.

Moreover, in addition to the hardships caused by the increase in freight rates the United States, through the Quartermaster Corps of the Army, had the United States attorney file a petition in the District Court of the United States for the District of Maryland for the purpose of acquiring through condemnation proceedings the use of the land and plant belonging to the company. In view of these proceedings the company surrendered the plant to the Quartermaster Corps May 1, 1918.

The expense of operating the gravel pit and plant under the supervision and direction of the Quartermaster Corps was greatly increased. The Quartermaster Department, in its distribution of material, allotted to the Engineer Department enough material to fill its requirements under the contract of August 23, 1917. The department paid, on the basis of the cost of production and a reasonable profit, for all of the sand, gravel, etc., taken, but declined to pay the increase in cost of production and the increase in freight rates for the material which it caused to be delivered to the United States Engineers to fill its requirements under the contract of August 23, 1917.

The company has, therefore, through the operation of its plant by the Quartermaster Department, suffered loss on account of the increased cost of production, and also, through the United States taking over and operating the railroads, has suffered additional loss from the increase in freight rates. The contract in question contained no provision under which the United States Engineer Department could legally make payment of this increase in the cost of production or afford relief for the increase in freight rates. The company is therefore compelled to seek relief through an act of Congress. The original bill as introduced requested of Congress \$18,547.88, the increased cost of production accounting for \$6,161.89, and the increased freight rates for \$12,385.99, making a total of \$18,547.88.

The Committee on Claims of the House recommended that the bill be amended by striking out the amount asked for increased cost of production and allowed only the loss suffered by virtue of increased freight rates. The bill, then, as passed by the House authorized relief to the extent of \$12,385.99, and in this form was approved by the Claims Committee of the Senate and carried that amount when passed by this body.

The bill on the calendar is similar in every respect to the bill passed in the Seventieth Congress, with the exception of striking out the words "and the increased cost of labor and materials," and applying the moneys carried in the bill to settlement in full of additional freight charges.

I now ask unanimous consent that the bill be laid before the Senate and passed.

The VICE PRESIDENT. The clerk will read the bill for the information of the Senate.

Mr. WHEELER. Mr. President, I am going to object to the passage of the bill. There are only a few Senators here.

Mr. SWANSON. Mr. President—

Mr. GOLDSBOROUGH. I yield to the Senator from Virginia.

WAKEFIELD, VA., BIRTHPLACE OF WASHINGTON

Mr. SWANSON. There is pending on the Senate Calendar a bill which must pass by the 7th of January to make the money available. I desire to correct a certain part of the language of the bill if it is taken up to be passed. I made a mistake in preparing it.

The Government owns, at Wakefield, Va., the land on which formerly stood the house in which George Washington was born. A patriotic society has been organized to reproduce the home in which he was born. They have ascertained how that home was constructed; the original foundations have been found; and this society has been organized to reproduce Wakefield precisely as it was at the time of Washington's birth. The historical facts and the methods available are such that this can be done.

This patriotic society has raised \$115,000 to complete the building. Many of the large gifts are limited to the 7th of January, 1930. The amount of \$50,000 is lacking to complete the reproduction of the building.

No testimony on my part is needed as to how George Washington stands in the forefront of this Nation. This amount of money was raised very quickly on account of the great veneration felt in the United States for the Father of his Country.

In 1932 we are going to celebrate the two-hundredth anniversary of Washington's birth. Great celebrations are to be held all over the United States. It is a far-reaching matter. Every hamlet and village in America is going to have a great patriotic jubilee in 1932. We are anxious to have completed by that time the reproduction of the home in which George Washington was born.

I have introduced a bill appropriating \$50,000 to meet this patriotic gift. It will take a total of \$165,000 to reproduce the home in which Washington was born. I introduced it as an appropriation bill. I find that I was mistaken; that the Library Committee had no authority to appropriate money. I desire to ask unanimous consent, therefore, that Senate bill 1784 be amended so as to make it an authorization. To do that it will be necessary, on page 1, in the title, to strike out the words "appropriating money" and insert "authorizing an appropriation"; on line 3, to insert "authorized to be" before "appropriated"; and on line 5, page 2, where it says "according to the plans to be approved by the Secretary of War and the Fine Arts Commission," to change the words "to be" to "as," since the plans have already been approved.

The VICE PRESIDENT. Let the bill be read for the information of the Senate. Then the Senator can suggest his amendments.

The legislative clerk read the bill (S. 1784) appropriating money for improvements upon the Government-owned land at Wakefield, Westmoreland County, Va., the birthplace of George Washington.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator will defer to the Senator from Maryland [Mr. GOLDSBOROUGH].

Mr. SWANSON. The Senator from Maryland does not object.

Mr. WALSH of Massachusetts. He has been on the floor for 15 minutes trying to bring up a bill himself. I want to help the Senator to get it up.

Mr. SWANSON. The Senator from Maryland has yielded to me. If there is any debate about the bill, I will withdraw it.

Mr. GOLDSBOROUGH. I have yielded to the Senator from Virginia. I am patiently waiting.

Mr. JONES. May I ask the Senator from Virginia whether the bill has been reported from the committee with amendments?

Mr. SWANSON. It has been reported by the committee as an appropriation bill, but it is evident that that can not be done. It was reported unanimously by the Committee on the Library. The restoration of Wakefield is an essential part of the George Washington celebration of 1932. It will not be complete without it.

Mr. JONES. The Senator's amendments are very proper, I think.

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

Mr. WHEELER. Mr. President, I feel that I should object to the consideration of this bill, as I should to the consideration of the bill of the Senator from Maryland [Mr. GOLDSBOROUGH]; but I am going to withdraw my objection to the former bill, which I understand has passed the Senate and passed the House on one other occasion. I am not going to object to this bill either; but I serve notice now that if any more appropriation bills are brought up when there is only a handful of Senators here, and Senators ask to have them put through the Senate without objection, I shall object.

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

The VICE PRESIDENT. The amendments offered by the Senator from Virginia will be stated.

The amendments were, on page 1, line 3, after the word "hereby," to insert "authorized to be," and on page 2, line 5, after the word "plans," to strike out "to be" and insert "as," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$65,000, which shall be used and expended as follows: The sum of \$15,000 shall be used by the Secretary of War in moving the monument erected by the United States and now located upon the plot of ground owned by the United States at Wakefield, Westmoreland County, Va., to another site on said plot of ground to be selected by the said Secretary of War; and the sum of \$50,000, the remainder of said appropriation, shall be paid to the Wakefield National Memorial Association of Washington, D. C., a corporation created by and existing under the laws of the State of Virginia, for use by the said association for the following purposes and according to the plans as approved by the Secretary of War and the Fine Arts Commission: To aid the said association (a) in erecting on the Government-owned land at Wakefield, Westmoreland County, Va., the building permitted by act of Congress entitled "An act granting the consent of Congress to the Wakefield National Memorial Association to build upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes," approved June 7, 1926; (b) in restoring and improving the gardens and grounds at Wakefield, Westmoreland County, Va.; and (c) in erecting such other buildings as shall be deemed necessary by the association and approved by the Secretary of War and Fine Arts Commission.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill authorizing an appropriation for improvements upon the Government-owned land at Wakefield, Westmoreland County, Va., the birthplace of George Washington."

CHARLESTOWN SAND & STONE CO., OF ELKTON, MD.

Mr. GOLDSBOROUGH. Mr. President, I now ask that Senate bill 1250 be taken up and considered by the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1250) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the word "charges," to strike out "and the increased cost of labor and materials," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Charlestown Sand & Stone Co., of Elkton, Md., out of any money in the Treasury not otherwise appropriated, the sum of \$12,385.99 in full settlement of the additional freight charges incurred by said company in the fulfillment of the requirements of the United States engineer office under the contract of August 23, 1917, for furnishing and delivering cement, sand, and gravel (or broken stone) to Fort Saulsbury, Del., for the construction of gun and mortar batteries.

The amendment was agreed to.

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

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

THE CALENDAR

The VICE PRESIDENT. The clerk will state the first bill on the calendar.

The first business on the calendar was the bill (S. 168) providing for the biennial appointment of a board of visitors to

inspect and report upon the government and conditions in the Philippine Islands.

Mr. JONES. Mr. President, a Senator has suggested to me, in view of the importance of many bills on the calendar, that I suggest the absence of a quorum. I therefore do so.

The VICE PRESIDENT. The Senator from Washington suggests the absence of a quorum. The clerk will call the roll.

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

Allen	Gillett	McKellar	Stephens
Ashurst	Glass	McMaster	Thomas, Okla.
Bingham	Glenn	McNary	Townsend
Black	Goldsborough	Norbeck	Trammell
Blaine	Greene	Norris	Vandenberg
Brook	Harris	Nye	Walcott
Brookhart	Hastings	Phipps	Walsh, Mass.
Copeland	Hatfield	Ransdell	Watson
Fess	Heflin	Robinson, Ind.	Wheeler
Fletcher	Howell	Sheppard	
Frazier	Jones	Smith	
George	Kendrick	Smoot	

The VICE PRESIDENT. Forty-five Senators have answered to their names—not a quorum.

RECESS

Mr. WATSON. I move that the Senate take a recess, the recess being until 11 o'clock to-morrow.

The motion was agreed to; and the Senate (at 1 o'clock and 45 minutes p. m.), under the order previously entered, took a recess until to-morrow, Friday, December 20, 1929, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 19 (legislative day of December 13), 1929

ACTING MINISTER RESIDENT

Ralph J. Totten, to the Union of South Africa.

CONSUL GENERAL

Leon Dominian.

CONSULS

Clayson W. Aldridge.	David McK. Key.
John W. Bailey, jr.	Dale W. Maher.
William E. Beitz.	Edward J. Sparks.
Ellis O. Briggs.	Cyril L. F. Thiel.
Selden Chapin.	John Carter Vincent.
Allan Dawson.	Angus I. Ward.
Harry L. Franklin.	McCeney Werlich.
Franklin B. Frost.	Clifton R. Wharton.
Franklin C. Gowen.	David Williamson.
Winthrop S. Greene.	Stanley Woodward.
Eugene M. Hinkle.	Lloyd D. Yates.

SECRETARIES IN THE DIPLOMATIC SERVICE

Richard W. Morin.	James H. Wright.
Hedley V. Cooke, jr.	Sebe A. Christian.
Gerald A. Mokma.	Charles A. Converse.
Edward Anderson, jr.	Willard Galbraith.
Robert A. Acly.	Kenneth S. Stout.

VICE CONSULS OF CAREER

Richard W. Morin.	James H. Wright.
Hedley V. Cooke, jr.	Sebe A. Christian.
Gerald A. Mokma.	Charles A. Converse.
Edward Anderson, jr.	Willard Galbraith.
Robert A. Acly.	Kenneth S. Stout.

FOREIGN SERVICE OFFICERS

CLASS 2

George A. Gordon.
Alexander C. Kirk.

CLASS 3

Cornelius Van H. Engert.
Herbert S. Goold.

Lester Maynard.
Gordon Paddock.

CLASS 4

Henry H. Balch.
Raymond E. Cox.
Frank Anderson Henry.
Alfred W. Kliefoth.

Dayle C. McDonough.
Myrl S. Myers.
Alfred R. Thomson.

CLASS 5

Maynard B. Barnes.
Charles C. Broy.
William E. Chapman.
Nathaniel P. Davis.
Hugh S. Fullerton.
George D. Hopper.
Charles Bridgham Hosmer.

William R. Langdon.
Robert B. Macatee.
George R. Merrell, jr.
Hugh Millard.
Edmund B. Montgomery.
Orsen N. Nielsen.

CLASS 6

Charles A. Bay.
Hiram A. Boucher.
Richard P. Butrick.
Edward S. Crocker.
Carl A. Fisher.
Samuel J. Fletcher.
Ilo C. Funk.
John Sterett Gittings.

Maxwell M. Hamilton.
Robert Y. Jarvis.
James Hugh Keeley, jr.
Edward P. Lowry.
Carl O. Spamer.
Samuel H. Wiley.
James R. Wilkinson.
Digby A. Willson.

CLASS 7

William E. DeCourcy.
Richard M. de Lambert.
Howard Donovan.
Albert M. Doyle.
Ray Fox.
Christian Gross.
Joseph G. Groeninger.
Richard B. Haven.
Anderson Dana Hodgdon.
Thomas S. Horn.

Clark P. Kuykendall.
Clarence E. Macy.
Nelson R. Park.
William W. Schott.
Robert Lacy Smyth.
E. Talbot Smith.
Harry L. Troutman.
George P. Waller.
Rollin R. Winslow.

CLASS 8

Clayson W. Aldridge.
John W. Bailey, jr.
William E. Beitz.
Ellis O. Briggs.
Selden Chapin.
Allan Dawson.
Harry L. Franklin.
Franklin B. Frost.
Franklin C. Gowen.
Winthrop S. Greene.
Eugene M. Hinkle.

David McK. Key.
Dale W. Maher.
Edward J. Sparks.
Cyril L. F. Thiel.
John Carter Vincent.
Angus I. Ward.
McCeney Werlich.
Clifton R. Wharton.
David Williamson.
Stanley Woodward.
Lloyd D. Yates.

UNCLASSIFIED

Richard W. Morin.
Hedley V. Cooke, jr.
Gerald A. Mokma.
Edward Anderson, jr.
Robert A. Acly.

James H. Wright.
Sebe A. Christian.
Charles A. Converse.
Willard Galbraith.
Kenneth S. Stout.

UNITED STATES DISTRICT JUDGE

Richard J. Hopkins, district of Kansas.

POSTMASTERS

ALABAMA

Effie Jordan, Chatom.

INDIANA

Lenna Robinson, Kingman.

MARYLAND

Austin E. Andrew, Aberdeen.
Albert L. Frenzel, Barton.

MISSISSIPPI

Ernest A. Temple, Electric Mills.
Zack L. Gibson, Mendenhall.

MONTANA

Ezra A. Anderson, Belfry.
Harry L. Coulter, Plains.

NEW JERSEY

Charles D. McCracken, Lambertville.
Elias H. Bird, Plainfield.
Richard M. Crawford, Westville.

NEW MEXICO

John H. Evans, State College.

NORTH CAROLINA

John H. Hobson, Cleveland.
Edgar E. Lady, Kannapolis.
Edith V. Moose, Mount Pleasant.

PENNSYLVANIA

Lewis A. Brown, Adah.
Anna C. Groth, Allison Park.
Margaret L. McKee, Clintonville.
Joseph A. Conrad, Latrobe.

RHODE ISLAND

Lyra S. A. Cook, West Barrington.

WISCONSIN

Edward N. Rounds, Arkansaw.
George J. Chesak, Athens.
Harold E. Webster, Brule.
Asa B. Cronk, Clear Lake.

Charles L. Holderness, Kenosha.
Harry E. Eustice, Livingston.
Fred B. Rhyner, Marshfield.
William Rathbun, Mendota.
Claire A. Lynn, Mount Hope.
Walter C. Crocker, Spooner.
Alfred E. Redfield, Stevens Point.
William H. Petersen, Waldo.

HOUSE OF REPRESENTATIVES

THURSDAY, December 19, 1929

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, our Heavenly Father, for the wonderful story of Thy deathless love. We thank Thee for the beauty and the mercy of Thy daily message, which transcends all argument. The Lord God help us not to forget it. We pray that it may continue until our hearts are wooed and won and the last particle of ingratitude has passed out of our lives. By the moral and spiritual force which it wields let us be directed and molded. Purify our minds from the dross of selfish passion and interests and bring us into that state in which motives are created from a high appreciation of the public service. Feed our deeper selves until the earthly is consciously linked to the heavenly. Through the Christ our Saviour. 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 joint resolutions and a bill of the House of the following titles:

H. J. Res. 174. Joint resolution making an emergency appropriation for the control, prevention of the spread, and eradication of the Mediterranean fruit fly;

H. J. Res. 175. Joint resolution to provide additional appropriations for the Department of Justice for the fiscal year 1930 to cover certain emergencies; and

H. R. 3864. An act to provide for the construction of a building for the Supreme Court of the United States.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 234. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

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

S. 581. An act granting the consent of Congress to the Jerome Bridge Co., a corporation, to maintain a bridge already constructed across the Gasconade River near Jerome, Mo.;

S. 846. An act to authorize the Secretary of Commerce to convey to the State of Michigan for park purposes the Cheboygan Lighthouse Reservation, Mich.;

S. 1752. An act granting further extensions of existing oil and gas prospecting permits;

S. 2086. An act granting the consent of Congress to the Wabash Railway Co. to construct, maintain, and operate a railroad bridge across the Missouri River at or near St. Charles, Mo.; and

S. J. Res. 109. Joint resolution extending for two years the time within which American claimants may make application for payment, under the settlement of war claims act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission.

PER CAPITA PAYMENT TO CHIPPEWAS OF MINNESOTA

Mr. KNUTSON. Mr. Speaker, by direction of the Committee on Indian Affairs, I ask unanimous consent for the immediate consideration of the bill (H. R. 5270) providing for a per capita payment of \$50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

The SPEAKER. The Clerk will report the bill.

Mr. CRAMTON. Mr. Speaker, I ask the gentleman from Minnesota to withhold it for the present. I have had some conversation with the gentleman, and wish to have some further talk with him. I ask that he withhold it.

The SPEAKER. Does the gentleman withdraw his request temporarily?

Mr. KNUTSON. Yes.

DEVELOPMENT OF THE NATIONAL CAPITAL

Mr. BEERS. Mr. Speaker, I rise to offer the following privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania submits a privileged resolution from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 10

Resolved by the House of Representatives (the Senate concurring), That the addresses delivered on April 25 and April 26, 1929, in the auditorium of the United States Chamber of Commerce Building at a meeting held in Washington, D. C., for the purpose of discussing the development of the National Capital, be printed and bound, with illustrations, as a House document, and that 6,500 additional copies be printed, of which 4,000 copies shall be for the House, 1,000 copies for the Senate, 1,000 copies for the Committee on Public Buildings and Grounds of the House, and 500 copies for the Committee on Public Buildings and Grounds of the Senate.

The SPEAKER. Is there objection?

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to ask if this report containing the chamber of commerce addresses refers to any other subject than the District of Columbia matters? They do not refer to the subject of agriculture?

Mr. BEERS. No; they do not.

Mr. HOWARD. I have no objection.

Mr. GARNER. Mr. Speaker, may I ask the gentleman a question? This is what you would term a substitute resolution for a formal House resolution in order to accommodate the Senate?

Mr. BEERS. Yes. The other resolution did not provide for the Senate.

Mr. GARNER. This is to correct that?

Mr. BEERS. Yes; this is to correct that.

Mr. JONES of Texas. Further reserving the right to object, Mr. Speaker, I would like to ask the gentleman a question. My understanding is that there has been pending before the committee a resolution authorizing a reprint of the Cattle Book. It has not been reprinted for some years. Is there any prospect of its being reprinted in the early future?

Mr. BEERS. That matter will be taken up shortly.

Mr. CRISP. Will it be distributed through the folding room?

Mr. BEERS. Yes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL HOSPITAL FACILITIES FOR WORLD WAR VETERANS

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 234 and concur in the Senate amendment.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill H. R. 234 and concur in the Senate amendment. The Clerk will report the bill by title and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 234) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

OFFICE BUILDING FOR THE PAN AMERICAN UNION

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution No. 5 and consider the same.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table Senate Joint Resolution No. 5. The Clerk will report it.

The Clerk read as follows:

Senate Joint Resolution 5

Joint resolution amending the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.," approved May 16, 1928.

Resolved, etc., That the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the

square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.," approved May 16, 1928, is hereby amended by striking out in section 1 the words "bounded on the north by C Street NW., on the east by Eighteenth Street NW., and on the south by Virginia Avenue NW.," and inserting in lieu thereof the words "bounded on the north by Virginia Avenue NW., on the south by B Street NW., and on the west by Nineteenth Street NW."

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. GARNER. Reserving the right to object, has this Senate resolution had the consideration of the Committee on Public Buildings and Grounds?

Mr. ELLIOTT. Yes. We reported this resolution unanimously. All that it does is to change the location of this building. The cost of this building is to be paid out of the Carnegie fund, the same as the rest of the Pan American Building.

Mr. GARNER. I call attention to the fact that in these unanimous-consent requests it is impossible for the organization on this side to consider these resolutions and bills that are called up as emergency measures. I think the Speaker would not recognize the gentleman from Indiana if it were not an emergency matter. If these bills were put on the Consent Calendar they could be called up in their regular order. I trust no more bills will be called up than are absolutely necessary.

The SPEAKER. It is the practice of the Chair not to recognize unanimous-consent requests except where it is represented that an emergency exists.

Mr. ELLIOTT. Mr. Speaker, I wish to call the gentleman's attention to the fact that this is the bill I took up with him yesterday.

Mr. GARNER. I have no objection to the bill because I think it is a proper bill, but the point I am making is this, that if the gentleman could have let this bill go over it could have been put on the Consent Calendar and then it could have come up in the regular order and been passed. I think that is the method that should be followed, but I take it there is some great emergency existing which necessitates the passage of this bill at this time.

Mr. ELLIOTT. There is an emergency, and the matter has been before the Congress for a long time. A similar bill has passed the House at least twice.

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MUSCLE SHOALS

Mr. ALMON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on pending Muscle Shoals bills by inserting in the Record a copy of a letter I have written Mr. J. E. Pierce, of Huntsville, Ala., on this subject.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record by inserting a letter on the subject of Muscle Shoals. Is there objection?

There was no objection.

The letter is as follows:

DECEMBER 14, 1929.

Mr. J. E. PIERCE,
Huntsville, Ala.

MY DEAR MR. PIERCE: Your letter of the 7th instant received, and I assure you that I appreciate your very great interest in me and in bringing about a settlement of Muscle Shoals and the improvement in navigation of the Tennessee River.

The reason, as you doubtless know, why greater allotments have not been made for the Tennessee River in recent years is due to the attitude of the Chief of Engineers not to build any more dams on the river until the survey which was being made had been completed in order to determine where such improvement should be made in the interest of navigation, flood control, and power development. While this survey has been made it has not been reported by the War Department to

Congress. I am advised that it is now in the hands of the Mississippi River Commission at Vicksburg, Miss. That this commission, under the law, passes upon surveys and reports of the Mississippi River and all its tributaries. I have been trying to get this report sent to Congress, but the War Department does not know when it will be returned and can be sent to Congress.

However, in the face of this condition, since 1914 when I entered Congress there has been expended up to one year ago on the Tennessee River the sum of \$7,564,678, and an additional \$10,000,000 expended in the construction of the navigation lock at the Wilson Dam, making a total of \$17,564,678. During this period Navigation Dam No. 1 and Widows Bar were constructed out of allotments for navigation purposes. While Navigation Lock No. 2 at Wilson Dam is a part of the Muscle Shoals development it was authorized by an act of Congress in 1916, and is just as much a part of the improvement of the Tennessee River for navigation purposes as any other lock and dam.

There was appropriated and expended on the Tennessee River from 1833 to 1914, a period of 61 years, the sum of only \$9,971,280. So it would seem that this is a very good showing for the past 14 years as compared with former years. However, it would have been greater if the Chief of Engineers had not decided that it would be better to wait until the survey was completed and report made to Congress to determine where the improvement should be made, as stated above.

We have secured a survey at a cost of about \$1,000,000, which will furnish the Congress most valuable information as to the resources on the Tennessee River and the wonderful amount of power that can be developed and the river made navigable. No other river in the United States has been given such a complete and extensive survey. I have kept in touch with the work from the beginning and am familiar with the wonderful possibilities of the river, as will be shown by this survey. So it would seem from this that I have done as much as any one could have done in aiding in the improvement of navigation on this wonderful river, and I shall continue my interest in this work.

Referring to what you say about me introducing a bill which you say you presume will be known as and called the Norris-Black-Almon bill. I am not wedded to any particular bill. I want the Muscle Shoals question settled at this session of Congress. Our people want this done and I shall pursue the course which I think is best calculated to secure the best bill possible, and one that will pass both Houses of Congress with the reasonable expectancy that it will meet with the approval of the President. I want the best bill possible which will bring about the operation of the fertilizer plants for the benefit of the farmers.

I have worked constantly and faithfully from the beginning of the Muscle Shoals development to have this done. I would like to see the American Cyanamid Co. get the nitrate plants under a 50-year lease, for the reason that this company owns the patent for the cyanamide process used at plant No. 2. This company having built the plants for the Government during the war, and is now operating successfully a plant of this kind at Niagara Falls, Canada. Under the provisions of this bill they could lease these plants free of rent and be given a very low rate for all the power needed in the operation of the plants. I see no reason why such a lease should not be made under provisions of this bill if the company desires it.

The offer of the American Cyanamid Co. has been before Congress, as you know, for a number of years. It was before the joint committee of the two Houses of Congress appointed by the President and was rejected by this commission, and it was also rejected by the Agricultural Committee of the Senate once, if not twice, and by the Military Affairs Committee of the House three times. It was given a favorable report by this last committee during the last session of Congress when there were only 12 members out of 21 present, and by a vote of 10 to 4 in the absence of the chairman of the committee. This happened just before the close of the last regular session of Congress.

The sentiment of the Senate, as you doubtless know, has been and still is very strong against this offer. I am advised that the Senate is still practically unanimous against the Wright bill, which provides for the acceptance of the Cyanamid Co.'s offer.

The Agricultural Committee of the Senate reported the Norris bill unanimously and Senator BLACK has offered two amendments to it, one to provide for the construction of Dam No. 3 and the other for leasing the plants. These amendments are satisfactory to Senator NORRIS.

The Military Affairs Committee of the House has just been elected, and I don't know when they will take up Muscle Shoals legislation, but I hope and will urge that it be done at once. It is not my fault nor the fault of the Alabama delegation nor of the House of Representatives that the Muscle Shoals question has not been settled and the plants put into operation for the benefit of the farmers and national defense, for which it was originally intended, for the reason that we passed through the House a bill providing for the acceptance of the offer of Henry Ford, the Underwood leasing bill, and the Government operation bill last year, which passed both Houses and was given a pocket veto by President Coolidge.

You say that my support of a bill that the President will not sign would be a disappointment to my friends. I do not know positively whether the President would approve the Norris-Black-Almon bill or not,

but his approval of it would be in accord with the statement he made during his campaign and his recent message to Congress on this subject, when he recommended that Congress create a special commission not to investigate and report, as in the past, but with authority to negotiate and complete some sort of contract or contracts on behalf of the Government, subject, of course, to such general requirements as Congress may stipulate. This bill provides for the appointment of a board by the President, which, with the approval of the President, is authorized in section 23 to make a lease of the plants with the provisions prescribed by Congress in this bill. I am clearly of the opinion that he would approve this bill.

Some of my friends might also be disappointed if I should support a bill that I knew would not pass the Senate if it should pass the House.

I have made some investigation in regard to the sentiment in the Senate and am of the opinion that the Wright bill would receive but a very few, if any, votes if it should come before that body for a vote.

Some of my friends might also be disappointed if I should vote for a bill that did not provide for the production of fertilizer for the benefit of the farmers, but would turn this immense power over to the Power Trust.

You are in error in claiming that this bill only provides for the operation of nitrate plant No. 2 for experimental purposes. It does provide for the operation of this plant for the manufacture of fertilizer. Plant No. 2 is one of the best air-nitrogen plants in this or any other country. The cyanamide process is being used successfully in Canada, Germany, and other European countries, and it would be operated under the provisions of this bill for the manufacture of fertilizer either by lessee or by the Government.

There was a lot of propaganda circulated a few years ago that the cyanamide process was obsolete, but it was disproved so successfully that we hear no more of such a claim. I went to Canada two years ago and saw a plant using the cyanamide process in successful operation. I have often said and still say that I will not support any Muscle Shoals bill that does not provide for the operation of plant No. 2 for the manufacture of fertilizer.

You ask if the building of Dam No. 3 will not permit the Government to continue at the mercy of the Alabama Power Co. as the only purchaser of Muscle Shoals power, and say you are "perfectly willing for the Alabama Power Co. to have the power." You express a doubt that the Alabama Power Co. will buy the power. You need have no fear of this kind. They would gladly buy every kilowatt to-day or after Dam No. 3 is built, if they are given a long-term contract. Personally, I do not agree with your desire to sell the power to the Alabama Power Co. unless and until municipalities and other associations of the people are given the privilege of purchasing the power to distribute to the people without paying a huge profit to any power company. You can abandon any idea that the power company will not buy power. They do not want a demonstration of the benefits of cheap power sold by municipalities without profit.

You want to know if the Cyanamid Co. will make an offer to operate the nitrate plants under the Norris-Black-Almon bill. I can not say whether they will or not. I can say, however, that if they honestly desire to manufacture fertilizer at Muscle Shoals with cheap power and with the nitrate plants free of rent and a limitation of profits to 3 per cent, they will certainly make such an offer. Under this bill they can get all the power needed to fix nitrogen, manufacture fertilizer and its ingredients, and by-products of nitrogen and fertilizer. This bill gives the Cyanamid Co., as a bidder, every right and privilege the friends of the present cyanamide bid claim for it. Of course, if the Cyanamid Co. really seeks the profits from the sale of surplus power instead of the privilege of manufacturing fertilizer, they may not bid. In other words, if the present offer of the Cyanamid Co. is a sincere proposal to manufacture fertilizer at Muscle Shoals, with cheap power for an 8 per cent profit, they will bid under the Norris-Black-Almon bill.

In my judgment I should not write the Alabama Power Co. and the Cyanamid Co. what they will do if this legislation passes. There is not the slightest doubt but that the power company will buy the power if given a contract. They have not done so heretofore because they have not been able to get more than a 30-day contract. When the time arrives that they must decide between buying the power themselves or having it sold to municipalities there will be no hesitation on their part.

The "Norris-Black-Almon" bill does not provide any specific interest to be paid on the Government investment. Providing for such interest on the cost of the nitrate plants would simply increase the cost of fertilizer to the farmers. The bill provides for the payment to the Government of a just and reasonable price for power. If you will figure the difference between 2 mills per kilowatt-hour which the Government has been receiving for power, and the price your consumers now pay the Alabama Power Co., you can get an idea whether or not Huntsville should be benefited. The bill clearly states that the rate at which power sells will be fixed by the Federal Power Commission. Neither the President nor anyone else has suggested that the States should fix the price of power generated and owned by the Government. The State

of Alabama now fixes rates for power sold by privately owned power utilities. It does not fix rates of power sold by municipalities or other Government agencies. If the Government did not fix rates of its own power, and the Cyanamid Co., for instance, obtained Muscle Shoals under the Wright bill, the Alabama Public Service Commission would have to approve the contract. Under the "Norris-Black-Almon" bill the Federal Power Commission would fix the price of power sold by the Government to the companies operating the fertilizer factories, the power sold to municipalities, counties, or States, or the power sold to private power companies.

After such original sale by the Government, resales of power would be governed by State laws, as suggested by the President. Our State law, however, exempts municipalities from the authority of the public-service commission. It necessarily follows that if the Cyanamid Co. buys the surplus power for resale, the rates of such resale would be fixed by the Alabama Public Service Commission. These rates would be fixed at the same level for Muscle Shoals as for Alabama Power Co. power. This would not bring a single new industry to the Tennessee Valley. On the other hand, if a municipality bought Muscle Shoals power, it would not be subject to supervision by the Alabama Public Service Commission. It could, and doubtless would, fix lower rates. This would bring new industries you desire to the Tennessee Valley.

You seem to think the Wright bill would bring other independent electrochemical plants to our district. These will be drawn if we have cheaper power, but the Cyanamid Co. would not sell cheaper power, because the public-service commission, as stated, would require uniform rates. It could not make a municipality charge the same rate as the power company.

You say that you think the farmers and myself should stand for the same thing. I think we do. They want the nitrate plants operated. So do I. They want cheaper fertilizer, and so do I. What the farmers want is a settlement of the Muscle Shoals controversy. So do I.

The Wright bill, under some name, has been pending many years. It has even had the indorsement of President Coolidge, but he could not pass it. Within the last six months it was offered in the Senate by Senator BLACK and was referred to the Agricultural Committee of the Senate, and did not receive a single vote in that committee. I am tied down to no particular bill. I want a measure passed guaranteeing the manufacture of fertilizer. This I shall fight to obtain. What the farmers are interested in is the use of this project for their benefit and not who uses it.

For years I have devoted my best time and efforts to bring about the development of the Tennessee River and the operation of Muscle Shoals for the benefit of agriculture. Selfish fertilizer and power interests have blocked legislation heretofore. The measure that preserves this great people's plant for the people, keeps away from it the grasping clutches of power and fertilizer monopoly, and guarantees its continued use in lifting the burden of high-priced fertilizers from the shoulders of the farmers will have my support.

I inclose herewith letters from the Chief of Engineers giving the information desired by you.

I regret the length of this letter, but it was necessary in order to give you the information asked for by you and also my views on the subject. I would have replied earlier, but, as I wrote you on the 12th instant, I waited until I could obtain the information called for by you from the Chief of Engineers.

With best wishes, yours very cordially,

ED. B. ALMON.

PER CAPITA PAYMENT TO CHIPPEWAS OF MINNESOTA

Mr. KNUTSON. Mr. Speaker, I renew my request for unanimous consent for the present consideration of the bill (H. R. 5270) providing for a per capita payment of \$50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889 (25 Stat. L. 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to make therefrom a per capita payment or distribution of \$50 to each enrolled member of the tribe, under such rules and regulations as the said Secretary may prescribe: *Provided*, That before any payment is made hereunder the Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this act and accept same: *Provided further*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, I would like to ask this question:

The gentleman from Minnesota knows very well—and I have heard him so state—that these per capita payments are oftentimes frittered away by the Indians, but I understand the gentleman to assure me that the department intends to supervise the expenditure of this per capita payment as to those Indians who are the most needy.

Mr. KNUTSON. Well, of course, it is a general payment, but the expenditure by the incompetents will be supervised.

Mr. CRAMTON. I understand it is a general payment, but there are some of those Indians who are away from the reservation and away from supervision, so that it is not necessary or feasible to supervise their expenditures.

Mr. KNUTSON. No.

Mr. CRAMTON. But as to those for whom this is particularly important and who are in need and in want the expenditure will be supervised and used for necessary purposes instead of for foolishness?

Mr. KNUTSON. That is understood.

Mr. CRAMTON. That is the statement of the department?

Mr. KNUTSON. Yes.

Mr. HASTINGS. May I inquire of the gentleman whether the Indian Office has favorably recommended this bill?

Mr. KNUTSON. The gentleman from Michigan interrupted before the Clerk could read the amendment and the statement.

Mr. HASTINGS. But is there a favorable report?

Mr. KNUTSON. There is a favorable report. Everything is in apple pie order.

Mr. SNELL. Will the gentleman tell me how many Indians there are?

Mr. KNUTSON. About 14,000.

Mr. SNELL. How will it be possible to supervise the expenditure of \$25 for each one of 14,000 Indians?

Mr. KNUTSON. They have a pretty fair idea of who the incompetents are and who the competents are. The incompetents will not be paid this in a lump but, but over a period of time.

Mr. SNELL. What is the proportion of incompetents?

Mr. KNUTSON. I would not like to pass judgment on the competency of about 14,000 American citizens.

Mr. GARNER. May I ask the gentleman this question: If this bill has the unanimous report of the Committee on Indian Affairs?

Mr. KNUTSON. It has.

Mr. GARNER. And a favorable report from the Bureau of Indian Affairs?

Mr. KNUTSON. This bill meets all the requirements, may I say to the distinguished leader of the minority?

The SPEAKER. Is there objection?

Mr. HOWARD. Mr. Speaker, there was an amendment.

The SPEAKER. If there is no objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Page 2, line 2, strike out "\$50" and insert in lieu thereof "\$25."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Amend the title so as to read: "Providing for a per capita payment of \$25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States."

ADDRESS OF HON. CLARENCE CANNON, OF MISSOURI

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by my colleague, Hon. CLARENCE CANNON, before the American Farm Bureau Federation.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing a speech recently delivered by his colleague. Is there objection?

There was no objection.

The speech is as follows:

THE NECESSITY FOR FARM-TO-MARKET HIGHWAYS

The emphasis which the American Farm Bureau Federation in its convention program places on its advocacy of an amended policy for the construction of Federal-aid highways is in keeping with the trend of the times. The past decade has been characterized by a marked renaissance in road building; greater progress has been made in highway construction in the United States in the last 12 months than in any similar period in the history of the Nation. And coincident with this remarkable increase in mileage and development in type of road

has come a growing sentiment for the extension of State and Federal road programs.

On the eve of the convening of the new Congress for its first regular session this sentiment—based on returns derived from roads already in service and on needs of a constantly increasing volume of traffic—finds expression in the national press, and in official utterances from local associations, State commissions, and Federal officials, which tend inevitably toward the advanced position already taken by the American Farm Bureau Federation.

Mr. DOWELL, of Iowa, chairman of the House Committee on Roads, has just announced that recent conferences with members of State highway commissions reveal a nation-wide sentiment in favor of a substantial expansion of our national road-building program.

President Hoover, in his message to the governors of the States on November 23, urged adoption of an extensive road-construction program on the part of the States in cooperation with the Federal Government, which already has met with practically unanimous approval.

A bill now in course of drafting, with the apparent sanction of the House leaders of both parties, materially increases the annual appropriations to be expended in cooperation with the States in highway construction.

And the formal representation by the national farm organizations to the President on November 25, suggesting extension of the Federal road program with special emphasis on farm-to-market roads, is but the expression of widespread sentiment in favor of continuing and extending a national policy which has more than demonstrated its practical value and economic soundness.

It is characteristic of the farm bureau that it is inviting attention to a subject which affects so vitally the prosperity and welfare of the country as a whole and of the American farmer in particular, for no material factor in our national life is of greater social and economic importance to rural America than good roads. And no function of State administration in which the Federal Government cooperates is so intimately associated with every phase of country life as the standardization, construction, and maintenance of adequate avenues of communication and transportation.

The white light which for the last several sessions of the National Congress has been focused on proposed legislation affecting the handling of farm products after reaching market has tended to detract from the attention due proportionately important legislation to assist the farmer in getting his products to that market. The need of a more efficient and equitable method of marketing farm products has been generally recognized. A readjustment of agricultural marketing facilities is imperative. But one of the essential factors in any readjustment of marketing facilities is the all-weather, all-the-year-around, farm-to-market road. When properly established and maintained it will contribute more to the effective solution of the farm problem than many of the remedies proposed and fought over in half a dozen presidential and congressional campaigns.

The need of Federal cooperation in the work has been amply demonstrated. Pioneer Federal legislation already has borne abundant fruit. The passage of the Federal aid road act of 1916 ushered in a period of unparalleled activity in road construction in every State in the Union. Under its salutary provisions we have constructed in these 13 years highways which if extended in a straight line would belt the globe more than six times—and this without taking into consideration the enormous mileage which the States and subdivisions, under the impetus to road building developed by the law, have constructed without assistance from the Federal Government. Such progress in either direction would have been patently impossible without Federal aid and direction.

With the enactment of the Federal aid law of 1916 the United States entered upon a policy of highway construction, under the joint supervision and at the joint expense, of the Federal and State Governments which has come to be known as the Federal road policy. No governmental policy of recent years has resulted in greater immediate benefit to the Nation. The passage of the law is a landmark in the economic history of America more important in its effect upon the prosperity, comfort, culture, and happiness of the people of the United States than memorable changes in political administrations or sanguinary battles fought on crimson fields of carnage. It revolutionized highway administration, engineering, and mechanics; established international production records and produced a type of road which has become the standard of the world.

The original act was materially amended in 1921 to provide for the designation of a definite system of highways, limited to 7 per cent of the total mileage of roads in each State at the time of the adoption of the amendment, upon which Federal aid may be applied, the 7 per cent constituting the mileage required to connect all county seats and main market centers.

The law of 1916, as analyzed by the Bureau of Roads, was designed to encourage road improvement in backward States and to develop competent and adequate engineering control in all. The 1921 amendment

had for its purpose the improvement of a main interstate and inter-county system of highways covering the United States and proposed to be completed in the shortest possible time. In order to provide for this it was necessary to secure the designation by the State highway commissions of an arterial system limited to 7 per cent of the entire road mileage of their respective States, applying all Federal funds available to the completion of this system, and leaving improvement of the remaining 93 per cent to be made at State and local expense. The total mileage designated under this plan comprised a vast system, reaching every county in the Nation and aggregating approximately 190,000 miles of highway. When the law was passed in 1921 it was estimated that from 25 to 30 years would be required to complete the system. With this prospect in view, the consideration of legislation providing for Federal cooperation in the construction of farm-to-market roads was postponed indefinitely. But progress in construction has exceeded the most sanguine expectations. On January 1, 1930, less than nine years after the law became operative, out of the 190,000 miles of the 7 per cent system 110,000 miles of macadam, gravel, and less durable surfaces and 60,000 miles of various high-type pavement will have been laid, leaving but 20,000 miles of unimproved roads to be completed. Less than one-tenth remains. Already in a number of States, as in Delaware, Maryland, and Rhode Island, the entire 7 per cent system has been finished and the Secretary of Agriculture, in accordance with the provisions of the law of 1921, has approved additional mileage upon which subsequent Federal appropriations are now being expended. Other States—notably Pennsylvania, Florida, Indiana, Massachusetts, and Connecticut—are rapidly nearing the end of their quota, and at the present rate of progress the completion of the entire primary system in all the States would be a matter of a comparatively short time at most.

With the completion of the trunk-line roads, for which our Federal road policy was originally designed, already in sight, three modifications of our Federal road policy are proposed. That endorsed by the Federal Bureau of Public Roads—and for this reason entitled to the weightiest consideration—of designating, with the approval of the Secretary of Agriculture, additional mileage on which Federal funds may be expended as the 7 per cent system is completed. Another, drawing its support largely from sections and cities already amply supplied with modern highways, taking the position that they should not in justice be taxed to provide roads for distant States and therefore advocating discontinuation of the policy of Federal aid upon the completion of the 7 per cent system, at the conclusion of which, cooperation of the Federal Government with the States in the construction of highways be definitely abandoned. And finally, agricultural sections and farm organizations petitioning the Federal Government to follow up the logical development of our present plan, expand the policy which has been so successful in the construction of the primary highways, and so develop an adequate national road system by providing Federal aid in the construction of farm-to-market roads.

The importance of the farm-to-market road can not be too strongly emphasized. It is the connecting avenue which links the farm with the outside world. Any trunk-line system, however comprehensive, is useless to the farmer if he can not reach it. As a chain is no stronger than its weakest link, so no road is more serviceable than its steepest grade or deepest bog. Limitations on a load at any point along a road limit the load along the entire route. One rod of impassable mud blocks the road to market and one intervening mudhole may nullify all advantages to be derived from any expenditure of Federal money on the arterial highway to which it leads. According to the last agricultural census, 75 per cent of the farms of the United States are on dirt roads. The difficulty of transporting farm products over these roads and the isolation of the farms which they serve is practically as great to-day as it was 50 years ago. The fertility of the soil, the splendid program of the Department of Agriculture for increasing production, the credit supplied by the Federal land banks, the efforts of the Federal Farm Board to provide marketing facilities, and the thrift and industry of the farmers themselves, are sadly handicapped if the farmer is unable to get his products to the 7 per cent road system to put them on the right markets at the right time.

The problem of the farm-to-market road has been further complicated by the Aladdin-like development of modern motor transportation. Within a decade this new factor in transportation has changed the industrial and social routine of the civilized world. The influence of automobile and truck on highway economics has been little short of iconoclastic. Almost overnight they have rendered obsolete every form of horse-drawn passenger conveyance, and, where roads permit, have relegated to the scrap heap freight-carrying vehicles and methods of both farm and factory. The leisurely moving open carriage and the plodding short-ton wagon which monopolized the roads of the nineteenth century are as anachronistic on modern highways as the stagecoach and pack mule of pioneer days.

The transition has come with astonishing rapidity. When the act of 1916 passed there was a scant three and a half million motor vehicles in the United States. Before passage of the amending act of 1921

economists were amazed by the announcement that the number had passed the 10,000,000 mark. As production increased the saturation point for motor cars in the United States was successively placed at 12,000,000, at 15,000,000, and finally, after exhaustive computation and analysis, at 19,000,000 cars; and it was not believed that this fabulous number could be reached before 1950. To-day the Bureau of Public Roads estimates that the number of motor vehicles in operation on January 1, 1930, will exceed 26,500,000, and the saturation point is still apparently as indefinite and indeterminate a quantity as it was the day the first car was produced.

But there is nothing indefinite in the effect of motor transportation on agriculture or in its demands on the farm-to-market road. Where available on farms through proximity to adjacent highways, it has exerted a marvelous influence. It has increased mobility of traffic, has reduced time in transit, multiplied capacity of load, and cut in half the total cost of farm transportation. It has increased the farmer's range of market, both for sale of farm products and purchase of farm necessities, making it possible for him to select trade centers which he finds most advantageous. It has enriched as with a magic wand the educational, religious, and social life of the rural community and destroyed for all time the traditional isolation of the farm and the farm family. In brief, it has rehabilitated with miraculous potency wherever available the prosperity and morale of rural America.

But only where available. And that is the crux of our highway problem. Farming communities unable to utilize modern transportation facilities through lack of auxiliary roads are at even greater disadvantage than before their introduction. The American farmer, in competition with foreign countries, and in contrast with other basic industries of the United States, to whose already disproportionate prosperity modern highways and methods of distribution have contributed billions of dollars of wealth in the last few years, finds it more difficult to keep step with national progress and to maintain even his present precarious standard of living than before the advent of the motor and the advantages which accompany it.

For the surfaced road is an indispensable adjunct to motor transportation. Without it automobile or bus or truck is as impracticable as an airplane without a landing field. The 7 per cent trunk-line roads do not reach the average farm. The average haul from farm to market in the United States is 9.4 miles; the average haul to the nearest 7 per cent arterial highway is approximately 5 miles. With a single mile of impassable road sufficient to disorganize traffic, the farmer marooned 5 miles from the nearest trunk-line connection finds himself as effectually barred from its use and advantages as if he were living in the days of his revolutionary ancestors. It follows inevitably that if the benefits of good roads and up-to-date equipment now enjoyed by urban industries are to be extended to agriculture this "hiatus between the hick and the highway" must be bridged. The imperative need of agriculture to-day is a system of farm-to-market roads drawing the farm into the benevolent ebb and flow of these great arteries of trade carrying the life tide of the Nation's commerce.

Agriculture is ill. Economists, statesmen, efficiency engineers, politicians, and public officials all agree that an emergency exists which justifies heroic measures. The session of Congress just closed was convened in extraordinary session for the express purpose of devising a remedy. Agricultural relief is one of the dominant problems confronting the Nation to-day. To continue the policy under which we have been linking the great centers of industry by superhighways serving every point of strategic interest to manufacturing and commerce, and at this critical time denying agriculture the joint use of that system by failing to recognize the obvious need of farm-to-market roads is both inconsistent and inequitable. Such a course but serves to accentuate the disparity between opportunities afforded these basic industries and aggravates rather than aids this increasingly acute problem.

And the problem is not exclusively a country problem. Its solution is fraught with consequences which affect both labor and industry. The farm-to-market road serves the city and the consumer as truly as it serves the country and the farmer. Practically every morsel of food and every shred of clothing used by the city and the raw materials consumed in the industries must traverse the farm-to-market road before it reaches the paved highway on its journey to the point of consumption. Every mile of unimproved road along the way adds to the enormous cost of transportation and distribution and must be included in the selling price of the commodity. The greater the expense of transportation the greater the cost to the consumer. And every dollar spent on the construction of all-weather, farm-to-market roads pays as substantial dividends to the patron as to the producer. It is as much to the interest of the city to avoid the periods of stringency of supplies during winter months, when roads are impassable, as it is to the advantage of the farmer to avoid market gluts during fair-weather seasons when produce must be hauled to market, if at all, while roads permit. The mud toll taken by the unimproved road to market adds materially to the high cost of living, and the building of serviceable roads to market will contribute immeasurably to the solution of this vexatious problem in every city in the land.

Labor, and organized labor in particular, has much to gain by the construction of adequate farm-to-market roads. Not only because they contribute to country life the social and economic advantages which check the drift of population from the country to the city and thereby insure amply food supplies and a profitable market for labor products, but because they also protect the labor market against country labor crowded into the cities by adverse farm conditions. A man starved off the farm, like the wolf driven in by famine, is in no position to observe the ethics of the union. He must work or perish, and he reaches out for any man's job he can get. Under the imminent pressure of necessity he will work any number of hours, under any conditions, and for any wage that will keep soul and body together. The farm boys crowding from the country into the cities following the deflation of farm values and the resulting collapse of farm prosperity have demonstrated repeatedly their ability to fill in a surprisingly short space of time positions formerly requiring experienced workmen and skilled mechanics.

Following the decline in living conditions on the farm, the agricultural States report unprecedented losses in rural population—a steady migration to the cities—constantly increasing the demand for employment to a point which sooner or later must affect the wages and standards of organized labor. Compilations of statistics show conclusively that these decreases in population center in the districts which lack improved roads. The population along the paved highways has increased. According to a census taken by State associations of rural carriers in the last few months the population along the paved highways has increased and continues to increase. No stronger proof could be submitted showing the direct interest which organized labor, and every man now employed in the industries, has in supporting the appeal of the country for road facilities which will render country life livable and attractive. Few measures can so certainly and so rapidly check the influx of labor from farm to city.

The common interest of agriculture and labor, of farm and factory, of producer and consumer, of country and city, and the preservation and promotion of the welfare and prosperity of the Nation as a whole, all require the early adoption of a national policy providing for the construction of an adequate system of farm-to-market roads. There is no longer any room for controversy as to their place in our national economy. They are indispensable.

The problem, then, resolves itself largely into a question of allocating the cost of their construction. And that is the rock upon which opinion divides. Impulsively a community takes the position that having built its own roads it is under no obligation to contribute to the cost of roads through other communities; that the responsibility is local and each district is chargeable with the expense of its highways.

But as all citizens of a community benefit either directly or indirectly from road improvements warranting the financing of such improvements by general taxation, so all communities, counties, and States and the Nation itself benefit directly or indirectly from the construction of highways in any part of the Union, however remote, and are chargeable with their proportional quota of such expense. It follows, then, that the financing of permanent highways in any State is a responsibility shared by State and Federal Governments alike.

And this is in keeping with our historic Federal policy. Our National Government has been committed to the principle of Federal aid for transportation since the early days of the Republic. The original National Road through Maryland west to the Ohio frontier, and later on to the Mississippi River, the pioneer highway of America, was financed by congressional appropriations. In continuation of this policy approximately 158,000,000 acres of the public domain were granted by Congress to encourage railway construction. Millions of dollars have been appropriated from the National Treasury for the improvement of rivers and harbors and the promotion of water transportation. And the Federal Government has in recent years contributed hundreds of millions of dollars to the construction of intercity avenues and belt highways completely encircling our larger cities. Such improvements are fully justified by the cosmopolitan character of the traffic carried. But by the same reasoning the rural community may claim accommodation in proportion to its needs. Its right to Federal aid differs only in degree and in the character of the improvement required. The automobile and the truck are intercommunity, inter-county, and interstate in their operation, and the rural highways over which they operate and the rural communities which they traverse are entitled to Federal contributions appropriate to their needs.

The King's highway has been from time immemorial subject to governmental jurisdiction and prerogative. The highways of the Nation to-day are subject to requisition in time of war and to priority of governmental service in time of peace, and the country road as well as the interurban highway has its part and privilege in that service. General Pershing said in 1920, reviewing civilian contributions to victory in the World War:

"The country road is of tremendous value in time of war in that it must be relied upon to obtain food supplies necessary to maintain the Army at the front."

And in time of peace or in war the Government utilizes continuously 1,205,572 miles of highway in the distribution of the United

States mails and in the dispatch of public agencies and officials under exclusive Federal jurisdiction. The extent of the use of the rural roads by the Government in the Postal Service is indicated by the recent estimate that improvement of post roads to a point permitting all-year travel by motor vehicle would warrant reduction of the present rural carrier force from 45,000 men to 18,000 men and at an annual saving to the Government of \$35,000,000 in salaries. The farm-to-market road, carrying the Nation's food supply in time of war and serving daily the agencies of Government in time of peace, is to that extent, at least, a charge upon the Federal Government and eligible to Federal aid.

But in the last analysis the Federal and State Governments should bear their share of the cost of farm-to-market roads for the simple reason that the farm communities are unable to assume the burden alone. The continued decline in the price of farm products and loss in farm income during years in which the wages of labor and the dividends of industry have advanced; the multiplication of taxes while property values depreciated; have brought the farm community to the end of its taxable resources. It is no longer able to pay.

And as a great President, who sleeps in the soil of this State, truly said:

"The legitimate object of government is to do for a community whatever they need to have done but can not do for themselves."

Certainly the farm communities need a serviceable outlet to market, and just as certainly they can not provide it for themselves. And in the language of the Great Emancipator, it is a "legitimate object of government" and one in which the Federal Government may well afford to cooperate.

And all the more so when it is apparent that a prudent extension of the present national road policy to include Federal aid for farm-to-market roads would not involve prohibitive Federal expenditures. The relative percentage of the annual contribution of the Federal Government to the States for the building of roads is not only comparatively small but it has been declining from year to year, until it is to-day less than half the percentage formerly appropriated. And the decline continues. In 1926 the Federal Government contributed 12½ per cent of the annual amount spent by the State highways departments; in 1927, 11.5 per cent; and last year only 9.8 per cent. In 1926 the percentage of the total amount expended on State, county, and local roads which the Federal Government supplied was 6 per cent; in 1927, 5.6 per cent; and last year but 5.2 per cent. The decrease in percentage is due to the increase in State expenditures, while the Federal appropriations have remained stationary. If the Federal Government would advance its appropriations in proportion to the increase in State expenditures, funds would be available to begin, in cooperation with the States, a plan for the construction of farm-to-market roads which would add appreciably to the national road system and bestow benefits to be secured through the adoption of few other administrative policies.

But financial aid is only one of the many benefits which would accrue from the extension of Federal aid to farm-to-market roads. Perhaps the principal advantage would come from the impetus it would give road construction in every community, overcoming local inertia, vitalizing local initiative, and organizing for coordinate action the sentiment and resources of every State and county.

Fully as important would be the assurance of experienced engineering and administration, insuring standardization and uniformity and the freedom from sectionalism and partisanship which Federal supervision would bring to this high task. The variation in plans and methods and the division in prestige and finance which must inevitably accompany such work if left to counties or other subdivisions would result in a heterogeneous system of patchwork roads, lacking articulation, indefinitely delayed, less serviceable, and more costly, than if constructed under the successful Federal supervision, which the trunk lines have enjoyed.

So overshadowing, in fact, are the advantages to be derived from Federal aid that it is difficult to imagine the adoption of any comprehensive plan for rural roads without it. In short, any practical prospect of securing an adequate system of farm-to-market roads is apparently dependent on the enlargement of the Federal road policy to include it. It is not essential, of course, that Federal aid be supplied directly to the local unit. The same results would be secured, and more satisfactorily, if contributed through the States. The extension of additional aid to the States, permitting them to take over the higher type of county roads, making it possible for the counties in turn to provide for the local unit, would have the same effect. Another alternative, frequently considered and not without merit, proposes to extend aid in the form of Federal loans made for long terms and at low rates of interest. This plan would finance such districts as desired to take advantage of it and would carry with it all the benefits of Federal supervision. It would displace the now general practice of issuing road bonds which frequently must be sold at a discount and which usually carry a higher rate of interest than the Federal Government could provide.

But the specific form in which Federal aid may be extended is not material. The vital consideration is that it be made available. Twelve years of Federal aid have convinced the most skeptical that the appro-

priation of Federal funds for the construction of highways is a sound economic policy and a profitable business investment.

Such expenditures are more than justified at this particular time. The greatest question before the American people to-day is the country-life question. Any measure which contributes so directly and so effectively to its solution merits prompt adoption.

A second question, hardly less important, is the growing problem of unemployment in the cities. The construction of a large system of widely distributed roads would absorb surplus labor and relieve the pressure of unemployment in every city in the land.

Incidentally, such a course would redeem specific campaign pledges of both political parties in the last election promising farm relief, high wages, good roads, and national prosperity.

We must take no backward step. Our national system of backbone roads, connecting the cities, is rapidly nearing completion. Ultimately the system must be extended to include the farm market. By supplementing this already admirable highway program with provision for an adequate system of farm-to-market roads, the Federal Government will lower the cost of living in the city, raise the standard of living on the farm, increase the national wealth, and provide the richest legacy that can be bequeathed to posterity.

HON. WILLIAM TYLER PAGE

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. UNDERHILL. Forty-eight years ago a boy entered the employ of Uncle Sam in the capacity of page to the House of Representatives. Without interruption since that time he has served in various capacities until to-day he occupies the position of Clerk of this House. I refer to William Tyler Page. [Applause.] He has the affection of every Member, and I am sure I voice the sentiments of my colleagues when I wish to him from them a very Merry Christmas and a Happy New Year. [Applause.]

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7491) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1931, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7491, with Mr. TREADWAY in the chair.

The Clerk read the title of the bill.

Mr. DICKINSON. Mr. Chairman, I yield myself 30 minutes. [Applause.]

Just recently Mr. Frank Pierrepont Graves, commissioner of education in the State of New York, paid the farmers of the United States the following compliment:

The most important craftsman in the world is the farmer. This has been true throughout the centuries.

His is the oldest art and the one altogether indispensable. It has made all other arts possible and enabled them to endure.

Civilization follows wherever it leads. We are all dependent on the handicraft of the farmer.

The farmer is not merely, like the scholar, a possessor of recognized knowledge and skill.

For nearly a decade now this preservation of our land has been accomplished by a most terrible sacrifice upon the part of the garrison of agriculture alone. All other groups have grown comfortable and prosperous, while the legion of farmers has protected the Nation from assault.

This declaration from one of the leading educators in New York is a partial justification at least for the pressure put forth in behalf of the farmers of this country in the legislative halls seeking the recognition of his cause and an effort to remedy the same.

This sentiment is fully indorsed by the members of the subcommittee. Therefore, much to our surprise, this morning there was received by every Member of the House a circular letter signed by Chester H. Gray, as the legislative representative of the American Farm Bureau Federation. In this letter he suggests some \$3,000,000 of increases and also suggests that he will be glad to have the Members of the House provide the amendments on the various items that he sets forth in this letter.

In order that you may know the attitude of the subcommittee having in charge this bill, I want to say that no member of the

subcommittee had any knowledge of any item in this statement until we received it on our desks this morning. There was no request before us for hearings.

No presentation was made to us of any item in which the American Farm Bureau Federation was interested, and for that reason I want to suggest to you that if you go over this entire record and see what the bill contains, I believe you will admit we have been extremely fair to agriculture and that we have tried to carry out the various phases of the work under the control of this department and have made additional appropriations wherever there seemed to be a necessity for them.

Mr. ADKINS. Will the gentleman yield?

Mr. DICKINSON. I yield.

Mr. ADKINS. In going over this bill, I do not now recall what the amount is, but I notice some very substantial increases in the appropriations for research work, especially, and I thought we were being taken care of very well.

Mr. DICKINSON. I will suggest to the gentleman from Illinois that for new items of research and additional research work we have in this bill \$1,531,000 plus. I think we have expanded the program of research very extensively.

Mr. SIMMONS. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Nebraska.

Mr. SIMMONS. I may supplement the statement of the gentleman by saying that all organizations that requested a hearing before the committee were heard.

Mr. DICKINSON. Every organization that made a request and every individual Member of Congress that made a request were heard by the subcommittee. So we eliminated no one. We gave everybody free access to our "court" and asked that their case be brought to us.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman.

Mr. SPROUL of Kansas. I would like to ask the gentleman whether any special item in the bill is mentioned for the investigation of diseases of cattle.

Mr. DICKINSON. Yes; I will get to that under the Bureau of Animal Industry.

Mr. SPROUL of Kansas. I notice you have certain diseases mentioned, but that would not authorize the expenditure of money to investigate causes of diseases other than those mentioned.

Mr. DICKINSON. There are various items here covering practically every phase of research work that you can possibly suggest. For instance, we have under the Bureau of Animal Industry new items covering inspection and quarantine, tuberculosis eradication, animal husbandry, hog types of diseases, and various other items. I do not remember whether we have any specific item covering new diseases of cattle, but so far as I know, since the Bureau of Animal Industry has been working on these matters for all these years, they probably know most of the diseases, and the only question is what to do with them after they have located the diseases.

Mr. SPROUL of Kansas. That is exactly the point upon which I rose to speak. I insist there are diseases of cattle which are playing havoc with the livestock industry in Oklahoma and Kansas the name and cause of which are unknown, and there has been a special report on these diseases made to Doctor Mohler, of the Bureau of Animal Industry, and I know there is a sincere desire among the cattlemen of these two States, if not other States, that a special appropriation be carried for the investigation of the ailments, the name and character of which are unknown, and the source of which is unknown.

Mr. DICKINSON. We are very glad to have the information, and I will say to the gentleman that this is the first information that has come to the chairman of this committee and the gentleman from Kansas [Mr. SPROUL] was invited to appear before us.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. DICKINSON. I yield.

Mr. SUMMERS of Washington. I call the attention of the gentleman from Kansas [Mr. SPROUL] to the fact that there is for the study of diseases of animals \$396,000, and this is not limited to any particular disease that has already been investigated and named, but any disease that might afflict animals in the future.

Mr. SPROUL of Kansas. I wish to suggest that if the wording of the bill is broad enough to provide that this money may be used in the way I have suggested I have no further inquiry.

Mr. DICKINSON. There is no question but what the department has unlimited authority to investigate every disease they know exists anywhere in the United States.

I want to mention one further phase of this matter to the committee. I notice in this statement of the Farm Bureau Federation they ask for \$200,000 for various phases of work on the pecan industry. The pecan industry in the United States amounts to between \$5,000,000 and \$7,000,000.

The appropriation carried in 1929 was \$74,302; in 1930, \$91,360; in 1931 in this bill, \$161,860. And now we find that this recommendation carries with it an additional item of \$200,000, when, as a matter of fact, the men who are on the subcommittee on the Democratic side, Mr. SANDLIN, of Louisiana, has a pecan research station in his own district and there is also one established in Texas. Two of the best authorities in the House, the gentleman from Louisiana [Mr. SANDLIN] and the gentleman from Texas [Mr. BUCHANAN], both are on the committee and have been given every dollar that they asked.

I cite that one instance to show you that this seems to be a sort of catchall request by Mr. Grey. I do not know how the various items were agreed upon, but I want to say that we have been absolutely fair in the consideration of every item in the bill, and for that reason I do not think Members of the House need have any great fear that agriculture has been unfairly treated in this bill at the hands of this committee.

Before I go into further details I want to make a general observation on one or two other subjects. In the first place, I suggest that the Federal Farm Board has taken a stand that I think is very important in the marketing of grain. It is true that they have been criticized by certain grain organizations. It is the very criticism that I expected they would receive; it is true Mr. Legge, who shows himself to be an outstanding man with a vision of his own and charged with the responsibility, says he is going to carry through for the producers of grain the suggestions set forth in that legislation.

I really think there is nothing that could have happened that could have sold the Federal Farm Board act to the country to a greater degree than to have had the commission men make the charges that they are making against the Federal Farm Board.

As a matter of fact, it makes every farmer who is a student of farm legislation feel that the board is really his friend and that they are not going to be dominated by the men concerned in the theory that their particular field of endeavor which has been the marketing and speculative field has been transgressed by the board. [Applause.] That is the one thing that will give the Federal farm act, as passed, a trial in the minds of every farmer who believes now that the Farm Board is a friend working for him.

As a matter of fact, these men can make the work of the Farm Board easy or they can make it hard. If they go on and insist on interfering, they will require the Farm Board to do five and perhaps ten times as much work as they are now doing or that they would do if they had the cooperation of these men.

Mr. NELSON of Missouri. Will the gentleman yield?

Mr. DICKINSON. I yield.

Mr. NELSON of Missouri. I want to ask the gentleman a question for information. Let me say that I heartily agree in what has been said with reference to the Farm Board. I feel that they have looked well after every interest in the bill.

Mr. DICKINSON. That is very kind of the gentleman from Missouri.

Mr. NELSON of Missouri. I read from the Washington Post:

Barnes told the committee that Legge had agreed that it was discriminatory for the board to lend money at 3½ per cent to its cooperatives, while the grain men had to pay 6 per cent, and in order to get around this planned to let the central marketing agency set up in Chicago have the money at the lower rate and it in return would charge the cooperatives the regular commercial rate.

Can the gentleman give me some information about that?

Mr. DICKINSON. It is my understanding that there was a discussion along those lines, but I do not see how they would be able to loan to one type of organization at one rate and to another type of an organization at another rate, because in that way they would stalemate and make impracticable everything that we want the Farm Board to do.

Mr. NELSON of Missouri. As I recall, we wrote into the farm marketing act a maximum rate of interest that could be charged.

Mr. DICKINSON. Absolutely.

Mr. NELSON of Missouri. Basing that on the Government maximum rate.

Mr. DICKINSON. Yes.

Mr. NELSON of Missouri. And also stating that in no case should it be more than 4 per cent.

Mr. DICKINSON. That is correct.

Mr. NELSON of Missouri. It would not be possible under this bill to charge the cooperative more than that.

Mr. DICKINSON. No. This is the only information I have with reference to that charge, and I do not see how it is possible for them to do that under the provisions of the law.

Mr. NELSON of Missouri. I hoped the gentleman might give us some information on that point.

Mr. GARBER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. GARBER of Oklahoma. The objections made by Mr. Barnes and Mr. Butterworth should properly be lodged against the provisions of the law instead of the ministerial duties of the Farm Board.

Mr. DICKINSON. That is correct.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. JONES of Texas. I read the article to which the gentleman from Missouri [Mr. NELSON] referred, and it seemed to leave the impression that it undertook to create, that the Farm Board was loaning this central agency in Chicago this money at 3½ per cent and they in turn were letting it out to the local cooperatives at a greater rate. Of course, while the act would not permit that directly, there might be nothing in the act that forbids them from letting it out, and in turn being relet at a higher rate. That would be a violation of the spirit of the law.

Mr. DICKINSON. As I read the law, that would be a violation of the spirit of the law.

Mr. JONES of Texas. Absolutely.

Mr. DICKINSON. And the whole purpose of this law is to permit this board to carry the benefits of the law out to the actual producer. Any time you limit those privileges under the law to one group with the understanding that they are going to impose an additional charge against the other unit further down the line, you will be violating the spirit of the law.

Mr. JONES of Texas. Absolutely.

Mr. DICKINSON. Many Members of this House are familiar with the long contest for farm relief legislation and the numerous bills presented to this House, and the final enactment of the bill under which the Federal Farm Board is now operating.

Personally, I am more than pleased with the accomplishments of the Federal Farm Board to-day. I was greatly impressed with the statement of the chairman of this board, Mr. Legge, in which he remarked that, "The United States Chamber of Commerce wants the Federal Farm Board to hang its clothing on a hickory limb, but not go near the water."

If there was any doubt in the minds of the friends of this legislation that the Federal Farm Board, and particularly the chairman, Mr. Legge, would take their job seriously and insist upon carrying out the policies fixed in the bill, the recent difficulty has erased such doubts from the minds of everyone.

Only yesterday there appeared before the Senate committee Julius Barnes, and the greatest complaint set forth by Mr. Barnes is the fact that under the Federal machinery the Federal Farm Board is in a position to make loans to cooperatives giving them an advantage over other marketing agencies at the present time.

As has always been the case, the question of financing is at the bottom of the complaint. It is my belief that the necessity for the board to operate under certain provisions of the new law will largely depend upon the attitude of the commission concerns with reference to the activities of the board. They are in a position to relieve the board of the necessity for action and permit the whole marketing machinery to gradually adjust to the new conditions, or they are in a position to take drastic action at once, which in the end will entirely eliminate a good deal of the present-day marketing machinery.

If the grain-marketing machinery of to-day is going to oppose the board in their effort to stabilize the market for farm products, it is an admission on the part of this marketing machinery that instead of being the friend of the producer it is the enemy of the producer. This fight is as old as history itself. One man earning a scant living producing a commodity upon which another can profiteer. This principle underlies the whole present-day grain-marketing fight.

The first suggestion of a Federal Farm Board functioning through cooperative producers' organizations was formulated in my own office. The committee printed the Dickinson bill on March, 1925, establishing four cardinal principles in farm legislation:

First, a board; second, a cooperative producers' agency through which the board could function; third, proper contracting authority; fourth, financing by the equalization fee.

The first three of these cardinal provisions are in the present law, but for the last there is substituted a revolving fund. I believe that the expansion of cooperatives in the end under the present direction of the Farm Board will absorb a sufficient per cent of the production of any commodity to where it will have

an influence upon the market, and in this machinery the farmer will have a direct bargaining power bearing upon the price of his commodity. It is my belief that the present board has sufficient authority, and I believe it is the disposition of the Congress to give them sufficient funds to make this authority effective.

The grain-marketing concerns of the country can go along and fit into the organization and be long lived thereby. On the other hand they can resist the organization and will thereby be eliminated as a marketing necessity for farm products. It is for this reason that the present controversy with the grain commission concerns of the country will tend to popularize the present farm legislation among the individual producers in every farming section of the country. I know of nothing that could have happened that is more convincing, that the present Federal Farm Board is determined to protect the producers, and that under existing conditions they have proper authority so to do under the law.

As to whether or not this system will refinance itself, experience alone will tell. It is in refinancing that most of the disputes of yesterday arose. If this farm bill will refinance itself and carry on under existing conditions, in the end a policy for agriculture will be established recognizing the just cause of the food producers of the country.

While talking upon finances, I want to call attention to another phase of the farm problem of to-day. I have reference to the financing of the farmer through the Federal Farm Loan Board. For some time it has been reported that the farmer is on the upgrade in the main. I think this is true, but there are so many embarrassments still in existence that I feel that the Government has not fulfilled its full commitment to the farmer, and, therefore, I want to discuss the farm-loan problem as it exists in the Mississippi Valley.

Only recently I have received numerous complaints from the farm organizations of Iowa with reference to the policies adopted by the Federal Farm Loan Board. I insert herewith a letter from one of the best-versed men in northern Iowa with reference to farm conditions.

You know that the great settlement day in the real-estate frenzy of 1919 was March 1, 1920. Practically all of the loans made at that time, including purchase-price mortgages, were for either 5 or 10 year periods. If for a 5-year period, they were renewed in 1925, and all of them, both the original 10-year mortgage and the 1925 renewals, will be due March 1, 1930. The mails are flooded right now with notices to mortgagors that their mortgages are becoming due and application should be made early, as they are anticipating a very heavy volume of business, and "first come, first served," is going to be the rule.

Now, instead of conditions easing up, here is what we find: A great many of the first mortgages made in 1920 were for \$12,000 or \$14,000 on a quarter section, and sometimes more. Practically all of those loans are bearing a 5 per cent rate. Now, they are demanding 1 per cent or 2 per cent commission to the broker for renewal and an increase to a 5½ per cent rate; and a further stipulation in the extension agreement that the mortgagor is to pay \$300, \$400, or \$500 on the principal each year during the next 5-year period.

This sentiment is not expressed in one letter; it is expressed in numerous letters; and I insert one paragraph from the letter written by the Crosley Investment Co., of Webster City, Iowa:

In the face of all this some of our life-insurance companies have recently, instead of decreasing the rate, increased it from 5½ per cent to 5¾ per cent and 6 per cent. Others are seriously considering and taking similar action, and besides, during the past year, there has been a general tendency on the part of all such companies to demand reductions in loans before renewal, and annual payments thereafter—difficult for some borrowers to meet in addition to the interest, taxes, and upkeep costs, etc. In cases where new loans are needed to limit the amount to a point where it does not meet the borrower's requirements and seemingly justified by the situation as to the security, standing of the borrower, and all elements affecting its desirability.

It is well also to insert a paragraph from the statement of Mr. A. F. Beck, secretary-treasurer of the Ottumwa National Farm Loan Association:

And do not overlook the fact in talking with the members of the Farm Loan Board that this is a cooperative financial lending institution, and the officers of the bank draw their salaries, pay little attention to the requests from their field representatives, the local secretaries, who have made possible in a large way the splendid report of their survey, a copy of which I inclose, and third, but not least, that the dishonest, unfair, and discouraging practice of willfully reducing or rejecting loans with a view that it makes a safe loan should cease. And that the recommendations of the Federal land bank's field appraisers, together with the association's recommendations, should have some or more value placed upon them.

I have given this information as a basis for the suggestion that by reason of the fact that the Federal Farm Loan Board

is at the present time inactive, that instead of throwing itself into the task of saving the farm homes in Iowa for the farmers, they are reducing their appraised values, they are finding sheer excuses for refusing loans and will not meet the demands made upon them to save the farm situation at the present time. I fully appreciate that money has been flowing into stock investments. I believe that with the recent decline in stocks, that available funds will again seek investment, and at a time when the Federal Farm Loan Board should be offering a security to the market, they have retrenched to where in many localities they are of practically no benefit to the farmer.

It is their function to see that interest rates are held down; it is their function to see that the farms of Iowa are saved for the benefit of food producers; it is their function to lead the way in safe loaning. For this reason I have introduced H. R. 7133 and Senator BROOKHART has introduced S. 2463 asking that the function of the Federal Farm Loan Board be transferred to the Federal Farm Board, and that the Federal Farm Loan Board be abolished.

This is a drastic remedy, but the only one that I know of at the present time that will serve the purpose. The Federal Farm Loan Board is in the exact position of the Federal Farm Board. They could do in farm loans just exactly what the Farm Board did in the wheat market. There is no excuse for their hesitancy or delay. At the present time they are functioning for the benefit of the financiers rather than for the benefit of the farmer. I have no sympathy with the management of the board at the present time. The Federal farm loan system was organized and should function in such crises as this. As a matter of fact, instead of functioning, they were practically out of the market for loans from about the month of June until about 30 days ago. It is my understanding they are now coming back into the market and asking for more loans.

I know what their trouble was. They did not want to sell the bonds at a high rate of interest, and therefore they have let the farmers suffer rather than have their system suffer under the penalty of paying a higher rate of interest on their bonds. They are now starting back into the loan business. They are loaning at $5\frac{1}{2}$ per cent, but the trouble is that too many foreclosures have been started there by reason of the fact that many of our insurance companies are saying that they must now have $5\frac{1}{2}$ per cent interest instead of 5 per cent; and on top of that, instead of having the loan renewed for five or 10 years, they want an agreement to pay down \$500 a year over and above the interest. The conditions in many cases are such that the owners can not make those payments, and the result is that the Federal loan system, that was organized for the benefit of the farmer, ought now to be inspired to greater activity, and it ought to be aggressively in the loaning business. It should be the safety valve for the finances of the farmers in farm loans. Instead of contracting its action, it should expand its action. It can regulate the present interest you can charge on farm loans. They say that now they have to charge $5\frac{1}{2}$ per cent. I believe that if they had been diligent, if they had been working on the job earlier in the year, they could have floated enough bonds at a lower rate of interest, so that they could have made loans at 5 per cent instead of $5\frac{1}{2}$ per cent.

Mr. MORTON D. HULL. Is not the interest rate limited under the law on those bonds?

Mr. DICKINSON. I understand not. The maximum is limited, but not the minimum.

Mr. BRIGHAM. Is it not true that one Federal farm land bank has established a 6 per cent rate?

Mr. DICKINSON. I think it is. It is true that these rates vary in some different localities; but do not confuse this with the joint-stock land-bank operations. That is why I have introduced a bill to transfer the functions of the Federal Farm Loan Board over to the Federal Farm Board, because then they would have not only control of marketing but also control of finances.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. ROMJUE. I understand that at a time when the farmers are suffering most, rates of interest have been increased.

Mr. DICKINSON. Yes.

Mr. ROMJUE. Does the gentleman's investigation enable him to place the responsibility?

Mr. DICKINSON. Oh, I think the responsibility can be placed only in one place, and that was the general trend of finances all over the country to center money in the stock speculations on the stock exchange; and the people went away from investment in bonds at a low rate of interest to a stock investment which they thought would bear a high rate of interest.

The real source of the trouble was the fact that so much of our own current funds were diverted into this other channel and it left the bond market without buyers.

Mr. ROMJUE. Inasmuch as these land banks have been established for the assistance of agriculture, notwithstanding the shifting of investments into the stock market, would not there still be a greater reason for the directors of these land banks to lessen the interest instead of increasing it?

Mr. DICKINSON. Of course, they will contend that their rate of interest to the farmer must depend upon the price at which they must sell their bonds; in other words, that they are helpless in fixing the rate of interest other than at the price they can finance their operations, because they must refinance themselves in the sale of bonds, and therefore their rate on the loan is fixed by the rate of interest at which they must sell their bonds.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. SNELL. I take it from the gentleman's statement that he has given some attention to the situation existing in the farm loan banks, and also the joint-stock land banks. Just what responsibility does the gentleman understand has the Federal Government over the finances in the conditions that exist in the joint-stock land banks at the present time?

Mr. DICKINSON. I do not think it has any.

Mr. SNELL. You do not think the Federal Government has any responsibility for it in any way whatever?

Mr. DICKINSON. No; except that the Government is responsible to the people who own the stock in the Federal land banks for their efficient management; but there, I think, the Federal Government's responsibility ends.

Mr. SNELL. Were not those organizations under the control of the Federal land banks before?

Mr. DICKINSON. That is true.

Mr. SNELL. Then there is a responsibility there.

Mr. DICKINSON. There is a responsibility there, but not a guaranty or anything of that kind.

Mr. SNELL. The Government has the obligation to see that the banks are properly supervised, but no more?

Mr. DICKINSON. Yes.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. COLE. Is it not true that the Federal Government has recognized the Federal joint-stock land banks as instrumentalities of the Federal Government?

Mr. DICKINSON. I think the Federal Government has acknowledged them as such, but not to the extent that it guarantees their stability. It is worked out under governmental machinery as fixed by statute.

Mr. BRIGHAM. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. BRIGHAM. Does the gentleman think that in the operation of the Federal land banks the Government should be exercising a closer jurisdiction?

Mr. DICKINSON. Yes. I think if a bank examiner examined a bank and found that its condition was such that something was wrong, it would make a report that the agency was not performing the function for which it was created. I think perhaps the best one of those banks is the one in Iowa, and the only criticism I have of it is that at the time they should have induced people to buy the bonds they were more intent on protecting their credit, with the result that the farmers could not get their loans at a low rate of interest.

One of the features in this bill that developed in the hearing, and I hope it will be carried out later, as has been suggested, is that sooner or later a bureau of agricultural engineering will be established in the Department of Agriculture. At the present time agricultural engineering is a subsidiary matter that has really been lost sight of in the management of the Federal roads program. It is believed that such an organization ought to be an outstanding bureau. One of the things they should be studying now is the various types of machinery to carry on farming operations. We have no specific bureau in the Federal Government at this time that is really going in and saying to the farmer, "You can use this type of machinery to better advantage than any other type." There is no department or bureau of the Government where the question of farm machinery is being particularly studied. There is no bureau where it is headed up so that it becomes effective and valuable.

Some of the items in this bill that I think members of the committee will be particularly interested in is the various types of service that we are seeking to expand. I am going to go through the various items and cite to you the various amounts of expense. First is the office of the Weather Bureau. There is a \$600,000 increase in the item for the Weather Bureau. What is it for? It is for giving weather reports covering additional air routes and commercial routes which are being established throughout the country. It is a service for the saving of life to provide warnings to pilots of aircraft. At first in the

committee we looked at \$600,000 and thought that was a tremendously large item. Then the committee reconsidered it, and after a while we said, "We can not afford, if you please, to curtail a system that involves the lives of men who are running the risk of accident in the airplane service," and therefore we increased the item for that service by \$600,000 over the amount carried this year.

Mr. HOUSTON of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. HOUSTON of Hawaii. Will the gentleman also state the amount of the increases carried in this bill for the marine meteorology in the Pacific, if any? Because the question of giving accurate forecasts in that general area for shipping is as necessary as for aircraft.

Mr. DICKINSON. For the year 1929 there were available appropriations of \$10,000 for marine meteorology in the Pacific. For 1930 the department requested the continuance of the \$10,000 appropriation, which was granted by the Budget. Five thousand dollars was added by Senate amendment, making a total of \$15,000 for Pacific work in 1930. For 1931 the department requested the continuance of the \$15,000 appropriation, which was granted them by the Budget and approved by the Committee on Appropriations for inclusion in the pending bill.

Mr. HOUSTON of Hawaii. At the time the hearings were held before the Senate subcommittee on this appropriation the Director of the Weather Bureau stated that the work in the Pacific was only being initiated and that the sums allowed were not sufficient to put it on a proper basis. I did not have a chance to appear before them because the Weather Bureau's report for the year had not been submitted. That is the only office in the Weather Bureau that has not submitted its report. I think a greater sum could probably be used to safeguard shipping. There is an area between the one hundred and eightieth meridian west and the one hundred and fiftieth meridian east on which no report has been made submitting any information at all, and it is in that area in which the weather traveling over the whole American Continent originates. The storms come from that area. At the proper time I shall offer an amendment.

Mr. DICKINSON. We next come to the Bureau of Animal Industry. I want to suggest that one of the big items in this bureau relates to poultry investigations. The increase in this bill for poultry alone is \$74,000. Of course, there are poultry associations which think there ought to be more, and there are poultry associations which think we should provide a fund of \$350,000. But, as a matter of fact, they are developing the program as far as poultry is concerned about as fast as the actual facts will permit. So this committee is expanding that work, and we believe we should expand it, because poultry is becoming more important all the time as time goes on. Therefore we have granted the Budget increase of that amount.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DICKINSON. Mr. Chairman, I yield myself 10 additional minutes.

We next come to the bureau having charge of the dairy industry. We have provided for the construction of additional facilities at the Beltsville Farm, which farm is conducting investigations in regard to various agricultural problems. The Members of this House should take a trip to the Beltsville Farm, located in the town of Beltsville, about 10 miles out of this city. It is an interesting place. They are carrying on tremendous and far-reaching experiments, and we are giving them a little additional equipment with reference to the development of the dairy industry.

The next item is the Bureau of Plant Industry. I think that most of us are interested more or less in the Mediterranean fruit fly. There is a statement in the hearings with reference to that pest. The item is not carried in this bill but is being carried as a supplemental appropriation, which is under the control of the chairman of the Appropriations Committee. I believe the recommendation of the committee now is that \$1,290,000 be appropriated immediately to carry on this work until further investigation is made.

Mr. GREEN. Will the gentleman yield?

Mr. DICKINSON. I yield.

Mr. GREEN. In connection with that, I trust we may have the assistance of the gentleman from Iowa a little later on a reimbursement program. Our people in Florida at this time are in a very bad financial way because of the fruit-fly ravages.

Mr. DICKINSON. That would go to the legislative committee, over which this committee would not have control.

Another item in which I think the committee would be greatly interested relates to the Forest Service and the expansion of the Forest Service work. It is conceded by practically everyone that if we are going to have forests we must have some

way of protecting them from forest fires. Our forest fires are tremendously serious. This year was a dry season, and although the item carried in this bill is only \$100,000, the fighting of forest fires is one of the items in which the Government can create an overdraft and where they can spend without limit as long as the necessity exists to fight a forest fire. This year they spent more than three and one-third million dollars for fighting forest fires in the Northwest.

There is only one way by which we can contribute to the elimination of forest fires so far as the Government is concerned, and that is to provide additional equipment whereby we can control a forest fire early in its inception, where we can get at it quickly and try to stamp it out before it covers a large area. In order to do that you must have additional fire equipment and have additional roads and trails. That fire equipment means lookouts, it means automobiles, it means fire trucks, and it means different things by which these people and their equipment may be conveyed quickly to a fire. We have allowed \$188,000 plus for new equipment. Then the next item is for the roads and trails by which we can lead out into the forests quickly and get at the location when a fire happens and prevent its spreading. It is an almost endless task to go out into some of those big forest areas and find your way through the underbrush to where a fire has been started by lightning. Therefore this committee for this year has approved an increase of \$1,500,000 for additional forest roads and trails. That means the cheapest type of roads. It means a type of road that is just sufficiently good enough so that you can pass over the road either with a truck or pack horse, or, if they are trails, by foot. It is a long, hard road to get into these back areas. That phase of the work, in my judgment, is one of the most important phases of the work that this committee is supervising at the present time.

Another item that we have increased by \$295,000 is the item relating to cooperative fire fighting. This means cooperating with the various landowners, the timber concerns, and those who happen to have property interests in these forest localities. The purpose of this cooperation is to set up a protection whereby a fire will be kept from the forest by reason of not permitting it to spread in areas that are adjacent to the forest. We have increased the item this year for that service, and I believe it is a worth-while service.

The next item is for the Bureau of Chemistry and Soils. There are two phases of this work to which I want to call your attention. The first is that the committee is expanding the fund whereby these surveys can be made. As time goes on and we try to adapt our soils to the production of different products we find we want a soil survey in order to tell us what type of soil we are dealing with. We find that the soil surveys are about three years behind in their printing, so you will find an increase of \$100,000 in the printing item and an increase of \$28,480 for the soil-survey work. As a matter of fact, that work should be brought up to date as quickly as possible, but you simply can not bring all phases of this work to perfection in one year.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. DICKINSON. I yield.

Mr. HILL of Alabama. How much of the \$100,000 increase in the printing item will be used for the printing of soil-survey maps?

Mr. DICKINSON. I can not give you the breakdown of the \$100,000. I think we could get it for the gentleman, but I do not think it is available right now.

Mr. BOX. Will the gentleman yield?

Mr. DICKINSON. I yield.

Mr. BOX. The gentleman has referred to the development of the poultry and dairying industry. I am not going to ask him to pause here and discuss it further, but I want to suggest to him that if the committee has been furnished with figures showing the development of those two industries up to this time that he include them in his remarks.

Mr. DICKINSON. As a matter of fact, in the dairying industry there is probably as little statistical information as in any industry in the United States. We are providing an increase this year for additional statistical work on the dairying industry. There is only a limited number of creameries in the United States which are reporting and we find that the data we have are insufficient to give an exact picture of the dairying situation in the United States.

Mr. BOX. What information has the committee as to the marketing conditions and prospects for dairy products?

Mr. DICKINSON. The condition, as I understand it, is that we are not up against a surplus. We are gradually diverting a great deal of our dairy milk into different types of cheese that we have not manufactured before.

We are now manufacturing in the State of Pennsylvania types of cheese that were formerly brought in here from Italy and other foreign countries. They are trying to divert what may become a milk surplus into two types of products; one is cheese and the other is dried skim milk with its various products; and they are expanding very, very fast, but I would not be able to give the gentleman definite information offhand.

In the Bureau of Entomology we have the control of the various pests that affect crop conditions in the United States. The old question of the corn borer always comes up. As a matter of fact, if you read the hearings this year you will find there is serious doubt as to whether they are going to be able to curtail the activities of the corn borer or whether sooner or later it will be found practically in all the corn areas. The other phase of it is that wherever the corn borer has spread at no time has it ever done any commercial damage where we have had what we call the high type of corn production.

We are still carrying in the bill \$1,200,000 for quarantine and control work, and we are still carrying large items for research work with respect to parasites and corn-borer control.

As a matter of fact, I think the chief in charge of the bureau has some doubt about the effectiveness of the control work in the State of Indiana in the matter of the expansion or the spread of the corn borer to the west.

Mr. HUDSON. Will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. HUDSON. Was it brought out before the committee that the chief in charge of this work practically admits there can be no control. The gentleman says the bill is carrying an item of \$1,000,000 plus for quarantine work, but have they not really abandoned the attempt to exterminate the pest in the fields?

Mr. DICKINSON. We have abandoned the eradication work in trying to destroy or exterminate the worm.

Mr. HUDSON. In the quarantine work, have they not found each year that they have simply put the quarantine line back farther so that practically the quarantine work has done no good?

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. BUCHANAN. Mr. Chairman, I yield 10 minutes to my colleague the gentleman from Iowa.

Mr. JOHNSTON of Missouri. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Missouri.

Mr. JOHNSTON of Missouri. On page 57 of the bill there is an appropriation of \$680,000 for the destruction of predatory animals such as wolves and coyotes. Is this an increase of appropriation?

Mr. DICKINSON. Oh, yes.

Mr. JOHNSTON of Missouri. What is the amount of the increase?

Mr. DICKINSON. I have not come to the Bureau of Biological Survey. I will take that up a little later.

Mr. HUDSON. I hope the gentleman will take time to answer the question I put to him on the matter of the quarantine.

Mr. DICKINSON. The Clerk will give me that information later.

Mr. JOHNSTON of Missouri. I am prompted to ask the question because in Missouri we have been troubled in the mountains by the depredations of wolves on sheep and lambs and goats and I am advised by the Department of Agriculture that they did not have sufficient funds and we are not under their jurisdiction for this protection. Oklahoma and Arkansas have it, and we have asked that it be extended to Missouri. It seems that fires in these two States drove the wolves into our State several years ago and we are trying to take some steps to protect ourselves.

Mr. HUDSON. The question I was trying to get an answer to is this: You are carrying in the bill a further provision for quarantine work, but is it not the fact that the quarantine is not effective and that each year you are moving the lines of the quarantine west and north from 20 to 30 miles, showing that the quarantine is not effective?

Mr. DICKINSON. The average spread of the corn borer, as we have studied it for a number of years, is about 20 or 25 miles, and in some instances possibly 30 miles. It is the claim of the bureau having charge of this work that the only effect of the quarantine and the control work is to prevent corn affected with the corn borer being carried 200 miles or 300 miles or being taken in an automobile and carried a long distance and therefore have the spread not only 20 miles but a much longer distance.

Mr. HUDSON. But they admit it will go the 200 miles.

Mr. DICKINSON. They admit that it will in time.

Mr. HUDSON. It seems to me it is a waste of \$1,000,000 in the appropriation bill.

Mr. DICKINSON. That matter has been discussed, and the question is, When do we want to assume the responsibility of saying that it ought to be cut off?

Mr. KETCHAM. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Michigan.

Mr. KETCHAM. In connection with the gentleman's statement a moment ago in which he said that the highest authorities had agreed that the corn borer would not be destructive in a commercial way in the areas that were of the highest type of production, what did the gentleman have reference to? Is that a term that has to do with productivity of the soil, or does that have to do with the matter of altitude?

Mr. DICKINSON. It has to do with the type of cultivation and the methods used in the production of the corn.

Mr. KETCHAM. Will the gentleman please give just a moment to a statement with reference to the prevalence of the corn borer in the higher elevations; whether or not they are more prevalent in the lower elevations adjacent to bodies of water or otherwise?

Mr. DICKINSON. The only places where the corn borer has done commercial damage have been in the low and marshy type of ground that has a water level very close to the surface of the ground, like along the edges of Lake Erie and along the coast near the town of Salem in the State of Massachusetts. It has never done any commercial damage in the productive areas where they have corn produced in large fields with the standard methods of cultivation and rotation. Therefore, it seems to be a fair conclusion that the danger of the corn borer is largely eliminated, first, by the type of soil you are producing it on and, second, by the type of cultivation under which production is being carried on.

Mr. SLOAN. Will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. SLOAN. Does the gentleman suggest that the Department of Agriculture of this country is thinking of abandoning the work of eradicating the corn borer and protecting our greatest crop and is suggesting that we confine it to systems of cultivation which the large producers of corn can not carry out, to wit, the low cutting and the plowing under to large depths, and so on? In other words, in the large campaign for battling with this greatest enemy that agriculture has, is it being suggested that they are thinking of either surrendering or having an armistice with the corn borer?

Mr. DICKINSON. Well, I will say to you that so far as eradication is concerned they have surrendered. So far as control is concerned, they are still carrying on.

Mr. BUCHANAN. I might suggest to my colleague that the only hope the department holds out is that they might procure parasites that would completely control the corn borer in time. So far as eradicating it otherwise, they say there is no hope.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield.

Mr. LOZIER. Is it not true that the corn borer finds a hibernating or lodging place in a variety of weeds and vegetation, and that it is less prevalent in the Corn Belt proper, where clean cultivation is more general, than in the other regions, where weeds are allowed to grow?

Mr. DICKINSON. That is absolutely true; there is no question about that. The corn-borer situation is one, I think, of the real studies the department is carrying on. The great hope is that if you are going to control the corn borer, it must be by parasites rather than destroying his host or the stalk that he lives in. On the other hand, where they have the highest type of production of corn and the best method of cultivation the corn borer has not been found to do any great damage.

The next thing is the Bureau of Agricultural Economics. One of the outstanding items of increase is where we are appropriating about \$58,000 for economists to study and give information to the new Federal Farm Board. We find that the Farm Board has approved the suggestion that these men can help them, and this increase is for that purpose.

Going on down, you come to the question of preventing the spread of the Japanese or Asiatic beetle. The Japanese beetle, I think, it is admitted is a pest that they are not going to be able to eradicate. It is a matter of preventing the spread from being too fast; there are a number of new areas, including Washington and some parts of the State of Maryland, that we are trying to take in by an additional fund and prevent the spread too rapidly. It is admitted that they are not going to eradicate it, but they are trying to prevent the spread too rapidly.

Mr. GARBER of Virginia. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman.

Mr. GARBER of Virginia. I would like to know what information the subcommittee had the benefit of regarding the appropriation for fighting insects on deciduous fruits. I notice

that you have an appropriation of \$4,200 for the study of the oriental moth and the curculio which now menaces the peach industry. Then, in the next paragraph, you have \$5,000 for fighting the apple insects on the Pacific coast. Did the committee think that the small sum of \$4,200 was at all adequate for the purpose?

Mr. DICKINSON. That is merely an increase in the breakdown, and when we return to that I will give the gentleman the additional amount. This is an increase from last year's appropriation. The gentleman is simply speaking of the increase when there is an allocation out of the total appropriation.

Mr. GARBER of Virginia. The appropriation made by the increase covers only Yakima, Wash., territory. Was there any information given as to other sections where the apple industry badly needs it?

Mr. DICKINSON. We heard complaints from every section of the country. I do not remember the amount given for the Pacific coast, but I do remember that we heard complaints from every section of the country; they were practically all presented to our committee and given consideration.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. Did the committee give consideration to the plan of eradicating the wireworm of Idaho?

Mr. DICKINSON. We gave an increase of \$25,000 over last year's appropriation for work in the Northwest; and \$7,500 for beginning the work in South Carolina. So we have last year's appropriation—the amount I do not recall—but we have added to it \$25,000 for extension work and the additional work in South Carolina. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. BUCHANAN. Mr. Chairman, I yield three minutes to the gentleman from Maine [Mr. Snow].

Mr. SNOW. Mr. Chairman, as my Republican colleague the gentleman from Iowa [Mr. Dickinson], chairman of the subcommittee, was unable to yield me any of his time, permit me, therefore, to express my deep appreciation to our experienced southern Democratic colleague the gentleman from Texas [Mr. Buchanan], ranking minority member of this subcommittee, for his courtesy and graciousness in yielding 3 of his allotted 20 minutes to a green Republican Yankee from the extreme northern tip of the country.

The proposed creation of a separate bureau of agricultural engineering, to which allusion has already been made, is a matter not only of interest to all agricultural sections but of deep concern to all Members from districts containing large urban populations.

Some years ago the Department of Agriculture, through its Bureau of Roads, made a study of railroad-track potato-storage houses in the great potato-growing county of Aroostook, which county I have the honor of representing in this House. As a result of this study and research the construction of such houses was completely revolutionized, and the department estimates that a saving of 1 barrel of potatoes in every 100 is now being made by virtue of this new type of construction.

The problem, however, of the construction of a satisfactory farm potato storage house for the individual farmer is yet to be solved, and my attention has recently been called to this fact by Mr. Verne C. Beverly, our county agent, and Mr. E. L. Newdick, of the Maine Department of Agriculture. Various types are in use, many of which are unsatisfactory. If similar study and research could be made of this problem, it would result in the further saving of hundreds of thousands of barrels of potatoes per year, and what is true of potatoes is equally true of many agricultural products produced in all parts of the United States. Up to the present time all agricultural engineering work has been done through the Bureau of Roads. This is not as it should be, and the limited work of this kind now being performed is in the nature of a side issue with the Bureau of Roads, as it has not the time, equipment, personnel, nor money with which to do any extended work in the field of agricultural engineering.

If time would permit I could enumerate to the Members of this House at least 20 subjects affecting the East, West, North, and South which could immediately and profitably be taken up by this proposed new bureau. Through the agency of a bureau of this type huge economies could be made in the keeping and storing of agricultural products and in the improvement of farm machinery, appliances, and buildings, the result of which would be twofold—a more satisfactory life on the farm and a lower price on many farm products to the consumer.

I sincerely hope that a bureau of agricultural engineering will be created at this present session of Congress,

Mr. BUCHANAN. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. Gifford].

Mr. GIFFORD. Mr. Chairman, I ask for this one minute to place in the Record a statement. We from the eastern section of the country ask very little in this agricultural appropriation bill, and we are willing to have the rest of you gentlemen get all you need. However, the cranberry industry in my district is in real jeopardy. The Department of Agriculture have informed the committee of that fact. The department asked for \$10,000 in order to take care of a disease that threatens the actual extermination of this industry, and I well understand this statement from my own personal observation. I hope, therefore, that a little sympathy will be exhibited on the part of the members of the committee if we should offer an amendment to take care of that particular industry.

Mr. BUCHANAN. Mr. Chairman, I yield the remainder of my time, six minutes, to my colleague from Texas [Mr. Jones].

Mr. JONES of Texas. Mr. Chairman, and gentlemen of the committee, I was very much interested in the statement of my friend from Iowa [Mr. Dickinson] about the attitude of the Farm Board with respect to the rate of interest to be charged local cooperatives under the terms of the farm measure. His statement is important if his diagnosis is correct, and I hope it is correct, because I believe that is the attitude that should be assumed. However, it is interesting to note that not only the Washington Post in construing Mr. Barnes's testimony reaches the conclusion indicated by the interruption of the gentleman from Missouri [Mr. Nelson], but the same reports are to be found in the New York World and the Journal of Commerce and other newspapers, along the same lines, to wit, that it is the intention of the Farm Board to charge the Central Marketing Agency 3½ per cent as the rate of interest, but the said marketing agency shall in turn charge the local cooperatives, the ones who really handle the local grain, the grain of the farmer, the commercial rate of 6 per cent. I hope that is not a correct interpretation. I realize the difficulties under which the Farm Board is laboring. I want them to succeed, and I am sure that everyone else in the House feels the same way. I believe there are certain discriminations in the legislation of this country against the farmer.

The chief merit which the bill which we passed possesses, the one thing of outstanding merit, is the low rate of interest that is to be charged the farmer. If that goes out, the main item, the farm bill, disappears like the mists of the morning. Of course, the thought is to encourage cooperative marketing. Everyone is for that.

The difficulty heretofore has been that the cooperative has been forced to carry the noncooperative on its shoulders. The theory of the farm bill, running through it, shining on every page of the measure, is the thought that by making a lower rate of interest, the cooperatives will be able to handle their own products. If the bill has not that in it, in my judgment then it has very little.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. KETCHAM. Is it not true that the principal burden of carrying, to which the gentleman refers, is borne by the large cooperatives and not the small cooperatives? Their elevator capacity is very small. Is not the real carrying to be done by the large organizations?

Mr. JONES of Texas. That depends upon the method of operation. In my own town, for instance, in the wheat problem, the local elevators, the local dealers, and the cooperatives are handling their production. They borrow the money direct from the intermediate credit bank and they handle it themselves. They store some grain in the local elevators and some in the terminal elevators, but when they do, they pay the warehouse charges and the insurance charges and all charges that go with the storage facilities. Of course if it is correct that the whole program and the expenses shall be borne by the national organization and not charged to the local organization, well and good, but I think the gentleman will find that the national organization will not bear the expense incurred by the local. In the New York World we find this statement:

According to Barnes, Legge made the concession that the Government should advance money to the Farmers' National Grain Corporation at the low rate, but the latter in turn should charge the current commercial rate on its advances to the local cooperatives.

In substance that is repeated in the Journal of Commerce Reports, and the figures 3½ per cent and 6 per cent are used. The next day the New York World editorially placed the same construction upon it. I do not know. It seems to be in a sort of murky condition. I do not think a situation as impor-

tant as this, involving as it does the very heart of the farm bill, should be left in a nebulous condition.

I read in this connection section 8 of the farm bill, which runs as follows:

Sec. 8. (a) Loans to any cooperative association or stabilization corporation and advances for insurance purposes shall bear interest at a rate of interest per annum equal to the lowest rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation bearing a date of issue subsequent to April 6, 1917 (except postal savings bonds), and outstanding at the time the loan agreement is entered into or the advance is made by the board, as certified by the Secretary of the Treasury to the board upon its request: *Provided*, That in no case shall the rate exceed 4 per cent per annum on the unpaid principal.

That, it seems to me, is just as clear as the English language can make it, and it would be the intention, I am sure, of the Congress, at least as evidenced by the actual language and utterance of the bill itself, that the rate of interest in any event should not exceed 4 per cent. That was the basis upon which the organizations themselves were to be successful. Now there may be some other methods or means by which it has been done, and if so I hope it will be fully brought out.

It may be possible that it is the intention that the parent organization shall pass the difference in rates of interest to its surplus account and thus build up a reserve for future operations, but if this is the plan it was not made clear in the press reports that I have read.

The CHAIRMAN. The gentleman's time has expired. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY
SALARIES

For Secretary of Agriculture, \$15,000; Assistant Secretary, and for other personal services in the District of Columbia, including \$7,294 for extra labor and emergency employments, and for personal services in the field, \$721,000; in all, \$736,000, of which amount not to exceed \$708,000 may be expended for personal services in the District of Columbia: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, as amended (U. S. C., title 5, secs. 661-673; U. S. C., Supp. III, title 5, sec. 673), with the exception of the Assistant Secretary the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grades except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year, and then only to the next higher rate: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923 as amended, and is specifically authorized by other law: *Provided further*, That the Secretary of Agriculture is authorized to contract for stenographic reporting services, and the appropriations made in this act shall be available for such purposes: *Provided further*, That the Secretary of Agriculture is authorized to expend from appropriations available for the purchase of lands not to exceed \$1 for each option to purchase any particular tract or tracts of land: *Provided further*, That no part of the funds appropriated by this act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of cotton or the trend of same.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent that in line 22, page 2, the word "grades" be changed to "grade." Strike off the "s."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 22, strike out the word "grades" and insert in lieu thereof the word "grade."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word, just for the purpose of finishing what I started to say a little while ago.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. JONES of Texas. Mr. Chairman, I offer this amendment not for the purpose of being captious or offering criticism; I do not want to be put in that attitude. I want the board to have every opportunity and chance to make a success of the great operations they have undertaken, and I hope that the construction which has been placed upon it by certain of the newspapers is an erroneous one.

I was made uneasy by the almost universal comment of the leading papers on that particular situation. I am not commenting on what rate of interest may be charged to the commission men. They are not concerned in the bill. The board is not authorized to make loans to them. I do not think they should be injured. But I think the board in carrying out the measure should at least see to it that the farm cooperative, down to the smallest local unit, should be furnished such moneys as may be proper to advance to them at a rate of interest not exceeding that stipulated in the bill.

Now, it may be that the board has formulated some sort of a plan by means of which the local organization can be charged at 6 per cent and the national organization absorb most of the charges, as suggested by the interruption of my friend from Michigan. I do not see how they can do that, but if they can, that will throw a new light on the affair.

I know that the board is being bandied about on every side, but I am very much encouraged by the statement given out by Mr. Legge, whom I have come to regard as a man of tremendous ability, to the effect that he expects to fight for the farmer all down the line, and I think it is proper that Congress should show its attitude and its interest in seeing that none of those rights are surrendered.

Mr. WHITE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Maine is recognized for five minutes.

Mr. WHITE. Mr. Chairman, I want to speak briefly of a matter that was called to my attention yesterday by my colleague [Mr. Snow]. There came to his desk, and I think to the desk of every Member of the House, two pamphlets from the Mississippi Valley Association. One is a statement of the purposes of that association and of resolutions passed at a meeting last November. According to this pamphlet, this association represents the commercial, the industrial, and the agricultural interests of some 26 States lying between the Alleghenies and the mountains of the West. Its purposes are to further the development and use of a great Mississippi Valley waterway system connecting at the ports of the country with American-flag ships in the overseas trade. As a part of the program to effectuate this purpose the association recommends a great development scheme affecting these waters, and as a part of that, a comprehensive plan of flood control. It advocates the diversion of water from the Great Lakes and terminal developments along these interior waters and, I believe, along our coast ports.

With that pamphlet came another, which I hold in my hand, which indicates that it is the intention of this association in 1930 to visit the Old World, and they are going, not in one of these American-flag ships to which they profess loyalty, but in a ship owned by the Canadian Pacific Railroad, flying a foreign flag.

Gentlemen of the committee, the Republican Party has always believed in the internal development of this country. I know of no Representative or Senator from the State of Maine who has not been a consistent advocate and supporter of such a policy. And yet there are some of us from the State of Maine and from other States along the Atlantic seaboard, States suffering from the diversion of traffic from our ports by Canadian railways to Canadian ports and ships; from preferential tariff rates enforced by Canada and aimed at our ports and ships, aimed directly at the port of Portland, from which my colleague [Mr. BERRY] comes; from embargoes and quarantines and regulations directed against cattle and grain and apples and potatoes, products of our soil or products normally moving through American ports along the Atlantic seaboard; from the impact of Canadian competition with our products and our workers, States apprehensive as to the projection into the indirect trade moving from Atlantic ports to near-by markets, of British ships, fighting ships in a commercial sense, designed to embarrass and to do harm to American steamship lines long established in this trade, who can not become too enthusiastic about this purpose of the Mississippi Valley Association to go overseas in that Canadian ship. I think most of us would feel

much happier if these men of the Mississippi Valley Association recognized the fact that they could render a distinct service to the American merchant marine by traveling on one of these American-flag ships.

Mr. DICKINSON. Will the gentleman yield?

Mr. WHITE. Yes.

Mr. DICKINSON. Will the gentleman kindly advise the committee why they happened to select a Canadian ship rather than an American ship?

Mr. WHITE. I can not answer that, but I can tell the gentleman why they ought to have taken an American ship. [Applause.] When we see this vast plan of expenditure, some of us down in the State of Maine and along this coast begin to wonder when there is going to be manifested a little greater interest and a little larger sympathy for us, in some of these problems and some of these difficulties to which I have alluded. I want to urge in all seriousness, but in perfect good temper, that those Members of the House who come from these great States carry to this association the suggestion that they utilize on this trip one of our American-flag ships, for which all of us are trying to do something, and then I invite all of you men to listen with a sympathetic ear to some of the proposals which may hereafter be made looking to a solution of these difficulties which beset us of the East. [Applause.]

Mr. BEEDY. Mr. Chairman, I move to strike out the last three words. If the committee will pardon me, I should like to do that which I think will accord with the sentiment of the House.

Mr. DICKINSON. Will the gentleman yield?

Mr. BEEDY. Does the gentleman from Iowa desire that I yield to him?

Mr. DICKINSON. Yes.

Mr. BEEDY. I yield.

Mr. DICKINSON. The members of the Mississippi Valley Association would like to invite the gentlemen from Maine to join the association, so that we will have the benefit of their counsel and help.

Mr. BEEDY. I thank the gentleman very much, indeed, for the invitation. We shall be glad to cooperate at all times in any project which has for its purpose the development of the Mississippi Valley. We always have. We always desire to assist the people in the gentleman's State and in all that great stretch of States bordering the great Mississippi River.

I felt it was peculiarly proper that this matter be called to the attention of the committee by my colleague [Mr. WHITE], whom I very highly esteem. I think we may all say that there is no Member of this House who in this day and time has done more for the American merchant marine than Congressman WHITE, of the second district of Maine. [Applause.] I myself desire to express my personal appreciation to him for his efforts, and I feel confident the House approves this expression of kindly sentiments toward him. [Applause.]

The pro forma amendments were withdrawn.

The Clerk read as follows:

OFFICE OF INFORMATION—SALARIES AND GENERAL EXPENSES

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, including labor-saving machinery and supplies, envelopes, stationery and materials, office furniture and fixtures, photographic equipment and materials, artists' tools and supplies, telephone and telegraph service, freight and express charges; purchase and maintenance of bicycles; purchase of manuscripts; traveling expenses; electrotypes, illustrations, and other expenses not otherwise provided for, \$410,000, of which not to exceed \$385,000 may be used for personal services in the District of Columbia in accordance with the classification act of 1923, as amended.

Mr. BLACK. Mr. Chairman, I move to strike out the last word. I would like at the outset to join the gentleman from Maine [Mr. BEEDY] in his commendation of his colleague [Mr. WHITE]. I have had some legislative experience, and I have never met a more capable and at the same time a more courteous legislator than Mr. WHITE. Being interested in the merchant marine, I am glad that the fight for the merchant marine is in such excellent hands. I am a little sorry, though, that he did not answer directly the query put to him by the distinguished leader of the farm bloc as to why the Mississippi Valley Association prefers to travel in Canadian-owned vessels. I will try to do that as I go along.

My main reason in rising is in the interest of adequacy. I want to help the Department of Agriculture make complete reports. For some time in the House I have been discussing the economic fact that prohibition is bad for the farmer.

At one time the Department of Agriculture in its Yearbook had something to say on that matter which was not so favorable to prohibition. However, for some reason, in recent years,

the Department of Agriculture has seen fit to delete all reference to prohibition and we have no light on the subject from an official department.

I realize that the Department of Agriculture is a far more popular author in the West than the gentleman from New York, and I realize that what I say about this question will never reach the West, so I am going to insist that the Department of Agriculture do something about this very serious question. Why conceal from the farmer through official reports the fact that prohibition has had a disastrous effect on the farmer? Why conceal from the farmer that he is the real martyr to prohibition? We have the farmers in the United States living under a dole system while the bootleggers of the United States are riding in fine limousines. The wealth of the Anti-Saloon League, its main financial support, came from the farmer. The wealth of the bootleggers was at one time the wealth of the farmers. When the brewer and distiller went down the bootlegger came up. The bootlegger was created at the expense of the farmer, because the farmer lost two of his most important and substantial customers, the distillers and the brewers.

Mr. SIMMONS. Will the gentleman yield there?

Mr. BLACK. Yes; I will yield to the gentleman.

Mr. SIMMONS. The gentleman states the farmer lost these two customers, the brewers and distillers. This is on the assumption that the farmer lost that market for his grain.

Mr. BLACK. Yes.

Mr. SIMMONS. Then it must necessarily follow that we are not consuming as much liquor as we did before prohibition.

Mr. BLACK. Not necessarily, at all. We are consuming a different type of liquor, that is all.

Mr. SIMMONS. From what is it being made?

Mr. BLACK. I explained that before with respect to the barley farmer and the hop farmer. The people are not consuming beer the way they used to. They are consuming different liquors, and where are they getting their liquor from? They are getting it not from the grain of the American farmer, but the grain of the Canadian farmer is coming across our border in bottles.

The Anti-Saloon League is about to hold a convention to commemorate the decade of prohibition. Now, where is it going to hold its convention? It is going to hold its convention in Detroit, and I hope the boys of the Anti-Saloon League will enjoy themselves in Detroit and adjacent places. But while they are having a good time, what about the poor farmer, whom the Anti-Saloon League has ruined, worrying about his notes?

I will say one thing about the Detroit convention. No matter how much whoopee they make there, they will never be able to trump that dry convention held at Kansas City.

I believe the bootleggers of Detroit, out of a spirit of generosity, ought to stand treat for all the anti-saloon folks that come there. The bootleggers certainly owe them everything.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BLACK. I yield to the gentleman.

Mr. COCHRAN of Missouri. Is it not a fact that if the members of the Anti-Saloon League will make an investigation, they will find that the market of the farmers who formerly raised rye and barley has been completely destroyed and that these farmers are now raising wheat and causing an increase in the surplus of wheat?

Mr. BLACK. I do not know whether the Anti-Saloon League, when they meet in Detroit, are going so far as that in their investigations or not. I think they will stop at a certain place, and if the bootleggers have any sense of responsibility to the rest of the country, they may stop them forever.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK. The distillers under the old régime used as much corn as we annually export. The trouble with the corn farmers is the exportable surplus. Had we the distillers to-day they would use this exportable surplus and there would be no surplus.

I have a bill for farm relief before the Committee on Agriculture and the bill is based on modification allowing all the farmers to brew beer and use their grains for the making of beer. I am going to ask the Committee on Agriculture to give me a hearing on the proposition. The gentlemen on the committee know that I always follow the Committee on Agriculture and I am entitled to this courtesy.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BLACK. Yes; if the gentleman will be very brief.

Mr. SCHAFER of Wisconsin. The gentleman should call the attention of the House to the fact that at the last session the leaders from the agricultural States in the great Northwest made a very strong fight to increase the tariff on blackstrap, so they could use more of their corn for distilling alcohol. If they would change the prohibition laws, perhaps, they would use some more of their corn, notwithstanding the fact they did not get the tariff.

Mr. BLACK. I may say that the farm bloc can always go old Satan one better for ways that are dark and devious.

Mr. DICKINSON. Will the gentleman yield?

Mr. BLACK. I am always pleased to yield to the gentleman from Iowa.

Mr. DICKINSON. Does the gentleman realize that the corn off of one good quarter section of Iowa land will make enough alcohol—the rate being 4 quarts to the bushel of corn—to keep New York drunk for six months? [Laughter.]

Mr. BLACK. I do not know what it could do for New York. [Laughter.]

Mr. DICKINSON. If the gentleman would go to Iowa and examine the statistics, he would find there is no comparison of sobriety and literacy in the two States.

Mr. BLACK. I do not know of anything that would do Iowa more good than a good, substantial drunk. [Laughter.]

This morning I was before the Committee on the Judiciary and attended a hearing where we heard the distinguished superintendent of prisons, Sanford Bates, who made a very splendid argument for some bills for the amelioration of the condition of prisoners, but he had to ask for two more jails, and this during prohibition. Foreign countries are destroying their jails and tearing them down, while here in this great enlightened United States the Attorney General had to appear before our committee and ask for new construction.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. SCHAFER of Wisconsin. And the police statistics of the State of Iowa will show a great increase in drunkenness and drunken automobile driving since prohibition. They apparently do not drink in Iowa the way they vote.

Mr. BLACK. What do they do—drink from the gas tanks? [Laughter and applause.]

The Clerk read as follows:

Total, office of information, \$1,352,000, of which amount not to exceed \$385,000 may be expended for personal services in the District of Columbia.

Mr. HILL of Alabama. Mr. Chairman, in this item of the bill there is carried the appropriation for the printing of soil surveys and soil-survey maps. I listened with much interest to what the chairman of the committee, the gentleman from Iowa [Mr. DICKINSON], had to say about the importance of the soil-survey work and the printing of the surveys and the maps. Dr. Henry G. Knight, who is head of the Bureau of Chemistry and Soils, under which bureau comes the soil-survey work, in testifying before the committee emphasized the importance of increased appropriations for the work and for the printing of the surveys and the maps in the following statement:

The demands made by the States for soil-survey work has increased very materially, and it is impossible with the present allotment to meet cooperation to the extent offered by the States. Since the last budget was prepared Kentucky, Alabama, Oklahoma, Vermont, and Porto Rico have obtained increased appropriations for the work. Washington and New York are expecting additional funds. It is now necessary to assign a smaller number of bureau men than are put in by several of the cooperating States. Because of the nation-wide character of the soil-survey work, scientific leadership must be maintained by the Federal Government in order to secure absolute consistency throughout the country. Unless the bureau maintains this leadership, it will be difficult, if not impossible, later to harmonize the work on a national basis. The ultimate purpose of the soil survey is to classify and map the soils of the Nation in order that there may be brought about better adjustment between soil types and crops, fertilizer usage, and cultural methods, to the end that an efficient agricultural industry may be maintained.

The gentleman from Iowa [Mr. DICKINSON] has advised us that the committee has increased the appropriation for this year for the soil-survey work some \$36,000 over last year, and that the committee has increased the appropriation for the printing of soil surveys and maps by some \$25,000. We are glad to have these increases, and are grateful for small favors received, but I very much hope that in the future the increases may be much more substantial. If the soil-survey work is carried on at the present rate, it will require some 30 years to complete this work in the country. The department is four years behind in the matter of the printing of the soil surveys. In other words, if

a soil survey were completed on January 1, 1926, that survey, with the map, would not be available and ready for distribution until January 1, 1930. Just now in the South we are passing through a transition period in the matter of crop production. We of the South have been largely a one-crop country, and that crop has been cotton. Several weeks ago Mr. Carl Williams, of the Federal Farm Board, made a speech in my home city of Montgomery, Ala. It was a most interesting speech, and among other things Mr. Williams laid emphasis on this proposition, that there are vast areas west of the Mississippi River that can produce cotton anywhere from 5 to 10 cents per pound cheaper than we can produce it on our acres east of the Mississippi River. You gentlemen can see the problem which this condition presents. To a greater or lesser degree we must turn from the production of cotton to the production of other crops. The State of Alabama, recognizing this fact, has within the past year established in different sections of the State five experiment substations. For the farmers and people of Alabama to derive real benefit from these substations it is necessary that we have the soil surveys and the soil-survey maps. After a station has found that a certain crop will grow best in a given soil, the only way we have to tell where that soil is is by a soil survey and a soil-survey map.

The Bureau of Chemistry and Soils, under the very able leadership and command of Doctor Knight, in cooperation with the States, is doing a wonderful piece of work, but this work is necessarily limited by the funds which Congress provides for the work. I want to earnestly commend to the Committee on Appropriations the compelling need for more and greater increases for the work. Under leave granted me I extend my remarks by inserting here a brief but excellent summary of the uses of the soil survey:

USES OF THE SOIL SURVEY

1. Basic work and its value to experiment stations:

(a) In States where soil surveys have been made the experiment station locates outlying experimental fields on major soil types, thus giving wide application to the results obtained.

(b) Maps also used in establishment of drainage districts and in farm management studies.

(c) Maps used as basis for study of prevalence and spread of insect pests and plant diseases such as corn borer or root rot of cotton.

2. Government departments and Federal organizations:

(a) Reclamation Service and Office of Indian Affairs use soil survey maps as basis for selection of lands for settlement and in the location of irrigation projects.

(b) Forestry Service uses soil maps as basis for study of range and forest problems.

(c) Bureau of Economics use soil survey results as basis for farm management studies.

(d) Office of Public Roads use maps in location of roads and road-building materials and in the study of subgrades.

(e) Survey reports used by Federal land banks and by the War Department in land appraisals.

3. Benefits to farmers and landowners:

(a) Used by new settlers in the selection of land and by other farmers in laying out drainage systems, interpreting experiment-station results, and applying them to better systems of soil management.

(b) Farmers of arid regions use soil surveys in avoiding damage from rise of alkali.

4. Universities and schools:

(a) Maps and reports used by universities as the basis for economic and sociological studies.

(b) High schools and agricultural colleges use soil reports in classroom and field studies.

(c) County agents and extension specialists find constant use for soil maps and reports.

5. Specialties:

(a) Public-health surveys by health boards use soil surveys in the study of the hookworm and other diseases.

(b) Social workers use soil reports as basis for rural community studies.

(c) Tax assessors use soil maps for equalization of assessments.

6. Business interests:

(a) Bankers and loan agents use soil reports as basis for farm loans.

(b) Real-estate men make constant use of soil reports.

(c) Railroads use reports and maps to show resources and agricultural possibilities along their lines.

(d) Manufacturers of agricultural implements use reports as basis for organization of sales service.

(e) National advertising agencies use reports and maps in planning advertising campaigns.

The Clerk read as follows:

Total, Office of Experiment Stations, \$4,751,500, of which amount not to exceed \$153,880 may be expended for personal services in the District of Columbia.

Mr. GREEN. Mr. Chairman, I move to strike out the last word. It was my purpose to offer an amendment providing for establishment of a naval stores experiment station on the newly acquired Federal forest in my district in the State of Florida, but after consultation with the chairman of the subcommittee and the ranking member on that committee and some others, I concluded to introduce a special bill, let it go through the regular channel, in order that my colleagues may be better informed on the subject when it comes up.

We desire a naval stores experiment station in the vicinity of this industry's greatest activity. There are those in the department who believe that a small expenditure to be made along this line in Florida would be advantageous. I might say that the naval stores men in the South are urging that an experiment station be established. I hope to have before the House such a bill, now in process of preparation, and introduce it this week. I ask sympathetic consideration of my colleagues. I withdraw the pro forma amendment.

Mr. GARBER of Oklahoma. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Without objection, it is so ordered.

Mr. GARBER of Oklahoma. Mr. Chairman and members of the committee, section 1 of article 13 of the by-laws of the Chamber of Commerce of the United States of America provides:

All suggestions considered or acted upon by this chamber shall be national in character, timely in importance, and general in application to business and industry.

The policies of the chamber are determined by a referendum vote of its membership, composed of the business men of the country.

In a recent resolution by its board of directors pertaining to the operations of the Federal Farm Board it was declared that the chamber of commerce—

Favored cooperative marketing only so far as it did not discriminate against other business enterprises.

Which discrimination is generally understood to mean that the chamber will favor cooperative marketing only so long as it does not disturb gambling and speculation in prices of farm products on the boards of trade.

Alexander Legge, chairman of the Farm Board, clearly interpreted this declaration when he said—

The attitude of the national chamber of commerce is that the Farm Board should hang its clothes on a hickory limb but not go near the water.

In his letter transmitting the chamber's resolution to the Farm Board, William D. Butterworth, its president, urged that—

The program of cooperative marketing be undertaken slowly and with caution.

Proceed slowly in this instance is generally understood to mean do nothing in point of time so that it may be of any consequence, and proceed with caution is understood to mean to proceed carefully so as to avoid threatened danger. The term suggests a warning. In his testimony before the Senate committee, given on the 17th, Julius Barnes, chairman of the chamber's board of directors, stated his objections to the Farm Board's program of cooperative marketing and its loaning of money to cooperative-marketing agencies.

The modesty of his demeanor and views presented attracted unusual attention. He stated:

There was a growing bitterness in the grain trade.

And he arranged a meeting at the chamber of commerce of the grain interests and Chairman Legge, of the Farm Board. After the conference he said:

The board announced a policy whereby loans would be extended to local elevators at the same rate as to farm cooperative members. That was the purpose of the meeting.

Do I understand that you suggested and Chairman Legge concurred that the farmer should sell his wheat on the basis of 6 per cent loans?

Replying to the above inquiry, Barnes said "Yes," and then proceeded:

I have some very strong ideas on policies. I have kept quiet about them. I want to give the Farm Board every chance. Business is willing to give the board a chance to get started, but it should not dis-

criminate against the outside dealers. It is unfair to owners of private grain elevators. We don't think it is right for the board to advance facilities at country stations to farmers who are members of cooperatives and deny them to farmers who are not members of the cooperatives.

He went ahead to inquire, "Is that fair?" and asserted:

The board's policy places the independent buyer at a disadvantage.

He then amplified this statement by saying that—

Loaning the cooperatives money at 3½ per cent while private dealers had to pay 6 per cent is unfair and unsound.

Asked just what he thought the Farm Board should do, he said he thought—

Its work should largely be educational.

From these excerpts of his testimony, it is disclosed that Mr. Barnes has some "strong ideas on policies" which appear to be in direct conflict with the declaration of policy in the agricultural marketing act, which reads as follows:

DECLARATION OF POLICY

SECTION 1. (a) That it is hereby declared to be the policy of Congress to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, so that the industry of agriculture will be placed on a basis of economic equality with other industries, and to that end to protect, control, and stabilize the currents of interstate and foreign commerce in the marketing of agricultural commodities and their food products—

(1) By minimizing speculation.

(2) By preventing inefficient and wasteful methods of distribution.

(3) By encouraging the organization of producers into effective associations or corporations under their own control for greater unity of effort in marketing and by promoting the establishment and financing of a farm marketing system of producer-owned and producer-controlled cooperative associations and other agencies.

(4) By aiding in preventing and controlling surpluses in any agricultural commodity, through orderly production and distribution, so as to maintain advantageous domestic markets and prevent such surpluses from causing undue and excessive fluctuations or depressions in prices for the commodity.

(b) There shall be considered as a surplus for the purposes of this act any seasonal or year's total surplus, produced in the United States and either local or national in extent, that is in excess of the requirements for the orderly distribution of the agricultural commodity or is in excess of the domestic requirements for such commodity.

(c) The Federal Farm Board shall execute the powers vested in it by this act only in such manner as will, in the judgment of the board, aid to the fullest practicable extent in carrying out the policy above declared.

Section 6 of the act creates a revolving fund of \$500,000,000 for the purpose of carrying out the declarations of policy, and section 7 authorizes the Farm Board, upon application by any cooperative association, to make loans from the revolving fund to assist in—

(1) The effective merchandising of agricultural commodities and food products thereof;

(2) The construction or acquisition by purchase or lease of physical marketing facilities for preparing, handling, storing, processing, or merchandising agricultural commodities or their food products;

(3) The formation of clearing-house associations;

(4) Extending membership of the cooperative association applying for the loan by educating the producers of the commodity handled by the association in the advantages of cooperative marketing of that commodity; and

(5) Enabling the cooperative association applying for the loan to advance to its members a greater share of the market price of the commodity delivered to the association than is practicable under other credit facilities.

(b) No loan shall be made to any cooperative association unless, in the judgment of the board, the loan is in furtherance of the policy declared in section 1 and the cooperative association applying for the loan has an organization and management, and business policies, of such character as to insure the reasonable safety of the loan and the furtherance of such policy.

(c) Loans for the construction or acquisition by purchase or lease of physical facilities shall be subject to the following limitations:

(1) No such loan for the construction or purchase of such facilities shall be made in an amount in excess of 80 per cent of the value of the facilities to be constructed or purchased.

(2) No loan for the purchase or lease of such facilities shall be made unless the board finds that the purchase price or rent to be paid is reasonable.

(3) No loan for the construction, purchase, or lease of such facilities shall be made unless the board finds that there are not available suitable existing facilities that will furnish their services to the cooperative

association at reasonable rates; and in addition to the preceding limitation, no loan for the construction of facilities shall be made unless the board finds that suitable existing facilities are not available for purchase or lease at a reasonable price or rent.

(d) Loans for the construction or purchase of physical facilities, together with interest on the loans, shall be repaid upon an amortization plan over a period not in excess of 20 years.

The only exception to the authorization of the board to make loans to cooperative associations is that contained in section 15 (a), which reads as follows:

SEC. 15. (a) As used in this act, the term "cooperative association" means any association qualified under the act entitled "An act to authorize association of producers of agricultural products," approved February 18, 1922. Whenever in the judgment of the board the producers of any agricultural commodity are not organized into cooperative associations so extensively as to render such cooperative associations representative of the commodity, then the privileges, assistance, and authority available under this act to cooperative associations, shall also be available to other associations and corporations producer-owned and producer-controlled and organized for and actually engaged in the marketing of the agricultural commodity. No such association or corporation shall be held to be producer-owned and producer-controlled unless owned and controlled by cooperative associations as above defined and/or by individuals engaged as original producers of the agricultural commodity.

Thus it will be seen that the Federal Farm Board, with the exception only of section 15 (a), above cited, is—

without authority to make loans except to cooperative associations or stabilization corporations.

Section 8 of the act provides:

MISCELLANEOUS LOAN PROVISIONS

SEC. 8. (a) Loans to any cooperative association or stabilization corporation and advances for insurance purposes shall bear interest at a rate of interest per annum equal to the lowest rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation bearing a date of issue subsequent to April 6, 1917 (except postal-savings bonds), and outstanding at the time the loan agreement is entered into or the advance is made by the board, as certified by the Secretary of the Treasury to the board upon its request: *Provided*, That in no case shall the rate exceed 4 per cent per annum on the unpaid principal.

(b) Payments of principal or interest upon any such loan or advance shall be covered into the revolving fund.

(c) Loans to any cooperative association or stabilization corporation shall be made upon the terms specified in this act and upon such other terms not inconsistent therewith and upon such security as the board deems necessary.

(d) No loan or insurance agreement shall be made by the board if in its judgment the agreement is likely to increase unduly the production of any agricultural commodity of which there is commonly produced a surplus in excess of the annual marketing requirements.

The above section prohibits the administration of the act so as to require the cooperative farmer to sell his wheat on the basis of 6 per cent loans and likewise prohibits the board's advancing facilities at country stations to farmers who are not members of cooperative associations.

The objections and precautionary admonitions of Messrs. Butterworth and Barnes, applicable solely to the enactment and provisions of the law, should have been addressed to Congress instead of to the Farm Board, whose duties are purely of a ministerial nature in the administration of the law. It may be that the Congress committed a grave indiscretion in the enactment of the agricultural marketing act without first obtaining the advice and consent of Messrs. Barnes and Butterworth, but how was Congress to know of their "strong ideas on policies" when they were "keeping quiet about them" and saying nothing? This should certainly be some justification for the action of Congress, so taken without first seeking their advice. Fortunately, however, Mr. Barnes is of a forgiving disposition. He recognizes that the rash deed has been perpetrated. Does not he say?—

I have some very strong ideas on policies, but I have kept quiet about them, and since the act is passed I want to give the board every chance.

And Mr. Butterworth, at his elbow, chimed in:

Proceed slowly and with caution!

The procedure of the chamber toward recent industrial events seems to have been in marked contrast with that suggested for agriculture. In response to an S O S call, representatives of industry were hurried last week into the chamber's spacious hall and commanded to cooperate in the face of threatened depression. Butterworth and Barnes were there,

but they offered no resolution nor admonition to "proceed slowly and with caution." "Do it now!" shouted Barnes. "I demand the previous question" cried Butterworth, and the cooperative organization for industry was thus effected, its policies adopted, all within 24 hours, stimulated by tax reduction. Its program is now being effected.

What does this episodic news reel disclose? Little men rattling around in big places. [Applause and laughter.]

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. GARBER of Oklahoma. Yes.

Mr. JONES of Texas. I wondered if the gentleman drew from his quotations from Mr. Barnes, that it seemed to be Mr. Barnes's feeling that it was his duty to scotch any activities of the board that seemed to conflict with his strong ideas of policy.

Mr. GARBER of Oklahoma. The gentleman is correct in that, but his objections went to the provisions of the law, to the enactment of Congress.

Mr. JONES of Texas. That is what I say.

Mr. GARBER of Oklahoma. And when he lodges such objections to the board he is interfering with the administration of the law, he is attempting to defeat the law and the very purposes for which it was enacted.

Mr. JONES of Texas. And he has that idea notwithstanding the law, the gentleman thinks.

Mr. GARBER of Oklahoma. Yes. A bunch of swaggering bullies making a noise without sufficient information to discriminate between the ministerial duties of the Farm Board and the mandates of the law as enacted by Congress. Their little resolutions and their little admonitions were counterfeit, unauthorized, and manufactured for the purpose of deception. In the name of the Chamber of Commerce of the United States of America they grossly libeled the business men of the country and misrepresented the business of that organization and its attitude toward the administration of the agricultural marketing act.

In its referendum No. 52 of the report of the special committee on agriculture, of the date of August 31, 1928, the chamber says:

For five years and more agriculture has been formally represented upon the advisory committees of the chamber. In recent years this representation has taken the form of a separate advisory committee, dealing only with questions of special importance to agriculture generally or in any of its forms.

Acting upon the advice of this committee, the board of directors of the chamber in 1926 joined with the National Industrial Conference Board in making possible a new and independent survey of agricultural conditions by a committee of business men. Hon. Charles Nagel, of St. Louis, accepted the chairmanship. The membership was distinguished for business experience and business attainment. After close devotion to the task this committee of business men published its report in December, 1927.

Believing that the conclusions of such a committee should have immediate and thorough consideration, the board of directors of the chamber at once authorized the appointment of a special committee on agriculture and requested this committee to submit a report, after considering the report of the business men's commission on agriculture, together with all other material which had been brought together.

The committee so appointed was:

Dwight B. Heard, chairman, Phoenix, Ariz.; Alfred H. Stone, vice chairman, Dunleith, Miss.; John Brandt, Litchfield, Minn.; William Butterworth, Moline, Ill.; William J. Dean, St. Paul, Minn.; James R. Howard, Clemons, Iowa; Frank D. Jackson, Tampa, Fla.; Charles W. Lonsdale, Kansas City, Mo.; John W. O'Leary, Chicago, Ill.

On March 30, 1928, this committee presented to the executive committee of the board of directors a report of progress, and on May 5, 1928, it presented to the board of directors its report with recommendations. This report of the committee the board determined should be submitted to the organization members of the chamber for a referendum vote.

On page 2 of the report the chamber gives the affiliations of its president, William Butterworth. It reads as follows:

Butterworth, William; Manufacturer of farm implements, Moline, Ill.; president Deere & Co.; president Peoples Savings Bank & Trust Co.; member, executive committee, National Industrial Conference Board; formerly president National Implement and Vehicle Association; at the time the committee prepared its report vice president, and now president, Chamber of Commerce of the United States.

Regarding the necessity of the organization of agriculture, the committee said:

To enable agriculture to regain its proper balance in our national life it seems essential that it be organized largely along the modern lines of other American industry. Put into practical effect, this would mean:

1. The intelligent control and distribution of seasonal or annual surplus production, thus stabilizing prices and avoiding glutted markets.
2. Improved methods of orderly, efficient commodity marketing through cooperative action.
3. Increased unit production.
4. Development and maintenance of favorable facilities for production and marketing credit.

On page 26 of the report appears the following recommendation of the committee:

We recommend that the principle of cooperative marketing based upon the established right of producers of agricultural commodities "to act together in associations, corporate or otherwise, with or without capital stock, in collectively processing and manufacturing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged" be supported, and that the chamber recommend to producers of agricultural commodities association into such groups along sound economic lines.

This report and recommendation of the committee was referred to the membership and approved. This approval has never been revoked. The enactment of the agricultural marketing act includes the recommendations of the chamber. Its board of directors were unauthorized to pass a resolution changing the position of the organization from that stated in the recommendation of its committee.

From what source did William Butterworth, president of the chamber, obtain his authority to admonish the Farm Board to "proceed slowly and with caution"? This misuse of power by the president of the chamber and chairman of its board of directors to stir up opposition to the farm program and the Farm Board, thereby further arraying the East against the South and West, grossly misrepresents the attitude of the business men of this country. It should be immediately denounced as unrepresentative of the attitude of the East by the representatives of that section. To say the very least, it is a shortsighted and stupid policy, sectional in its character, and so selfish and unworthy in its purpose as to merit the disapproval of the citizenship of the entire country, whose unselfish desire is for a stabilized universal prosperity to all industries and to all sections of the country alike. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

The unexpended balance of the appropriation for an exhibit at the fourth World's Poultry Congress contained in the second deficiency act, fiscal year 1929, is continued available for the fiscal year 1931.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling the attention of the members of the committee to one phase of the discussion which we have just heard by the gentleman from Oklahoma [Mr. GARBER] that I am sure will be of considerable interest to the committee. I have taken the pains to go back to the report filed by the Committee on Agriculture in behalf of the farm relief bill, and I do this because it seemed to me that if there is any doubt at all in the mind of any gentleman here as to what the intention of Congress was in the enactment of this law, certainly this report would set the matter clear. Speaking now for myself as one member of the Committee on Agriculture, and I think this reflects accurately the very enthusiastic views of the entire committee as well, it seems to me this statement will supplement the discussion of the distinguished gentleman from Oklahoma [Mr. GARBER]. I read from page 6 of the report of the Committee on Agriculture that accompanied the bill H. R. 1:

One of the chief difficulties in organizing agriculture has been the lack of concentrated capital in the business. The grain traders and cotton factors, the millers and manufacturers, generally, have supplied capital for all agricultural operations, and the 6,000,000 farmers as individuals could not match the power of the money concentrated in the few hands to which they sold their product. The corporation form of industry made it easy for business to get large capital. If we desired our farmers to incorporate on the production side, they could secure capital just as industry has done; but since we do not want that kind of an agriculture we must, as a matter of national interest, supply to the marketing agencies of agriculture funds with which to match their competitors and control their own business.

We therefore propose in the legislation we report to-day for agriculture what has never been done for industry, and that is to supply it with the money it needs for the organizations it must have in the marketing of its product. And since we want the farmers of America to continue to own their own business we will make the necessary advances to them upon terms that preserve their ownership and assert no claim on the part of the Government, as the financing power, to take the management out of their hands.

It seems to me that ought to settle the matter and set it clear so far as the ideas of the committee were concerned. I believe in the very best form we could we put that idea into the law which is now in operation.

Mr. JONES of Texas. Will the gentleman yield, Mr. Chairman?

Mr. KETCHAM. Yes.

Mr. JONES of Texas. I think the gentleman has accurately stated and interpreted the meaning which the committee attempted to have wrought into words; that is, that they would furnish this money at rates of interest specified for the operation of these cooperatives.

Mr. KETCHAM. Exactly.

Mr. JONES of Texas. Does the gentleman still think that should be the interpretation, notwithstanding the objections of Mr. Barnes, who seems to be a critic of all things mundane?

Mr. KETCHAM. This has been my notion, that in this new agricultural marketing act the Congress of the United States set up a new form of marketing agency, the like of which we have never had in the country, and I believe it is the idea of that marketing agency that the farmers of the country owning and controlling their own agencies of distribution shall take their own product, with the assistance of the money provided under the terms of that act and carry that product over as near to the ultimate consumer as they possibly can.

Mr. JONES of Texas. And it has also been evidenced by the testimony that one of the principal things necessary to enable them to operate is a supply of funds, and that is the prime essential to that operation.

Mr. KETCHAM. Yes. It seems to me the intention of the committee and the intention of Congress will be fully met when the most liberal interpretation is put upon that, and no restrictions placed around it. The purpose of the board should be to carry out the intention of Congress.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. HASTINGS. As to the interest rate to be charged, Congress provided that it should not be above a certain amount?

Mr. KETCHAM. Yes. That matter was very carefully canvassed when the conference report was considered by the Committee on Agriculture and was the subject of long debate in the committee; and this was the decision arrived at, not in a spirit of passing enthusiasm, but as the result of careful consideration.

Mr. HASTINGS. Its very purpose was to secure to the farmers' organizations a very low rate of interest?

Mr. KETCHAM. Exactly so.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Total, Weather Bureau, \$4,058,600, of which amount not to exceed \$516,040 may be expended for personal services in the District of Columbia.

Mr. HOUSTON of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Hawaii offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Houston of Hawaii: Page 17, line 15, strike out "\$2,512,200" and insert "\$2,517,200." Also, on page 18, line 15, strike out "\$4,058,600" and insert "\$4,063,000."

Mr. DICKINSON. Mr. Chairman, I will have to make a point of order on this. It is offered in two places, one of which is in the total of the bill, which has not been read. I also make the point of order that the item on page 17, line 15, has already been read and can not be returned to.

The CHAIRMAN. As to the latter paragraph the Chair thinks the point of order is well taken.

Mr. DICKINSON. Where has the Clerk read to up to this time?

The CHAIRMAN. The Chair will state that in order to have been in order the Delegate from Hawaii should have offered his first amendment after the reading of line 7 on page 18. He did not offer his amendment until we had finished reading through line 17, so that the Chair would rule that the first amendment can not be returned to except by unanimous consent, and the next item would be in order.

Mr. HOUSTON of Hawaii. Mr. Chairman, I make that request.

The CHAIRMAN. The gentleman from Hawaii asks unanimous consent that we return to page 17 in order that he may offer an amendment in line 15. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the first amendment offered by the gentleman from Hawaii.

The Clerk read as follows:

Amendment offered by Mr. HOUSTON of Hawaii: Page 17, line 15, strike out "\$2,512,200" and insert "\$2,517,200."

The CHAIRMAN. The Chair will hear the gentleman from Hawaii on his amendment.

Mr. HOUSTON of Hawaii. Mr. Chairman, my purpose in offering this amendment is to increase the amount for meteorological marine service on the Pacific from the sum indicated by the chairman of the committee as \$15,000 for the whole Pacific Ocean area in which we are interested to \$20,000. I invite particular attention to the fact that in following through this whole appropriation bill there is not an item of increase for marine meteorology, either on the Pacific or on the Atlantic, and yet we have inserted an increase of nearly a half million dollars for meteorological service, which will benefit only aviation. To be sure, aviation is coming along and is very important, and I do not begrudge any of the items that are inserted here for aviation purposes. But you must remember that airplanes carry at the most from 6 to 24 people at the present time. There are exceptions. Yet ships carry hundreds of people, and when, because of incomplete data with respect to weather service, ships get into trouble, hundreds of people may have their lives placed in danger.

Now, I would like to read what Doctor Marvin said at the hearing before the Senate committee last year; only a very small part of it. He referred to the fact that there was an international organization with respect to the collection of this information, and he said:

Of course, as provided in the appropriation bill as passed by the House and approved by the Budget, it carried an amount only for the Atlantic Ocean. When the Delegate represented to me the needs on the Pacific I was heartily in sympathy with that need. We want to go to the Pacific just as quickly and speedily as possible, but it takes funds, and we can not always get funds when we need them.

Senator McNARY. You approve the item of \$5,000 that the Delegate has presented to-day?

Doctor Marvin's answer was, "Yes; that is the smallest amount."

Now, \$5,000 is the amount that is provided for this particular work in the Pacific area. I ask that the amount be increased so that the actual working amount will be more than \$10,000. The Pacific Ocean carries a greater proportion of our trade than any other ocean. [Applause.]

Mr. DICKINSON. Mr. Chairman, there is no dispute about service of this kind being valuable, but in the Weather Bureau for this year we have already recommended to the House increases of \$656,000. It is impossible to take up all of the matters which really need attention and go all of the way. If this item would have had preference over other items in the Weather Bureau it would have been in the bill and some of the other items would not have been in the bill. But it did not have that preference. We are already spending \$15,000 out there. There is no doubt but what they have been carrying on and there is no great complaint about the character of the service rendered. I am sorry the Delegate from Hawaii has seen fit to offer this amendment, and I hope the committee will not adopt it.

Mr. HOUSTON of Hawaii. Mr. Chairman, in view of the statement of the chairman of the subcommittee I withdraw my amendment.

The CHAIRMAN. Does the gentleman desire to offer his second amendment?

Mr. HOUSTON of Hawaii. Under the circumstances; no. Both amendments were withdrawn.

Mr. GOLDSBOROUGH. Mr. Chairman, I am and have been very much interested in Weather Bureau services. From my investigation I have reached the conclusion it is perfectly feasible to set up a network of Weather Bureau services throughout the country which will give information—of course, with particular reference to agricultural interests—of the condition of the weather for at least 72 hours in advance. I have talked this matter over with Mr. Marvin, and I have had some conversations with members of the subcommittee. The subcommittee appears to be confronted with a limitation as to funds, due particularly, I think, to the rapid increase in the need for expenditures in aviation.

I do not want to be provincial, but particularly in this connection the Weather Bureau recommended to the Bureau of the Budget an expenditure sufficient to set up and support a Weather Bureau service on the peninsula which includes the Eastern Shore of Maryland, the State of Delaware, and the Eastern Shore of Virginia. However, the Bureau of the Budget did

not include that estimate in its advices to the Appropriation Subcommittee on Agriculture.

I have had some discussion of this matter with the chairman of the subcommittee, my distinguished colleague from Iowa, with a view of offering an amendment at this point. After talking with him I decided not to offer the amendment, but I would like to get his views very briefly as to the possibility of having this service set up in the next appropriation bill.

Mr. DICKINSON. It is my judgment that the gentleman from Maryland has presented a meritorious proposal.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Total, Bureau of Animal Industry, \$11,830,935, of which amount not to exceed \$881,400 may be expended for departmental personal services in the District of Columbia.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to correct the spelling of the word "District" in line 19, page 28.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Horticultural crops and diseases: For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related plants, for investigation of methods of harvesting, packing, shipping, storing, and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, \$1,262,000.

Mr. GIFFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. KNUTSON). The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GIFFORD: Page 36, line 25, strike out the sign and figures "\$1,262,000" and insert in lieu thereof the sign and figures "\$1,272,000."

Mr. GIFFORD. Mr. Chairman, the Department of Agriculture asked for this additional \$10,000 in order to make a further investigation of the false cranberry blossom. They made the statement that this false cranberry blossom is threatening the extermination of that industry. I regret very much, indeed, that I did not have the opportunity of bringing this matter to the attention of the chairman of the subcommittee. Those who understand the cranberry industry understand that it exists in Oregon, Wisconsin, New Jersey, and southeastern Massachusetts; that it is a large and important industry, and that seldom do we have occasion to come to you for any particular appropriation for this particular section. I personally know the danger of this false cranberry blossom. I attended a meeting of 300 or more growers last fall and listened to the reports of the men from the Department of Agriculture on this particular disease. It has grown by leaps and bounds within the last two or three years, and they are trying to find the insect which carries the disease. They think they have found it, and yet they must present us with different methods relating to the bog industry. New types of vines are now being experimented with, and it would seem too bad to have two or three men drawing their salaries without suitable means of carrying on this work of experimentation. I feel certain that with this explanation the chairman of the subcommittee will accept the amendment.

Mr. DICKINSON. Mr. Chairman, I will say to the gentleman from Massachusetts that this item was included in the Budget. However, it was not much stressed, and when the subcommittee was marking up the bill, not being advised of the condition that the gentleman has explained, we struck out the item. I will say to the committee that I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

For necessary expenses for general administrative purposes, including the salary of the Chief Forester and other personal services in the District of Columbia, \$362,230.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the committee, I have chosen this point in the bill to make the remarks I have in mind, because we are at the first paragraph of appropriations for the Forest Service. I wish to speak in favor of a number of items that follow, particularly with regard to increases that are proposed for forest protective items of great importance.

I have been particularly glad that I have found in this bill, under the head of miscellaneous forest wages, an increase of \$282,000 above the appropriations for the present fiscal year. This \$282,000 will be largely used for additional forest guards and men in the field to make possible that quick attack upon forest fires at the time they are starting, so necessary to hold the fires within small limits.

There is also under the head of improvement of the national forests an increase above the present appropriation of \$1,855,000. This, of course, will have to do with the construction of that kind of improvements that will enable the officials of the Forest Service and the men who will be taken to fight the forest fires to reach them more quickly.

Then, under forest-fire cooperation, a particularly valuable item, because it has to do with meeting the obligation of the National Government toward the States and the private timber owners, there is an increase of \$300,000 above the appropriation in existence at the present time.

Under the heading of forest insects, under the Bureau of Entomology, there is an increase of \$16,000 above the present appropriation.

I do not wish to be understood, Mr. Chairman and members of the committee, as feeling that all of the increases that could be profitably used by the Forest Service and the various other agencies have been provided in this bill; but there have been some wonderfully fine advances made, and in support of them I wish to call attention to recommendations made by a board known as the Regional Forest Protection Board of North Idaho, Montana, and Yellowstone National Park.

A meeting was held by this board on the 27th of last September at the end of one of the most disastrous fire seasons known in the history of the Northwest country. It was held by men who are in charge on the ground of activities of various branches of the Government service. The Congress can profit by knowing the judgment they reached in considering these problems.

The membership of the board is as follows:

The National Park Service is represented by Roger Toll, superintendent of Yellowstone National Park.

The Bureau of Indian Affairs is represented by William H. Veh, of Spokane, Wash.

The General Land Office is represented by William S. Wade, of Helena, Mont., field agent for that service.

The Weather Bureau is represented by E. M. Keyser, of the Weather Bureau at Spokane, Wash.

The Biological Survey is represented by O. G. Stethl, of the Agricultural College at Bozeman, Mont.

The Bureau of Entomology is represented by J. C. Evenden, of Coeur d'Alene, Idaho.

The Bureau of Plant Industry is represented by Stephen B. Wycoff.

The Forest Service is represented by District Forester Evan W. Kelley, of Missoula, Mont.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to continue for 10 additional minutes.

The CHAIRMAN. The gentleman from Montana ask unanimous consent to proceed for 10 additional minutes. Is there objection?

There was no objection.

Mr. LEAVITT. The regional forest protection board of north Idaho, Montana, and Yellowstone National Park, in summarizing the views expressed at its meeting on September 27, 1929, submitted a memorandum in which it set forth its judgment regarding certain matters of outstanding importance in the enterprise of protecting the resources in public ownership within the national parks, the national forests, the Indian reservations, and the public domain of the region. The memorandum also pointed out the bearing that the protection of these public properties has upon maintaining the integrity of similar resources on intermingled and adjacent forest land in private ownership.

In view of the disastrous consequences incident to the lack of adequate preparedness in advance of the bad fire season of 1929, and in view of the rapid spread of forest-insect damage and advance of white-pine blister rust, the members of the board point out the extent to which the Federal Government is allowing properties under its custody to be devastated by fires, the timber values to be seriously impaired by controllable natural enemies, the scenic resources of the national parks greatly jeopardized and materially deteriorated, and the fire danger on both the national parks and the national forests to be greatly increased.

While certain factors contributing to the depreciation of the values on these public properties are within the scope of the power of the local administrators to treat with and gradually eliminate or correct, these are of a minor nature in importance compared to the one deficiency of major bearing upon the limitations and handicaps, namely, the inadequacy of appropriations.

FIRE CONTROL

Losses of resources from forest fires and the cost of fighting forest fires in Glacier National Park, upon the national forests and upon the public domain and, to a lesser extent, upon the Indian reservations during 1929, have again mounted to staggering proportions. Much of these enormous losses and tremendous costs would not have occurred were public properties sufficiently opened up by roads and trails to insure proper standards of protection and if they were properly provided with telephone communication, fire lookout service, trained firemen, sufficient transportation facilities, and tools. These needs have been often repeated and their importance emphasized year after year. Until they are met, proper standards of protection can not be given. That the American public is becoming impatient with the situation is indicated by the volume of editorial protest and other forms of expression of public as well as private opinion voiced during the past fall. The following editorial from the Daily Missoulian is illustrative of a public opinion that no longer views with equanimity the Federal Government's failure to meet the urgent needs of the situation in a more effective fashion than in the past:

GREATER PROTECTION NEEDED

Inadequate protective features for the national forests may be said to be responsible to a considerable extent for the huge fire bill, amounting to more than a million and a half dollars, which Uncle Sam must pay in western Montana and northern Idaho. Should appropriations for the Forest Service work, improvements, roads, trails, telephone connections, and protection crews be continued on the present basis, a repetition of the 1929 losses may be anticipated next dry season.

Roads and trails to penetrate the timber stands, opening the areas to speedy transportation of emergency forces, are an absolute necessity if the fire demon is to be fought successfully. Sufficient trucks and pack animals must be provided in advance to permit quick delivery of men and equipment into the remote sections of the mountain country. During the season just closed men hiked one and two days, even longer, to reach the fire line tired and of little immediate use. Shortage of pack stock kept the crews sent into the distant fire areas restricted in number, as it would have been sheer folly to send additional men until food and equipment also could be supplied.

When the Federal Budget Bureau has brought to its attention the many obstacles confronting the Forest Service, the tremendous handicaps to be overcome, and the costly results of inadequate provision for protection to one of the greatest industries of the Northwest, it is felt that the need for help in the way of larger funds will be recognized.

Many instances of slow action due to lack of trails, roads, trained fire fighters, hardy pack stock, are told this season, small fires whipped into 5,000-acre holocausts before man could reach them; great stands of beautiful timber wiped out, with only blackened snags, scorched stumps, left as future fire traps.

Nearly 1,900 fires threatened the forests of the district this season. The great majority were checked. Many of those that broke loose into infernos would have been kept within limited areas by the skilled foresters and their crews but for the difficulties resulting from the lack of money. A hundred thousand dollars has been the appropriation in the past where a million dollars was needed.

The Forest Service in this and other districts prepared for a dangerous fire season well in advance, strengthening its organization wherever possible in recognition of the hazard, but it could not go beyond a certain limit of financial expenditure even for protective measures.

Not until the money is available, with the approval of the Budget Bureau and Congress, will it be possible to extend telephone systems, road and trail building, increase the pack strings, provide more trucks, or arrange for a suitable and certain campaign of fire control. Several thousand western Montana people active in the lumber industry hope that Washington, far from the smoke-clouded fire lines, will take cognizance of the need for protection of Montana's and Idaho's forests from the flames. They will be faced soon with a deficiency bill to cover fire-fighting costs, which will represent to some extent money which might have been saved by larger allotments for the things that the Forest Service must do in the way of improving and opening up the great domain with the administration of which it is charged.

INSECT CONTROL

Forest insects continue to extend their destructive activity in alarming proportions throughout the valuable stands of white-pine timber upon the national forests of north Idaho and extreme northwestern Montana. The annual losses from major

attacks in this forest type are conservatively placed at 40,000,000 board feet. The minor depredations would add materially to this figure. This infestation has spread rapidly during the past three years and on an ever-increasing scale. It seriously jeopardizes the bulk of the mature white-pine timber of the region. In north Idaho alone the white-pine stand of commercial maturity is estimated to be 13,500,000,000 board feet, having an average stumpage value of approximately \$4. Four and one-third billion board feet of the total is located on Federal properties. Its value at the figure named is conservatively appraised at \$16,000,000. It appears inconceivable that the Federal Government, as an owner of a resource of this value and a resource comprising the most valuable timber species in the region fails to supply all the means necessary for its protection.

Forest insect attacks of even greater severity have swept through the lodgepole-pine stands of the Bitterroot, Beaverhead, and Salmon National Forests, presage the extermination of existing mature stands of this species over large areas of those units, and threaten the lodgepole areas of the Madison and Targhee National Forests and the Yellowstone National Park. Appropriations for arresting the spread of the attacks were delayed too long to render control work feasible on the three national forests named. On these units the timber stands are lost. This experience portends comparable losses and even graver consequences if funds to finance adequate control measures are not soon forthcoming to make possible clean-up work on the Madison and Targhee National Forests, which adjoin the Yellowstone National Park. Funds are also needed in adequate amounts to make possible the control work in Yellowstone National Park as infested trees are discovered. In view of these facts, the situation requires that the estimates of the Forest Service and National Park Service for control measures be favorably received and the money specified therein be appropriated annually as requested. Otherwise the timber stands of the Yellowstone Park, not to mention what will happen in the national forests, may become and likely will become monuments gray, somber, and depressive because of the shortsightedness of the forest-protection policy of the Federal Government, and much of the beauty of this wonderland will have been destroyed. Likewise, in the absence of proper recognition of the situation, the commercial white-pine stands in north Idaho and western Montana are destined to meet the same fate.

BLISTER RUST

The white-pine blister rust is becoming established over a greater range each year in north Idaho. Unless checked, its fixation generally throughout the white-pine zone of Idaho and Montana is certain. Its general dissemination in this region will mean beyond any question of doubt the rapid extension of the blight to the valuable sugar-pine stands of California. The white-pine and sugar-pine stands of Washington and Oregon, while of minor commercial importance, furnish the carriers for the disease from this northern region to its California hosts. The ensuing five years is the critical period within which the spread of the disease in this territory should be checked.

The early appropriation of requested funds is absolutely essential to the saving of the white pine from extinction. This species, it is to be remembered, is the most important lumber tree in the region. Control work will cost from \$1 to \$5 per acre to insure the safety of a crop that in stumpage value alone to-day is worth from approximately \$15 to an approximate maximum of \$600 per acre. White-pine timber is a raw material of tremendous regional importance. Its manufacture into lumber from stump to mill yard brings about a distribution of wealth to society ranging from \$450 to \$1,200 per acre. Remanufacture of the lumber into sash, doors, patterns, and other mill products adds at the least calculation 30 per cent more to these figures. Failure to undertake control work on an adequate scale will be comparable in a very measurable degree to the United States Government neglecting to deal decisively with the foot-and-mouth disease, the corn borer, or the Mediterranean fruit fly. Practicability of control has been conclusively demonstrated in the New England States and New York State. That the project is economically sound is beyond question.

Private owners of white-pine timber who have plans for holding their forest lands for continuous timber production have invested and have pledged themselves to invest further such funds as may be necessary to clean up their holdings of the key-blister rust hosts in accordance with specifications recommended by the office of white-pine blister-rust control of the Department of Agriculture. Should the Federal Government continue to neglect as a neighboring landowner to do likewise, it renders the work on adjacent private lands ineffective. Continued neglect upon the part of the United States will result in the forcing of private owners to discontinue work. The United States as a landowner would then be responsible

for the marked depression of the quality and value of all future timber crops on the great expanse of more than 2,655,000 acres of north Idaho and 214,000 acres in western Montana. If this catastrophe is to be avoided, the Federal Government must begin control work on its lands not later than the fiscal year 1931 in accordance with financial plans which the board understands the Forest Service has already prepared.

One point of unusually important significance in respect to continued neglect of insect control and blister-rust control is that the fire danger will be enormously enhanced. The existing stands will die, resulting in thousands of acres of snags. A burning snag is a fire fighter's mortal enemy. From snags are blown sparks which time and time again have undone work of line construction costing thousands of dollars. The probability of lost fire line is almost in direct proportion with the number of snags standing within the danger zone back of a fire trench. Moreover, as time goes on, snags begin to fall, and when intermingled with reproduction which inevitably follows the killing of old growth in this region a veritable fire trap is created, and one in which fire fighting is rendered extremely difficult, expensive, and hazardous. Nevertheless the young stands will have to be protected from fire. The loss of these young stands results in complete denudation. All these facts argue strongly for the prompt and positive control of insect depredations and the blister-rust threat. Always it is true that insect control and blister-rust work can be gotten in hand more cheaply the earlier these menaces are properly attacked.

So much for aspects of the forest protection job constituting deficiencies over which local Federal agents have no control. The following comprises a statement of situations requiring correction and positive action upon the part of local administrators.

First. A tendency is evident upon the part of officials of certain forest-protection associations engaged in fire-control work on private land within the national forests and adjacent to the national forests, Glacier National Park, the Indian reservation, and intermingled with the public domain to assume as association liabilities the cost of suppressing forest fires for which individual members are responsible. In order to protect public interests it behooves the public agencies represented on the board to oppose the pressure to make such agencies a party to the practice at the expense of funds appropriated by Congress for the protection of public properties.

The unalterable policy of the various governmental agencies engaged in forest-fire control in this region ought to be, first, that if it is at all possible, to establish responsibility for the inception of all fires, and second, that with responsibility once established, and in so far as the responsible party can meet the expense of fire fighting and paying for the damage done, that he be required to meet this obligation, although resorting to court action may become necessary to the fixing of the responsibility and to the collection of costs and the value of public properties destroyed and damaged. This is only another way of saying that the Federal Government can not become a party to attempts to shield the agency responsible for the setting of forest fires. On the other hand, it is the clean-cut obligation of Federal officers to see wherever possible that the rule of law enforcement is invariably applied. This policy is considered to be an essential step in public education as well as an inescapable obligation of the public agency concerned.

Second. Fire control laws of the States of Idaho and Montana do not provide appropriately for the safeguarding of the national parks, the national forests, the Indian reservations, and the public domain from fire danger created by land clearing activities of farmers, operation of steam-driven locomotives and other kinds of engines, accumulation of logging slash and campers, and smokers while within and adjacent to the public properties named.

Third. Certain logging operations during the dangerous periods of past fire seasons have repeatedly become a menace to the Federal properties in this region and have been responsible for the destruction of resources on these properties amounting to enormous sums—damage which in no small part is irreparable. Therefore, it is the consensus of opinion of the group that the protection of public interests requires that injunction proceedings should be freely resorted to in the future with a view of abating such form of risks and nuisances to public properties during critical fire weather.

Fourth. At numerous points an absence of a proper sense of responsibility upon the part of individual citizens was evident. Altogether too often and in too many different localities he seems to be devoid of a feeling of responsibility for preventing forest fires, for suppressing forest fires in their incipency within the range of his activities, and for voluntarily making his services available on the larger forest fires. Accordingly, it appears to be incumbent upon the public agencies engaged in fire-control effort in the region to organize and carry on a re-

newed and more intensive campaign of education, with the design to develop such a form of public consciousness that every citizen will feel it to be as much his duty to protect the forest resources of his locality from the ravages of forest fires as he now demonstrates in respect to fire prevention and control in his neighbor's home, in his neighbor's garage, or in his neighbor's wheat field. In this movement the Federal agencies ought to enlist the active cooperation of the State forest officials and county police officers.

The teaching of the individual in this connection ought to have for its theme that it is not only the duty of good citizenship to do all possible to prevent forest fires and to report those discovered but that it also carries with it the obligation to voluntarily extinguish fires within striking distance of the individual. Furthermore, good citizenship requires that the individual display interest enough in the welfare of his home region to make his services available for the suppression of the larger fires.

COOPERATION

The sense of the meeting was that it would be timely to have a statement from the several bureaus comprising the membership of the region to indicate the kind and extent of cooperation now under way between the different bureaus and the outlining of a program for additional cooperation. As to the first, the following statements are quoted:

BLISTER RUST

Since 1924 the Forest Service has made available to the office of blister-rust control its facilities for purchasing supplies and equipment. This has resulted in a financial saving to the office of blister-rust control, and also in a greater degree of standardization of supplies and equipment than would have been attained had these commodities been purchased locally and at various points.

Since 1928 the office of blister-rust control has stored its equipment in a small portion of the warehouse leased by the Forest Service in Spokane. This has resulted in a financial saving and ease of handling materials for the office of blister-rust control. It is my understanding that it has been advantageous to the Forest Service in that it represents financial return for space not needed by the Forest Service. Under this heading note should also be made of the fact that in several instances equipment belonging to the office of blister-rust control has been stored free of charge at the Priest River Experiment Station and at the various ranger stations. This has saved the office of blister-rust control cost both of hauling and storage.

Since the inception of experimental blister-rust control in the West the Forest Service has tendered to this office the use of field and office records, particularly those dealing with timber surveys, land ownership, etc. It is, of course, entirely impossible to put any financial valuation upon this aid given to us since the work could not be duplicated, but was, nevertheless, invaluable to this office.

In numerous instances the Forest Service has supplied subsistence at a nominal cost to small parties of blister-rust control men working on national forests. This has materially aided us in that it made unnecessary the development of our own source of supply.

During one entire field season arrangements were made whereby all supplies for blister-rust camps were hauled out of Spokane by Forest Service trucks. This represented an advantage to both organizations since it resulted in lower hauling costs for the office of blister-rust control and in a higher degree of utilization of the trucks by the Forest Service.

Since 1924 men employed by the office of blister-rust control working upon national forests have been available for fire control when called by the Forest Service. The most outstanding instance of this was in 1926 on the Kaniksu National Forest, when half of the man-days spent in the field by blister-rust employees was on fire control.

From 1926 to 1929, inclusive, experimental blister-rust control operations have been conducted on the Kaniksu, Coeur d'Alene, and Clearwater National Forests. During this period complete protection was given to 34,643 acres and stream-type protection to 11,150 acres. The actual field cost of these operations was \$77,365, the average cost per acre being \$1.70. The operations here mentioned were those of sufficient scope and completeness to represent actual protection and do not include other types of experimental work that led to the development of local control but which did not result in final protection of the areas concerned.

The office of blister-rust control has for several years been carrying on investigations upon the feasibility of chemical eradication of ribes. As a by-product of this investigation, the office has in several instances been able to supply to the Forest Service information regarding the eradication of poisonous range plants. While still in the experimental stage, several suggestions were given by this office which seem to be pointed toward success.

INSECT CONTROL

A man was detailed from the forest insect field station at Coeur d'Alene to the control project on Steamboat Creek, Coeur d'Alene Forest, during May and June. During July two men were detailed from the station to conduct an insect survey of the forest.

Inspection of control work on the Kootenai National Forest in May. Inspection and assistance in planning and organizing control work.

Detail of man from station to assist officers of Madison National Forest in recognizing and determining mountain pine beetle infestations.

The training school was conducted by the officers of this station at Wisdom, Mont., for the purpose of training the forest officers of the Madison National Forest and Yellowstone National Park in the recognition of the mountain pine beetle.

Examination of camp grounds, etc., at Yellowstone National Park for the purpose of determining the need for artificial control.

An examination was made of reported mountain pine beetle infestations on the west side of Glacier National Park for the purpose of determining the need for artificial control measures.

GLACIER PARK

Purchase of supplies, equipment, and material from Forest Service warehouses have resulted in considerable saving to this park, both in money and time.

A composite map of adjacent national forests, Glacier National Park, and Blackfoot Indian Reservation, prepared in cooperation with the Forest Service, has proved invaluable. Heretofore, maps of the national forests and maps of the park were on different scales, and it was difficult to exactly locate fires from lookouts located in the national forests and the park.

During the past fire season, which has been characterized as the worst in the history of the Northwest, smoke chasers employed by the park have extinguished fires just outside the park and in the forest, and Forest Service smoke chasers have given this same service to the park.

During the disastrous Half Moon fire, Supervisor Hornby, of the Flathead National Forest, contributed what was perhaps the finest piece of cooperation of the season. He stationed 70 men to protect Belton, because he realized that if the buildings at Belton burned park headquarters would likely be burned also. It was his reaction that buildings at park headquarters were Government property as much as though they had been headquarters of the Forest Service.

Last year the Blackfoot National Forest cooperated in the construction of a telephone line to Loneman Lookout in the park, and this proved of great service to both the park and the forest. This year we were able to reciprocate by permitting the Forest Service to connect with our metallic circuit along the Great Northern Railroad in two places. The Forest Service also connected one of their lookouts with our ground circuit near the Kishenehn ranger station. The telephone systems of the park and adjacent national forests are, for the purpose of fire protection, considered one unit.

In connection with reforesting burned areas along the road, arrangements have been made to secure young trees for restocking from the Forest Service.

In addition to the above 100 per cent cooperation between Glacier National Park and adjacent national forests, the park has had a great deal of help from the Bureau of Entomology and the Bureau of Plant Industry, Department of Agriculture, in making studies of damaged portions of our forests due to insects and tree diseases.

FOREST SERVICE

The Forest Service cooperates with local officers and representatives of the bureaus constituting this board to the extent of furnishing them with any equipment or supplies that are available in the Forest Service warehouses. This consists of supplying them with any of the Forest Service equipment, such as mess outfits, pumps and other fire equipment, and also with food supplies. In some instances Forest Service buying service has been extended to other bureaus in the purchase of special equipment of a type not used by the Forest Service. Surplus equipment obtained by the Forest Service from other bureaus outside the region has been made available to these bureaus at the accrued charges to the Forest Service.

Forest Service trucks are loaned to the post-office department at Missoula each Christmas season to assist in the rush period.

Collective buying of cars has made it possible for the bureaus purchasing but one car per season to be able to take advantage of the carload land-grant freight rate from Detroit, thereby saving from \$60 to \$70 per car that otherwise would not be obtainable.

The total amount of supplies secured by other bureaus through the Forest Service warehouses this year will approximate \$40,000. In addition to the service value in being able to obtain these supplies from the local warehouses, it is safe to say that an actual cash saving of 20 per cent is obtained.

The Forest Service is contributing the work of a land-appraisal expert to the enterprise of purchasing land from appropriations made to the National Park Service for extending the winter range of the antelope and elk herds of the Yellowstone National Park.

The Forest Service cooperates with the National Park Service on lands adjacent to the Yellowstone National Park in the enforcement of the game laws for the protection of the elk herds from the Yellowstone National Park while on winter range.

During the critical periods of the past fire season the War Department rendered valuable aid by providing pack mules from both Fort Missoula and Fort George Wright. The commanding officer at Fort

Missoula voluntarily made all the resources at Fort Missoula available for fire fighting upon call from the Forest Service.

PROGRAM FOR ADDITIONAL COOPERATION

The Forest Service will make available to the Park Service in this locality its fire-control training courses.

The Forest Service will go as far as possible in extending to the Park Service its facilities for the employment of labor for fire-suppression work.

The Forest Service and the Park Service will coordinate their respective practices in regard to the form and terms of the contract of hire of fire fighters.

The contracts prepared by the Forest Service under which flying service is purchased will provide clearly that service under the contract will be available to the national park authorities.

The Forest Service and the Indian Service will investigate the practicability of improving the standards of detection from fire lookout points along the boundary between the Lolo National Forest and the Flathead Indian Reservation.

The Spokane office of the Weather Bureau will endeavor to clarify the language commonly employed by the Weather Bureau in reporting weather forecasts in order that there may be a better understanding of the meaning of forecasts given by telegram.

The defects in the scope and intensity of the Federal Government's forest protection work in this region prompted the board to recommend the urgent necessity of more adequate appropriations. Moreover, the situation demands greatly liberalized appropriations for minor roads and trails to the two departments to open up the inaccessible regions of the national parks, national forests, and Indian reservations of this region. Not to meet these needs will make inevitable more large, but nevertheless preventable losses of timber, more enormous fire fighting costs, more seriously impaired watersheds, thousands of blackened acres added to the millions of acres of existing relics of the forests of yesterday, more national park area flame swept, more of the beauty and matchless scenery of the parks irreparably marred. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

In all, salaries and general expenses, \$11,910,730; and in addition thereto there are hereby appropriated all moneys received as contributions toward cooperative work under the provisions of section 1 of the act approved March 3, 1925 (U. S. C., title 16, sec. 572), which funds shall be covered into the Treasury and constitute a part of the special funds provided by the act of June 30, 1914 (U. S. C., title 16, sec. 498): *Provided*, That not to exceed \$470,076 may be expended for departmental personal services in the District of Columbia.

Mr. PATTERSON. Mr. Chairman, I move to strike out the last word. I want to call the attention of the committee at this point to the importance of the research work in connection with the southern slash pine. It has been shown that this pine grows very fast, and the experiment research work has found that there is a good deal of adaptability about it for use in making paper. There have been some objections raised on account of the amount of resin contained in the pine, but investigation has revealed that there is really a less per cent than was thought. It has been brought to my attention that it is very important that we ascertain more about the appropriateness of this slash pine for making pulp to be used for paper making. It grows much faster than the spruce pine. I have an extract here from some findings on this matter:

The United States Department of Agriculture brings out the fact that the slash pine grows more than seven times as fast as the spruce of the North. Dr. Charles Herty predicts that the rate of growth of slash pine up to 10 to 12 years of age, if carefully determined, will be much faster than the figures indicated by the United States Department of Agriculture. Doctor Herty has recently brought out some very striking facts with relation to slash pine. He indicates that the prevailing opinion among the manufacturers of pulp and paper products has been that all southern pines carried too high a resin content for use in the manufacture of the better grades of paper, while, as a matter of fact, the slash pine has a very small resin content unless it is wounded in the process of scarification.

Herty says: "The fact has been completely overlooked that the great bulk of this material is not physiological resin, but has been produced pathologically in the outer layers of the wood after the tree has been wounded in the weekly process of scarification."

I had a conversation with the chairman of the subcommittee about the article, and he assures me that they made an appropriation last year, and that they are going to continue to carry forward this work. We appreciate that and no doubt it will be of valuable assistance in the determination of work in the Forestry Department of our section.

Our State and other States are cooperating in protecting our forests, and we are beginning to appreciate the value of the forest. That is especially true where pine grows quickly. All the old pines have been cut off. Our State provides an efficient forest service in carrying on the work, and we appreciate the action of the subcommittee in continuing this work.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Soil-fertility investigations: For soil-fertility investigations into organic causes of infertility and remedial measures, maintenance of productivity, properties and composition of soil humus, and the transformation and formation of soil humus by soil organisms, \$200,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the subcommittee a question with reference to the soil surveys. How does the appropriation this year compare with preceding years? Is it increased or decreased?

Mr. DICKINSON. There is an increase this year of \$36,000 over last year.

Mr. BRIGGS. There has been such a demand for soil surveys in many sections that I wondered if you had made provision for greater service to be undertaken, because the Bureau of Soils is nearly two years behind in reaching applications for soil surveys. My own thought is that such surveys are serving a very useful purpose and aiding agriculture in a better understanding of the character and adaptability of soils.

Mr. DICKINSON. We provide for the extension of the work to the extent of \$36,000, and we provide for an additional sum for printing. The printing is two and a half or three years behind.

Mr. BRIGGS. Will the item be sufficient to provide for bringing down to date soil surveys previously made?

Mr. DICKINSON. There is no provision for that.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Truck-crop insects: For insects affecting truck and garden crops and including insects affecting tobacco and sugar beets, \$392,474.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: On page 54, line 21, strike out lines 21, 22, and 23 and insert in lieu thereof the following:

"Truck and field-crop insects: For insects affecting truck, garden, and field crops, including insects affecting tobacco and sugar beets, \$392,474."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HARE. Mr. Chairman, in explanation of this amendment I wish to say that as the bill now reads it provides an appropriation for an investigation of truck-crop insects, particularly insects affecting truck and garden crops. It was thought that the language was not inclusive enough to cover field crops, and for this reason this amendment has been offered in order that it might cover an investigation of insects, particularly the wire-worm, affecting not only truck crops, garden crops, but field crops as well. There is a specific appropriation, as I understand it, in this item of \$7,500 for the wire-worm investigation in the State of South Carolina.

Mr. DICKINSON. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For investigations, experiments, and demonstrations in the establishment, improvement, and increase of the reindeer industry and musk oxen in Alaska, including the erection of necessary buildings and other structures and cooperation with other agencies, and for all expenses necessary for the enforcement of the provisions of the Alaska game law, approved January 13, 1925 (U. S. C., title 48, secs. 192-211), \$127,000: *Provided*, That of this sum not more than \$3,000 may be expended for the purchase of land and the construction of headquarters buildings for use of the warden at Fort Yukon, Alaska.

Mr. DICKINSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: Page 59, line 4, strike out the sum "\$127,000" and insert in lieu thereof "\$142,000."

Mr. DICKINSON. Mr. Chairman, this provides for three additional game wardens in Alaska. It is recognized that they are needed up there. The committee mutually agreed that they

should be added to the bill, but in some way they were overlooked. I ask that the amendment be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Total, Bureau of Biological Survey, \$1,776,320, of which amount not to exceed \$241,800 may be expended for departmental personal services in the District of Columbia.

Mr. DICKINSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: Page 61, line 10, strike out "\$241,800" and insert in lieu thereof "\$289,373."

Mr. DICKINSON. Mr. Chairman, that is merely to correct the amount that can be used within the District of Columbia.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to return to page 58 for the purpose of offering an amendment in the nature of a correction.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: Page 58, line 2, strike out "\$20,000" and insert in lieu thereof "\$18,000."

Mr. DICKINSON. Mr. Chairman, that is to correct the allocation for this particular purpose in accordance with a cut in the appropriation.

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was agreed to.

The Clerk read as follows:

Agricultural engineering: For investigating and reporting upon the utilization of water in farm irrigation, including the best methods to apply in practice; the different kinds of power and appliances; the flow of water in ditches, pipes, and other conduits; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws affecting irrigation; for investigating and reporting upon farm drainage and upon the drainage of swamp and other wet lands which may be made available for agricultural purposes; for preparing plans for the removal of surplus water by drainage; for the development of equipment for farm irrigation and drainage and for giving expert advice and assistance; for field experiments and investigations and the purchase and installation of equipment for experimental purposes; for the preparation and illustration of reports and bulletins; for investigating farm domestic water supply and drainage disposal, the construction of farm buildings, and other rural engineering problems involving mechanical principles, including the erection of such structures outside of the District of Columbia as may be necessary for experimental purposes only; for rent outside the District of Columbia; the employment of assistants and labor in the city of Washington and elsewhere; and for supplies and all other necessary expenses, \$394,500.

COTTON GINNING

Mr. WHITTINGTON. Mr. Chairman, ginning is an important factor in the production of cotton. The producer and the spinner are interested in proper ginning or processing. Improper ginning may change a profit in cotton production to a loss.

Staple cotton is produced in the district I represent, and it has been conservatively estimated that improper or rough ginning has decreased the value of approximately one-third of the annual crop \$15 per bale. For a period of years it has been estimated that approximately one-third, or 300,000 bales, of the cotton raised in the Delta district of Mississippi have been improperly ginned, with an estimated loss to the growers of \$4,500,000 annually. There is a problem in cotton ginning.

The Department of Agriculture can aid in the solution of the problem.

The demand for improved cotton ginning resulted in an item of \$10,000 in the agricultural appropriation bill of 1928 for ginning studies. A similar amount was carried in the appropriation bill of 1929. The present bill not only contains \$10,000 for studies in cotton ginning but I am glad to observe that it also provides for an additional \$10,000 for laboratory studies of cotton fiber.

Both of these items are contained in the paragraph for marketing and distributing farm products. I am gratified that under the paragraph for agricultural engineering the present bill also carries for the first time an appropriation in the sum of \$10,000 for the study of the engineering phases of cotton.

These appropriations should be of great value to the cotton industry.

In this connection the cotton industry is indebted to Mr. S. H. McCrory, of the division of agricultural engineering of the Bureau of Public Roads; to Doctor Youngblood, of the division of experiment stations; to Dr. R. W. Webb, cotton technologist; and to Mr. Arthur W. Palmer, of the cotton division of the Bureau of Agricultural Economics, for their interest and valuable work in connection with improved cotton ginning.

There is a widespread movement for a campaign of education. The experiment stations in the Southern States appreciate the importance of the matter. Mr. W. E. Ayres, the director of the Mississippi Experiment Station at Stoneville, Miss., who is thoroughly familiar with the production and ginning of cotton, expresses the belief that better cotton ginning will result in increasing the value of the cotton crop annually some \$15,000,000 to \$20,000,000.

The question of cotton marketing is involved. The producer and the consumer are interested. It is a national question.

GRADE AND STAPLE

Both the grade and staple of cotton are influenced by ginning. Machinery for cleaning cotton may result in an injury to the staple. It is asserted that the ginning preparation of American cotton has deteriorated. The ginned lint appears to be rougher, more nappy, and more gin cut than formerly. The quality of cotton is largely in the hands of the ginners. The same cotton ginned on different gins frequently results in a difference of one-sixteenth inch in staple or a loss of \$5 to \$10 a bale.

It is important that the quality of the fiber be preserved in the gin lint.

Several factors contribute to the problem:

First. The number of gins is decreasing and the capacity of the individual gins is increasing. Trucks and improved highways are causing cotton gins to be located nearer to the markets and closer to the compresses. Capacity is the aim. There is too much capacity, even with dry cotton.

It is not necessarily too much saw speed, but it is also a question of proper rolls. A tight roll and a high speed mean injury to cotton. The fault is not altogether with the public gin. There is too much speed in the operation of the private gin.

Secondly, cotton in the early part of the season is ginned too quickly. It ought not to be ginned when it is green. It should be dry. It should be turned over. No further comment is necessary. This proposition is self-evident.

In the third place, cotton is ginned when it is wet either from dew or rain. Wet cotton or green cotton can not be ginned without damage. The fault is with the farmer. It may be that cotton driers are the solution. Picking cotton and putting it into the wagon is responsible for much inferior ginning. Storing in cotton houses is a better way.

In the fourth place, the snapping or sledding of cotton and injury from rains and storms have much to do with both the grade and staple of the cotton. It is an important consideration in the ginning. Snapping and sledding allow foreign matter to be gathered with the seed cotton, and as a consequence, cleaning equipment is necessary. Frequently this cleaning equipment is used in ginning hand-picked cotton. Experiments show that the fiber is frequently damaged when hand-picked cotton passes through the cleaning equipment.

Cotton is the oldest of all the fabrics, and the separation of cotton fibers from the seed has been practiced from the time of the earliest cotton culture, probably 800 B. C. and earlier, to the present time. In primitive times and to-day in parts of Africa, India, and China the method of hand pulling still obtains in separating the fiber from the seed.

In cotton production generally, however, ginning machines are used. These machines are of two types, the roller type and the saw gin. The saw gin was invented by Eli Whitney, an American, in 1792, and is used generally in ginning short-staple cotton. The saw gins, however, are not suited for the longer staple cottons. These cottons are usually ginned on roller gins.

The same grade of cotton, differently ginned, may result in a loss of staple. I am interested in cotton production. There is frequently a difference of one-sixteenth inch in the ginning of the same cotton. This means a loss to the producer of from \$5 to \$10 a bale.

INFORMATION

While cotton is the oldest of the fibers, the cotton gin is really a modern invention. The fact that both the cotton buyers and the spinners are complaining of a deterioration in the ginned cotton shows that there is much to be learned about this subject. I regret to say that while there has been much discussion, and while we know some of the factors that enter into the

solution of the problem, there is but little, if any, scientific data that is available. There are no experimental and controlled conditions that will facilitate the solution of the problem. Cotton gins are variously operated, some with relatively slow speeds, others fast; some are run with tight and others with medium seed rolls. Some are brush and others are air-blast type. Some are run when the cotton is entirely too wet, and it is even said that some are run when the cut is too dry. There are the matters of the diameter and speed of saws, the number and pitch of saw teeth, the density of the breast rolls, and the conditions and setting of ribs. However, there is a wide gap in our present knowledge. There must be experiments and detailed studies. There must be experimental ginning. There must be experimental machinery. There must be fiber studies and laboratory tests. I sometimes think that we know but little more of cotton ginning than in the days of Eli Whitney.

If the cotton is too closely ginned, it results in injury to both the seed and lint cotton. The oil mill pays less for the seed and the spinner less for the cotton. There is need for better linters and better cotton.

CONCLUSION

There is located in my district, as I have already said, one of the most efficient cotton experiment stations in the South. The officials of the Department of Agriculture, to whom I have referred, have undertaken to cooperate with this station in improving cotton ginning. There is a modern cotton ginny at this station. I am advised, however, by the director that the officials of the station and the representatives of the Department of Agriculture had not gone far when they were thoroughly convinced that the problem was entirely beyond any machinery the station possessed. It may be suggested that the proper equipment could be made in machine shops or manufacturing establishments, but nobody knows what is needed. It is a matter of correcting mistakes. It is a matter of error. It is a question of correction. There must be trials. There must be experiments. It is a matter of invention and discovery. Discoveries are not made in the great industrial plants of the country. Inventions are made by those who experiment. The cotton pickers are not being produced in commercial machine shops, but the inventors of these pickers have found it necessary to have their own equipment, so that changes may be made promptly and in order that new ideas and developments may go hand in hand.

I recall an address delivered by Dr. R. W. Webb, of the division of cotton marketing, before the convention of Alabama ginners at Montgomery, Ala., February 26, 1929. He states:

The Department of Agriculture has been asked frequently for information pertaining to the problems of ginning, and recently a marked interest in this direction has been developed. In fact, there is a growing demand that the department conduct a campaign of education. But before any intelligent educational campaign can be started, many more facts and much more detailed information must be obtained than are now available. Certainly any extended campaign should be preceded or supported by scientific studies involving both a survey of commercial gins and carefully controlled experimental ginning.

I quote from Doctor Webb again:

It should be emphasized that the studies now under way are limited in scope and necessarily are of a preliminary character. Be that as it may, the results being obtained indicate considerable significance, making possible a better understanding of the problems and forming a basis for more intensive and extensive gin studies. What is needed most urgently is an experimental gin plant equipped with adequate temperature and humidity control of the atmosphere and with all types and makes of commercial and experimental ginning and cleaning equipments. When this is at hand, and not until then, will it be possible to vary one factor at a time, all others being held constant, and to obtain information necessary to reflect the true nature of the relationships between ginning mechanics and fiber qualities.

The information is necessary before any recommendations can be made by the department for the improvement of gin machinery, for better gin operations, and for educational work in the interest of better ginning.

I am looking forward with much interest to the tests and studies that are to be made by the Department of Agriculture during the coming year. I trust that the department will make recommendations a year from now for a sufficient appropriation to really solve this perplexing and important problem. It means much to the cotton industry. It will probably take from \$150,000 to \$200,000 to provide for suitable studies and for an adequate plant for experimental purposes. The amount will be well spent. It will enable the Government to do for the producer and the consumer what they can not do for themselves.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The Clerk will read.

The Clerk read as follows:

Marketing and distributing farm products: For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, including scientific and technical research into American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and for collecting and disseminating information on the adjustment of production to probable demand for the different farm and animal products, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, and for investigation of the economic costs of retail marketing of meat and meat products, \$816,800, together with \$20,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1929: *Provided*, That practical forms of the grades recommended or promulgated by the Secretary for wool and mohair may be sold under such rules and regulations as he may prescribe, and the receipts therefrom deposited in the Treasury to the credit of miscellaneous receipts.

Mr. BRIGGS. Mr. Chairman, I am deeply interested in seeing a greater use made of cotton, and I would like to ask the chairman or some member of the committee what progress the department is making with reference to finding new and additional commercial and scientific uses for cotton and its by-products?

Mr. DICKINSON. I will refer the gentleman from Texas, Mr. BRIGGS, to the gentleman from Texas, Mr. BUCHANAN.

Mr. BUCHANAN. The studies are going forward and some progress is being made especially in the utilization of lower grades for rugs, bagging, and carpets.

Mr. BRIGGS. It is, of course, not only essential that the studies provided for in this appropriation, as well as other appropriations for departments and agencies cooperating be continued, but it is further necessary that the results of such studies be reflected in an increased use of cotton in the new channels suggested and in expansion of the use of both the standard and lower grades of cotton in the manufacture of various articles used both in industry and on the farm in extensive quantities.

As you gentlemen are aware, the Bureau of Agricultural Economics of the Department of Agriculture, cooperating with the Bureau of Foreign and Domestic Commerce of the Department of Commerce and the Cotton Textile Institute, have been making rather extensive research and study of new uses of cotton, and both Government bureaus have recently published preliminary reports of the result of such investigation and study up to the time of the issuance of such reports.

The Bureau of Foreign and Domestic Commerce of the Department of Commerce, published in March, 1928, a report entitled "Cotton Fabrics and Their Uses," and the Bureau of Agricultural Economics also issued a preliminary report in October, 1928, entitled "Cotton Bags and Other Containers in the Wholesale Grocery Trade." Both of these documents made available to the public the fruit of such preliminary study, and I am interested in ascertaining the extent to which such information and suggestions have been actually carried out in the cotton industry.

In the report referred to by the Bureau of Agricultural Economics it was indicated that the wholesale grocery trade alone utilizes enough bags to readily consume 600,000 bales of cotton annually. At the time of the issuance of the report the grocery trade was utilizing not more than 200,000 bales of cotton in bags used as containers; and it is apparent that it is of the greatest importance to the cotton grower and to the cotton trade that this potential market for 400,000 more bales of cotton in the grocery trade should be sought and obtained.

But this is only one opportunity for increased use of cotton. The Government itself constantly uses great quantities of twine, bagging, and other articles made wholly or in part from jute and other commodities imported from foreign lands, and which, with their low costs of production, compete with and displace cotton to the extent of many thousands of bales.

It seems to me one of the greatest services which the Government might render in promoting a more extensive use of cotton is to liberalize the existing law, if necessary, so that the Government departments in bidding for materials to be supplied

to such departments could give preference to products made from American-grown cotton rather than to those manufactured from foreign-grown hemp and jute and other similar products of foreign lands.

There is, moreover, need for more extensive study and experimentation in reducing costs of the utilization of the low grades of cotton into cotton bagging, so that not only can lower grades of cotton find a profitable market in the form of bagging and other greatly used manufactured materials, but that it may more successfully compete with products made from jute and other foreign imports which are utilized in the United States to such a tremendous extent.

An adequate tariff against jute and similar articles which would equalize the costs of production as between cotton and foreign-grown products competing with it should be provided and should be incorporated in the pending tariff bill.

We have the threatening situation of a sharp reduction of demand for American cotton in foreign markets, while little appears to be done to increase the demand either at home or abroad; but in the meanwhile imports of products competing with American cotton are coming into this country at an increasing rate and further restricting even the home market of the American producer.

The result is that cotton to-day is selling at least 5 cents or more below the actual cost of production.

The Federal Farm Board is now engaged in a program of financing and organizing, through cotton cooperatives, the great cotton industry of the South, but it must not be forgotten that the solution of the problems of the cotton grower can not be successfully reached unless he has a reasonable assurance that the product which he produces can be marketed either at home or abroad at a price which will not only reimburse him for the actual cost of production but give to him a reasonable profit, so that he and those dependent upon him may continue to exist and the Nation continue to enjoy an adequate supply of an indispensable commodity.

When we consider that cotton is the greatest agricultural commodity entering into the value of our foreign trade and occupies as commanding a position in the domestic trade, it must be evident that it is a matter of national concern that this great industry should not be allowed to languish or decline but should receive the unstinted cooperation of the Government of the United States and its people in not only preserving and expanding markets at home for a commodity which contributes so enormously to the wealth of this Nation but also in aiding in the encouragement of a greater use of American cotton elsewhere.

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

Market inspection of farm products: For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton, tobacco, and fruits and vegetables, whether raw or processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, \$475,000.

Mr. GARNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. GARNER. We have gotten over, as I understand it, the controversial matters this afternoon. Why not save something for to-morrow?

Mr. DICKINSON. We would like to go on to page 73. We have but one amendment to offer.

Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: Page 66, lines 23 and 24, after the word "vegetables," strike out the words "whether raw or processed."

Mr. DICKINSON. Those words were put in there by the committee on incomplete information before the committee. We did not know that there was any objection to the words going in from an administration standpoint. I send to the Clerk's desk a letter on that subject, which I will ask unanimous consent to insert in the RECORD as a part of my remarks, a letter from the director of regulatory work in the Department of Agriculture on that point, and I would like to have the words I referred to stricken from the bill, leaving the other language as it is at the present time, until the matter can be thoroughly studied and the amendment properly drafted.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. DICKINSON. This is the letter:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE DIRECTOR OF REGULATORY WORK,
Washington, December 19, 1929.

HON. L. J. DICKINSON,
House of Representatives.

DEAR MR. DICKINSON: May I call your attention to the language used on page 66 of the bill making an appropriation for the Department of Agriculture, H. R. 7491, authorizing this department to make investigations and issue certificates to shippers and interested parties of the class, quality, or condition of certain agricultural products. The scope of the work now carried on under existing legislation covers fruits and vegetables. The language used in line 24 by the addition of the words "whether raw or processed" immediately following the words "fruits and vegetables" would very materially broaden the service beyond that field to which it is now confined. The retention of this language in the pending bill would undoubtedly authorize the inspection and issuance of certificates on canned goods, preserves, jams, jellies, and other commodities of food which are developed through processing fruits and vegetables. This inspection and certification service requires the determination and announcements of grades or standards for the various products to which it relates in order that some comparative specific value may be given to the certificates.

The department is convinced that the work which is carried on under this item in the bill has operated to the definite advantage of the farmer in marketing raw material. The proposal to include such commodities after passing through that stage of manufacturing or processing employed to make them finished articles of food ready for distribution and consumption presents complications due to the fact that they are, when shipped into interstate commerce, subject to the provisions of the food and drugs act. The tendency, undoubtedly, would exist for manufacturers and canners to declare on the packages in which such processed fruit and vegetables are carried statements announcing the fact that the commodity has been inspected by the department and certified to be of a particular grade. To prevent this service from operating through deception to the disadvantage of the public and the producer likewise it is essential that some power exist to regulate the traffic so as to avoid erroneous and untruthful statements on the label concerning the grade, quality, or condition of the product. At present this may be done through the food and drugs act only.

The inspectional and certification work authorized by the appropriation item is of a service nature distinctly; the work involved in the enforcement of the food and drugs act is regulatory. Already the department has experienced some difficulty in the satisfactory adjustment of these two types of work. Based upon the experiences of the past we have undertaken within the department to prepare a bill on market inspection of farm products. A preliminary draft has already been drawn and is now being discussed before submitting it to Congress.

It is the purpose of the department to have it so drawn that distinct types of work in different bureaus relating to the same subject matter can be carried on effectively and satisfactorily without the conflicts that have occurred thus far under the present wording of the appropriation bill and which, in my judgment, will be increased if the pending measure provides for the extension of this service to processed fruits and vegetables.

The purpose of this memorandum is to point out to you merely what seems to me to be the untimeliness of this amendment. If it is agreeable to you and the committee to restrict the terms of this item to the language included in the appropriation bill for 1930—that is, letting it apply to raw fruits and vegetables only—I believe that the department at a fairly early date will be able to suggest language which will obviate the administrative troubles that will be created by the addition of the words "whether raw or processed."

Sincerely yours,

W. G. CAMPBELL,
Director of Regulatory Work.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read down to and including line 22, page 72.

Mr. DICKINSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7491) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1931, and for other purposes, and had come to no resolution thereon.

ADDRESS OF HON. RICHARD B. WIGGLESWORTH, OF MASSACHUSETTS

Mr. STOBBS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by my colleague, Hon. RICHARD B. WIGGLESWORTH, at Brockton, Mass., on October 13, 1929.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The address is as follows:

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE DEATH OF GEN. CASIMIR PULASKI

Mr. Chairman, distinguished guests, friends, and fellow citizens, we are gathered here to-day to observe with appropriate ceremony the one hundred and fiftieth anniversary of the death of a great soldier, a lover of mankind, a champion of liberty, who came to our shores in our hour of need, espoused our cause as his own, and loyally gave us his rare military genius, his unbounded personal courage, and ultimately his life that a free and independent America might be born.

Gen. Casimir Pulaski, whose memory we honor here to-day, devoted his entire life to the cause of freedom. Born in Poland in 1747, more than 3,000 miles from the land in which he was destined to lay down his life, he was called at the age of 21, at the conclusion of preliminary military service, to join his father on the battle field in the struggle to preserve his native land from foreign aggression. Almost at once he gave proof of that military greatness which was so soon to bring him fame. Whether in attack or in defense, in pursuit or in retreat, he demonstrated an activity and a resource which commanded the admiration of friends and foes alike. Never, it was said, had there been a warrior "who possessed greater dexterity in every kind of service." As commander in chief on the death of his father, his name became the terror of his enemies, the best hope of his countrymen. He made himself, as Benjamin Franklin expressed it, "one of the greatest officers in Europe—famous throughout Europe for his bravery and conduct in defense of the liberties of his country against the three great invading powers, Russia, Austria, and Prussia."

The cause for which he fought was not destined to triumph in Poland during his lifetime. Fate had decreed otherwise. Despite his brilliant and heroic leadership, the star of Poland was to disappear for the time being below the encircling horizon of invasion. The three empires prevailed; Poland was partitioned among them and General Pulaski, his estates confiscated, his father and other members of his family sacrificed in the struggle, a price upon his head, found himself in exile in Turkey and later in Paris.

Victory in Poland was indefinitely postponed, but this did not quench the flame which burned in the heart of General Pulaski. In Paris he learned that a new field was opening in America, where his sword might again be unsheathed for the rights of mankind, for liberty, and for justice, for which he had struggled in Poland. After conferring with Franklin in Paris, he determined to offer his services to General Washington.

Arriving in America in 1777, joining the Army as a volunteer, he was not long in sustaining by his conduct and courage the reputation for which the world had given him credit. As America's first brigadier general of cavalry and later in command of "Pulaski's Legion," he labored incessantly for the triumph of American freedom. At Brandywine, Lancaster, Haddonfield, Charleston, and on other battle fields he played a brilliant part and wrote for himself an undying name in the pages of American history. He fell at Savannah in the heat of battle in 1779, giving his life that America might live, acquiring in this manner the "highest of all claims to the Nation's remembrance and gratitude."

Poland, the land which gave him birth, has had much in its history in common with that of America. It has been characterized in the sixteenth and seventeenth centuries as the largest and most ambitious experiment with a republican form of government that the world had seen since the days of the Romans—as the first experiment on a large scale with a federal republic down to the appearance of the United States. It is said to have been the freest State in Europe at this time, the State in which the greatest degree of constitutional, civic, and intellectual liberty prevailed, offering complete toleration and asylum to those fleeing from religious persecution in other lands, and, like the United States to-day, serving as the melting pot of Europe, the haven for the poor and oppressed of all the neighboring countries.

Enthusiasm for freedom in almost every branch of life; the principle of the sovereignty of the national calling the citizens to participate in

the responsibilities of government; the conception of the State not as a thing existing for itself but as an instrument serving the well-being of society; aversion to absolute monarchy, standing armies, and militarism; disinclination to undertake aggressive wars combined with a notable tendency to form unions with neighboring peoples—such, it has been said, are some of the hall marks of the old Polish State, which made it stand out as a unique exception among the rapacious and militaristic monarchies of that age.

It is unnecessary to emphasize the genius of Poland. Such names as those of Kosciuszko, who like Pulaski, fought with our army during the revolution; Mickiewicz, poet laureate of Poland; Sienkiewicz, Copernicus, Chopin, Paderewski, Pilsudski, the guiding spirit of to-day, and many others bear witness to this genius for which America and the world as a whole are the richer.

Nor it is necessary to stress the unquenchable patriotism of the Polish people who for many generations furnished the world with the outstanding example of a liberty-loving nation struggling heroically against almost impossible odds.

America's particular indebtedness to the people of Poland as a whole is apparent when we realize that more than three million people of Polish descent are now in America giving the best that is in them to the development of the Nation.

The triumph of freedom in Poland was destined to occur after the conclusion of the World War, almost 150 years after the enforced exile of General Pulaski. A united and independent Poland constituting 1 of the 14 points on the basis of which hostilities ceased, Poland to-day finds itself the sixth largest country in Europe, with a population of some 30,000,000 people, an area of some 150,000 square miles, rich natural resources, and highly developed industries, carrying on a trade with this country amounting annually to over \$40,000,000.

It was my good fortune a year or two ago to travel the length and breadth of the new Poland, to meet people in official life, to observe something of the problems and possible developments of the country, and to experience everywhere a courtesy and a hospitality which I shall always recall.

In recognizing our indebtedness to General Pulaski and to his people to-day, I am sure that we shall not be misjudged if we take sincere satisfaction in the realization that America, in its turn, has been able in recent years to aid to some extent in the development of the new Poland. Three instances of particular interest occur to me which may be briefly referred to:

In the summer of 1919 the Kosciuszko squadron of aviation pilots was organized to fight for Poland in the struggle with the Bolsheviks. The squadron comprised representatives of six different armies, including the American Army. Several Americans lost their lives in this squadron in the service of the Polish Government. One of them, a close friend of mine, First Lieut. Edmund P. Graves, said to have been the most skillful pilot in the squadron, was the first of its members to die. The Polish Government has done him every honor. Writing of him on the day following his death his group commander said:

"He came to us from across the ocean, a son of the great American Nation, to offer his services to the Polish Republic. She welcomed him with all her heart in the memory of Pulaski and Kosciuszko, for he, too, came to fight for that freedom and liberty gained only through bloodshed."

No word is necessary at this time to recall the part played in Europe by the relief organizations of America after the World War under the guidance of President Hoover. To-day in the city of Warsaw, in Poland, there is a garden with tablets at the entrance marked "Hoover's Garden." A monument erected there bears the following inscription:

"1922. To the United States of North America, from the grateful soldiers and children of Poland."

During the past two years a friend and former associate, Hon. Charles S. Dewey, of Chicago, formerly Assistant Secretary of the Treasury, has served as financial adviser to the Polish Government. His acceptance of this office at the invitation of the Polish Government in connection with the program adopted for stabilization in Poland appears to have coincided with a turning point in the economic and financial conditions in the country. I am told that in no year since the war has Poland enjoyed a greater degree of prosperity than that experienced during 1928. With increasing strength, Poland may perhaps again become a bulwark of western civilization in the troubled east of Europe.

Ladies and gentlemen, General Pulaski was a true representative of outstanding characteristic of his native land. As a soldier he reflected its genius, as a champion of human rights its love of freedom. It is highly appropriate that we should hold these exercises here to-day dedicating this square to the memory of his valiant spirit. In so doing the opportunity is presented to express our profound sense of gratitude to him and to his native land, our sincere desire for continued cooperation and mutual helpfulness between his country and our country, our earnest hope that the ideals of liberty and justice for which he lived and died may prevail and abide among the nations of the earth.

GOLD-STAR MOTHERS OF THE STATE OF MISSOURI

Mr. GARNER. Mr. Speaker, at the request of the gentleman from Missouri [Mr. CANNON], I ask unanimous consent

that he may have permission to extend his own remarks in the Record on the subject of the gold-star mothers of Missouri.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CANNON. Mr. Speaker, under a law passed in the last Congress the mothers and unmarried widows of sons and husbands who fell in the World War and who now sleep in alien soil may visit the graves of their loved ones at the expense of the United States Government.

The law provides that the oversea pilgrimages of these gold-star mothers and widows may be made at such time during the period between May 1, 1930, and October 31, 1933, as the War Department may designate and insures every provision for their maintenance, comfort, and welfare while abroad. Where the soldier is survived by both mother and widow both are included within the purview of the statute.

There are 365 gold-star mothers and widows in the State of Missouri who are eligible to make this trip as guests of the Government, and as a tribute to them and to their martyred dead, I ask that their names be printed in the Record. The full list as arranged by counties is as follows:

Adair: Mrs. Dora E. Lowe, 316 South Sanford Street, Kirksville.
 Atchison: Mrs. Rosanna Ward, Phelps City.
 Barry: Mrs. Caldonia Cooper, Cassville; Mrs. William S. Erwin, Washburn.
 Barton: Mrs. A. Eecher, route 3, Liberal.
 Bates: Mrs. Clara A. Clark, Adrian; Mrs. Anna Dalton, Butler; Mrs. Hattie McCormick, route 3, Rich Hill; Mrs. A. O. Steele, Rich Hill; Mrs. Bertha Willard, Butler.
 Benton: Mrs. Malissie Buckley, general delivery, Hastain.
 Bollinger: Mrs. Mary E. Phelps, route 6, Nevada.
 Boone: Mrs. W. P. Moore, 410 South Ninth Street, Columbia; Mrs. Anna White, 506 Section Road, Columbia.
 Buchanan: Mrs. Sarah M. Leonard, 2118 St. Joe Avenue, St. Joseph; Mrs. Laura Munden, 204 West Nebraska Avenue, St. Joseph; Mrs. John T. Sanders, route 6, box 120, St. Joseph; Mrs. Henry F. Seifert, 1311 Boyd Street, St. Joseph; Mrs. Minnie Showers, 2616 Patte Street, St. Joseph.
 Butler: Mrs. Mollie Gean, Rombauer.
 Caldwell: Mrs. America I. Kidder; Mrs. Carrie May Hill, route 2, Cowgill; Mrs. S. B. Laughlin, route 1, Hamilton; Mrs. Belle McBride, Hamilton; Mrs. Marion R. Searl, 306 East Jefferson Street, Marshfield.
 Callaway: Mrs. Sallie Boyer, New Bloomfield; Mrs. Henry Freiburger, route 7, Fulton; Mrs. J. H. Weller, Fulton.
 Cape Girardeau: Mrs. Robert A. Caldwell, Fruitland; Mrs. Sarah E. Crader, Burfordsville, route 1; Mrs. Cora Gaston, route 2, box 435, Cape Girardeau; Mrs. Nancy E. King, 418 South Hanover Street, Cape Girardeau; and Mrs. Alice R. Snider, Fruitland.
 Carroll: Mrs. Jennie Berrier, Bosworth; Mrs. Nannie E. Cumbo, Hale; Mrs. Pauline McCombs, Wakenda; and Mrs. Louisa A. Tassarro, Norborne.
 Cass: Mrs. Mary E. Mettler, Drexel; and Mrs. Ida Shelton, Pleasant Hill.
 Cedar: Mrs. Violet M. Pahlman, Jericho Springs; and Mrs. Virginia Sallee, route 2, Stockton.
 Chariton: Mrs. Rosa Leake, Mendon; Mrs. Amanda McAllister, route 2, Mendon; Mrs. Matilda Meyer, route 1, Dalton; Mrs. Lee Stephenson, Snyder; and Mrs. Ida Elnora Young, route 1, Forest Green.
 Clark: Mrs. Augusta E. Blum, Kohoka; and Mrs. Lovina Klous, Kohoka.
 Clay: Mrs. Mattie Critchfield Baker, 309 Pine Street, Liberty; and Mrs. Sallie Gustin, Excelsior Springs.
 Clinton: Mrs. Diantha Callahan, Plattsburg; Mrs. Nettie Pearson, Plattsburg; and Mrs. Ollie M. White, Cameron.
 Cole: Mrs. Augusta Baker, box 5, Jefferson City; Mrs. Phenie Hart, Jefferson City; Mrs. Barbara Opel, 815 Mulberry Street, Jefferson City; Mrs. Julius Raitbel, 81 West High Street, Jefferson City; and Mrs. H. J. Smith, 450 Suburban, Jefferson City.
 Cooper: Mrs. Nancy Dobson, 120 West Water Street, Boonville; Mrs. Julia Haller, 719 Fourth Street, Boonville; Mrs. Elizabeth Johns, 312 High Street, Boonville; Mrs. Dan Langkop, Bunceton.
 Crawford: Mrs. Florida M. Bunton, Oak Hill.
 Dade: Mrs. Lucetta Games, Greenfield.
 Dallas: Mrs. Sarah M. Belknap, Box 505, Leadwood; Mrs. Elmira Nunn, General Delivery, Buffalo.
 Daviess: Mrs. Phillip Shaw, Pattonsburg.
 Dent: Mrs. Lucy Smith, Gladden.
 Douglas: Mrs. Jamie Mary Davis, Route 3, Ava; Mrs. Jessie Phillips, Roy.
 Dunklin: Mrs. Emma Vaughn, Kennett.
 Franklin: Mrs. Anna Haupt, Washington; Mrs. Josephine R. Johnston, Sullivan; Mrs. Mary Frances McKeehan, New Haven; Mrs. Lena M. Schroeder, Washington; Mrs. Alice Zumwalt, care of Mrs. Art Helm, Pacific.
 Gasconade: Mrs. Elizabeth Ruster, Route 2, Bland; Mrs. Clara Stuckey, Bland.

Gentry: Mrs. Mary E. Barnes, Albany; Mrs. Ida Clara Holden, 302 South Hundley Street, Albany; Mrs. Amanda Sager, Box 516, Stanberry; Mrs. Julia Stonebraker, King City; Mrs. Maggie E. Tunnell, King City.

Greene: Mrs. Henry A. Beyer, route 11, Springfield; Mrs. Sue E. Clingan, route 11, Springfield; Mrs. Lillie Edwards, 411 South Street, Springfield; Mrs. Clara B. Janss, 1423 Belmont Street, Springfield; Mrs. Mary Lantis, route 6, box 80, Springfield; Mrs. Emma Marshall, route 2, Springfield; Mrs. Rebecca Ray, general delivery, Springfield; Mrs. Nell D. Reid, 736 South Florence Street, Springfield; Mrs. Martha Wallace, 1112 West Atlantic, Springfield; Mrs. George V. Reager, 784 South Freemont, Springfield; Mrs. Annie Willoughby, 804 North Rogers Avenue, Springfield.

Grundy: Mrs. Amanda A. Weed, route 9, Trenton.

Harrison: Mrs. Mary E. Hawkins, Bethany; Mrs. Alice E. Wilson, Bethany.

Henry: Mrs. Lillie Jane Dunning, route 36, Deepwater; Mrs. Rosa E. Hutson, Windsor; Mrs. Lou E. Miller, Montrose; Mrs. Malvina C. Skaggs, Calhoun; Mrs. Mary Starks, route 2, Clinton; Mrs. Mary M. Stone, Windsor.

Hickory: Mrs. Sarah Jamison, route 2, box 45, Cross Timbers; Mrs. Sarah A. Kittel, general delivery, Weablean.

Howell: Mrs. Mary Monroe, Pomona; Mrs. Mary E. Skelton, route 3, Willow Springs; Mrs. Lizzie Smotherman, Peace Valley; Mrs. Rhoda A. Thornton, route 1, Mountain View.

Iron: Mrs. Zenia Staab, Ironton.

Jackson: Mrs. Maggie Decker Adamson, Kansas City; Mrs. Daisy Baughman, Kansas City; Mrs. Lulu E. Brown, Kansas City; Mr. Paul Campo, Kansas City; Mrs. Tenna Marie Caylor, Kansas City; Mrs. Mary Ann Cleveland, Kansas City; Mrs. Lucy Ann Cox, Kansas City; Mrs. Viola Curry, Kansas City; Mrs. Eughemia Derby, Kansas City; Mrs. Isabella D. Edwards, Kansas City; Mrs. Martha L. Fair, Kansas City; Mrs. Margaret Finke, Kansas City; Mrs. Rose A. Fisher, Kansas City; Mrs. Catherine Fitzsimmons, Kansas City; Mrs. Anna Martha Foster, Kansas City; Mrs. F. X. Fraas, sr., Kansas City; Mrs. Martha M. Hadley, Kansas City; Mrs. Mollie Wine Hadley, Kansas City; Mrs. Maggie E. Hartman, Kansas City; Mrs. James Kirkpatrick, Kansas City; Mrs. Lena M. Larson, Kansas City; Mrs. Elizabeth Layman, Kansas City; Mrs. Rachel Lee, Mt. Washington; Mrs. Sarah Lott, Kansas City; Mrs. Anna A. Lynch, Kansas City; Mrs. Mary A. Maupin, Independence; Mrs. Josephine S. Morse, Kansas City; Mrs. Johanna O'Connell, Kansas City; Mrs. Mabel C. Peebles, Kansas City; Mrs. F. E. Scott, Kansas City; Mrs. Lenora Simpson, Kansas City; Mrs. Hattie Slocum, Kansas City; Mrs. Nora W. Steitler, Kansas City; Mrs. Ida Tuisler, Kansas City; Mrs. Ida S. Waltman, Kansas City; Mrs. Fannie Willard, Kansas City; Mrs. Frances Williams, Kansas City; Mrs. Mary C. Woodbury, Kansas City; Mrs. Caroline Woodworth, Kansas City; Mrs. Annie Wright, Kansas City; Mrs. Stella L. Wright, Dodon.

Jasper: Mrs. Susan O. Adams, Joplin; Mrs. Sarah C. Brosius, Carthage; Mrs. Cynthia Ann Brown, Webb City; Mrs. Dora Belle Brown, Joplin; Mrs. Mary E. Calentine, Joplin; Mrs. Triphenia L. Call, Joplin; Mrs. Emmett Cooperrider, Joplin; Mrs. Martha E. Davis, Carthage; Mrs. Anna Lee Edwards, Carthage; Mrs. Capitelia Ellingsworth, Carthage; Mrs. Mary Everson, Joplin; Mrs. Susie F. Hammer, Joplin; Mrs. Lilly E. Hopp, Oronogo; Mrs. Mary Hughes, Carl Junction; Mrs. Margaret Long, Joplin; Mrs. Annie Morrison, Joplin; Mrs. Buela Webb, Joplin; Mrs. Jennie F. Wiggins, Carthage; Mrs. Rose Woodmansee, Purcell; Mrs. Martha Smoot, Joplin.

Jefferson: Mrs. Elba Boyce, Platin; Mrs. John O'Farrell, De Soto; Mrs. Rhoda Wideman, Crystal City.

Johnson: Mrs. Herick J. Benjamin, Holden; Mrs. Charlotte Peery, Knobnoster; Mrs. J. R. Stewart, Holden.

Knox: Mrs. Thomas Bradley, Greensburg.

Laclede: Mrs. Mary Blankenship, Lynchburg; Mrs. Alice K. Marsh, Conway.

Lafayette: Mrs. Amanda S. Bedi, Lexington; Mrs. Mary C. Campbell, Odessa; Mrs. Ella Hannah, Odessa; Mrs. Ella Lohman, Concordia; Mrs. Hanna Mallet, Lexington; Mrs. Emeiles Niederjohn, Higginville; Mrs. Katherine B. Wiley, Lexington; Mrs. Margaret Williams, Lexington.

Lawrence: Mrs. Mollie Lewis, Miller.

Lewis: Mrs. Berry L. McLin, Canton.

Lincoln: Mrs. Ruth P. Bibb, Elsberry; Mrs. W. A. Branch, Elsberry.

Linn: Mrs. Emilie Keune, Laclede; Mrs. Andrew W. McNish, Brookfield; Mrs. E. M. Neely, Browning; Mrs. Kate Thompson, Brookfield; Mrs. Joe Yagel, Purdin.

Livingston: Mrs. Isabelle W. Glick, Chillicothe.

McDonald: Mrs. Rose May Brown, Pineville.

Macon: Mrs. M. S. Bane, Elmer.

Madison: Mrs. Emma Martin, Cornwall; Mrs. Bertha Moyers, Fredericktown; Mrs. Minnie Phelps, Fredericktown.

Maries: Mrs. James O. Miller, Bell.

Marion: Mrs. Roseanna Chase, Hannibal; Mrs. Rhoda V. Lee Clark, Hannibal; Mrs. Edna M. Curtis, Hannibal; Mrs. William Dickson, Palmyra; Mrs. Jennie E. Doolin, Hannibal; Mrs. Alice Greene, Hannibal; Mrs. Nancy Ann Vestal, Hannibal.

Mississippi: Mrs. Martha Boltrott, Charleston; Mrs. Mary Tatum, Charleston.

Moniteau: Mrs. Margaret Holterman, California.

Montgomery: Mrs. Grace Holmes, Jonesburg; Mrs. Maggie Jackson, Montgomery City; Mrs. Elizabeth F. Park, Middletown.

Morgan: Mrs. Sarah M. Hibdon, Barnett.

New Madrid: Mrs. Jean Burns, Canolou; Mrs. Fannie Riley Fine, New Madrid; Mrs. Henrietta Sutton, Parmo; Mrs. S. J. Wiseman, Marston.

Newton: Mrs. Emma Clapper, Newtonia; Mrs. Artie Kenney, Newtonia.

Oregon: Mrs. Minerva E. Hall, Thayer.

Osage: Mrs. Annie Walker, Chamolis; Mrs. Gertrude Worms, Meta.

Pemiscot: Mrs. Nancy M. Napier, Hayti; Mrs. Nannie Pullem, Hayti; Mrs. J. L. Southern, Steele; Mrs. Annie Tate, Caruthersville.

Perry: Mrs. Chloe Minnie Brown, Perryville; Mrs. Philmina Elder, Perryville; Mrs. Therese N. Erzfeld, Uniontown; Mrs. Mary Felista Manning, Claryville.

Pettis: Mrs. Laura E. Burk, Sedalia; Mrs. Hattie English, Sedalia; Mrs. Althea Hill, Sedalia; Mrs. Rose Hirsh, Sedalia; Mrs. Jennie E. Love, Sedalia; Mrs. Alma Love, Sedalia; Mrs. Lavrice Sibert, Sedalia; Mrs. Clara B. Taylor, Sedalia.

Phelps: Mrs. Sarah E. Allen, Jerome.

Platte: Mrs. Minnie S. Billott, East Leavenworth; Mrs. Agnes Wagle, Platte City.

Polk: Mrs. Rebecca Barham, Burns; Mrs. Elizabeth A. Clark, Bolivar; Mrs. Emily Alice Cowan, Humansville; Mrs. William L. Mitchell, Morrisville; Mrs. Edie Wells, Bolivar.

Pulaski: Mrs. Amanda E. Boyce.

Putnam: Mrs. Melissa Hatfield, Worthington.

Randolph: Mrs. Thomas J. Jenkins, Moberly; Mrs. Eva Solomon, Moberly; Mrs. Lizzie Street, Clark.

Ripley: Mrs. Davis Casteel, Doniphan; Mrs. John Miller, Oxley; Mrs. Mandy Ryan, Doniphan.

St. Charles: Mrs. Pheby Galloway, Wentzville.

St. Clair: Mrs. Davis Crowder, Appleton City; Mrs. Marthy Simpson, Oyer; Mrs. Catherine E. Williams, Lowry City; Mrs. Sarah A. Wilson, Appleton City.

St. Francis: Mrs. Maggie Gallagher, Flat River; Mrs. Mary Griffin, Leadwood; Mrs. Slone LePere, Farmington; Mrs. Mary E. Parker, Bonne Terre.

St. Louis: Mrs. Cornelia L. Compton, Kirkwood; Mrs. Mollie Danz, Creve Coeur; Mrs. Minnie Hohmann, Centaur; Mrs. Lizzie Jackson, Webster Groves; Mrs. George W. Rogers, Ferguson; Mrs. Sarah A. Saylor, Webster Groves; Mrs. Della Jennie Shock, Webster Groves; Mrs. Elizabeth Zink, Afton.

St. Louis City: Mrs. Jane Admire; Mrs. Charlotte Baum; Mrs. Margaret Brennan; Mrs. Eulalie Brock; Mrs. Lizzie Brown; Mrs. Indiana Brownrigg; Mrs. Sarah E. Burt; Mrs. Mana Chandler; Mrs. Lella M. Cope; Mrs. Clara Crowder; Mrs. Catherine Devereux; Mrs. Anna Dixon; Mrs. Julia N. Drescher; Mrs. May Duel; Mrs. Alma Dorothy Ensko; Mrs. Ruth Erbe; Mrs. Myrtle Ferrill; Mrs. Hattie Gentry; Mrs. Irene Gildehaus; Mrs. Nellie E. Gilfoyle; Mrs. George P. Goddard; Mrs. Emma Harvey; Mrs. Blanche L. Horn; Mrs. Anna Jarosik; Mrs. Alice E. Jutz; Mrs. Myrtle M. Klein; Mrs. Lena Koenig; Mrs. A. Kuntz; Mrs. Anna M. Kurka; Mrs. Beatrice Langon; Mrs. Mary Loftus; Mrs. Alby D. McCarthy; Mrs. Susan McConnell; Mrs. Martha Martens; Mrs. Parthenia Martin; Mrs. William May; Mrs. Elsie C. Meier; Mrs. Minnie Meltner; Mrs. Addie Nabers; Mrs. Clara R. Noland; Mrs. Maria B. Peers; Mrs. Mary C. Potter; Mrs. Katherine Rausch; Mrs. Jerenia L. Reid; Mrs. Cordelia Reilly; Mrs. Ella Robbins; Mrs. Henrietta Roehrig; Mrs. Anna Schmidt; Mrs. Mary Schneider; Mrs. Rose N. Stark; Mrs. Emily R. Summersby; Mrs. Hattie Tebbs; Mrs. Annie E. Timpe; Mrs. Alice Tod; Mrs. Elsbeth H. Vaughn; Mrs. Martha Vaughn; Mrs. Dan Wicker; Mrs. Nannie E. Wear; Mrs. Jennie Lee Withington; Mrs. Annie Wunsch; Mrs. Sophie Zoller.

Saline: Mrs. M. E. Blackburn, Blackburn; Mrs. John Boggs, Slater; Mrs. Lena Boilman, Slater; Mrs. Margaret A. Buck, Marshall; Mrs. Bertha Deis, Marshall; Mrs. Thomas Fair, Marshall; Mrs. Melissa Fischer, Gilliam.

Scott: Mrs. Manda Ghormley, Sikeston; Mrs. Mary C. Stidham, Chaffee.

Sullivan: Mrs. Emma Jane Eaton, Harris; Mrs. Josephine King, Milan; Mrs. Edith McClary, Milan; Mrs. Hannah Collins Sloan, Milan.

Taney: Mrs. Addie L. Allen, Day.

Texas: Mrs. Mary Pittman, Success.

Vernon: Mrs. Lenora Begley, Montevallo; Mrs. Della Kasten, Nevada; Mrs. Ella May Leach, Montevallo; Mrs. Martha J. Williams, Montevallo.

Warren: Mrs. Annie Ellerbruch, Treloar; Mrs. Minnie Schwerdt, Warrenton.

Washington: Mrs. Sarah Cordia, Richwoods; Mrs. Etta Horton, Irondale.

Wayne: Mrs. Laura Thornburgh, Greenville.

Worth: Mrs. J. H. Bales, Denver; Mrs. Matilda McKim, Grant City; Mrs. Barbara Tokem, Grant City.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks on the agricultural bill until the end of the coming recess.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members may have the privilege of extending their remarks on the agricultural bill until the end of the coming recess. Is there objection?

There was no objection.

ADDRESS OF HON. CHARLES L. ABERNETHY, OF NORTH CAROLINA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by the Hon. CHARLES L. ABERNETHY over the radio yesterday on the subject of the New York Stock Exchange.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD by printing an address delivered yesterday by the gentleman from North Carolina [Mr. ABERNETHY]. Is there objection?

There was no objection.

The address is as follows:

THE NEW YORK STOCK EXCHANGE AND ITS PRACTICES

The wild orgy of speculation carried on through the New York Stock Exchange and similar institutions throughout the country recently, with such disastrous results to so many people, should at least cause the responsible heads of these institutions to pause and see if it is not time for them to have a house cleaning and to undertake some drastic regulation of themselves before an aroused public conscience will inevitably bring about Federal regulation and control of their practices.

It is not my purpose to deal with the subject under consideration except in a sane and sensible way. I confess in the outset my lack of knowledge of the intricacies of the management of these institutions except in a general way and from what I have learned by a study of them by recent research. I am approaching the subject as a national legislator seeking to be helpful to the country at large without doing any injustice to the established institutions that have been in existence so long and have had such a high standing in the business world.

In March, 1929, the president of the New York Stock Exchange, in the North American Review in an article entitled "Mechanics of the Stock Exchange," undertook to give, as he said, to thousands of Wall Street's new investors unfamiliar with its actual machinery authoritative explanations by which their market transactions were effected.

The New York Stock Exchange in its legal form is a private club which provides a meeting place where brokers may buy and sell stocks and bonds for themselves and for their clients. To quote its constitution, its objects are "to furnish rooms and other facilities for the convenient transaction of their business by its members, as brokers, to maintain high standards of commercial honor and integrity among its members, and to inculcate just and equitable principles of trade and business."

This institution has grown up from an organization started by about a dozen brokers who organized in 1792. The investing public has been educated and led to believe that when a stock or bond was listed on the New York Stock Exchange that these securities were safe and sound.

We find in March, 1926, that the president of the New York Stock Exchange delivered a lengthy address before the Mississippi Valley Group Investment Bankers Association of America, at St. Louis, Mo., on "Listing securities on the New York Stock Exchange." Again, he made another address before the convention of the Wisconsin Bankers Association at Milwaukee in June, 1928, on "Safeguarding the Nation's capital," and in October, 1928, he delivered an address at Omaha, Nebr., before the Nebraska Bankers Association on "The stock exchange and American agriculture."

The underlying purpose of these addresses was to encourage the investing public and also bankers to invest in the securities listed on the New York Stock Exchange. Again we find the president of the New York Stock Exchange in a speech before the New Hampshire Bankers' Association, at Manchester, N. H., on May 24, 1929, defending speculation in securities, and again we find this energetic and active president of the New York Stock Exchange taking serious issue with the Federal Reserve Board because the reserve banks were not allowed to accord New York Stock Exchange collateral rediscounting facilities, this in view of the administrative policy of the Federal Reserve Board remonstrating with member banks against permitting the facilities of the Federal reserve system to be used for stock-speculative purposes.

In the speech at Milwaukee in June, 1928, when the president of the New York Stock Exchange was undertaking to educate the bankers of that proverbially progressive State how there should be "Safeguarding the Nation's capital," he closed his speech on this occasion with these remarks:

"Under freedom the New York Stock Exchange has over the past century been able to foster and develop thrift and security investment not merely in its own locality but all over the United States. It pro-

vids not only those indispensable financial facilities for marketing securities which have been so widely availed of by American business and even by the American Government itself but also fundamentally and time-tested safeguards in security dealings so vitally needed by the steadily increasing class of security buyers throughout the Nation."

This campaign of publicity and speech making before banking groups and others carried on throughout the country had so encouraged the American public until we find the country running wild to a large extent on speculation to the neglect of real business. The Manufacturers Record, in a well-considered article published November 7, 1929, among other things, had this to say:

"Consolidations, mergers, absorptions by banks and trust companies of other banks, the organization of vast investment trusts and chain stores, all seemed to the average man, judged by the wild scramble for stocks, as though there was no end to the pyramiding of security prices and attendant fictitious prosperity.

"We can not conceive how any supposed financier or banker, especially the heads of the great banking institutions in New York, could ever have imagined that this wild orgy of speculation could continue indefinitely. There was nothing in this country or in world affairs to justify such a wild gamble, for gamble it was, of the wildest kind. The whole country was being engulfed in one vast scheme of speculation. The fever of gambling on the stock exchange or the race track, and in every other imaginable way, seemed to be in the very blood of the American people, spreading from this country to Europe; for Europe took an active part in enormous purchases of stock on the New York market.

"Official Government reports heralded with loud acclaim and unceasing reiteration that the country was enjoying unprecedented prosperity and thus seemed to justify this speculative era. Even President Coolidge, with his cold, calculating, New England blood, gave added impetus to speculation by the view he expressed to the effect that the brokers' loans were not excessive.

"The bankers of New York knew that the country was being drained of its money. They knew that there was being poured into that city from every part of the country very nearly every dollar that national chain systems could gather as rapidly as it was deposited in local banks, and that many other big companies were requiring prompt transfer to New York of the money paid into their local offices throughout the country. They knew that bankers everywhere throughout the land were lending money to Wall Street instead of keeping it at home, and that exorbitant rates of interest for call money, usury of the very worst kind, like a magnet were drawing to Wall Street speculation the money that should have been at work elsewhere.

"This mad fever, raging to a greater extent than ever before in this country, to the extent that the wealth of the country surpasses its wealth in any former period, retarded the general business activities of the country and caused thousands of people to feel that they should grow rich overnight in the New York gamble, caused many to neglect their regular business, and prevented the use of money for the creation of new enterprises and the employment of people.

"The result was inevitable unemployment on a very large scale throughout the land. President Hoover's attention was repeatedly called to the fact that the statements issued by the Department of Commerce proclaiming great prosperity because of a heavy output of iron and steel and automobiles and heavy freight loadings did not represent the actual business conditions of the country. He was told that there were millions of people anxious for work but unable to secure it. And yet the Department of Commerce unwisely continued its overoptimistic reports, failing to report the real condition, which could easily have been learned, of the unprofitableness of many lines of industry and of the lack of employment throughout the land.

"The storm will clear the atmosphere, as many a storm has cleared the atmosphere. It will enable the country to see to better advantage the necessity of concentrating its work upon real constructive upbuilding rather than upon wild gambling operations which have so absorbed the thought of millions of people that they had but little time or physical or mental strength to concentrate upon legitimate business. Mergers and combinations, absorptions of this and that company will, fortunately for the good of the country, probably be halted for a while. Even New York bankers may learn a lesson and discourage the organization of many gigantic financial companies, which it was thought by some were to create a complete revolution in all human history and bring abounding prosperity to everybody.

"In the sweat of his brow shall man earn his bread."

This indictment by the Manufacturers Record, a most conservative publication, is most severe, but it is nevertheless most true. Looking back over the history of Wall Street as gained from observations from the Commerce and Financial of October 30, 1929, we find the listing of "Memorable Wall Street Panics," as follows:

The famous Black Friday of September 24, 1869, when Jay Gould and Jim Fisk tried to corner gold, with results which every student of history will recall. While the Black Friday episode ended without any great depression in general conditions, it created a nervousness which brought on the panic of 1873, when, in the face of the curtailment of

European credit, Jay Gould, Daniel Drew, and others drove up a bull market until it reached the breaking point in April of that year. In the collapse 70 stock firms and many banks failed and business stagnation resulted.

The failure of Grant & Ward, a firm in which former President Grant was a special partner, caused an upheaval in 1884. The Metropolitan Bank and Marine Bank failed, with losses of many millions to depositors and stockholders.

In 1893 a panic followed the attempt of the Philadelphia & Reading Railroad to effect a nation-wide rail combination. J. P. Morgan and the Vanderbilts opposed. In the first day of the crash, of 1,438,000 shares dealt in, 957,000 were Reading. Thirteen stock-market houses went under and 15,000 commercial failures occurred in the following year.

The Venezuela message of President Cleveland, in December, 1895, caused a crisis in which for a time war with England seemed imminent. A market collapse followed in which money went from 2 to 80 per cent.

On May 8, 1901, the struggle between E. H. Harriman and J. J. Hill for Northern Pacific broke into terrific warfare on the stock exchange and the stock went overnight from \$150 to \$1,000 per share. There was a tremendous short interest, and ruin for many houses stalked when Morgan & Co., backing Hill, and Kuhn, Loeb & Co., backing Harriman, finally agreed on a delivery price and saved the day.

The panic of 1903 was the result of acute indigestion occasioned by flotation of too many stock issues and promotion. Several stock exchange houses failed.

The break of 1907 was occasioned by the tying up of capital in company promotion and speculations on all the markets. The Secretary of the Treasury came to New York and placed \$25,000,000 of Government funds in New York banks. The panic was stopped, but call money had gone to 125 per cent, several banks had failed, and commercial failure was widespread.

The outbreak of the World War gave the market one of its worst days, July 30, 1914. The stock exchange had to be closed, and so remained for 111 days. Peace overtures in 1916 caused a "peace panic," which was swift but devastating, and "war-bridge" speculators saw millions in paper profits melt.

The sweeping decline of 1921 was caused by the tying up of immense sums of bank credit in merchandise bought at the high prices and the sudden discovery that the accumulated stocks of goods could not be sold. Money went to prohibitive rates and, while prices of merchandise were falling precipitously, business and bank failures—the latter in the West—contributed to the disorder. The recent prosperity panic marked the eleventh monumental crash in the stock market.

Would it not seem reasonable with such a record of panics in Wall Street as heretofore given that the burnt child would dread the fire sufficiently so as to cause the New York Stock Exchange with its many ramifications and with its powerful control to set about in an orderly manner to prevent these panics for the future which are so disastrous to Wall Street and to the whole country as well?

We have been taught to believe that since the establishment of the Federal reserve system that panics that would affect the business of the country would be impossible. We saw the workings of the Federal reserve system during the World War when this country financed this gigantic struggle, not only for our Nation, but for most of the allied nations of the world. But for the Federal reserve system this would have been impossible.

The severest indictment, to my mind, against the practices of the New York Stock Exchange, is the action of the Federal Reserve Board, which has adopted an administrative policy of having Federal reserve banks remonstrate with member banks against permitting the facilities of the Federal reserve system to be used for stock speculative purposes. The action of the Federal Reserve Board in this particular was very seriously criticized by the president of the New York Stock Exchange, according to the reports of his speech in the Commercial and Financial Chronicle of May 18, 1929.

This speech was made before the Chicago Stock Exchange, wherein he took the Federal Reserve Board to task because they would not authorize Federal reserve banks to rediscount security loans, thus placing these loans on an equality with commercial paper. In answer to this suggestion of the president of the New York Stock Exchange, Mr. George R. James, of the Federal Reserve Board, has this to say:

"The board has no objection to banks lending money when it is their own money they are lending. Nearly every bank in the South has an excess of money between October and March, and they need more money during the planting season, and it was to help out in this natural situation that the board has agreed to function; but the banks are supposed to keep up their legal reserve, and we object to their borrowing from the Federal reserve for speculative purposes and forcing the rate up to 7 and 8 per cent to the farmer who needs money with which to buy fertilizer and other farming needs. Mr. James goes on to say that the plan proposed by the president of the New York Stock Exchange of issuing currency against security collateral loans is not new. He cites that John Law tried it in France with the 'Mississippi bubble' in 1718. Stock in his company went to \$4,000 per share and then down to 90 cents per share, and finally to nothing."

We go back as far as March 23, 1929, and we find a statement issued by Col. Leonard P. Ayers, of the Cleveland Trust Co., in which he says that the Federal Reserve Board is baffled in its efforts to curb speculation. Colonel Ayers has this to say:

"Probably the degree to which the market succeeds in securing increased loans during the next two months will determine whether both business and the stock market are to be subjected to proximate bumps or are to go on until they are victims of an ultimate crash."

Colonel Ayers writes in the March 15 issue of the Business Bulletin, published by the trust company, as follows:

"The stock market seems to be taking business for a ride. In the underworld the passenger who is taken for a ride usually ends the trip as a victim. The Federal reserve system fears a similar outcome of the present ride and, assuming the rôle of traffic policeman, has blown its whistle to halt the speeders. So far the warning has gone unheeded, and the stock market and business are spinning along on their speculative way while the reserve authorities have the appearance of being baffled and, perhaps, thwarted."

George E. Roberts, vice president of America's largest bank, the National City, of New York, thus sums up the situation to B. C. Forbes as published in the Philadelphia Inquirer of October 3, 1928, as follows:

"The stock market is taking an undue share of the available credit of the country. Its influence upon the general business situation is bad. In the long run this will not be good for stocks. It is going to bring a check and in an undesirable way."

We find the president of the New York Stock Exchange in the summer of 1929, challenging in his speeches, and his annual report many of the current ideas of the stock market and its use of credits. The financiers below Fulton Street disapproved of his proposal that market credits be accepted as a medium for discounting at the Federal reserve banks. Unfortunately for the president of the New York Stock Exchange and those of his school who have been boosting and encouraging the public to buy securities listed on the stock exchange, we find in the last days of October, if I may quote, a sentence or two from the Financial Chronicle:

"The present week has witnessed the greatest stock market catastrophe of all the ages, and it has left behind a trail of sorrow, misery, and distress, with money losses of such magnitude and of such a widespread nature that there can be no question of its being without parallel in stock-exchange history."

If, forsooth, this crash was confined only to Wall Street, and to a limited group, the conditions would not be so bad, but this wild mania for speculation had taken hold of the imagination of the Nation, and people of small means all over the country saw visions of wealth to be made overnight and put all into the stock market. Banks from every section were rushing funds to New York where call money was offering such high rates of interest, taking away from legitimate business and industry credit needed. We were told by authorized heads of departments here in Washington that we were going through the greatest era of prosperity the country had ever known, and that with the inauguration of President Hoover there would be an era of prosperity such as had never been known before in the business world. We find as a result of this wild speculation want, misery, ruin, and desolation in many quarters. The situation has grown so serious that President Hoover has called together from various sections of the country great captains of industry and others and has asked them to speed up production in all lines so as to overcome this great debacle.

I have been looking patiently for some aggressive, firm action from either the White House or the Secretary of the Treasury or those in charge of the financial resources of the Government, to call into conference the governors of the New York Stock Exchange and other similar institutions, to the end that we might have a house cleaning in these powerful institutions, and to apply to their practices the ideals as set out in the constitution of the exchange: "To inculcate just and equitable principles of trade in business."

In most of the States of the Union we have what are known as blue sky laws where promoters of stock and securities selling schemes are required to undergo rigid investigation before they are permitted to sell to the public securities of any kind.

I do not profess to know what can be done, but it seems to me that the New York Stock Exchange and similar institutions over the country can by their listing requirements and other rules and regulations prevent further panics such as we have just had.

There have been many investigations of the New York Stock Exchange. In 1908 Charles E. Hughes was Governor of New York, and a committee was appointed by him to ascertain, "What changes, if any, were advisable in the laws of the State bearing upon the speculation in securities and commodities, or relating to the protection of investors, or with regard to the instrumentalities and organizations used in dealings in securities and commodities which were the subject of speculation."

The Hughes commission rendering a report recommended 12 changes in the stock-exchange rules. A number of these changes were made by the stock exchange.

In 1913 the Committee on Banking and Currency of the House of Representatives held an investigation of the financial and monetary conditions in the United States. This was known as the Pujo investigation. Chairman Pujo, of the Banking and Currency Committee of the House, was in charge of the investigation. This committee had full hearings, particularly with reference to the stock exchange. The minority members of the committee had this to say among other things:

"Many abuses are disclosed by the evidence produced before the committee, a number of which are well known to the public and recognized by everybody at all familiar with the business conditions in this country. Abuses on the stock exchange, of quite long standing, were disclosed before the committee, as were also abuses existing in clearing-house associations, especially in New York City. Evils existing in both stock exchanges and clearing-house associations could be corrected by the exchanges and associations themselves, if they were so inclined. They having failed and neglected to remedy the abuses existing in their conduct and operation in our opinion it is the duty of each State in which these exchanges and associations are located to compel their incorporation and to regulate their management by appropriate legislation."

The majority of the Pujo committee had this to say:

"Great and much-needed reforms in the organization and methods of our corporations may be legitimately worked out through the power wielded by the stock exchange over the listing of securities."

In 1914 the Committee on Banking and Currency of the United States Senate held hearings for the regulation of the stock exchange. Under Senate bill 3895, a bill to prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on exchanges.

These hearings were full, and briefs and arguments were filed on behalf of the New York Stock Exchange, and also by eminent lawyers who were proposing the legislation. Nothing came of this investigation.

I am expecting criticism because I have undertaken to bring to the attention of the country my views in this matter. The answer to all of these suggestions and criticisms of mine is that business should not be hampered and should not be disturbed by governmental regulations.

In these criticisms it is not my intention to undertake to go into the question of short selling and things of that nature because the subject is too broad. It may be of interest to state that the legislation of the State of New York on the subject of short selling is significant. In 1812 the legislature passed a law declaring all contracts for the sale of stocks and bonds void unless the seller at the time was the actual owner or assignee thereof or authorized by such owner or assignee to sell the same. In 1858 this act was repealed by statute now in force which permits short selling.

I have my own peculiar views about this, but there are enough other abuses which can and should be corrected in the practices that have been going on for the last few years. The public needs protection. The Government has been running down many frauds in the use of the mails for promotion schemes, and many promoters have been put behind prison bars. Let us hope that the great business interests of this country who are connected with the New York Stock Exchange, and similar institutions shall see the necessity of a general house cleaning, and a radical change of methods so that the people of the country may be protected against unfair, inequitable and unwarranted practices which have been so harmful.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER. Under authority of title 20, section 43, United States Code, the Chair announces the following as members of the Board of Regents of the Smithsonian Institution:

HON. ALBERT JOHNSON, of Washington;
HON. ROBERT LUCE, of Massachusetts; and
HON. R. WALTON MOORE, of Virginia.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 234. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes;

H. R. 3864. An act to provide for the construction of a building for the Supreme Court of the United States;

H. J. Res. 174. Joint resolution making an emergency appropriation for the control, prevention of the spread, and eradication of the Mediterranean fruit fly; and

H. J. Res. 175. Joint resolution to provide additional appropriations for the Department of Justice for the fiscal year 1930 to cover certain emergencies.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, joint resolutions of the House of the following titles:

H. J. Res. 174. Joint resolution making an emergency appropriation for the control, prevention of the spread, and eradication of the Mediterranean fruit fly; and

H. J. Res. 175. Joint resolution to provide additional appropriations for the Department of Justice for the fiscal year 1930 to cover certain emergencies.

ADJOURNMENT

Mr. DICKINSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Friday, December 20, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, December 20, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INVALID PENSIONS

(10 a. m., caucus room)

Business meeting.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

197. A letter from the Secretary of War, transmitting a draft of a bill to authorize and direct the Comptroller General to allow certain expenditures, which the War Department presents for the consideration of the Congress with a view to its enactment into law; to the Committee on Military Affairs.

198. A letter from the chairman of the Mount Rushmore National Memorial Commission, transmitting annual report of the Mount Rushmore National Memorial Commission, from June 6, 1929, to and including October 31, 1929 (H. Doc. No. 164); to the Committee on the Library and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. KNUTSON: Committee on Indian Affairs. H. R. 5270. A bill providing for a per capita payment of \$50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States; with amendment (Rept. No. 70). Referred to the House Calendar.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the War Department (Rept. No. 74). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Treasury Department (Rept. No. 75). Ordered to be printed.

Mr. GRAHAM: Committee on the Judiciary. H. R. 973. A bill to remove the age limit of persons who may be confined at the United States industrial reformatory at Chillicothe, Ohio; without amendment (Rept. No. 76). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 976. A bill providing that subscription charges for newspapers, magazines, and other periodicals for official use may be paid for in advance; without amendment (Rept. No. 77). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1198. A bill to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the title to all or any of the lands constituting the beds of Malheur and Harney Lakes in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action and conferring jurisdiction on the United States courts over such cause; without amendment (Rept. No. 78). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 119. A bill to prohibit the sending and receipt of stolen property

through interstate and foreign commerce; without amendment (Rept. No. 79). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5277. A bill to eliminate the renewal of oath of office of Government employees under certain conditions; without amendment (Rept. No. 80). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 563. A bill for the relief of Frank Yarlott; without amendment (Rept. No. 71). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 564. A bill for the relief of Josephine Laforge (Sage Woman); without amendment (Rept. No. 72). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 565. A bill for the relief of Clarence Stevens; with amendment (Rept. No. 73). 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. JOHNSON of Washington: A bill (H. R. 7819) to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. SEARS: A bill (H. R. 7820) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more but not to exceed three toll or free bridges across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. CABLE: A bill (H. R. 7821) to amend section 1301 and 1302 of the act entitled "An act to establish a Code of Law for the District of Columbia"; to the Committee on the District of Columbia.

By Mr. GRAHAM: A bill (H. R. 7822) amending section 2 and repealing section 3 of the act approved February 24, 1925 (43 Stat. 964, ch. 301), entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," and for other purposes; to the Committee on the Judiciary.

By Mr. MERRITT: A bill (H. R. 7823) to amend section 2 of the Federal caustic poison act, approved March 4, 1927; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: A bill (H. R. 7824) for the refund of Federal income and profits taxes erroneously collected; to the Committee on Claims.

By Mr. RANKIN: A bill (H. R. 7825) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. YON: A bill (H. R. 7826) to provide for the construction of a road within the military reservation of Fort Barrancas, Fla.; to the Committee on Military Affairs.

By Mr. FISH: A bill (H. R. 7827) to amend the World War veterans' act, as amended; to the Committee on World War Veterans' Legislation.

By Mr. LEAVITT: A bill (H. R. 7828) granting the consent of Congress to the State of Montana or the county of Richland, or both of them, to construct, maintain, and operate a free highway bridge across the Yellowstone River at or near Sidney, Mont.; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP: A bill (H. R. 7829) granting the consent of Congress to the Great Southern Lumber Co., of Bogalusa, La., to construct, maintain, and operate a railroad bridge across the Bogue Chitto River in or near township 3 south, range 11 east, in the parish of Washington, State of Louisiana; to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON of Hawaii: A bill (H. R. 7830) to amend section 5 of the act entitled "An act to provide a government for the Territory of Hawaii, approved April 30, 1900"; to the Committee on the Territories.

By Mr. ARENTZ: A bill (H. R. 7831) to aid in the maintenance of engineering experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplemental thereto; to the Committee on Agriculture.

By Mr. GRAHAM: A bill (H. R. 7832) to reorganize the administration of Federal prisons, to authorize the Attorney General to contract for the care of United States prisoners, to estab-

lish Federal jails, and for other purposes; to the Committee on the Judiciary.

By Mr. KEMP: Resolution (H. Res. 107) providing for the printing of 2,000 copies of the Soil Survey of Tangipahoa Parish, La.; to the Committee on Printing.

By Mrs. NORTON: Resolution (H. Res. 108) requesting information from the Attorney General of the contract between the Prison Commission of Georgia and the United States concerning the transfer of certain Federal prisoners; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 7833) for the relief of H. L. Lambert; to the Committee on Claims.

By Mr. BECK: A bill (H. R. 7834) granting a pension to Anna C. Tobias; to the Committee on Pensions.

By Mr. BEERS: A bill (H. R. 7835) granting an increase of pension to Catharine Wagoner; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 7836) for examination and survey of Chincoteague Bay, channel, and inlet, and adjacent waters, Accomac County, Va.; to the Committee on Rivers and Harbors.

By Mr. CANNON: A bill (H. R. 7837) to authorize the award of a medal of honor to Capt. Richard Draee White, United States Navy; to the Committee on Naval Affairs.

By Mr. CARTER of California: A bill (H. R. 7838) granting an increase of pension to Frances M. Wilcox; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 7839) granting a pension to Emma F. Ferneding; to the Committee on Pensions.

Also, a bill (H. R. 7840) granting a pension to Charlotte M. Spaulding; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Iowa: A bill (H. R. 7841) for the relief of Andrew Hansen; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 7842) providing for a survey and examination of the Withlacoochee River, Fla., from Inglis, Fla., to the Gulf of Mexico; to the Committee on Rivers and Harbors.

By Mr. FITZGERALD: A bill (H. R. 7843) granting a pension to Almeda F. Johnson; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 7844) for the relief of Rosen Bros.; to the Committee on Claims.

By Mr. GRAHAM: A bill (H. R. 7845) for the relief of William Henry Savage; to the Committee on Naval Affairs.

Also, a bill (H. R. 7846) for the relief of Benjamin Franklin, alias William Hart; to the Committee on Naval Affairs.

Also, a bill (H. R. 7847) for the relief of James M. Kelly; to the Committee on Military Affairs.

By Mr. GREENWOOD: A bill (H. R. 7848) granting an increase of pension to John Q. Cain; to the Committee on Pensions.

By Mr. GUYER: A bill (H. R. 7849) for the relief of R. K. Stiles & Co.; to the Committee on Claims.

By Mr. HUDSON: A bill (H. R. 7850) extending the benefits of the emergency officers' retirement act to Edwin C. Burdick; to the Committee on World War Veterans' Legislation.

By Mr. JOHNSON of South Dakota: A bill (H. R. 7851) for the relief of John De Marrias; to the Committee on Indian Affairs.

By Mr. KEMP: A bill (H. R. 7852) for the relief of Joseph T. Byrne; to the Committee on Claims.

Also, a bill (H. R. 7853) for the relief of Mrs. Robert G. Campbell; to the Committee on Claims.

By Mr. LANKFORD of Virginia: A bill (H. R. 7854) granting an increase of pension to James A. Chalfant; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 7855) for the relief of Carl Stanley Sloan, minor Flathead allottee; to the Committee on Indian Affairs.

By Mr. LINTHICUM: A bill (H. R. 7856) to authorize Brig. Gen. William S. Thayer, Auxiliary Officers' Reserve Corps, and Brig. Gen. William H. Welch, Auxiliary Officers' Reserve Corps, to accept the awards of the French Legion of Honor; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 7857) granting a pension to Lula Rogers; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 7858) granting an increase of pension to Mary A. Snyder; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 7859) for the relief of Katherine Anderson; to the Committee on Claims.

By Mr. O'CONNOR of New York: A bill (H. R. 7860) to admit Vincenzo Caprio permanently to the United States; to the Committee on Immigration and Naturalization.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 7861) for the relief of Lyman L. Miller; to the Committee on Claims.

Also, a bill (H. R. 7862) for the relief of William Sheldon; to the Committee on Claims.

By Mr. HARCOURT J. PRATT: A bill (H. R. 7863) granting a pension to Arthur Dohnken; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 7864) granting a pension to William R. Irvin; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 7865) granting a pension to Mary E. Casey; to the Committee on Pensions.

Also, a bill (H. R. 7866) granting a pension to Connie Skyles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7867) granting an increase of pension to Robert A. Edwards; to the Committee on Pensions.

By Mr. SELVIG: A bill (H. R. 7868) to authorize reinstatement of war-risk insurance of Sophus B. Enger, deceased; to the Committee on World War Veterans' Legislation.

By Mr. STALKER: A bill (H. R. 7869) granting an increase of pension to Charlotte Dimmick; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 7870) for the relief of Mary Murnane; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 7871) for the relief of Walter P. Crowley; to the Committee on Naval Affairs.

By Mr. WALKER: A bill (H. R. 7872) for the relief of Lucien M. Grant; to the Committee on Claims.

By Mr. WOODRUFF: A bill (H. R. 7873) granting an increase of pension to Adaline Wyant; 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:

2207. By Mr. COCHRAN of Pennsylvania: Petition of 82 residents of Johnsonburg, Elk County, Pa., indorsing House bill 2562 and Senate bill 476, for the adjustment of pension rates of veterans of the Spanish-American War, Philippine insurrection, and China relief expedition; to the Committee on Pensions.

2208. By Mr. COOPER of Wisconsin: Petition of certain residents of Kenosha, Wis., urging the passage of a bill to increase pensions of Spanish-American War veterans; to the Committee on Pensions.

2209. By Mr. DAVENPORT: Petition of William Oeinck and others, of Utica, N. Y., favoring increased rate of pension to Spanish War veterans; to the Committee on Pensions.

2210. By Mr. DOUGHTON: Petition of citizens of North Carolina, urging the passage of the Civil War pension bill proposed by the National Tribune; to the Committee on Invalid Pensions.

2211. By Mr. EVANS of California: Petition of Bessie E. Wirt and approximately 110 others, for an increase of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2212. Also, petition of Mrs. Willard J. Smith and approximately 100 others, for an increase of pension for veterans of the Spanish-American War; to the Committee on Pensions.

2213. Also, petition of Mrs. Albert Hull and approximately 60 others, for an increase of pension for veterans of the Spanish-American War; to the Committee on Pensions.

2214. Also, petition of Rev. Ernest E. Ford and approximately 175 others, for an increase of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2215. By Mr. HARDY: Petition of 75 residents of El Paso County, Colo., urging the passage of legislation increasing the pensions of Spanish War veterans; to the Committee on Pensions.

2216. By Mr. HALL of North Dakota: Petition of 51 citizens of Bismarck, N. Dak., for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

2217. By Mr. HARDY: Petition of 22 residents of Trinidad, Colo., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2218. By Mr. HUDSPETH: Petition of residents of Real County, Tex., urging favorable action on House bill 2562, to increase pensions of Spanish-American War veterans and widows of veterans; to the Committee on Pensions.

2219. By Mr. McCLINTOCK of Ohio: Petition of 20 citizens of Orrville, Ohio, favoring increased pensions for Spanish War veterans; to the Committee on Pensions.

2220. By Mr. McMILLAN: Petition of citizens of Osborn, S. C., urging the passage of the Civil War pension bill proposed by the National Tribune, granting an increase of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2221. By Mr. McREYNOLDS: Petition of 21 citizens of Etowah, McMinn County, Tenn., requesting immediate action on Senate bill 476 and House bill 2562, providing for increase in pensions to the men who served in the armed forces of the United States during the period of the Spanish-American War; to the Committee on Pensions.

2222. Also, petition of 80 citizens of Soddy, Hamilton County, Tenn., requesting immediate action on Senate bill 476 and House bill 2562 for increase in pension to the men who served in the armed forces of the United States during the period of the Spanish-American War; to the Committee on Pensions.

2223. By Mr. MAGRADY: Petition submitted by W. F. Wanmaker, 708 South Front Street, Sunbury, Pa., numerously signed by citizens of Sunbury and Northumberland, Pa., urging enactment of more liberal pension legislation in behalf of Spanish-American War veterans; to the Committee on Pensions.

2224. Also, petition signed by numerous citizens of Northumberland County, Pa., favoring increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2225. By Mr. MANLOVE: Petition of T. T. Jewell, E. A. Marlan, M. C. Gurley, R. E. Land, and 123 other citizens of Purdy, Mo., urging the support of Congress in behalf of increased rates of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

2226. By Mr. MONTAGUE: Petition of 60 citizens of Richmond, Va., urging the passage of legislation to increase the pension of Spanish-American War veterans; to the Committee on Pensions.

2227. By Mr. HARCOURT J. PRATT: Petition of Mayor E. J. Dempsey, Alderman Samuel N. Mann, C. J. Sherry, and 350 other citizens of Kingston, Ulster County, N. Y., urging passage of legislation to increase the pensions of veterans of the Spanish-American War; to the Committee on Pensions.

2228. By Mr. ROMJUE: Petition of citizens of Putnam County, Mo., asking for increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

2229. By Mr. SIMMONS: Petition of W. D. Bradstreet and 20 other citizens of Spencer, Boyd County, Nebr., asking speedy consideration and passage of pending bills providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

2230. By Mr. SPARKS: Petition of R. H. Thompson and 20 others, of Gove, Kans., for an increase in pension for Civil War veterans and for the widows of Civil War veterans; to the Committee on Invalid Pensions.

2231. By Mr. STALKER: Petition of citizens of Prattsburg, N. Y., urging Congress for the passage of the Civil War pension bill proposed by the National Tribune; to the Committee on Invalid Pensions.

2232. By Mr. TEMPLE: Petition of a number of residents of Washington, Pa., in support of Senate bill 476 and House bill 2562, increasing the rates of pensions to veterans of the Spanish-American War; to the Committee on Pensions.

2233. By Mr. WOODRUFF: Petition of citizens of Sanford, Mich. (Midland County), asking that Congress take legislative action increasing the pensions of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

2234. By Mr. YON: Petition of J. S. Pigott, Mahaley Brown, W. C. Lawhon, Ed. Hardcastle, and others, of Wakulla County, Fla., urging the passage of House bill 2562; to the Committee on Pensions.

SENATE

FRIDAY, December 20, 1929

(Legislative day of Friday, December 13, 1929)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 234) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

The message also announced that the House had passed the joint resolution (S. J. Res. 5) amending the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.," approved May 16, 1928.

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

H. R. 5270. An act providing for a per capita payment of \$25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States; and

H. J. Res. 170. Joint resolution providing for a commission to study and review the policies of the United States in Haiti.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 10) to print the addresses delivered in the auditorium of the United States Chamber of Commerce Building at Washington, D. C., on April 25 and April 26, 1929, on the development of the National Capital, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

H. R. 234. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; and

H. R. 3864. An act to provide for the construction of a building for the Supreme Court of the United States.

SUSPENSION OF ROLL CALL

Mr. JONES. Mr. President—

The VICE PRESIDENT. The Chair will have to state that when the Senate recessed last night it was without a quorum, and unless unanimous consent is given that the call for a quorum be set aside the clerk will be directed to call the roll.

Mr. JONES. I ask unanimous consent that the further calling of the roll may be dispensed with.

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

SURVEY OF BACK RIVER, GA. (S. DOC. NO. 57)

Mr. JONES. Mr. President, pursuant to a resolution passed by the Commerce Committee I have a report from the War Department with reference to Back River, Ga. I ask that the report may be referred to the Committee on Commerce and ordered printed.

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

RIKER OVERLAND SEAWAY (S. DOC. NO. 56)

The VICE PRESIDENT laid before the Senate a communication from the Chief of Engineers of the Army, reporting, in response to Senate Resolution 189, his opinion of the practicability, the merits, and demerits of the Riker Overland Seaway, which was referred to the Committee on Commerce and ordered to be printed.

REPORT OF THE FEDERAL TRADE COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the commission for the fiscal year ended June 30, 1929, which was referred to the Committee on Interstate Commerce.

SETTLEMENT OF SHIPPING BOARD CLAIMS

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, a report of claims arbitrated or settled by agreement from October 16, 1928, to October 15, 1929, by the United States Shipping Board and/or the United States Shipping Board Merchant Fleet Corporation, which, with the accompanying report, was referred to the Committee on Commerce.

USELESS PAPERS IN THE GOVERNMENT PRINTING OFFICE

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, reporting relative to the disposition of useless papers in the Government Printing Office from March 2, 1929, to December 15, 1929, which was referred to the Committee on Printing.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Committee of the Association of the Bar of the City of New York on International Law, favoring the adherence of the United States to the proposed World Court protocol, which was referred to the Committee on Foreign Relations.